

TRINITY MANAGEMENT COUNCIL

Victorian Inn, Pool-side Room, Weaverville, CA (and conference call)

Wednesday, January 9, 2008

TMC Members Present: Chairman Mike Long, USFWS; Brian Person, USBR; Mike Orcutt, Hoopa Valley Tribe; Tom Stokely for Roger Jaegel, Trinity County; Bill Brock, USFS (via phone); Irma Lagomarsino, NMFS (via phone), and Dave Hillemeier, Yurok Tribe (via phone); Sharon Heywood (via phone)

Ex-Officio TMC Member: Doug Schleusner, TRRP Executive Director

Additional Participants: Byron Leydecker, Friends of Trinity River (via phone)

Summary of Motions:

1. **Motion** made for Mike Long to chair one year with Brian Person as vice-chair, then vice versa for next year. Mike Orcutt- yes, Irma Lagomarsino- abstain; Brian Person – yes; Mike Long- yes; Larry Hansen- yes; Sharon Heywood- yes.
2. **Motion** by Mike Orcutt, second by Irma Lagomarsino “To meet the intentions of the 2000 Record of Decision, and to address goals of the Restoration Program, the R-3 DG Alternative 1 design shall be implemented at Dark Gulch. Dark Gulch is one of the few areas along the river where large-scale development of rearing habitat for Chinook salmon is possible.”
3. **Motion** by Dave Hillemeier, second by Larry Hansen to proceed with the current proposed alternative at Dark Gulch (Phase 1), and at the same time proceed with an analysis of R-3 DG alternative 1, and if feasible implement all 3 phases as soon as possible, with the expectation that all 3 phases would occur no later than federal fiscal year 2010. **Motion Fails – 3 yes, 5 no**
4. **Motion** by Dave Hillemeier moved to make same motion to implement as soon as possible. Proceed with the current proposed alternative at Dark Gulch, and at the same time proceed with an feasibility analysis of R-3 DG alternative 1, and if feasible implement as soon as possible, based on TMC priorities. **Motion Passes 7-1.**
5. **Motion** by Larry Hansen, second by Tom Stokely, the TMC reserves the right to evaluate sites post-rehabilitation, and to recommend use of program funding in the future to make modifications, if determined necessary. **Motion passes unanimously- no objections.**
6. **Motion** by Brian Person, second by Tom Stokely that the TMC include the TAMWG chair or his designee as a non-voting TMC participant in all TMC functions. **Motion passes unanimously.**
7. **Motion** by Tom Stokely, second by Larry Hansen to add BLM as a TMC member. **Motion fails.**

Introduction: Validate Agenda, Approve September TMC Minutes - Mike Long, Chair

Stokely suggested that the minutes be approved via e-mail, and the June minutes need approval as well. TMC members are to send comments to Josh.

There were no objections to proposal.

He also asked that minutes be a summary of discussion without being an actual transcript, to be sent out with a DVD of the meeting. The minutes would also include a summary of the discussions (such as this agency opposed it, another agency supports it, etc.)

Doug suggested that the 3:00 pm item on roles and responsibilities is a decision item and should be moved up.

Mike said that it would be put in after election of officers- there was no objection.

Mike Orcutt asked about how TMC members can have input into the agenda? How much time in advance of the meeting is information made available? He would have liked the information on the FY 2008 budget ahead of time.

There was a lot of discussion about the timing of the additional \$3 million.

Doug said he usually sends out an e-mail about agenda items and doesn't get any responses. It is a draft agenda and items can be added or deleted.

Tom Stokely asked about BLM request for membership and getting it on the agenda- Doug- it'll be included under TAMWG recommendations.

Mike Orcutt expressed concern about the changing agenda and getting the public involved. Mike Long responded that it was a tough day with the weather.

Mike Long said this was the only time we could meet in January in order to deal with issues in a timely manner.

Larry Hansen- for winter meetings, could we set up a primary and fallback date?

Hillemeier said that might be tough with crowded calendars.

There was a general discussion of secondary meeting dates.

Open Forum: Comments from the public

None

Report from TAMWG Chair - Arnold Whitridge

Endorsement of process to get a RFP driven budget. TAMWG members were upset 6 months ago about a lack of response to TAMWG recommendations by the TMC, and are even more upset now. A publicly funded public program needs the support of the public, and the public has the ability to affect the program's success for good or ill, therefore TAMWG recommendations should be considered and discussed. Maybe it'll happen at this meeting.

Mike Long suggested that this be a standing agenda item. Whitridge, often the recommendations are associated with a particular agenda item. No objections to that.

Report from TMC Chair – Mike Long

Mike Long reported roles and responsibilities, improved budget and completion of IAP. He will report on roles and responsibilities shortly. Need to ramp up quickly. Wants to hear about the IAP. He discussed these issues in some detail.

Report from Executive Director - Doug Schleusner

Doug briefly discussed his written report.

He also added that Israel Patterson hired to replace Denise Wiltse will join us in early April from Shasta Dam and that Ed Solbos is retiring soon. He appreciates, respects, and values his contributions to the TRRP and he will leave May 3, 2008. The vacancy announcement opened Monday and closes February 1, 2008. Read the written report.

FY2009 Budget Proposal - Doug Schleusner (*Review handout materials; TMC to concur on process and due dates (revised budget to be submitted for approval at March TMC meeting)*)

Doug referred to the handout in the package/e-mail.

January 22, 2008 is the next TAMWG meeting. He's asking not to schedule work group meetings for this budget and have limited changes to the budget.

He's asking for written comments by February 8 and the TAMWG will also have recommendations and put them into a revised budget proposal by late February or early March.

Mike Long asked for comments on the proposed 2009 budget process.

Dave Hillemeier had no comments.

Brock and Heywood had no comments at this time.

Mike Orcutt said he doesn't necessarily agree with elimination of the work group meetings. He also questioned how an RFP-driven program would be used in 2009 if there are no work group meetings.

Doug- TMC wants RFP driven budget for 2010. Orcutt- the purpose of habitat assessment work is for 2010? Doug- it's a prototype.

Orcutt said we should look at the ROD for direction on the RFP process. If an RFP is developed for a co-managed project like the Willow Creek weir, and another firm can do it for less than the Tribes, how would it be handled?

Doug- would like to discuss this for the 2010 budget agenda item. RFP process is different than an openly competitive process.

Brian Person urged the importance of approving a budget at the March meeting. It helps the subsequent processes for Reclamation and USFWS to execute annual AFA's for the Tribes. We had a near miss on the TMAG side of the budget. They redistributed about 1% of the overall budget.

Mike Long- the intent of the stream lined 2009 process is a tradeoff between getting the RFP driven process for 2010, it takes lead time and effort and we don't have the time to haggle over the 2009 budget.

Irma- she agrees with Mike Long, and she wants to see the comments received by the FO on the budget, and the response to those comments. There was dissatisfaction with the past dealing with this issue.

Larry Hansen agreed with what Irma said- the resolution process needs to include comments and responses.

Mike Long asked that Doug cc the TMC with comments and responses.

Doug said he will collate all responses when received.

Dave Hillemeier said he'd support it, but there may still be a need for a meeting prior to the March TMC meeting to try and resolve those issues.

TMC Role/Responsibilities - Mike Long, Brian Person

Mike Long explained that he has 2007 carryover funds to pay for facilitation for this issue. An RFP was sent out by the Center. 7 responses were received and he has copies for the TMC members.

He hopes it can be completed by March. We need an entity selected to conduct interviews with TMC entities (appx 25), then from that develop a recommendation(s) on how to proceed with coming together on roles and responsibilities.

The next step is to select a facilitator/mediator.

Mike Orcutt asked what would be included in the final product. What is it specifically?

Mike Long went over the specific work product described in the RFP.

Mike Orcutt pointed out that this process has been going on for 2 years. There was a general discussion of this issue and how it would be dealt with and when it would be done.

Mike Long wants to get it done in the next week to 10 days to select a proposal. Stokely, Person, Hansen, Orcutt, USFS volunteered to review them.

Larry Hansen, review the proposals, weed out what we like and don't like, and then interviews with a subset of those proposals, but there are 7 included, maybe we'll interview less than that.

Dave Hillemeier said he'd like to participate in interviews, but not analysis of the proposals. Heywood said the USFS will participate, but how will they get them? Larry Hansen will bring the packet to her.

Irma will NOT participate.

Arnold will participate for the TAMWG.

Brian Person asked how we would come to a decision on the selection- what kind of vote?

Election of Officers - Doug Schleusner (*Review TMC Bylaws, vote; (current Chair presides over this meeting)*)

Mike Long: The officers must be federal employees. They serve for a 2 year term. A majority vote is required for election of the officers.

Doug – February 2000 was first election. This will be the 4th election of officers. We didn't have bylaws until later on. Should have been February 2003, but was October 2003. A secret ballot for chairman is simple majority. Then a ballot for vice chair and highest number of votes. December 2005 was the third election; Mike Long and Irma were elected in a nomination from the group. It was a voice vote, not a secret ballot. There is no prescription for secret ballot or otherwise in the ROD or bylaws.

Larry Hansen said a secret ballot is easier without offending anybody. Doug can take offline votes thru the cell phone.

Orcutt asked if all 4 feds are willing to serve. Irma said nice things about Mike Long's chairmanship and she supports him. She doesn't feel she is able to find the time to be the chair due to Klamath settlement negotiations.

Sharon Heywood said she couldn't be the chair because of her work load.

Brian Person said he would be happy to serve in either capacity.

Mike Long said he will serve if desired by the group, and he wants to finish the roles and responsibilities issue.

Mike Orcutt nominated BOR and USFWS for chairman with a secret ballot.

Larry Hansen asked if they would serve as vice-chair- all 4 said yes.

It was a split vote 4-4 between Brian and Mike.

It was determined to proceed by Mike Long serving one year, and Brian Person taking it the second year of the 2 year term.

Motion for Mike Long to chair one year with Brian Person as vice-chair, then vice versa for next year. Mike Orcutt- yes, Irma Lagomarsino- abstain; Brian Person – yes; Mike Long- yes; Larry Hansen- yes; Sharon Heywood- yes.

Brock asked about term of office – will be one year from today 1/9/08.

Agenda Item - Dark Gulch Channel Rehab Project- Mike Long, Mike Orcutt, Ed Solbos

Mike Orcutt led the discussion on this one, which was requested by the Hoopa Valley Tribe. The HVT voiced concerns about the designs for Dark Gulch and the Indian Creek projects. 2 resolutions were passed by the HV Tribal Council- one that the Indian Creek project doesn't meet design criteria, and another resolution about criteria for future construction.

At the September meeting, there was a presentation on the Dark Gulch project and alternative 1. The HVT is of the opinion that we need to talk about the alternatives. 2 concerns are the amount of funding for the TRRP (see HR 2733) and the way that the TRRP is being implemented. He referenced concerns about landowners and the Dark Gulch project.

Mike Orcutt- it's not clear what the TMC's role is in the approval of the sites. Not all TMC members are as involved in the site design.

Mike Long- is there a cost cap on these projects that is constraining the level of construction?

Mike Orcutt- the Vitzhum Gulch Project went forward w/o the recommendation of the Value Engineering study, the HVT and the USFWS.

Larry Hansen asked what is the decision being asked of the TMC today?

George Kautsky- a motion has been prepared for Dark Gulch and the alternative being considered.

Mike Orcutt said that a side channel didn't get built at the Junction City sites because of funding constraints.

If you don't quantify habitat against pre-project, how can we measure success? The HVT doesn't believe that we can go back in and do more work later on these projects.

Robert Franklin- there is great potential at Dark Gulch for fish habitat. The location is also adjacent to the area most used by chinook. BLM's letter has caught everybody's attention and increased participation of BLM would be to our advantage. They (BLM) are progressive and helpful in Clear Creek. We also want to acquire private lands within the Dark Gulch complex and BLM is supportive.

Mike Long- he has heard that costs are and aren't a consideration in the designs.

Ed Solbos said we need to focus on what is the action. The issue is not what is the size of the project? The TMC can't make a decision on whether these things will work. The decision is whether or not to proceed with the design we have and put it out to bid. Working on this for a year for designs and costs. The HVT has fully participated in the process. In the absence of a motion at the September TMC meeting, the Executive Director moved ahead with the project. 45 day review period closed yesterday. The proposed action is what is being done, Alternative 1 is what the HVT is proposing and would allow gravel processing at the site later on. We'll need gravel forever and we can go back in the future. We could create a hole from gravel processing and then use that hole to create fish habitat. Must complete designs in February to get this contract awarded this summer.

Nothing that is being done is going to have anything to do with precluding a future project. It also tests some new techniques. This project wasn't envisioned in the ROD. A big side channel across the point wasn't part of the original ROD.

Mike Orcutt asked how you would explain the Vitzhum Gulch in the ROD to notch the bars, rather than remove them?

If it needs a new bridge, it'll take 3 years to get it done. The new bridge would have to be completed before the work is done, plus there would need to be another private bridge to access the private lands in the middle of the project area. This project is less sure that it will make flooding issues better for the private landowners. It would be extremely complex.

We're so worried about the accounting for projects that we might make some big mistakes. We need a common understanding for AEAM of future projects. We don't have a mechanism to decide how to proceed if a project doesn't succeed. They assumed that 25% of the sites might have to be redone and it was included in the HR 2733 cost analysis. There have been some projects constructed that weren't in the ROD (such as the hatchery). Water, gravel and rehab sites determine what needs to be done.

Brian Person said that Joe Riess touched on all of these issues in September, plus Joe also talked about the “large project” and it would be counter to making good habitat. Ed- if you do a side channel, it might make it more difficult for gravel to route through.

Brian Person - to what extent was funding a limitation for this project?

Ed Solbos - it doesn't, except when they are looking at contract amount awards.

Mike Long - one of the comments he has heard is that it would take too much of the budget due to fiscal constraints.

Doug - when they submit the program of work each year for this group to approve, the staff has to make an estimate of costs, then the TMC approves the budget to accomplish it. That puts cost sideboards on the project. If the 2012 window is no longer a concern, then it changes the cost estimate.

Ed Solbos – we have \$2 million/year for a construction project, but it doesn't mean we are constrained by it. It doesn't constrain the decision making process because of it due to the fact that there is discretion in the amount spent on construction (do more on less sites, for instance). There was concern that nuking the entire site isn't the best way to make habitat, based on fish surveys in the completed Hocker Flat project whereby fish don't utilize it. The notch at AU is to avoid stranding of juvenile fish, create edge habitat, and large woody debris ready to go into the river. However, we don't know what's going to happen in the long run.

Mike Orcutt – HV Tribal council takes program seriously and impacts/benefits to fish. The redirection of water from the ROD to other things might happen if justification for the water and habitat it creates isn't documented. If the TMC doesn't take an action today, the HVT will take action to make its concerns known. He would have folks take a look at the Reclamation Commissioner's testimony on HR 2733. The position of Interior is that money is adequate and we are moving forward with that. There are major missing elements in the science program.

The Vitzhum Gulch project is straightforward. The controlled releases won't take out the trees- it's been proven.

Brian Person - Reclamation has stated support for the program in testimony on HR 2733. If the 47 sites don't do what we think they will do, we'll adjust to do what we need to do- it may require additional NEPA. Nobody is proposing to reduce flows. If “go big” was the answer and we could address the time and funding, the next increment of money viewed through the lens of urgency to create habitat, would the next increment be best spent here on another site? The cost in terms of time and money is to get habitat.

Ed Solbos - his opinion is it's true to get the most sites on the ground, but it need not be either/or. You could also look at the big project under NEPA now for later.

Mike Orcutt said that in the past, Reclamation has de-funded the TRRP, so there are no guarantees that we might not get cut in funding.

Robert Franklin said Ed works hard and is industrious. He's pushing ahead to get jobs done. HVT doesn't rest on accounting in terms of number of sites. The focus is on the job at hand to get a quadrupling of habitat for chinook juveniles in 40 miles of river.

Dave Hillemeier said he agreed with the HVT on the need to create the maximum amount of habitat. Dark Gulch Phase I, then state that we'd do more analysis for Phase 2. Would Phase 1 implementation prevent Phase 2 implementation and it wouldn't be a waste of money.

Motion by Mike Orcutt, second by Irma Lagomarsino "To meet the intentions of the 2000 Record of Decision, and to address goals of the Restoration Program, the R-3 DG Alternative 1 design shall be implemented at Dark Gulch. Dark Gulch is one of the few areas along the river where large-scale development of rearing habitat for Chinook salmon is possible."

Larry Hansen asked if this would be the proposed action for now. Would it require a new series of specifications and design? Will it be implemented or not?

Tom Stokely- doesn't want to see the project delayed. Would like to see proposed action implemented, then to concurrently evaluate the larger project with BLM, the new Bucktail Bridge and acquisition of the private lands in the Master EIR/EA.

Doug - BLM does participate and the TRRP has paid them several thousands of dollars in fees to process this. BLM's participation isn't a deal killer.

Ed Solbos - the motion pulls everything out of the spec regarding Dark Gulch (do the Lewiston projects), then we start a new process to look at this new alternative and we proceed with it. It's a big deal.

Doug- if we do that, we'll be down \$500-700k that we can't obligate this year.

Brian Person- one of the concerns would be to increase the stage discharge relationship and put the bridge and homes at risk. It would be 3 years to redesign? Ed- Yes, it depends on how fast you want this done. You look at geomorphology, bridges, etc. and get somebody to put a bid on a design. It could be a \$6 million project when done.

Whitridge needs more information on if there is any harm to a long term project while proceeding with the proposed action? Will BOR say it's done when it's not done? Will they ask for more funding if we need more?

Mike Long said he's not sure anybody can make an iron clad guarantee? Arnold Whitridge - can't even get an assurance that they would ask for money if it's needed? They might ask, but there is no guarantee that it will be made available.

Arnold Whitridge - on the other hand, DOI has come up with the concept that \$7-8 million is needed, and he hears that the Commissioner hasn't heard that more is needed, but then they won't ask for it. He'd like to hear that we'll do what we can now and we'll do more later, if necessary.

Ed- our biggest issue is that people think we are going too fast, but then we are asking for more money to implement faster.

Stokely- the precedent to re-do older channel rehab projects is set – the Jim Smith project has been re-done. Secondly we jeopardize our funding if we can't spend it this year. We will have a hard time spending the additional \$3 million, but can move ahead with studies on buying the private lands, redoing the Bucktail Bridge and other aspects of the larger project.

Mike Berry- agrees with Stokely, we would have to redesign the whole thing. DFG's position is go small as proposed and revisit if we need to reprioritize later.

Doug- agrees with Stokely the perception that we are making progress needs to continue. We also have a \$500k grant from DFG for this project that would be turned back to the state.

Hillemeier wants to proceed now, but still study the larger project for future implementation.

Irma wants to proceed with proposed action, but move ahead with the larger project soon. She asked if the motion makers would accept a motion change.

Agree to evaluate private property issues, FEMA/flooding issues.

The r-3 DG design would be evaluated over the next year and implemented if feasible.

Orcutt agrees with the intent of the motion amendment. He's not sure of the time frame. Ed had said 3 years to evaluate and design. He thinks that's too long. How would it be accomplished?

Ed clarified that it would be 3 years to construction, including a year of feasibility actions

Brian- phase 1 is complete the proposed action, phase 2 is an RFP to evaluate feasibility study of all aspects. Phase 3 is a chance to understand the results of that study and see if it's feasible.

Stokely said this needs to be done because the Bucktail Bridge is likely to need replacement after a few extremely wet years where the abutments are going to be undermined. It should have been replaced originally, but hindsight is 20/20.

Orcutt withdrew his motion.

Summary- complete proposed action, prepare feasibility study.

Motion by Dave Hillemeier, second by Larry Hansen to proceed with the current proposed alternative at Dark Gulch (Phase 1), and at the same time proceed with an analysis of R-3 DG alternative 1, and if feasible implement all 3 phases as soon as possible, with the expectation that all 3 phases would occur no later than federal fiscal year 2010. **Motion Fails – 3 yes, 5 no**

Brian wanted to get the timing in relation to the remaining 8 projects.

Doug- we don't want to hold up the master EIR/EA for the remaining 8. What would be the best way to get NEPA/CEQA compliance? It might be a stand alone environmental assessment.

He may vote no on the motion, but the intent is good.

There was a general discussion about not including a date for completion of a project that hasn't been evaluated and hasn't been determined feasible because it may be Predecisional. We need to keep our options open for budget issues in future years.

Ed Solbos said that this R-3 DF alternative 1 would cost \$6-7 million.

Consensus to move forward with feasibility study to do a larger project. Issue of contention is to see if it should be implemented later on.

Hillemeier moved to make same motion to implement as soon as possible.

Proceed with the current proposed alternative at Dark Gulch, and at the same time proceed with an feasibility analysis of R-3 DG alternative 1, and if feasible implement as soon as possible, based on TMC priorities.

Hillemeier- yes

Irma- yes

Sharon- yes

Larry- yes

Brian- yes

Orcutt- yes

Mike Long- yes

Stokely- yes

Motion Passes 7-1.

Proposed DFG Sport Fishing Regulations for 2008 - Larry Hanson

Larry Hansen distributed a list of draft fishing regulations that will go before the State Fish and Game Commission to adopt in May.

He went through the various regulatory changes.

Tabular format

Spring vs fall run chinook management

Steelhead bag limits and possession in Trinity River to increase

South Fork Trinity River steelhead fishery to be consolidated to align all SFT nov 1 thru March 31 due to allowing fishing in headwater systems that have spring chinook during May through Nov 1 and summer steelhead, encouraging a catch and release fishery isn't the best thing to do with water temps high with low flows.

Dave Hillemeier asked about spring chinook? Larry- salmon punch cards will pay for spring chinook creel harvest studies. Hillemeier said it's fantastic to monitor the spring chinook fishery.

Mike wanted to deal with the 2008 budget update next. TAMWG recommendation and harvest goals issue would potentially be next.

FY2008 Budget Update - Doug Schleusner (*Review new information (additional \$3 million in Restoration Fund)*)

Doug explained the additional funding issue paper. Brian Person said that OMB would not try to take this money away, but it does require regional approval. Mike Finnegan will be acting Regional Director for 10 days.

There was a general discussion of funding.

Mike Orcutt- this is an example of how the San Joaquin bill would redirect money from the Trinity River.

Byron Leydecker said the San Joaquin bill wasn't passed due to paygo issues. He doesn't agree that the San Joaquin legislation will impact the Trinity funding- this is a one time issue because the SJR legislation wasn't passed.

General discussion of doing more work at the AU bar at Vitzhum Grade. Ed said it couldn't be done in 2008 due to designs and NEPA/CEQA coverage.

Discussion of watersheds, walk down table; habitat assessment and how to use this funding.

Stokely said watershed work group and watershed council will meet later this month. We should have a list of prioritized projects by the end of the month to fund whatever amount.

Weseloh- it's important to spend this money on on the ground restoration project. He thanked Doug and Brian and their staffs for putting this together.

Consider a motion to consider construction projects. Can we revisit sites after the fact.

Motion to confirm that channel rehabilitation sites can be (?)

Mike Long- noted and confirmed with Brian Person that additional funds can be put into other monitoring/TMAG projects. Brian affirmed it.

Doug- the issue of a feasibility study for Dark Gulch wasn't considered in this, but it can be.

He also said concurrence on where we are headed would help us get this funding obligated. We need to do it in the next 2 months.

Hillemeier- what is the bathymetric study? Doug- the high flows, winter storms and rehab projects, the configuration of the channel has changed and we'd like to monitor it.

Brock- USFS would like a 5 year watershed agreement to "hit the ground running" and have an opportunity to fund additional work with year- end funds, if available.

Discussion of Tribal AFA's and funding for channel rehab design.

Whitridge – no questions, but would guess that TAMWG would like to fund watersheds at great than \$350k. It might also be nice to budget for the Dark Gulch analysis project.

Stokely- how to proceed?

Doug- will give TAMWG opportunity to input; will accept comments from other TMC members over the next several weeks. His office will also look at flexibility in budgeting. Habitat assessment, G2G with Tribes. January 31 is a cutoff date. Comments are therefore due by the end of the month. Need to have revised CVPIA RF work plan by the end of the month.

The TMC will have a conference call from 8 am to 10 am on Friday January 25 to discuss the 2008 budget and use of the additional funding.

Motion by Larry Hansen, second by Tom Stokely, the TMC reserves the right to evaluate sites post-rehabilitation, and to recommend use of program funding in the future to make modifications, if determined necessary. **Motion passes unanimously- no objections.**

Response to TAMWG Recommendations - Mike Long (*Review and develop responses to letters dated 6/19/07 and 9/24/07*)

Arnold Whitridge went over the recommendations: BLM membership; majority voting rules; TMC member financial conflicts of interest.

Doug- TAMWG chair as TMC member? Arnold Whitridge - yes.

It was agreed that the TAMWG chair could participate in TMC meetings as a non-voting participant. Doug- it wasn't specified in the ROD or the TMC bylaws for a non-voting ex-officio member.

Motion by Brian Person, second by Tom Stokely that the TMC include the TAMWG chair or his designee as a non-voting TMC participant in all TMC functions. **Motion passes unanimously.**

No objections by anybody at the table.

Motion by Stokely, second by Larry Hansen to add BLM as a TMC member. **Motion fails.**

Vote:

Hillemeier- no

Irma- yes

Brock- yes

Hansen- yes

Orcutt- no

Person- yes

Stokely- yes

Mike Orcutt clarified that adding a member requires a unanimous vote.

Discussion- one was requesting funding for a BLM position. Doug- the participation by BLM is not dependent on funding.

Doug- the area manager decided not to continue funding for BLM, it wasn't his decision as Executive Director. The BLM also currently receives funding to review and process permits for projects, but it's not as substantial as TMC members' participation.

Brian Person said that the ultimatum approach was "offputting". It diluted the substance of the message.

Mike Orcutt said he isn't comfortable with adding a new federal agency member to the TMC. There are other federal or state agencies that might want to be represented. He wants strong reasoning for this.

Dave Hillemeier said there are 2 tribes, county, the state and 4 federal agencies. He is concerned about having a 3rd DOI agency on the TMC.

Bill Brock deferred to Sharon Heywood.

Doug said for the record that BLM has been working well with us in a responsible fashion in review of documents and processing of permits. 50-75% of the projects involve BLM land or access thru BLM lands. They have wild and scenic river corridor responsibilities. These are some reasons why they want to be considered for membership in the TMC.

Doug added that BLM has been paid for permit processing fees. Brandt and Ed have been working with BLM to determine if the funding provided actually covers the costs that are incurred in that work.

Dave Hillemeier said providing BLM with additional funding is one issue, but adding them to the TMC isn't so favored with him.

Mike Long will write a letter to BLM and to more fully integrate them into the program. He can also mention that TRRP staff is having discussions with BLM staff to consider additional funding to process permits on BLM lands.

Stokely made a motion for the TMC to change its bylaws to require a simple majority to pass motions by the TMC.

Irma seconded it for discussion purposes.

Brian- the letter back to the Board said it would be premature now to do so.

Stokely said that the letter also said that nobody had made a motion for the TMC to change its voting rules, so he is making that motion now to rectify that. He also said that the county doesn't think that the roles and responsibilities issue can be resolved until the voting rules are changed.

No comments from other TMC members or TAMWG chair.

Brock- no

Irma- no

Hillemeier- no

Orcutt-no

Hansen- yes

Stokely- yes

Long- no

Person – no

Mike Long- Will address it as part of roles and responsibilities

Financial interest in decision making.

Mike Orcutt made the observation that we are going to be financially neutral. He doesn't know how you can do it. The 2 major agencies responsible for implementation are USFWS and BOR- they both have stable funding, but when the Tribe asks for that kind of stability, it's met with a firestorm of controversy. He doesn't know how to divest ourselves from that.

Arnold Whitridge said it's very bothersome to many that people are voting on funding on their own funding projects. There should be capacity building for the various TMC members.

Tom Weseloh said he serves on several panels and has received ethics training. If he voted the way that TMC members do on their own projects, he would be fined and/or imprisoned. He wasn't implying that

anything illegal is being done (because there are different rules). Voting on specific line items is of concern.

Mike Long said that he and Brian Person are charged with being the Interior Secretary's representatives, his voting on a project such as rotary screw traps isn't a conflict of interest.

Tom Weseloh said he thinks if a particular agency abstains, a good decision can still come out of the vote.

Mike Orcutt said there are potential conflicts of interest with harvest mgmt activities and other things. Completion of the IAP will help identify potential conflicts.

Brian Person- the purpose of the TRRP office is to solely do river restoration. He doesn't know if he should participate in all or none of the votes.

Doug responded to a comment by Tom Weseloh. What level of detail does this body get into when it makes budget decisions? That will feed into other decisions, especially in 2010 and afterwards. He doesn't think a line by line approval of the budget will be necessary at that time. We can talk about schedules, tradeoffs, etc. Similar to the Dark Gulch discussion today.

How should the TMC provide direction and oversight to the TRRP?

Dave Hillemeier, Irma Lagomarsino and Bill Brock- no comment.

No motion. Mike Long suggested that Arnold Whitridge have the TAMWG take another look at this, but to provide more detail on the request. Tom Weseloh suggested a letter to TAMWG acknowledging the issue/problem and how to solve it.

The issue of responding to the SAB came up. It is another advisory group created by the ROD and it mutually reinforces roles. If they take the time to make a review, we owe them the courtesy of a response. Byron said the TAMWG wanted a response to this issue.

Mike Long said he responded to the TAMWG's list of concerns, the question is whether he responded adequately.

Arnold Whitridge said the TAMWG wondered if the TMC fully considered the response.

Mike Long said he sends out his draft responses to the TMC before sending them back to the TAMWG and SAB.

Policy Question 1B(2) - Numeric Harvest Goals – Mike Long (*Decide if TRRP should have numeric goals, and if so, how to quantify*)

Mike Long and Larry Hansen said they would like more time to discuss this issue and also talk internally with their own folks about it.

Brian Person added that he would like more time to review the Solicitor's informal opinion.

Stokely feels we need numeric harvest goals, but we have to take a look at the escapement goals first. He wants a qualitative harvest goals, not quantitative.

Irma- she's not ready to discuss this item now, but would like more information on why we need this. What would the implications be of having these kind of goals? She is willing to sit down and discuss this.

Brock- he's gunshy to deal with numeric harvest goals because we have had escapement goals for a long time that we haven't met. He wants to move forward at some point.

Whitridge- TAMWG had a long discussion of this issue. The members didn't feel they had all the information they wanted at that time to make a recommendation. They wanted to see Solicitor's Opinions and more information. Tim Hayden relayed the qualitative position of the Yurok Tribe.

Mike Orcutt said he wanted people to look at the documents that have been produced so far, and they will also provide more information on methodologies. His understanding is that the Solicitor's Opinion isn't forthcoming. For good or bad, the pre-project escapement goals in the 1983 EIR, the TRFE and the ROD represent the best available science to this date. He doesn't hear anybody jumping up and down to revisit those numbers. They need to see something better to change those numbers. We need the dialogue and may need to meet individually with the various entities and they will float a potential motion on this issue in the period between now and the March meeting.

Arnold Whitridge- the TAMWG wants something to measure progress by, what it is remains to be seen, but it may be harvest goals.

Larry Hansen- recommends that we adjourn.

Remaining is 2010 budget process, hatchery kiosk design, IAP update,

Doug- 2010 budget process, not much to report and can share electronically

IAP not much to report

Hatchery Kiosk design- there is a handout.

Fisheries Update could be covered with a verbal report.

The IAP was discussed briefly. There are concerns that it may take too much staff time, so it needs to be done ASAP. Perfection isn't necessary.

Fishery update- will make conservation objective this year. Numbers are preliminary, but may go up. Larry Hansen distributed a DRAFT sheet on that. However, the count on jacks is almost nonexistent, we have 4 known age 2 chinook at TRH, we may have 16 jacks at the hatchery this year. Next year's 3 year olds will probably "be ugly."

Next TMC will be held the March 19-20 in Arcata- spring release schedule, budget issues, numeric harvest goals.

Meeting adjourned at 4:43