

Minutes

TRINITY MANAGEMENT COUNCIL

June 19 – 20, 2019
Humboldt Bay Aquatic Center
921 Waterfront Drive, Eureka, CA 95501

Attending Members

Member	Representative Seat
Michael Dixon ¹	Trinity River Restoration Program
Justin Ly ²	National Marine Fisheries Service, Chair
Paul Zedonis ³	Bureau of Reclamation
Tony La Banca	California Department of Fish & Wildlife
Kyle DeJuilio ⁴	Yurok Tribe
Jennifer Norris ⁵	U.S. Fish and Wildlife Service
Keith Groves	Trinity County
Mike Orcutt	Hoopa Valley Tribe

¹Left after lunch on Day 2, non-voting member

²Not in attendance during first half of Day 2, alternate Seth Naman served as replacement

³Alternate sitting for Elizabeth Hadley

⁴Alternate sitting for David Hillemeier

⁵Alternate sitting for Dan Everson, Vice Chair

Representatives for the USFS were unable to attend either day for the Quarterly Meeting.

Other Attendees: Eric Peterson, Kathy Martens, (TRRP), Josh Boyce, Nick Som, Christian Ronberger, Nicholas Hetrick, Damon Goodman, Vina Frye, Dan Gale (USFWS), Leslie Bryan (Redding Electrical Utilities), Seth Naman, Roman Pittman (NMFS), Chris Laskodi, Aaron Martin (Yurok), Jaycee Ousley (HSU), George Kautsky, Scott McBain (Hoopa Valley), Ken Lindke, Wade Sinnen, Ryan Borque (CDFW), Seth Lawrence (CADWR), Elizabeth Sandoval (Trinity RCD)

Attending by Phone: Evan Childress, Seth Lawrence (CDWR), Kevin Held, Brandt Gutermuth (TRRP), Don Reck, Christine Ramsey, Megan Skinner, Jaime Montessi, Adam Johnson (Reclamation)

Notes: Sabrina Kleinman (EPP)

List of Motions

Keith Groves made a motion to approve the meeting agenda.

Tony LaBanca seconded the motion

The motion passed with 7 votes in favor, and one absent.

Keith Groves made a motion to approve the April TMC meeting minutes.

Jenny Norris seconded the motion

Motion passed with 6 votes in favor, one vote opposed, and one absent. Yurok Tribe opposed.

Keith Groves made a motion that TMC write a letter to BOR voicing concerns about the inability of Trinity River infrastructure to meet diurnal variability in the two-hour cycles requested by TMC. We request a presentation of policy options and infrastructure options to implement the recommended hydrographs.

Mike Orcutt seconded the motion

Motion passed with 6 votes in favor, one abstained, and one absent, USBR abstained.

Mike Orcutt made a motion to approve the following amendment to the TMC Bylaws:

Section 600.d –All regularly scheduled meetings of the TMC shall be open to the public, *except executive closed sessions as designated by the TMC. Special TMC meetings may be closed to the public.*

Justin Ly seconded the motion.

Kyle DeJulio offered a friendly amendment to include the following changes from Section 601.d, that when a special meeting is requested, at least four members are needed to designate it as closed or not. Mike Orcutt accepted the amendment. Justin Ly seconded the amendment.

Keith Groves made a competing motion to table the discussion of revisions to the TMC Bylaws until all representative organizations were in attendance.

Tony LaBanca seconded the competing motion.

The competing motion failed with two votes in favor, two opposed, three abstaining, and one absent. Hoopa Valley and NMFS were opposed. Yurok, USFWS, and Reclamation abstained.

The original motion also failed with three votes in favor, two votes opposed, one abstaining, and one absent. Trinity County and CDFW were opposed. Reclamation abstained

Action Items

- Paul Zedonis will get an update on the status of memo to the CVO on how to implement safety of dams and flow releases to benefit fisheries.
- Paul Zedonis will inquire with the Reclamation Regional Office on whether the selection panel for the Executive Director will include the TMC.
- Paul Zedonis will see if the Reclamation engineers can give a presentation at the September TMC meeting about current construction and policy alternatives for operations at the Lewiston dam.

- Justin Ly will follow up with Mike Dixon about the Adaptive Management Survey and how to address public involvement at special TMC meetings.
- Jenny Norris will inquire with DOI about a facilitator for the upcoming July and August Refinements meetings.
- Justin Ly will inquire with NOAA about a facilitator for the upcoming July and August Refinements meetings.
- Mike Dixon will follow-up on Chad's contract and look into options for a third-party contractor to lead the effort to identify specific deliverables or a subcontract to help lead the TMC through Refinements.
- Jenny Norris will talk to USFWS about the potential for a USFWS staff member to detail for 6 months to lead the TMC Refinements effort
- Scott McBain will reach out to Jack Schmidt to see if he has interest in a Cooperative Agreement for him to lead the TMC Refinements process and report back to Justin Ly and Mike Dixon.
- Justin Ly will update the current bylaws based on the revisions proposed and accepted at the TMC from 2012 and 2017 and provide a clean version to the TMC along with a signature page for the September meeting.
- The Refinements Coordination Team will meet prior to the scheduled July 9 Refinements meeting to develop a meeting agenda and objectives.
- Mike Dixon will follow-up with Kevin Held to formalize a way to take public comments during the Refinements meetings.
- TMC members should review and submit comments on the May Refinements notes to Mike Dixon and Sabrina Kleinman by June 30 if they have not already done so.

Day One – Wednesday, June 19, 2019

Regular Business

Justin Ly, Chair, opened the meeting with introduction.

Approval of Meeting Agenda

Mike Dixon commented that the meeting agenda had changed since the last draft was sent to the TMC members. More time was scheduled than needed for some discussion topics and he was asked to expand the time for the Bylaws revisions discussion on the second day. Justin Ly noted that the time for the bylaws discussion would depend on the Refinements discussion.

Keith Groves made a motion to approve the meeting agenda.

Tony LaBanca seconded the motion

The motion passed unanimously

Approval of April TMC Meeting Minutes

Mike Dixon noted that the meeting minutes included in the meeting packets were current as of that week due to late feedback.

Keith Groves made a motion to approve the April TMC meeting minutes.

Jenny Norris seconded the motion.

Justin Ly asked for more discussion on the notes provided in the meeting packet, noting that both the April TMC Minutes and the May Refinements minutes were included. Ly added that the TMC would only be voting on the April TMC Minutes. Mike Orcutt asked whether the notetaker was the same for both meetings. Ly explained that it was from the same contractor. Several members noted that the notes were more detailed than meetings, which took longer to review. Kyle DeJuilio commented that there will likely be more minutes to review with the upcoming Refinements meetings and expressed concern about staying on track. Dixon asked if the Refinements meetings were TMC meetings and for the TMC to clarify the purpose of the notes and whether the notes from the Refinements meetings were TMC notes or notes for the record. Orcutt added that the notes should focus on the substantive issues with the purpose of advancing discussion. Orcutt also asked if the TMC could clarify what type of documentation is needed for the Refinements meetings.

Motion passed with 6 votes in favor, one vote opposed, and one absent. Yurok Tribe opposed.

CVP Operation Update

Paul Zedonis provided an update on CVP operations. He reported that on Monday, CVP was at 2,364.8 ft about 3.2' from the top and 97% of the full pool. Pool level is going down and is projected to be 34' from the top by September. Storage is good due to the wet year.

For Shasta, elevation is high at 1,063.2 ft and 3.8' from the top and 98% of capacity, which is 115% of average. Lake elevation peaked in June and is projected to be at 60' from the top by September. Trinity River storage is also good and Reclamation projects that they will be going into the next year with good storage.

Orcutt asked if the current directive to issue the water allocations early would create problems with meeting the environmental constraints for hydrology of the dam. Zedonis answered that Reclamation identified the initial allocations in February as different releases in the spring had altered the allocation, requiring a reassessment of the hydrology. The environmental conditions were part of the reassessment based on the Sacramento River Management Plan and existing temperature models. Orcutt noted that the changes outlined in the Klamath Basin BO were implemented before they were approved, adding that the old ones should have been used until the new allocations were approved. Zedonis noted that conditions in CVP are different than those in the Klamath Basin.

Orcutt asked for an update on the ROC on LTO process. Zedonis reported that the Biological Opinion will be available in early July and that the EIS was prepared. He noted that the Trinity River Division was included in the EIS analysis but was removed from the BA/BO. The public draft of the PEIS will be released on July 5 for a 45-day review and there are three public meetings scheduled in Los Banos on July 23, Sacramento on July 24, and Chico on July 25. Reclamation thanked the tribes for their early comments on the draft. Orcutt commented that by removing TRD from the BA/BO, he was concerned that the mandatory requirements needed to protect resources would not apply since ESA typically carries the requirements for stopping operations for a variety of conditions. Jenny Norris asked where the decision to remove the TRD

from the BA/BO came from. Zedonis answered that it was based on how the baseline in operations was determined since the models were based on a specific area and there was no way to include the Proviso 2 water allocations or parts of the TRD into the assessment.

Justin Ly noted that NMFS had requested that TRD be included in the BA/BO. He added that Reclamation had met the requirements for reinitiation since a number of additional species had been listed since 2000 that were not included in the original BO. Zedonis noted that there were efforts to address the TRD but they are in standby mode with the Delta Bay office, which is in the hot seat to try to finish it. Orcutt added that one of the issues that should be included are the impacts to the hydrology and the ability for full deliveries. Zedonis noted that the CVP is working on a tight deadline due to new policy timelines for environmental consultations which require the documents to be completed in a year. Ly noted that the BO is for long-term operations and that Reclamation would not be able to implement it until next year when the new ROD is issued. Orcutt commented that the boat dance flows were done for cultural purposes and that while it is quantified as part of the EIS, that he was sensitive to their inclusion in the analysis because of the purpose of the dances. He also noted that previous court litigation included a stipulation that the dances could not be contested.

Kyle DeJulio asked if Reclamation had done any analysis on the likelihood of safety of dam (SOD) or reservoir management releases in WY 2020 due to the current level of storage and if they had any recommendations for the Flow WG. Zedonis answered that Reclamation does consider it and that it is hydrology dependent but it is not released as part of the plan. DeJulio asked if Zedonis could follow up on a memo Caryn Hunt DeCarlo had sent to the CVO regarding SOD and reservoir management releases.

- Paul Zedonis will get an update on the status memo to the CBO on how to implement SOD and flow releases to benefit fisheries.

Justin Ly asked who the Cooperating Agencies were for the project. Zedonis stated that he did not know but that Hoopa Valley Tribe may be. George Kautsky confirmed that they are a cooperating agency. DeJulio noted that the Yurok tribe was not a cooperating agency.

Public Forum

The meeting was opened for public comments. No comments were made.

Report from the Executive Director

Mike Dixon gave the Executive Director's report with updates on the TRRP. He noted that TRRP had not received any complaints from private landowners about infrastructure impacts related to ROD flow releases. For staffing, the solicitation for the Executive Director position closed on May 28. He noted that Logan Negherbon had completed his detail as Acting Implementation Branch Chief and that Brandt Gutermuth is now in the role. Orcutt asked if the TMC would be part of the selection panel for hiring the Executive Director. Zedonis answered that it would be similar to the last round. He agreed to clarify what it would look like with the Regional Director. Orcutt was concerned about the timeline for hiring the ED since the cert had been closed and the next TMC meeting was not until September. Dixon noted that it would largely depend on how long it took to compile a list of candidates.

- Paul Zedonis will inquire with the Reclamation Regional Office on whether the selection panel for the Executive Director will include the TMC.

The Science Coordinator position description was revised and resubmitted as a supervisory position. The reclassification of the role should be finalized in the next week and added back into the organizational chart. TRRP is currently looking for a detailee. To fill the vacancy long-term, the position now requires Deputy Commissioner-level approval since the position had not been at Reclamation for longer than 12-months per new Reclamation requirements. Orcutt asked if the position would require Deputy Commissioner approval if it was still under USFWS. Norris answered that the position had that requirement, but that it had changed and they would no longer need one. Dixon clarified that because the position was had not been a Reclamation position for over 12-month and was related to environmental compliance and interdisciplinary work, it now required the approval. Orcutt asked that the TMC be involved with hiring for the Science Coordinator position as well. Dixon noted that he had told Elizabeth Hadley that the implementation plan does state that the TMC should be consulted for that position.

The position description for the geomorphologist was submitted and is approved for recruitment. Because all NCAO positions are currently managed by one person, they are experiencing delays in advertising positions. The TRRP land surveyor, JD Lewis, will be leaving in August to accept a position with the USFS Survey Team. TRRP is reclassifying the position as a Construction Manager position as regional office restrictions on the position as a Land Surveyor did not allow for in-house survey work. The position will be reclassified as a Civil Engineering Tech.

For the Science Team, Nick Som and Mike Dixon are leading the IDT with Eric Peterson tracking progress on the Synthesis reports. Nick and Eric are also facilitating peer reviews and coordinating external report reviews with the SAB. The Work Groups are still on track to give an update on their metric objectives and targets in September. The Riparian and Aquatic Ecology WG is also organizing a symposium for late winter/early spring. Paul Zedonis asked what the Riparian and Aquatic Ecology WG would be discussing in terms of flows. Kyle DeJulio answered that it would not focus on authorities and allocations but on the effects of short and long-term flood durations at different seasons and their effect on the life histories of different species and cyclical flows.

Eric Peterson gave an update on the Synthesis reports noting that there was a new chart for tracking their progress. He noted that there had not been any changes since the April TMC meeting beyond some delays related to the shutdown. A number of reports should be ready for peer review by the end of this quarter, with more than half of the reports ready in a few weeks. The Fish Habitat report was delayed and should be ready now by the end of August. Justin Ly asked who the peer reviewers were for the synthesis reports. Peterson answered that they would probably go with an outside review, probably through the SAB.

Dixon reported that three of the five SAB members are currently under contract with one contract expiring in December and the last two expiring next June. Dixon will continue to discuss the formation of the SAB with the IDT. Jenny Norris also included the results from the SAB survey that might be helpful in guiding the path forward for future SAB tasks and

composition. Dixon added that the new Science Coordinator would be leading the facilitation of those changes when hired.

Brandt Gutermuth gave the Implementation Update. At Junction City House, Realty is working with a new solicitor as Steve Palmer is retiring. The new solicitor is working to build the case and a new agreement to improve the Junction City House is moving forward. At Chapman Ranch, surveying and staging work started in early June. Gravel processing is the main need and the Program is working to develop access routes and has obtained a Free Use Permit from BLM. They have developed a processing plan that would not impact miners with existing claims. The Corps has issued authorization and the Program is currently with the County to get their approval. Map revisions from FEMA are also close to completion.

Currently, they are working to address bird mitigation measures since there are a lot of birds in the area, with over 20 nesting in the riparian area. They are using birders to get exact locations of the existing nests to decrease the buffer size. Dixon added that they are working within a narrow work window right now. Because of these constraints, at Dutch Creek, they are looking to get permission to start clearing the veg in February, since the work there depends on being able to cross the river. By clearing the veg to do the initial staging and grading work, they can prevent bird nesting before the season. Norris asked how they are refining the nest locations and if there was coordination with USFWS. Brandt explained that contracted birders determine the exact locations of the nest, which allows them to set the buffer around the nest rather than the entire area. Dixon added that the measures are part of their commitment to CEQA and their permits.

Brandt reported that the Dutch Creek Public Draft EA was released in January and they received 300 comments from USFS and are working to incorporate them with their guidance and BLM input. The Draft BA was submitted to USFWS in May. While there are mining and prehistoric sites in the area, the Program does not have an existing Programmatic Agreement they can use. The existing 20-year PA currently does not include USFS, so they have started a formal state historic preservation consultation for those activities. A decision record is expected in July, with construction ready for Summer 2020. Permits will be in place by October 1 when the project can go out for bid.

For Sky Ranch, a 60% design report was submitted. Cultural surveys found artifacts on site, and they are reviewing eligibility for the historic register. They are working to clarify where the La Grange mining district ends and Sky Ranch begins. The current design will require the removal of 280,000 yds of material from the river corridor, which will be moved higher to prevent flooding. However, the area where the material will be placed is not owned by the feds and they cannot move the material from public to private land. They are currently working on a 3-way parcel transfer for the site.

For Oregon Gulch, the 60% design was submitted for review. The BA from Hamer Environment is in draft and NMFS has asked that the TRRP's monitoring activities that are covered under a Section 10 permit be included in the BA. Since watershed restoration is a large part of the BA and the Program wants the BA to support implementation activities from its other partners, this inclusion should assist them by incorporating by reference. They are also seeking regulatory agency input to scale down the document for formal consultation. Norris asked why they were

not using a Section 7 approach. Ly answered that the TRRP includes monitoring and other activities permitted under Section 10 and that these activities should be included comprehensively in the Section 7 consultation.

Dixon noted several upcoming public outreach events coming up. The landowner meeting that scheduled for June 24 had already happened. Dixon is planning a float with the Association of California Water Agencies and Weaverville Community Services District on June 28. On July 10 and 18, TRRP will conduct Public floats in Douglas City and Evans Bar to Junction City to look at past restoration sites, which is change from the dates listed in the report handout. Tony LaBanca asked if the Program could attribute the decrease in public complaints with the increase in public outreach. Dixon said they couldn't determine if it was from the public outreach or if people had settled into a new normal after 14 years of flow releases. They still get occasional calls about well issues which they can handle easily. Keith Groves also noted that it was a wet year, which would likely make people the happiest.

DeJuilio asked if the Program had received any feedback or complaints on the flow releases. Dixon answered that they had only been notified of slope failures above the channel, but those were not attributable to flow issues. There were more concerns with the channel rehabilitation projects.

There was a discussion on why the hydrographs on the website were still showing the diurnal flows from the projected hydrograph. Peterson noted that the one on the website is hybrid of the TMC approved hydrograph and the BOR hydrograph since the glitch at Lewiston Dam was still having some daily fluctuations.

For the budget, Dixon reported that the initial budget estimate for construction costs that was submitted by the Yurok Tribe on behalf of the two tribes included an incorrect indirect rate. To account for this shortfall, \$100,000 was redistributed from the Yurok AFA large wood task and \$100,000 from the coarse sediment processing line items. The scopes for these items are general and apply to sediment processing and large wood projects, including when that work occurs within a channel rehab projects. Orcutt commented that those were large amounts to reallocate from projects that need resources and asked that the TMC be notified about such changes since they could affect other needs. DeJuilio added that while the Yurok Tribe was able to navigate that change, they do rely on the TMC budgets to get contracts in place and do need communication for such changes. Groves asked if the TMC was required to approve such large budget changes. Dixon noted that it was unclear because the overall funding amount didn't change and the items were within the scope of the other task. Ly noted that it would be safest for the TMC to approve such large budget adjustments in the future.

The geophysical support services contract will be replaced with an IDIQ contract to reduce the amount of upfront costs and allow for optional tasks. To award the contract, 1% of the maximum contract costs for five years is needed, or \$31,000.

The costs for a Refinements facilitator is still on hold. The Program will hold on the task order. Kearns & West are unable to attend the meeting in July. They provided an estimate of around \$38,000 to attend two one-day meetings and one 2-day meeting, including time for preparation

and planning. TMC will need to decide if they want to approve that amount and issue the task order. Orcutt asked if Headwaters could conduct the task instead. The TMC agreed to hold off on discussion until tomorrow as part of the Refinements discussion.

Dixon noted an opportunity for project-focused adaptive management at Deep Gulch and Sheridan sites. Changes in high flow events to those areas led to changes that differed from their initial design and modeling predictions. Resurveying and modeling those sites to compare current and as-built conditions could determine if construction was responsible for the changes. The Program is interested in seeing why they performed differently.

Nick Hetrick asked if the Executive Order issued last Friday that would cut one third of advisory committees would affect the SAB reorganization and if there had been any push to cut the SAB. Zedonis and Dixon stated that they had not heard anything about it with Dixon adding that they may when the contracts are sent up for review and funding. However, right now, the SAB is not part of the cuts since the Program is not FACA chartered.

BREAK

Information

Macroinvertebrate Study

Chris Laskodi (Yurok Tribe) gave a presentation on the first-year findings from the macroinvertebrate study. The study's goal is to quantify macroinvertebrate densities and assemblages to evaluate how flow management can make food available in the river. The PowerPoint presentation is available on the TRRP website for this meeting. Laskodi noted that the findings are preliminary and that the research team is hoping to present their final analysis to the TMC by the end of the year.

George Kautsky asked about the variance in abundance seen between the baseline pulse 1 and 4/17 sampling dates. Laskodi noted that looking at the response of the fish adds a different level of complexity to the analysis. As a result, they decided to focus less on diet and more on drift in the study. Ken Lindke asked if the study accounted for what portion of the channel was being sampled as the flow changed. Laskodi answered that they used a standard sampling protocol but that they did not know if they were sampling the same amount of water. As a result, they standardized with the size of the flows. Hetrick asked if they looked at the dry weight abundance of the collections. Laskodi answered that they looked at the metric for gut fullness as presented to the flow work group. In the GAMS model, it was there. DeJulio added that shape and timing of the flow peaks differ and that this may affect the results.

Orcutt asked how related this study was to prior TRRP and winter flow variability studies based on recent discussion with county and federal agencies. Laskodi noted that it was mostly looking at flow variability and DeJulio added that the flows were based on the beginning ROD flows. Norris asked if the finding that flow increased drift was a unique finding to the study and why it was important to look at gut analysis. Laskodi explained that adding another level to the food chain analysis complicates the analysis. The salmon's response may not be reflected since it may not be an immediate response.

Norris returned to Hetrick's questions about gut fullness and whether it was an indicator of fish health. DeJulio noted that complicating factors in determining how fish acquire resources have to balance time they spend seeking food versus the amount of food needed for survival. Hetrick added that what you see in the drift is what aren't eaten by the fish. Seth Naman noted that not all the food available for eating is being eaten either. DeJulio clarified that using fish as a filter for food availabilities was complicated since there are a lot of factors to parse out. The first step is to understand what flows to do food.

Non-TRRP Trinity Watershed Work

USFWS Partners Program

Dan Gale (USFWS) gave a presentation on the work conducted by the USFWS Habitat Restoration Group in the Trinity Basin. The PowerPoint presentation is available on the TRRP website for this meeting. Gale presented on two main programs that would apply the TRRP: the Partners for Fish and Wildlife and the National Fish Passage Program. The Partners for Fish and Wildlife Program focuses on habitat and ecosystem restoration projects that are limited to private, county, and local municipal lands. The National Fish Passage Program is administered regionally and geared toward restoring fish passages. Currently, projects in the Klamath Basin are given a high priority.

Orcutt asked if the fish passage projects included efforts for lamprey passage. Gale answered that they do as they shoot for natural bottoms to allow anything to move up the creek. Norris added that she included a table of 2017 – 2018 projects done by the Habitat Restoration Group in the meeting package for those interested.

Christine Ramsey (North Coast Watershed Improvement Center) presented on the Fisheries Habitat Restoration Program. The PowerPoint presentation is available on the TRRP website for this meeting. Ramsey presented on the Forest Land Anadromous Restoration Program and the Fisheries Restoration Grant Program. The FLAR program focuses on forest legacy impacts, for which the Trinity is not a focus. The FRGP program, however, does have Trinity listed as a focus area, with about 10 years of projects that are slowly increasing. Ramsey noted that the current funding opportunity is only for non-profit organizations and Tribes. She recommended that projects be planned prior to the March-based solicitation and that interested agencies contact Trevor Tollefson to learn more.

DeJulio asked whether the work in Pelletreau Creek was done before or after the recent fires. Ramsey answered that they were done during the fires, but that the work was changed as a result of the fire. Peterson asked if they could include information on the reviewed projects on the TRRP website as a resource, noting that he is the contact for that information.

CDFW FRGP and Cannabis Enforcement

Ryan Borque (CDFW WET Team) presented on watershed enforcement actions in Humboldt County for cannabis production. Borque explained that the WET (Watershed Enforcement Taskforce) was tasked with protecting public trust resources, including all fish and wildlife species. Specifically, they enforce Fish and Game Codes 1602, 5650 and 5652 as well as all applicable state laws. Their teams work cooperatively with other state law enforcement and focus on keeping permitted marijuana cultivation sites in compliance and enforcement on unpermitted

sites. There are currently three teams located in Redding, Eureka, and Napa, with additional teams proposed. In the last two years, efforts focused on the Eureka and Redding areas with more visits in the watershed.

Borque spoke about the impacts the WET teams are seeing in unpermitted and uncompliant operations. There is a large amount of recreational bulldozing and grading that can result in landslides. Because many illegal operations do not go through the permit process and learn how to minimize impacts, they do not learn what they should and should not do. There are unpermitted water diversions that impound lower order streams to dewater them. These diversions often have improper fish screening and the possibility of other aquatic species being harmed. The quantity of these diversions associated with private parcels can be pretty high. When the teams encounter these diversions, they are pulled to restore water flow as these are important sources for maintaining cold water conditions. Kathy Martens asked if the pools were used at all for mixing fertilizer and if pulling the diversion could result in those chemicals being flushed downstream. Borque answered that they do assess for impacts but that they don't do remediation in those instances but do involve the County, which has a process for dealing with that. While he does not see that kind of activity it doesn't mean its not there. While the WET teams don't test for it, they do start asking questions if they see something worth noting.

Other violations include the cultivation of wetlands, ponds not built to engineering standards, buried stream channels, noise pollution from generators, light pollution, forest fragmentation, and impacts to sensitive wildlife species. Borque recommended that if anyone observes suspicious activity to contact CALTIP as the more eyes they have on the landscape the better. Orcutt asked how activities are handled on federal land. Borque answered that they bring it to the feds where appropriate but that their focus is on private land since there is a whole different method of funding for federal lands. Groves added that the County is concerned as they are seeing an attrition in the market for permitted operations but that there is not necessarily enforcement for the most egregious cases. Borque responded that there was political and monetary pressure to give cultivators time to comply and added that if the public does not agree with those extensions they should be vocal about it to help change that policy. He added that the permit process is currently focused on water use, especially in watersheds that are already stressed. Groves noted concerns about communication and operations differences between the Redding and Eureka teams and asked if there was discussion to work those out. Borque answered there is a coordination unit that is trying to standardize things and that the teams are also looking at the current boundaries between the teams to see if they make sense.

Orcutt asked how if the teams were funded by revenue from the marijuana sales. LaBanca responded that they were, but that revenues were a lot lower than originally estimated. Wade Sinnen added that many growers were finding lower profit margins when they operated within the permit rules. Borque noted that such activities would likely continue until marijuana operations were federally legal so for now they're left with the state and local processes. Kautsky added that using the CALTIP line wasn't effective in his experience as the call line isn't located near where the activities may be conducted and they cannot talk with CHP or any other agencies. Borque noted that it is the most direct way to get it addressed but agreed that the process needed improvement.

Nick Hetrick asked if there were measures in place to ensure that the TRRP wasn't purchasing timber from operations associated with illegal grow operations. Dixon answered that the Program requires permits and documentation on the source of any harvested timber.

LUNCH BREAK

Update on IDT Science and Funding Priorities for FY2020 and Beyond

Dixon presented the results from the IDT on funding priorities for any surplus funds available in FY20. This list was created in response to two motions from the TMC to identify and prioritize research questions for the Trinity. At the December TMC meeting, the TMC made a motion to allow the IDT to identify data gaps and solicit proposals for outstanding flow management questions, which would be reviewed and shelved for implementation until funding was available. In April, the TMC made a motion that any funds that become available for redistribution would be used to fund those research needs prioritized by the IDT. Dixon and Nick Som met with the IDT team to consolidate and review the questions and ideas formulated by the Work Groups and conducted three-stage voting to rank the ideas. Each agency was given five votes to rank the science priorities for recommendations. Agencies voted again in the same manner to identify priorities to fund based on the April TMC funding request. The priorities were ranked, with additional funding for the Habitat Team and funds for science related to flow management being tied for first. Dixon noted that some of the questions considered for flow management research do not require additional empirical data gathering but could use existing data, while others would require extensive research. The IDT is currently discussing all of them and will begin soliciting pre-proposals to look at potential avenues for exploring these research topics.

Groves asked if the research topic on drift food availability had already been covered in the presentation today. DeJulio answered that the study presented today was a targeted study and that there is another project they are proposing for this fall that would look at how time affects drift. LaBanca asked what the next steps would be for this process and Dixon answered that the IDT would start soliciting proposals to review. Norris asked why the topics were limited to the top five and if the proposals would alter the ranking after their review. Dixon answered that the topics would be reranked depending on their own merits and that some questions could be answered with in-kind staff hours while others may be multi-year studies, and some may not require additional funding at all. DeJulio noted that the peer review was a good idea, but that the IDT should also review the proposals rather than just the research questions.

Orcutt asked why they were looking at the list since the budget would not be available until June. Dixon responded that Reclamation is anticipating around \$1 million from CalTrans for mitigation related to the French Creek Slide for salmon habitat and riparian wetlands in the Trinity. Those funds have been approved and were directed toward Dutch Creek and the USFS has stated they would like the money to go towards projects on the ground. Ly asked if the funds could also go towards the watershed grant program. Dixon agreed but noted that the USFS wants those funds to address projects on their land, and a project at Indian Valley Creek was being discussed. Dixon also clarified that the list is just for projects in FY20.

Trinity River Dam Infrastructure: Flow Limitation and Opportunities

Zedonis spoke about the recent repairs at Lewiston Dam. There are two regular gates used to meet flow needs, which are run by two different motors. Current operations put a strain on the

motors to engage the regular gate and repeatedly changing them is bad for the motor. If both motors go out, wherever the gates are set is where they remain. The gates and motors are currently not designed for frequent manipulations and there is no formal policy on how to address it. Seth Naman asked if there was updated technology or a device that would easily be swapped out. Zedonis thought there could be, but it would probably not be simple or cheap. Norris asked how old the motors are and if they were from when the dam was built. Zedonis was unsure but that they were likely from when the dam was built and wasn't sure when the last failure occurred. They could potentially be replaced or upgraded when the motors due for replacement, but the bigger issue is that the restoration program was pushing the limits of the dams' design. Som asked if the ramp rates would change if NMFS goes back into consultation, noting that they currently could not meet the down ramping rate described in the BO. Naman noted that the ramp changes were iterative and that they needed a better way to dial the flows in. Dixon added that with the diurnal flow variability, the Program had tripled the frequency at which they were adjusting the gates and would often have to dial in the level and then wait. Zedonis reported that Reclamation repaired the broken motor in one day, but it would be expensive to replace. Lindke asked if it would have made more sense to swap out the motor instead. Zedonis noted that it would require other parts to be replaced too. DeJulio asked if the TMC could get a presentation from the engineers to look at current construction and potential alternatives. Zedonis agreed to arrange the presentation for September.

- Paul Zedonis will see if the Reclamation engineers can give a presentation at the September TMC meeting about current construction and policy alternatives for operations at the Lewiston dam.

Orcutt asked for clarification on the difference between the motor burnout at Lewiston and the previous dam issues identified in March and April. Zedonis explained that during flow scheduling, Reclamation was informed that Unit 1 would be out for the duration of the high flow events at Trinity Dam. They allowed the flows to occur and that it was a significant repair job. They plan to have the dam fully functioning by August. On April 29, Reclamation was notified by Trinity County that there was oil in Lewiston Reservoir from an unknown source. By May 6, the oil was cleaned up and rectified and the team identified that the oil came from the hollow jet valves in the hydraulic system. There was a flange with loose bolts and a high pressure line that broke on one of the motors. While that was repaired, Reclamation checked the other one. At that point the Lewiston Dam spill gate motor died and they lost control of the gate. To prevent the loss of the other gate, Reclamation did a flow manipulation.

Orcutt asked if the Program would need to pay for maintenance on the dam. Zedonis explained that there is no policy on it now, but that the situation presented a gray area in terms of who should pay for repairs, especially if they kept happening. Orcutt commented that the issues seemed related to design and should be part of the costs of doing business. LaBanca suggested that if the Program paid for new equipment that it might give them better control for flow regimes. Zedonis stated that the Program could be considered a beneficiary and Reclamation may be open to the arrangement.

Groves suggested the TMC draft a letter requesting that long-term engineering and repairs for the dam consider the need for finer adjustments in the future, noting the need for increased flexibility

in the future. Orcutt added that there had been an appraisal and analysis on proposed infrastructure modifications and that a formal feasibility study on upgrades was needed. Kautksy commented that the TMC was implementing the ROD and that Reclamation should keep up with what's needed to restore the river and shouldn't pass it back to the Program. DeJulio added that the TMC did write a letter to Reclamation asking that the infrastructure feasibility study described in Bender 2011 be pursued, but that another letter should address this specific need. Groves commented that maybe the Program assume to pay a portion each year towards replacing the motors every three years. Zedonis thought Reclamation might be open to that and that he was not sure when a policy adjustment would happen, but that Reclamation did have other flow manipulations scheduled before the end of the year. Groves specified that the TMC would ask Reclamation to go back to the previous agreement before the infrastructure failure to make the flows variable again. Zedonis added that Reclamation had already made the decision to reinvestigate alternatives since they understand the limitations of the set up and could generate a recommendation. While some members commented that the letter might be too late in coming, Orcutt commented that a letter would be proactive and should note that Reclamation is not doing variable flows that restore the fisheries, which is a priority.

Keith Groves made a motion that TMC write a letter to BOR voicing concerns about the inability of Trinity River infrastructure to meet diurnal variability in the two-hour cycles requested by TMC. We request a presentation of policy options and infrastructure options to implement the recommended hydrographs.

Mike Orcutt seconded the motion

Motion passed with 6 votes in favor and one absent, USBR abstained.

The TMC agreed to focus the letter on policy and infrastructure options and wait to discuss possible cost options at a later date, as recommended by Groves. Orcutt added that the letter focus on how the Trinity River infrastructure affects fishery restoration objectives, with Ly adding that the fishery recovery objectives include the two-hour time step requirements for diurnal flow variability. Ly added that the fall flow issues was a policy one and that the TMC's comments might help shape the decision to allow for more flexibility in the upcoming flow manipulations.

Integrated Assessment Plan Review

Eric Peterson gave a presentation on the context and development of the Integrated Assessment Plan (IAP) used by the TRRP and referenced in the Refinements Recommendations Report. The IAP was recommended in the Refinements report as the closest thing the Program has to an adaptive management plan and the strongest attempt at a goal statement. However, while the IAP does provide guidance and information for the foundation of the Program, much of that information is shared among other documents, which need to be consolidated. The PowerPoint presentation for this topic is available on the TRRP website for reference. The IAP provided a good start to the Program by defining and organizing the objectives for the program and the long-term goals and it has since been the basis of the science work plan and other focused projects. However, it does not have an actual goal statement for the Program and the assessment and adaptation phases of the adaptive management cycle were not clearly addressed.

Orcutt commented that when the IAP was developed, there were additional directives to restructure the Program, which diverted time away from the IAP and the Situational Assessment. He added that a goal statement was produced with input from legal counsel, but it's continued to be questioned. While the Solicitor has been asked to refine the scope of the TMC, they have failed to provide input. Overall the goals of the program are to restore pre-dam populations for Chinook, steelhead, and coho, and while they have the water they have never had full funding for the Program until 2009. Orcutt noted that developing the last parts of the program [assessment and adaptation] would take some time and that some of the aspects of the Program had changed.

Ly asked if the Program goal statement was available. Peterson provided the following statement, which is presented in the IAP:

The goal of the Program is to restore and sustain natural production of anadromous fish populations downstream of Lewiston Dam to pre-dam levels, to facilitate tribal, commercial, and sport fisheries' full participation in the benefits of restoration via enhanced harvest opportunities.

Ly added that the Refinements indicated that the TRRP didn't have an official goal but that the Work Groups operate as if this is the goal. Peterson added that the Refinements report suggested that this statement would be sufficient as the IAP did provide an explanation on each part of the statement. Groves commented that this was more of a mission statement because it wasn't quantifiable. Others agreed that it was a purpose statement. DeJulio added that it was hard to determine at what level the goal had been achieved since there were no measurable markers. Groves commented that having a number to work towards would allow management to know what is working and what needs to change. Norris commented that much of the work of setting targets and measures of success was done in the Work Groups. DeJulio commented that while the Work Groups are doing a lot of rigorous work to define those, they struggled to define an end point and instead often relied on trends. They have an interim goal of increasing but they don't have specific targets to work towards. While imperfect, Groves suggested that maybe the IAP needed to be the first document that new TMC members read. DeJulio agreed noting that Chad recommended the TMC needed an over-arching document for the Program.

Naman commented that there are dozens of objectives listed in the IAP and that during a meeting in 2013, there was an Objectives Exercise with the USFWS that distilled the objectives to the most applicable and needed, which were used to develop more quantifiable metrics. However, the TMC never ratified the overarching goal and two objectives statements that were developed during that exercise. Ly added that the Refinements report also found that the TMC never formalized its goals and asked if members wanted to address that during this meeting. Members agreed to wait on the conversation as one of the members was absent. DeJulio and Groves agreed that a presentation on the goals from the IAP and the Objectives Exercise should be looked at when revisited. Norris agreed that there should be a presentation in September but wondered whether a new document was needed or if that information could be compiled from several resources already developed for the Program.

Orcutt commented that the existing goal statement (above) was driven by the legislation and that there had been numerous attempts to assess it. However, the goal and the science have never

been questioned. He added that there are currently numeric targets for the fish and that the TMC could adapt those if desired. DeJulio commented that the purpose and goals statements should anticipate the need for change as part of the adaptive management process, but that numbers shouldn't be maintained in the goals statement. Orcutt noted that the Program had adopted the Decision Support System (DSS) to address some of that but that it required some components that were never addressed. Norris added that the DSS was designed as a tool for decision makers in an adaptive framework. It was recommended by the SAB, but when it was presented it was not thoroughly thought through and needed the measures of success to be done prior to finalizing the DSS. DeJulio agreed that it could help, but was not a ready-made fix.

Public Forum

No comments were made during the public forum

ADJORN DAY ONE

Day 2 – Thursday, June 20, 2020

Chairperson, Justin Ly was not present during the first half of Day Two., Seth Naman, NMFS alternate, led the meeting in his absence. Any proposed motions would be tabled until after lunch and any additional business that would require TMC votes would be presented in the afternoon.

Regular Business

Public Forum

Leslie Bryan, a Utility Analyst from Redding Electric Utility, read a statement requesting the TMC consider adding a representative for the Redding and Trinity Public Utilities as a voting TMC member. Bryan stated that adding utility companies to the membership would help share decision making and that such entities do meet the eligibility requirements at stated in the TMC Bylaws Section 300. Bryan's full statement along with a copy of the supplement from the utility companies regarding the use of CVP as a power source are available on the TRRP website for this meeting.

Groves asked if the Solicitor had provided input on whether new members could be added. Dixon answered that the TMC could vote on new members but that it would need to be unanimous. DeJulio asked if the request was to specifically add RU as a member, if Trinity PUD would be included. Bryan answered that it would ideally be to have a power interest on the Council. Groves requested that the issue be added to the September meeting agenda. Naman added that a written response from the Chair be prepared after the September meeting.

Information

Klamath Biological Opinion

Reclamation gave a series of presentations on the 2018 Proposed Klamath Basin Biological Opinion. All PowerPoint presentations from this topic are available on the TRRP website for this meeting. Megan Skinner provided an overview of the project, noting the basin's hydrology, Reclamation facilities, and water delivery needs. The Klamath Project was authorized in 1905 to provide water for irrigation, domestic use, and other related needs. The latest proposed action is based on WRIMS water balance models from 1981 – 2016 and would divide operation of the

project into two operation periods: spring/summer and fall/winter. Water deliveries would distribute water based on supply needs and environmental water account balances depending on the period of operation. She explained how the flow were managed based on the UKL control logic for inflows, supply needs, and EWA balances to provide deep flushing, surface flushing, and enhanced flows based on inflows and storage.

Orcutt commented that at meetings with the Regional Directors the previous week, parties submitted letters indicating they would sue under ESA during the first year of implementation as the expectation was that the BO would not be completed until the following water year. Orcutt noted that the process to prepare the BA had been rushed with deadlines on Sundays. He also commented that it was new that the dilution events were not tied to the Environmental Water Account (EWA) and that it did not adequately address fish disease concerns. He expressed that the tribes needed to be part of the larger Klamath basin discussion so that the Basin is managed comprehensively based on previous management recommendations. Skinner answered that the dilution flows were not in the BO but that they could be done through EWA and that there was an opportunity for the FASTA team to reshape the EWA to benefit Coho.

Next, Jaime Montessi/NMFS gave a presentation on the effects analysis related to the hydrology and disease management. Montessi noted that overall, the river would have less flow volume annually with lower flows in the fall, lower spring and summer discharge and an earlier return to base flow, using a proposed hydrograph that resembles the shape of the historic hydrograph. He noted that EWA volumes would be proportional to UKL supply even though volumes are reduced. The BA would increase the frequency of surface flushing flows and decrease the magnitude and frequency of deep flushing flows, benefiting polychaetes and nymphs. They are still expected to occur annually.

Don Reck then presented on the concerns related to *Ceratonova shasta* impacts. Several studies and reports indicate that water quality and quantity affects the viability of the organism. The changes in the flow are expected to reduce habitat available to fry and juvenile salmon. A 2019 study on the impacts of the April flows and EWA releases in June did find high spore counts and infection rates in May, which was unexpected. They are still trying to figure out what happened. Montessi commented that there was some speculation that it may be related to the cold late winter conditions or more fall variability where a flushing flow in November might affect the worms at a different part of their life cycle.

Hetrick noted that prior to the high flow event, there was a high infection rate in the fish along with high densities of polychaetes. However, after the high flow event, they decreased and wiped out the high-density areas. He added that its hypothesized that the deep flushing flow event was a significant benefit to the fish. Naman added that this could serve as an early warning system.

Evan Childress and Adam Johnson/FWS presented on the shortnose sucker populations in the Lost River and Upper Klamath Lake, the latter of which has had no recruitment in over 20 years with aging and declining populations. While the fish have been able to successfully spawn, the juveniles don't make it to adulthood. The changes to the UKL flows are expected to affect habitat conditions for all life stages of the sucker, with strains on wetlands, deep water, and shallow habitats. Conservation actions in the BO include financial support for captive rearing

programs, support for other sucker recovery program, and salvage of suckers from canals after draining in the fall. Incidental take limits are also defined for eggs, entrainment, and wetland dewatering.

Orcutt asked if the BO would result in more water in the lake than what was proposed in the 2013 BO. Childress believed it would, but not for the benefit of suckers; it would be to meet larger flow needs in the river. Orcutt asked if they saw any effects on sucker population and spawning. Childress answered that the suckers had good access to spawning this year and that the lake was high enough to provide access. DeJulio asked if the April 1 date for locking the supply calculation was a hard one or if there would be room for changing the timing of the flushing flows. Skinner answered that the flushing flows were part of the EWA allocations that is accumulated from October to March, which is restrictive. Currently they do not occur between May and June and they could be considered on a case-by-case basis but currently there is not an obvious mechanism for them. Skinner added that while there was a deep flow event earlier this year, it wasn't high enough to push the water and that high rain on snow events required flood releases, so largely it depends on hydrological conditions.

Channel Rehabilitation Flow – Habitat Relationships

Joshua Boyce (TRRP) gave a presentation on the results of their juvenile habitat rearing monitoring work. While the Habitat Team does systemic, site-based, hydrological and large wood surveys, the presentation today would focus on results from site evaluations. The PowerPoint presentation is available on the TRRP website for the meeting. The site evaluations are based on pre-construction, post-construction, and revisit surveys done a few years after construction is finished to look at changes in flow and habitat. Overall the team has seen that construction of sites matters and while some benefits are not sustained overtime, there is an increase in habitat from pre-construction conditions. At the Upper Bucktail Deep Gulch site, as an example, a huge amount of sediment deposition increased the water surface elevation and inundated the floodplain at lower stream flows, which increased habitat. There was also a significant increase in flow over time and some interesting topographic differences. Zedonis asked if they looked at the spatial distribution of habitat based on distance from Lewiston. Boyce answered that they did and that the information would be included in the Synthesis reports.

In terms of systemic habitats, the Habitat team did modeling work on 40 miles of the river using SRH-2D habitat capacity hydraulic modeling to look at a range of flows and to incorporate a number of predictors. Dixon added that the capacity number included in the results were used to help the team evaluate what they've done and if they've achieved their goal. Orcutt asked if the modeling work would be peer reviewed and if it would be incorporated into the design process for rehab sites. Boyce answered that it would be reviewed and that the team is looking to use it for the design work. Naman added that this year was the first year that the design teams used the capacity modeling to evaluate the 60% design alternatives.

Orcutt asked if there was consensus to consolidate the modeling, noting that the capacity modeling seemed pretty attractive. Aaron Martin added that the models used depend on the sites and that the objective is to maximize rearing habitat at a range of flows. He added that every site has constraints and conditions so there are a number of approaches to take since each site doesn't have the same opportunities as others. Orcutt commented that while there seemed to be a huge variety of approaches, at some point there needed to be some agreement on how to look at it.

Lindke commented that the different site designs were driven more by site specific factors rather than by philosophy and that much of it depends on the design teams, which often collaborate. DeJulio added that all the design teams use the same modeling platforms and that there was a bigger push to get them on the same page, noting that the modeling for Upper Bucktail used a robust approach at a broad range of conditions that might have shown a habitat loss beforehand.

Hetrick commented that if the design teams are seeing things similarly with the goal to maximize habitat capacity and are using similar approaches, why did they have three teams. Aaron Martin stated that while the teams can agree on some things, they don't all use the same approach and that there are many different ways to develop the design. Dixon added that there was a benefit to having the different approaches and energy among the design teams which results in a diversity of ideas. Naman added that the team also help divide the workload.

Refinements – Adaptive Management Survey

Kevin Held (TRRP Public Outreach Coordinator) presented an Adaptive Management Survey the TRRP created in response to the May Refinements meeting, which asked for feedback on how adaptive management could be structured into the decision-making process. The survey was designed for vested stakeholders, such as staff, various cooperating agencies, scientists, and others with familiarity with the Trinity and the adaptive management process. Held reviewed the survey to get feedback from the TMC so it could be finalized by the July Refinements meeting with results in August.

Norris commented that she did not recall the survey as an action item from the last meeting, adding that Chad had not recommended that the Program move forward with restructuring. Orcutt added that it seemed a little late in the game to get feedback from those stakeholders since the report had been based on informal interviews already. Peterson noted that the survey was developed as a way to address getting feedback from stakeholders now that the TAMWG was gone. Held added that the idea was to get a broader range than those provided in the interviews. He added that it was based on an informal suggestion about how to get a broader perspective. Norris was hesitant to go further with the adaptive management process because of Chad's recommendation and that there was a difference in getting feedback on the refinements process versus the adaptive management process. Peterson commented that the survey would help build an adaptive management plan into the topic of refinements. Naman suggested that the TMC let Held review the survey and then discuss direction after the lunch break.

Held reviewed the different sections of the draft survey, which is posted to the TRRP website for this meeting. The first three questions look at the responders' background with adaptive management and the TRRP. Questions 5-11 are looking for what has worked and recommended improvements to the Program and the adaptive management process. Questions 12-16 look at how structures, factors, and cultural aspects of the program may affect the AM process. Questions 17 -20 look at the responder's experience with the TRRP along with areas for additional notes and comments.

Norris commented that the focus on adaptive management did not seem appropriate given the uncertainty on whether they should still use AM. While feedback from the public is a great intent, it may be two steps ahead of the game and a diversion from the Refinements recommendations. Orcutt added that he was surprised that it wasn't discussed as part of the

Coordination team call, noting that it was the first time he had heard about the survey. Naman commented that he was also unclear where the survey came from and that while the Program was not implementing AM as effectively as it could, they did not have a single document to guide them on what to evaluate and when. He added that it might be difficult to distill the responses down to something usable rather than having a concise guidance document. Held answered that the survey does acknowledge where the Program would like to be and was a chance to get feedback from people involved and for the Program to see what is working well and what isn't to make it a collaborative process.

LUNCH

Refinements Discussion

Justin Ly, Chair, returned for the remainder of the meeting, Michael Dixon, Acting Executive Director, however, left for another appointment and was not present for the remainder of the second day.

Peterson started the meeting by noting that the in the Draft Notes from the May Refinements meeting, there was a paragraph on the survey, as follows:

Groves asked if the Refinements meetings were public or not. Dixon stated that he did not know if they could legally close the meeting. Ly stated that it won't be advertised but they are not excluding the public. Groves reminded them that they need clarity for the public. They can have the public submit comments. DeJulio stated that there should be some ability for the public to provide input before the meeting. Groves suggested a mailer for the public to write comments. Dixon will work with Kevin on this. This will be talked about more at the June meeting.

Norris noted that the section did not include anything on adaptive management. DeJulio added that the intent was for public to submit their questions during public meetings to avoid interruptions. Peterson asked that the TMC clarify their needs. Ly agreed to follow-up with Mike Dixon about the survey.

- Justin Ly will follow up with Mike Dixon about the development of the Adaptive Management Survey and how to address public involvement at TMC meetings.

Norris added that the survey is very focused on adaptive management and that it wasn't where the TMC wanted to be, noting that Kevin recommended a fairly quick turnaround for the next meeting but that the TMC was not ready for it. Orcutt added that the questions the TMC deliberated with the firm and those in the survey might create confusion. DeJulio suggested that maybe the TMC have notecards available to fill out to help the questions be more directed and structured rather than having people interrupt the meeting. LaBanca added that the TMC needed to decide if they wanted to do comment cards or a survey collected prior to the meeting as one would be more labor intensive and may not be finished prior to the meeting. Norris commented that while the structured comments were more helpful, the TMC needed a facilitator to keep the meeting focused. The comments were needed, but the TMC needed a more organized way to receive and review them.

Orcutt asked if there have been any developments on whether the TMC could hold an executive meeting. With the July meeting coming up, the TMC still needed to know if facilitation was possible, if it could be a closed session, and how the public could comment. Ly answered that Kearns & West still has a contract and has asked for an additional \$38,000 for Mike Harty to attend four days of Refinements meetings, which will cover costs for travel, planning, and deliverables. Norris asked if it would be beneficial to have a DOI facilitator instead, as FWS had found that process to be valuable. Ly added that Harty would not be able to make the July meeting and wanted the TMC to wait until the August meeting. Zedonis agreed that it might be beneficial to see if a facilitator through DOI would be available. Ly added that there were also NOAA facilitators that he could look into, adding that while he was hopeful a facilitator through DOI and NOAA could be available, the TMC should have another viable option

- Jenny Norris will inquire with DOI about a facilitator for the upcoming July and August Refinements meetings.
- Justin Ly will inquire with NOAA about a facilitator for the upcoming July and August Refinements meetings.

Orcutt commented that while the facilitator was one part of the meeting, the contractor was the other side and that recent conversations with them indicated that it might not be viable for the contractor, commenting that he preferred to have the whole thing put together rather than approaching it meeting by meeting. Norris stated that during the recent Coordination Team call, they did discuss reaching out to Chad about an alternative path forward that was inclusive of existing cooperative agreements, but that the TMC did not want to go in that direction and that the TMC should reach out to Chad to help with the process. Ly added that in a recent email regarding Chad's contract for Task 7, Chad is required to be available for one year after the final report, including quarterly status reviews, a final meeting, and a presentation.

DeJuilio asked if the goal for this meeting was to plan for the July 9 meeting. Ly responded that they did, but that the TMC needed to figure out facilitation first. Norris added, that the TMC also needed to know what Chad's participation would be since his recommendations are not the direction where TMC would want to start. She asked if there was an alternative that was better suited for the TMC. DeJuilio agreed that it seemed like a clear need to have Chad there as they figure out implementation, adding that he is still working with the TMC on implementation, but has expressed he did not want to be the facilitator.

Groves added that there was also a large number of deliverables that the Coordination team was supposed to have prepared for today's meeting, but that many of them were not here, such as report on how to engage the public. He asked if the team would be able to get the documents ready by the July 9 meeting and added that the TMC needed a lead person to take control of the process. DeJuilio suggested that it fit with Chad's contract responsibility and that he needed to have an active role. Ly commented that leadership was needed to lead the effort and that Chad would not be the one to lead it with his existing contract. Orcutt commented that he found the meeting notes incorrect and that he noted there was urgency at the original meeting to move forward with Refinements. He thought the Coordination team should assist with the Refinements so that Mike Dixon was not left to do it. He added that it would take extra time to get an outside

facilitator up to speed and that Chad needed to be part of the discussion since he was familiar with the core information, Program history, and the recommendations for implementation. Orcutt thought that it might be better to hold off on the July 9 meeting and work on getting ready for the next one and that the Executive Director should be the lead person for the process. DeJuilio noted that a foundational document was needed for that reason: to get outside people up to speed on the program and recommended the TMC focus on developing one.

Groves commented that that work was supposed to be done by the Coordination team, of which only Seth Naman was present. [note of correction: Tony LaBanca, Mike Orcutt, and a few others were present for at least a portion]. Norris noted that there were action items developed by the Coordination Team, but they went to Mike Dixon to complete and added that the Team should be helping and not just giving tasks to the ED to complete. Norris added that she did not feel that the TMC was ready to develop an agenda and that a facilitator could help run the meeting without needing context for the meeting. She added that having someone there who was familiar with the program could help get people out of dead ends and unproductive conversations.

La Banca commented that Chad stressed that the TMC could not get to an adaptive management process without restructuring the Program. DeJuilio added that the notes suggested there might have been a way to work within the Program and that it was clear that they would not be going with a Cooperative Agreement or Charter. Norris asked if there was an alternative path forward since the group did not want to go in the same path Chad recommended. DeJuilio answered that it seemed to be looking at the bylaws and the existing charter to develop a foundational document.

Orcutt asked if the TMC had the authority to recommend resources that would allow the July 9 meeting to take place. Ly answered that since the contract was an IDIQ, he recommended that the full amount be contracted so the TMC wouldn't change ships and thought reassessing the situation at the RD-level would be possible with a smaller group since coordination was so loosely defined. Ly suggested that a smaller planning committee with federal and tribal parts might help keep it focused and accomplish what's needed for beginning, ending, and closure points.

Scott McBain commented that when Andreas Krause started the process for Refinements, he noted that a key part was that you needed leadership with one person in charge of keeping the ball moving as the process is hard to do by committee. While the contracting tools allow TRRP to get Headwaters to help develop the recommendations, McBain was disappointed that the last part for facilitation was not included in the contract, and instead they kicked it back to the TMC. That's not leadership and it's hard to watch what this is looking like now. The TMC needs leadership to see this through. Ly agreed and added that Dixon has a lot of responsibility right now and while he would be the best person to lead this, there are other things he is responsible for already. DeJuilio commented that the \$38,000 for facilitation was available and asked if they could also get an update whether Chad's contract would allow him to lead it. Ly said that the \$38,000 was available but that the TMC would need to move forward on it. Groves added that Chad indicated that he did not want to lead. Orcutt added that while the contract had originally included implementation in it, the TMC lost leverage of it when it went to contracting and that it wasn't in the current agreement. Ly agreed to ask Chad if he could provide more leadership and

asked if there was a game plan if he said no. Norris recommended a conversation at the Regional Directors'-level would be useful. Orcutt commented that he had been trying and that they may have had different ideas from the TMC about governance so maybe a smaller committee would work better as a substitution. Ly asked if they should go to the RD to get approval for a smaller planning committee and what it would look like. Orcutt stated that at least the DOI agencies, fisheries, deputies with oversight, and tribal members. He added that there was still a fair amount of work to address Refinements and that restructuring would be a precursor to getting to the next step.

Groves added that the TMC needs leaderships to develop clear and concise questions so they can make decisions. Peterson commented that while the TMC could rely on the ED and other TRRP staff for coordination, leadership needed to be at the TMC-level as it would be awkward to have the staff lead on this. McBain added that a third party would provide leadership that would not take away decision-making ability from the TMC, but that they needed someone to keep the work moving to help the TMC make decisions and that it shouldn't be a TMC member. Ly suggested seeing if Caryn Hunt DeCarlo could help as she would have institutional knowledge. However, Norris noted that she likely had a cooling off period that would prevent her from working with the TMC for a year. Norris also suggested that maybe the TMC could look at the flow evaluation study authors and DeJulio suggested looking at previous EDs or SAB members.

LaBanca commented that the TMC was struggling with its short-term focus for Refinements as there were meetings on the calendar and no clear leadership or ability to get something together for the meetings. DeJulio noted that at the May 6 meeting, there seemed to be a need for expediency and Norris added that the TMC keeps pushing the meetings down the line and hasn't addressed the actual refinements recommendations. Hetrick added that the TMC needed a worker bee who was focused on Refinements with a fresh set of eyes. McBain added that they brought in a third party at the Restoration office who served as a benevolent dictator for the flow study and identified and tracked all the little tasks to keep everyone on task. A lot of that task is managing the information people are putting together to make it easier to understand the trade-offs of a decision, but finding that person can be hard. Norris suggested also looking into getting a detail for the role. McBain noted that there was still a lot of work to figure out the path forward and that the position could be a $\frac{3}{4}$ time position for 6-months to a year. DeJulio suggested that the TMC use the existing contract with Headwaters along with the \$38,000 to see if Headwaters could contract with someone to address that remaining task for the contract as intended.

McBain suggested seeing if Jack Schmidt, who had done similar work for the flow study, could work under a cooperative agreement to help them since he's done that work before, adding that his availability would depend more on if Jack was interested in helping the TMC. Dixon would look into using the Headwaters contract to help the TMC with implementing the Refinements process. Norris would look into the potential for a detail through USFWS. McBain would reach out to Jack Schmidt to see if he could help lead the Refinements process.

- Mike Dixon will follow-up on Chad's contract and look into getting a third-party contractor to lead the effort to identify specific deliverables or a subcontractor to help lead the TMC through Refinements.

- Jenny Norris will talk to USFWS about the potential for a USFWS staff member to detail for 6 months to lead the TMC Refinements effort.
- Scott McBain will reach out to Jack Schmidt to see if he had interest in a Cooperative Agreement for him to lead the TMC Refinements process and report back to Justin Ly and Mike Dixon.

Revision to the TMC Bylaws

Justin Ly opened discussion about revising the TMC bylaws to allow for closed session, which would help with productivity. Currently the bylaws do not allow for closed sessions. Caryn's last discussion with the Solicitor on this topic indicated that closed sessions were not allowed because the bylaws stated TMC meetings are public, but they suggested that the TMC could change that. Ly explained that the discussion would be on adding that special meetings could be closed. The suggested change is (in *italics*):

§ 600(d) – All regularly scheduled meetings of the TMC shall be open to the public, *except executive closed sessions as designated by the TMC. Special TMC meetings may be closed to the public.*

Orcutt suggested that that TMC develop the language and make the decision later since there were parties missing from the discussion. DeJulio noted that there appeared to be changes from the original bylaws that required such changes to be unanimous among the TMC. LaBanca noted that there were changes to the bylaws approved in 2012 that were never signed. Ly clarified that if a motion was approved for specific changes to the bylaws, they should still be valid even if TMC hasn't signed on the latest bylaws. However, Peterson noted that the TMC continued to use the original 2003 bylaw after the 2012 date. Ly stated that the TMC could entertain a motion to change the bylaws with a caveat assuming the previous bylaw changes would not affect the change. He added that the changes proposed in 2012 do not preclude the TMC from changing things today, allowing the TMC to change the bylaws if desired. Orcutt asked if the TMC had determined if they could add closed executive sessions without a unanimous vote.

Mike Orcutt made a motion to approve the following amendment to the TMC Bylaws:

Section 600.d –All regularly scheduled meetings of the TMC shall be option to the public, *except executive closed sessions as designated by the TMC. Special TMC meetings may be closed to the public.*

Justin Ly seconded the motion.

Kyle DeJulio offered a friendly amendment to include the following changes from Section 601.d, that when a special meeting is requested, at least four members are needed to designate it as closed or not. Mike Orcutt accepted the amendment. Justin Ly seconded.

Groves added that to stay compliant with the Brown Act, state meetings would open a discussion item and read it before closing the session to the public to disclose the topic. DeJulio added that the purpose of the closed session was not the keep the public from the meeting but to allow for more productive meetings and that no motions should be made in closed sessions. Orcutt added

that he has seen closed session work productively by having a closed discussion of a sensitive topic and then reopening it to the public for the decision.

Groves objected to the motion noting that the TMC should not vote on bylaw changes without all agencies present. He also noted that he could not support the motion without a definition of what circumstances could lead to an executive closed session, stating that there needed to be a reason for the TMC to not talk in public. He also commented that notes needed to be taken at executive session that are available at the next meeting. Ly suggested that they add criteria such as discussion for personnel, sensitive matters, or litigation.

Justin Ly added a friendly amendment to add “as designated by four members for personnel, litigation, or other sensitive topics.”

Norris commented that the TMC doesn’t deal with personnel issues. LaBanca noted that while they don’t manage people, if the TMC wanted to address a personnel issue, a closed session would allow the TMC to put together a letter to address one that was raised. Orcutt added that the TMC should decide if a closed session was needed, not the Executive Director or the Chair. Members agreed to remove language copied from Sec. 601 about sessions called in joint agreement by the Chair and Executive Director from the initial amendment. Groves added that notes should still be taken but it might preclude why the meeting was private and the TMC should note what is written regarding sensitive topics.

Keith Groves made a competing motion to table the discussion of revisions to the TMC Bylaws until all representative organizations were in attendance.

Tony LaBanca seconded the competing motion.

Ly noted that they would normally wait for the full representation for a vote like this, however, the TMC had wanted to have closed sessions for the upcoming Refinements discussions and since the TMC would not meet again until September, they did not want to risk postponing the vote again should another agency be unable to attend. He added that at the May Refinements meetings, the TMC did not have the option to not include the public and the public thought it was a public meeting, which made the meeting less productive because of the frequent interruptions from the public. LaBanca suggested that there were other options such as asking for comments at different periods.

The competing motion failed with two votes in favor, two opposed, three abstaining (USFWS, Hoopa Valley, and Reclamation), and one absent.

The original motion with the friendly amendments also failed with three votes in favor, two votes opposed, Reclamation abstaining, and one absent. Trinity County and CDFW opposed.

Groves suggested that the topic be added for the September meeting. Ly agreed to include it.

Eric Peterson commented that it seemed that there was still confusion on whether the revisions to the bylaws needed to be signed. Ly stated that if the motion was approved than it was changed. Groves added that in 2012 there was a consolidation of the changes, with additional changes in 2017. The TMC reviewed the meeting notes from June 2017 when the revisions to Sections 600 provided in the bylaws document were made. Review of the notes indicated that the changes to Section 400 and 600 were accepted unanimously but the changes to 603 [where changes to the bylaws would have required a unanimous vote of all eight members, with all member present] did not pass. Ly agreed to look through the changes in the bylaws and the previous meeting notes to see what had been approved and provide an updated copy of the bylaws with a signature page and all accepted changes so that the new proposal for closed meetings and sessions could be discussed at the September meeting.

- Justin Ly will update the current bylaws based on the revisions proposed and accepted by the TMC from 2012 and 2017 and provide a clean version to the TMC along with a signature page for the September meeting.

Topics for the September Meeting

TMC members discussed topics to include for the next quarterly meeting in September. Topics included:

- REU/Trinity PUD request to consider TMC membership
- Presentation from Todd Buxton and Nick Som on flow variability needs and flexibility for flow releases.
- Engineering options for Lewiston Dam operations
- Habitat Team presentation on Systemic Synthesis report from Damon Goodman
- Primary authors for Synthesis reports that are ready to present. Peterson added a caveat that the TMC should note that the reports will just be ready for peer-review and would not include final results.
- Orcutt requested an updated about the TRD's inclusion in the ROC on LTO EIS.
- Revisions to the bylaws for closed executive sessions
- Nick Som could do a demonstration on the Objectives and Targets exercise the Work Groups have done.
- If time allows, Jaycee Ousley, FWS intern, could give a presentation on her research on pre- and post-watershed assessments.
- Zedonis asked for an update on the Executive Director hiring process.

Groves asked if the July Refinements meeting should still occur. Ly answered that if the Coordination team could do a phone meeting and develop the goals and objectives for the meeting, he believed it could still go on.

- The Refinements Coordination Team will meet to develop and define the agenda and objectives for the July 9 meeting. In the interim, Kearns & West will not facilitate the meeting. FWS and NOAA will look at options and report back to the facilitation team.

Norris asked if the TMC still needed to provide guidance on the budget changes Dixon discussed the day before. Ly commented that the other items in the budget report had already been

completed except for the facilitator, which is currently on hold. LaBanca added that the TMC had given the Executive Director authority to make such changes. DeJuilio added that there were reductions in efforts from the TMC to approve them.

DeJuilio asked that the Executive Director also formalize a way for public comments to be taken at the next Refinements meeting. Peterson asked that DeJuilio advise Kevin and Mike on the current vision for the public comments per the TMC's discussion.

- Mike Dixon will follow-up with Kevin Held to formalize a way to take public comments during the Refinements meetings.

LaBanca asked if the Refinements meeting notes needed to be approved. Ly indicated that they were not approved as they had not received comments from everyone. Grove asked why they were going through the bylaws if it wasn't a TMC meeting. Ly answered that the Refinements meeting was considered a special meeting. Ly corrected that the meeting was a TMC meeting with LaBanca adding that the meeting notes would then need to be reviewed and approved. Orcutt recommended that the Coordination group discuss that and whether the minutes need to be approved and clarified. DeJuilio asked that all TMC members review the May Refinements meeting notes and provide comments to Mike Dixon and Sabrina Kleinman by June 30 for review. Ly indicated that the TMC should vote on the minutes at the July 9 meeting.

- TMC members should review and submit comments on the May Refinements notes to Mike Dixon and Sabrina Kleinman by June 30 if they have not already done so.

MEETING ADJOURNED 4:10pm