

## **Trinity Management Council Minutes Summary**

**Date:** Thursday, December 9th, 2004

**Location:** Turtle Bay Museum, Redding

**TMC Members Present:** : **TMC Members Present:** Chairman Mike Ryan, USBR; Mike Long, USFWS; Sharon Heywood, USFS, Irma Lagomarsino, NOAA Fisheries; Mike Orcutt, HVT; Dave Hillemeier, Yurok Tribe; Tom Stokely (for Ralph Modine), Trinity County; Neil Manji, State of California.

**Others:** : Doug Schleusner, BOR TRRP; Bill Brock, USFS; Ed Solbos, Robert Sullivan, Joe Riess, Rod Wittler, BOR TRRP; Kristine Karas & Dave Sabo, BOR Klamath Project Office; Joshua Allen, Trinity County Natural Resources; George Kautsky, HVT; Arnold Whitridge, TAMWG Chair; Serge Birk, CVP Water Assn/TAMWG Member; Rich Lorenz, River Resident/TAMWG Member; Joe Polos, USFWS; Curtis Anderson, CDWR; John Bair, McBain and Trush; Harry Rectenwald, CDFG

**Call to Order:** 8:40 am.

**Introduction:** Agreed to approve minutes on Friday from past meetings.

**Open Forum:** No comments from the public at this time

**TMC Chair Report:** Mike Ryan, no action

**TAMWG Chair Report:** Arnold Whitridge, no action

**Director's Report:** Doug Schleusner, no action

**Agenda change:** Update on Klamath Operations and Conservation Improvement Program (CIP) was moved to 10:45am, and the TAMWG interactions to the 1:30 pm slot. The TMC will move the science framework from Friday to after lunch today, Thursday.

### **Information Item: Update on Klamath Water Operations and Conservation Implementation Plan (CIP)**

Dave Sabo and Christine, BOR Klamath Project Office

No action

### **Action Item: Ways to Improve TMC – TAMWG Interactions**

Arnold Whitridge

#### **Actions:**

Mike Long agreed to look into paying travel expenses for TAMWG members for non-TAMWG meetings, and other unanswered questions posed by the TAMWG to the previous DFO.

Motion by Irma for the TMC (second by Stokely) to:

- 1) Officially respond to TAMWG written recommendations with written responses
- 2) To the extent practicable, provide the TAMWG with timely information on TMC agendas and appropriate backup information for development of TAMWG agendas
- 3) To reserve a place on TMC meeting agenda for the TAMWG to provide recommendations on each TMC action item.

- 4) For the TMC to request that the new DFO respond to TAMWG questions about reimbursement of expenses to attend various meetings and workshops, and other FACA processes and procedures.

Approved unanimously

**Action Item: Integrated Critical Path (RIG/TMAG) for April 2005 Releases (8500 cfs)**

Solbos said that for the 11,000 cfs flow, Indian Cr. is the biggest problem area. TRRP is looking at 1 mile up and down-stream of Indian Creek for possible channel rehab work.

TMC members expressed general support for the two critical path time frames.

**Action Item: Channel Rehab Site Revegetation Design Philosophy Using Hocker Flat as an Example**

Action:

Neil Manji made a motion, which was seconded by Irma, to agree in concept with the revegetation philosophy, to allow the TRRP to continue design of revegetation under this prototype, with the caveat that monitoring of Hocker Flat will guide revegetation following the AEAM philosophy for the next sites, in conjunction with creation of a dynamic fluvial river.

Friendly amendment by Kautsky that dynamic fluvial river is part of the revegetation philosophy (accepted).

Unanimous approval

*Motion by Hillemeier to adjourn the meeting, it was seconded by Manji. There was unanimous approval to adjourn the TMC meeting.*

**Meeting adjourned at 5:45 pm**

**Meeting reconvened**

**Date:** Thursday, December 10th, 2004

**Location:** Turtle Bay Museum, Redding

**TMC Members Present:** Chairman Mike Ryan, *Bureau of Reclamation*; Mike Long, *USFWS*; Sharon Heywood, *USFS*; Dave Hillemeier, *Yurok Tribe*; George Kautsky for Mike Orcutt, *HVT*; Tom Stokely (for Ralph Modine), *Trinity County*; Neil Manji, *State of California*.

**TMC Members Absent:** Irma Lagomarsino, *NOAA Fisheries*

**Others Present:** Doug Schleusner, Executive Director *TRRP*; Harry Rectenwald, *DFG*; Keith Marine, *North State Resources*; Loren Everest, *USFS*; Sherry Chilcote, *USFS*; Rod Wittler, *TRRP Staff*; Curtis Anderson, *DWR*; Joyce Anderson and Mike Mitchell, *USFS*; Paul Uncapher, *North State Resources*; Dana Hord, *TAMWG Member*; 2 unknown persons; John Schmidt & Robin Kramholz, *Canyon Creek Residents*

**Introduction: Approval of Past TMC Minutes**

Motion to adopt minutes as corrected amended, clarified by Stokely, second by Kautsky.  
Motion approved; one abstention by Mike Long because he wasn't at the meetings.

**Action Item: NEPA/CEQA and Permit Compliance Strategy**

Stokely made a motion, and was seconded by Heywood for the following items:

- As early as possible next week, place a call to NCRWQCB the week of Dec 13 by TRRP, TC, DWR, and DFG. DFG and DWR will work the issue within State agencies concurrently.
- During the first week of January, need to send first written request letter to NCRWQCB on or about Jan 4, to affirm if it has acceptance.
- Please give formal response on or about Jan 15, file appeal by Jan 15 or thereabouts.

Unanimous approval.

Motion by Sharon Heywood, seconded by Manji to adopt the following recommendations:

- Poker Bar: CE/CE
- Yellow house none
- Channel rehab, site specific EA/EIR's

Unanimous approval

**Information Item: Canyon Creek Gold Mining EIS: Status and Ways to Participate in the Process-** No Action

**Information Item: Spring Chinook Egg Viability Thermal Study**

No Action

**Information Item: Fall Update on Fish Returns, Hatchery Operations**

No Action

**Information Item: Summary of Science Framework Workshop 1 and Next Steps**

No Action

**Action Item: Coastal Salmon Recovery Program: Grant Process and Strategy for New Proposals**

*General discussion of appropriate agencies to apply for these grants.*

Stokely suggested that TCRCD and Trinity County are the best applicants

**Regular Business: Open Forum:** Comments from the public

There were none at this time.

**Regular Business: Calendars**

Next meeting tentatively scheduled for March at Weaverville.

- 4/8: Official determination
- 4/12: Flow scheduling work group (with earlier ones as well)
- 4/13: TAMWG
- 4/14-15: TMC
  - Flows
  - NEPA/CEQA
  - Grants
  - Have presentations on 14<sup>th</sup>
  - Take action on the 15<sup>th</sup> in Weaverville; science framework; principles meeting in May
- 4/18-19 – final adjustments
- 4/20- final TMC conference call, if necessary
- 4/22-25 start ramping up flows, definitely by the 28<sup>th</sup>

Safety and calibration issues will be important for an 8500 cfs flow

Motion made to adjourn by Stokely, seconded by Long.

Motion was approved unanimously.

**The meeting was adjourned at 2:30pm.**

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**TMC Members Present:** Chairman Mike Ryan, USBR; Mike Long, *USFWS*; Sharon Heywood, *USFS*, Irma Lagomarsino, *NOAA Fisheries*; Mike Orcutt, *HVT*; Dave Hillemeier, *Yurok Tribe*; Tom Stokely (for Ralph Modine), *Trinity County*; Neil Manji, *State of California*.

**Others:** Doug Schleusner, *BOR TRRP*; Bill Brock, *USFS*; Ed Solbos, Robert Sullivan, Joe Riess, Rod Wittler, *BOR TRRP*; Kristine Karas & Dave Sabo, *BOR Klamath Project Office*; Joshua Allen, *Trinity County Natural Resources*; George Kautsky, *HVT*; Arnold Whitridge, *TAMWG Chair*; Serge Birk, *CVP Water Assn/TAMWG Member*; Rich Lorenz, *River Resident/TAMWG Member*; Joe Polos, *USFWS*; Curtis Anderson, *CDWR*; John Bair, *McBain and Trush*; Harry Rectenwald, *CDFG*

**Call to Order:** at 8:40 am.

**Agenda:** It was agreed to approve past minutes on Friday the 10<sup>th</sup>.

**Open Forum:** No comments from the public at this time

**TMC Chair Report:** Mike Ryan reported that most federal appropriations bills have been passed in an Omnibus Bill (except perhaps Defense and Homeland Security). Under-financing and rescission are processes that may impact the budget. The rescission number was so high he thought it was a typo. 10.3% for Resource Management. He can't remember it being so high for BOR. Now that they know what the budget is, the region will develop the operating budget for 2005. It is too early to tell what impact is. Sometimes cuts are specific to programs, other times they are across the board cuts. He thinks the TRRP budget "A30" and CVPIA Restoration Fund budgets are \$6 million and \$1 million, respectively, and \$1.8 million for USFWS. It is too soon to know, but stay tuned. He is looking forward to catching up with everybody at this meeting.

**TAMWG Chair Report:** Whitridge reported that the institutional organization has fallen into disarray; there was no TAMWG meeting because the notice was not posted in the Federal Register. The nomination package was sitting on a desk in Sacramento and has now gone to Arcata. Nobody has seen the new charter. The group is in unsatisfactory condition and they have been unable to meet. The new charter may say old members can serve until new appointments are made. Some old members may have already moved on and are unavailable for a meeting. They hope to meet again prior to next TMC meeting when spring flows will be considered.

The meeting schedule is April 12 or 13 for TAMWG; April 14 or 15 for TMC. High flows might begin April 22.

Mike Ryan: We need to make a flow recommendation by April 15. There may be a possibility to get early numbers in about snowpack beginning the 3<sup>rd</sup> week of January. He committed to get the number out early this year. It may help be better prepared.

Dave Hillemeier asked if the new Charter had been signed?

They are just waiting for nominations. Mike Long reported that the Arcata office is working on the nomination package. The draft went to DC, but came back with an additional information request. Vina Frye is working on it, but it maybe 2 months after it gets to DC.

Whitridge said it would be good to have the TAMWG members designated so that there is time to schedule a meeting and give everybody has enough notice. If people feel it's not working, then they may resort to grumbling, fighting, or litigating. Members had to be nominated by a group, currently there are only 16 applicants. Nobody knows what USFWS will recommend and who the Interior Secretary will select.

*There was a general discussion of the process to renew the TAMWG charter and appoint new members. Individuals can nominate themselves, but organizations were asked to nominate members. The nomination deadline was in September.*

Serge Birk stated that the expiration of the charter could have been anticipated far in advance and should not have lapsed. There could have been more participation. For the TAMWG members who went to the science workshop in October, it would have been better to have them attend as TAMWG members, not just public members. They are inquiring to the Secretary regarding the Charter. There was a response that the Charter had been renewed, and it would allow old members to remain until new appointments were seated. The cancellation of the meeting yesterday could have been avoided. He hopes somebody will find out if they can meet with the existing members in January or February.

Mike Long committed to a follow up to allow the TAMWG to meet soon. Birk said Byron Leydecker suggested that potential new members should be invited to come and see what it's like.

Hillemeier suggested that in the future planning the timeline in advance would have a more seamless transition for the next charter and appointments. Mike Long agreed to take it on.

Sharon Heywood said that they have allowed some of their FACA groups to meet, but they can't make recommendations/decisions if they are not chartered or appointed.

Serge pointed out that the charter is signed and membership exists, albeit not the "new" members. They need to meet soon to help to schedule this summer's flows.

Mike Long agreed to schedule a TAMWG meeting ASAP. He publicly apologized for the notice not getting into the Federal Register.

Mike Ryan suggested having CVP operations personnel come in and explain the forecasting methodology.

**Director's Report:** Doug Schleusner introduced their newest employee, Dr. Nina Hemphill as their new fishery biologist. She is still residing in Georgia, but will be moving to Weaverville in January.

Schleusner pointed out he covered the last 2 quarters in his written report which goes back to July 1. Please refer to the written report.

Schleusner hopes to mail out responses to the TMC Program Review next week. He will identify activities already implemented and underway. As a related topic, at the September meeting, there was a proposal to have TMC members and the Flow Study authors to meet. Those that met were Curtis Anderson, Doug Schleusner, Ed Solbos, Rod Wittler, Tom Weseloh, & Joe Polos on November 29.

The first topic was a strategic plan. There was broad agreement that a plan like that is needed. Specifically they looked at what pieces of the puzzle are missing and how they can design the strategic plan. They drew up a preliminary outline, staying broad, not doing anything new, build on what is existing. They will meet monthly, and not let it sit on a shelf and gather dust.

In regards to the Supplemental EIS/EIR, the 9<sup>th</sup> Circuit rulings of July 13 and November 5 were good for Trinity River issues. There still are opportunities for plaintiffs to appeal the 9<sup>th</sup> Circuit decision to the Supreme Court.

Lagomarsino wondered what the remaining balance is for the CH2Mhill contract. Mike Ryan said the contract was still valid, a stop work order had been put into place, but it's not being expended. Once the appeals are completed, funds would be deobligated; though he's not sure of it as of yet.

On July 27, the TMC approved \$3 million for the 1<sup>st</sup> quarter projects, and it was put into the September 30<sup>th</sup> budget package. The budget is now down to \$10.8 million projected at this time. A decision was made to get a percentage reduction across the board (7%) to get the budget balanced.

Work is progressing on financial assistance agreements.

Scott Crawford now has funding authority for \$50,000 which will go to \$100,000 soon. He is actually ahead of last year in terms of process.

New positions filled; Joe Riess, as a civil engineer, who left CH2Mhill. Denise Wiltse is the other civil engineer from Shasta Dam.

The other position is TMAG Branch Chief. Rod has been on detail for 3 months. He is very pleased that Rod's work is moving ahead in a positive way. Doug values TMC member recommendations on how to proceed with this. Rod's assignment will go through April and the

beginning of higher flows, but will expire soon after that. He would like thoughts on what the next step is for TMAG Branch Chief.

The GSA is processing paperwork for office expansion. Should have permits in early January, with completion by April.

The website should be up and running soon. Internal website available through ESSA and North State Resources (NSR). There is an effort to move forward with items that shouldn't require content review such as agendas, minutes, a calendar, etc for the website.

*There was a general discussion about upgrading the kiosk at the Lewiston Hatchery. Exhibits are old and need upgrading. Serge suggested using a new enamel display that will last forever.*

Ed Solbos gave a report on the activities of the RIG. The bridge projects are moving along well. In Salt Flat the placement of the steel trusses is happening today and tomorrow with multiple giant cranes, shortly the deck will be installed. By February 18<sup>th</sup> the bridge should be open to traffic.

The gravel introduction project is gaining momentum. The NEPA lead is the USFS, who is overseeing the introduction of 6,000 cubic yards of gravel below the hatchery. Greg Pasternak from UC Davis has modeled the habitat. Gravel can't just be dumped in, it needs to be carefully placed so as to not negatively impact the fishery, but enhance them. Gravels will move downstream during higher flows. If this project works well, then it will probably be done every 5 years or so.

Channel rehabilitation sites are going well. The Hocker Flat NEPA/CEQA documents are done. We are moving ahead with plans for other sites. There is a desire to have a piece of river not manipulated as a control section. There is lots of work evaluating Bucktail, and several sites near Indian Cr. which are a priority due to flooding issues in the area; the effort is to try to reduce flooding impacts to homes in that area.

Neil Manji asked if input from the fisheries scientists is needed or desired. Ed Solbos said yes, but it needs to be timely. The Hocker Flat design is done, but there is lots of work on other projects, though we can also modify contracts if necessary.

Irma noted the criticism of the TMC as a Board of Directors for not being as active in guidance of the program. She asked for a tracking system to see if the program is meeting expectations.

Doug said the first effort at that is forthcoming on the agenda is the critical path for 8500 cfs releases.

Irma wanted this on the next agenda. The TMC would function better with tools to track program progress.

Mike Ryan stated that it may end up being a standing agenda item.



## **Reorganization of Agenda**

Mike Ryan said Dave Sabo would like to be moved on the agenda from 1:30 to 10:45 am due to prior commitments.

*General discussion of agenda.*

Update on Klamath Operations and Conservation Improvement Program (CIP) was moved to 10:45am, and the TAMWG interactions to the 1:30 pm slot. The TMC will move the science framework from Friday to after lunch today, Thursday.

### **Information Item: Update on Klamath Water Operations and Conservation Implementation Plan (CIP)**

Dave Sabo, BOR      Christine Karas, BOR  
(Possible action based on presentation/discussion)

- Stress on basin-wide restoration effort
- Purposes of CIP
- Restore ecosystem, contribute to tribal trust responsibilities, and allow for sustainable use of water
- Entire Klamath basin

Basics: Reclamation's role is to facilitate the development of basin-wide process; the CIP will be designed, governed, and carried out by the participants. It is not a Reclamation program or process; there are many existing groups doing great work in the basin; these groups can benefit from a basin-wide coordination process, resources allocation, and improved communication through the CIP. The CIP will strive to avoid duplication of effort and reinventing the wheel by working with and through the existing groups.

Need for Action: Actions are needed now along with continued planning and research. Focus should general be on improving communication, and starting or sustaining the program. This should increase cooperation. There is a need to define baseline data. Backbone activities must be generally acceptable.

Considering workshops on water quality to see what's going on, and if there are gaps or overlaps.

There is a need to:

- Start up a list server
- Electronic clearinghouse for data and reports
- Make maps available

What is the available funding for the program?

Funding is in the Klamath Falls office of BOR to keep the program moving.

If we can get progress in the program, this will help build trust.

Christine Karas said that failure is not an option

Irma noted that this action is required under NMFS BO for coho. One of the purposes is to identify other sources of water.

Dave Sabo said the entire Klamath basin has been pushing hard for restoration. Coordination is important, but funding is just as important. A high priority for the current Administration is the Klamath. Cabinet level members are watching it closely.

Neil Manji: Regarding failure not being an option. Who considers it a success and from whose viewpoint?

Christine Karas said the next deadline for comments is Jan 16. A new draft of the CIP will be out in February.

Sabo said there is no intention of taking away existing authorities, don't feel threatened- they are trying to strengthen existing groups and to get everybody to work together.

Serge asked how the CIP will help Trinity River stakeholders? The Trinity program has had to use its water and funding to mitigate for problems created by the Klamath Project, cause and effect due to mismanagement.

Karas said she has heard that there is a disproportionate amount of the burden for Klamath River problems from Trinity interests. They feel the same way about the Klamath Project bearing the burden for basin-wide problems. There is need for coordination in river operations. All parties need to sit down together and work collectively to get flows in the river that we need. A coordinated river operations committee is one proposal.

Sharon Heywood asked what role do the Oregon watershed councils play? Karas said that there is some funding going to that group and the Hatfield Working Group.

Hillemeier: The Yurok Tribe has been skeptical. He has heard BOR staff admitting that there is an over-allocation of water in the basin. He supports looking at those issues.

The Klamath River Compact Commission has spearheaded the "Chadwick Meetings" to get folks working together to talk to each other.

Mike Long: Klamath Falls (upper basin issues), Yreka (Shasta/Scott Rivers) and Arcata need river flow studies. John Engbring is the supervisor for all 3 offices.

Irma: Part of Yreka's office mandate is the Klamath River Restoration Program Act. The statute expires in October, 2006. The CIP may replace or supplement it.

Dave Sabo gave an overview of the Klamath Project with illustrations of preproject and current conditions. The draining of the marshes around Upper Klamath Lake lost the storage areas around the lake. The water runs through and it is lost during the spring periods now. Formerly, it was stored in the marshes, and slowly made its way back to the streambed where it supplemented normal river flow.

The Nature Conservancy and other groups are purchasing land in the historical marsh areas, and finishing an EIS to return about 10,000 acres to the Klamath Lake. BOR acquired Agency Lake Ranch, which is approximately 7,000 acres, is proposing to return land to the lake; though there is the possibility of flooding other property, so they are trying to purchase it or lease it. BLM acquired Wood River Ranch in the late 1990's as part of their management plan which would have gone to the lake, but instead diked and sectioned it off.

If we can return those marshes, then we can get pre-project conditions. There is no carryover storage available in Klamath. The BOR project was basically for drainage, not storage. In dry years the lake doesn't fill and suffers a lack of water all the way down the Klamath River. It is compounded being that there is an over-appropriation of the water, not due to just the Klamath Project, but also features above Upper KL. NRCS finished a Rapid Assessment of the entire upper Klamath Basin. They came up with about 500,000 acres irrigated above Iron Gate Dam. Only 80,000 acres from the Klamath Project. Most of it is above Upper KL.

Sabo thinks that water banking isn't a long term solution. They need something else to solve the problem. The water bank is trying to comply with NOAA's BO by groundwater pumping or land fallowing. NOAA Fisheries long-term flow objectives in the BO are being met by this water bank. 100k AF of water is the target for the water bank this year. NOAA Fisheries flows are primarily spring releases.

Serge expressed concerns about the additional flow releases on the Trinity in excess of the Trinity ROD flows. There is a cost to the CVP from doing that. Many are asking why they are paying for that water.

Karas: The Klamath Project feels the same way being that roughly \$6 million a year is for the water bank. Downstream flows along with lake levels is a lot to deal with. Expanding the Upper Klamath Lake may increase storage of water and increased habitat for suckers.

Sabo reported that BOR is working with their Denver Technical Services Center to develop a new water operations model. The Upper Klamath Lake is 280,000 AF short of being full. He discussed how he got through last summer's low inflow conditions. He is unsure if they will meet the 100,000 AF water bank.

Sabo suggested a longer dialogue at a future meeting to see what we can do with the resources we have, and considering the adjudication is ongoing for at least another 4 years.

If you idle the land, you don't get it up front; you get it as it accrues. Can they provide high spring flows if there isn't water in Upper Klamath Lake? May not meet storage levels in the Upper Klamath Lake if high spring flows are provided.

Irma: The Trinity River is now being asked to provide flows that were never envisioned. She doesn't think it will be necessary every year, especially during wetter years.

Sabo: We are getting better data now, so it should help some. However, a scientist named Mott in Washington State has been doing studies on climatic changes in the Cascades focusing on increasing temperatures and drastically changing precipitation patterns. There are more water shortages on the Klamath in the last 15 years than ever before. Need to think about a gradual warming and drying trend and how to deal with it.

Mike Orcutt suggested formalizing the Klamath-Trinity operations group all the time, and soon for all life stages of fish.

Christine Karas said that for instance, the CIP could help with the Trinity River's Science Framework process.

Hillemeier said demand reduction is necessary. Sabo agreed, but said that other things also need to be done and that Klamath Project demand reduction cannot accomplish it alone. Need to look at Shasta and Scott Rivers, FERC relicensing, etc. to do it all.

Sabo said they will have report soon from USGS on demand reduction.

Klamath Project water contracts are in perpetuity, are not renewable, so there isn't an opportunity to change the water allocations. There are contracts with districts, some with individuals.

*General discussion of more coordination and its benefits.*

**Action Item: Ways to Improve TMC – TAMWG Interactions**

Mike Ryan (Identify tasks, make assignments)

1.) Mike Ryan said that this was one of the items in the TMC Subcommittee Report that was found needing improvement.

Whitridge said that some of the TAMWG members feel improvement is needed in terms of being listened to. When TAMWG makes a recommendation, a response from the TMC is important. The TAMWG puts lots of time into concepts and wording. It's discouraging when they don't get a response and lose the link with the TMC, there is no feedback loop. If and when TAMWG provides something in writing, the TMC should respond back in writing. There are usually one or two recommendations per TAMWG meeting.

Neil Manji suggested that Mike Ryan and Doug get together to figure out what needs responses from the TMC to the TAMWG. Mike Ryan agreed to review the TAMWG letters, determine the essence of the TMC's feelings, share a draft with the TMC, and sign formal correspondence.

Arnold clarified that he doesn't want a painstaking record of who said what and when. The most important thing is going forward and having a good dialogue in the future. He doesn't feel it's important to go over the historical record. Neil said the TMC should be held accountable and be responsive. There needs to be a process through the minutes or something to respond adequately. Some may not require a formal response.

Serge said that the TMC responses aren't getting back into the TAMWG environment. Development of the TAMWG agendas is something that the members would like a more active role in. It is also unclear whose role is what, i.e.: USFWS vs. the Executive Director. If the TAMWG were better informed, they could anticipate potential water year scenarios and eliminate a lot of the last minute uncertainties to get buy in from stakeholders.

Stokely said that another way to improve participation is to reimburse TAMWG members, alternates, and technical representatives for various meetings other than TAMWG meetings themselves. He found that the Klamath River Task Force's Technical Work Group gets paid for their meetings. He said it is not unreasonable to provide some level of funding for TAMWG members, their alternates and technical representatives.

Serge said this is an issue that was never responded to. This is something that the Designated Federal Official (DFO) should be looking into. Arnold said that Mary Ellen Mueller as the former DFO, was asked a number of questions regarding this and other things, but the TAMWG never heard back.

[Mike Long agreed to look into paying travel expenses for TAMWG members for non-TAMWG meetings, and other unanswered questions posed by the TAMWG to the previous DFO.](#)

Arnold said the best method of the TAMWG communicating with the TMC is to send formal correspondence. Formal communication is best.

Neil noted that the TMC minutes (if timely) could help clarify the TMC's position. Arnold noted that a formal motion would be useful.

Serge said he hasn't received a return phone call or e-mail from the previous DFO over the past 2 years.

Irma said that if decisions can be formal or informal, they should be formal. She suggested formal responses to the TAMWG from the TMC.

*General discussion about coordination of the TAMWG agendas (they must be approved by the DFO), and how much (or how little) say the TAMWG has in the agenda development.*

Orcutt would like to see TAMWG records on floodway easements, etc. and better communication between the TMC and TAMWG. Hillemeier suggested the TAMWG see the TMC agenda ahead of time, and also give the TAMWG an opportunity to make recommendations at the TMC meeting itself.

Doug noted that Arnold always contacts Doug prior to the TMC meetings so that the TAMWG can develop their own agenda and recommendations. The logistics are difficult because the federal register notice must go out at least 6 weeks prior to the meeting.

Neil asked what the action is here.

Serge: Get more plugged into TMC agendas for TAMWG meetings and official responses to respond to the TAMWG officially. Also to get an answer on whether they can get travel expenses to attend meetings.

Orcutt, some of the concerns relate to the DFO, right? Serge: Yes and it should include coordination with the TMC. Orcutt, DFO does not speak for the TMC unless directed by the TMC.

Mike Long: Should clarify the difference in roles between the TMC Chair and the DFO and the TAMWG Chair.

Ryan: Action package is correspondence. We desire to have formal correspondence from TAMWG to TMC to be sure there is a response.

[It was agreed to respond in writing in the future.](#)

Arnold said the TAMWG will speak its mind on issues if its issues aren't addressed.

2.) Need to get the agenda for TAMWG developed in enough advance to list in the federal register for TAMWG.

Hillemeier: Get handouts for meeting presentations/agenda items. Need a placeholder for TAMWG recommendations.

Ryan: For action items, leave a placeholder so TAMWG can provide advice to the TMC, since the TAMWG usually meets prior to the TMC.

Doug said he tries to get TAMWG agenda items as soon as possible, but sometimes they don't get done until a few hours before the TMC meeting. Though he admits that doing so may not always be practical.

For action purpose agenda items or topics, the TMC should ask TAMWG for advice, and then open it up for discussion among TMC members.

3.) DFO stuff for him/her to figure out, such as travel reimbursement determinations.

Rod wanted to know the rules in regards to inviting TAMWG members to meetings.

Orcutt: How does a TMC member tag the agenda for certain items? The value of TAMWG is if there is a burning issue, he is unaware of how to get it on the agenda.

Ryan: How does the TMC member get an item on the agenda if a TMC member says he/she wants something on the agenda? Also, Doug sends out drafts for comments via e-mail. Others outside of the TMC should be comfortable with putting items on the Agenda. He also thinks that Trinity County should help put things on the agenda because many of the constituents are located within the County.

Serge: He always assumed that the DFO was a member of the TMC.

Arnold said its by happenstance. How does the DFO view their role as it relates to the TMC?

Mike Long said there are 2 separate roles. If it's a DFO issue, he would deal with it as DFO. If it's a TMC issue, then the DFO would bring it to the attention of the TMC.

Hillemeier: DFO is the "FACA cop", such as determining how money can be used to pay for travel expenses. However, TMC is the entity to determine if funding is available (& if it's legal).

**Adjourned for Lunch from 1 pm to 2 pm.**

Motion by Irma for the TMC (second by Stokely) to:

- 5) Officially respond to TAMWG written recommendations with written responses
- 6) To the extent practicable, provide the TAMWG with timely information on TMC agendas and appropriate backup information for development of TAMWG agendas
- 7) To reserve a place on TMC meeting agenda for the TAMWG to provide recommendations on each TMC action item.
- 8) For the TMC to request that the new DFO respond to TAMWG questions about reimbursement of expenses to attend various meetings and workshops, and other FACA processes and procedures.

Approved unanimously

**Action Item: Integrated Critical Path (RIG/TMAG) for April 2005 Releases (8500 cfs)**

Ed Solbos, RIG          Rod Wittler, TMAG

(Status report; validate/modify objectives; time schedule)

Ed Solbos noted that the time frame shown in the GANTT chart is for the floodplain relocation work. It will help to identify the projects and implement them.

Modeling the river flows has been done for 11,000 cfs, now pursuing modeling for 8,500 cfs. Gives vertical elevation of flows, then these elevations can be drawn on a contour map. The ultimate elevation is 11,000 cfs release from the dam plus 100-year tributary inflows. Now the program is looking at 8,500 cfs dam releases, plus a 10-year tributary flood in May.

There will only be dam releases of 8,500 cfs if it's a wet or extremely wet water year.

Cross-sections, roughness, and hydrology go into the HEC-RAS model for determination of elevations. LIDAR will give us underwater topography (bathymetry). LIDAR will replace cross sections, once it has been verified by tested field surveys, and be more precise than X-Sections. The Expectation is for approximately 1 cm precision.

#### Flow Issues

- Models are only accurate to about 6 inches.
- Interior Solicitor's Opinion is forthcoming on these issues.
- Key issue is to identify realty strategy from the Solicitor's Opinion.
- Worst problem is the Little Yellow House for 8,500 cfs.
- Flowage Easements: whether or not have to have all of them done or can have interim progress.
- Would like to have time when flows go up to carefully monitor them for potential of damages.
- Flows in 1997 were higher at Indian Cr. than the 11,000 cfs plus 100-year tributary inflows.

Solbos said that for the 11,000 cfs flow, Indian Cr. is the biggest problem area. TRRP is looking at 1 mile up and down-stream of Indian Creek for possible channel rehab work. Looking at sediment modeling and channel manipulation to reduce flood risks. Other areas affected by 11,000 cfs are being deferred until the 8,500 cfs problem areas are dealt with.

The expectation is to have 8500 cfs this spring (2005) and 11,000 cfs in spring 2006.

*General discussion regarding Indian Creek sediment inputs, and its relationship to aggradations in the mainstem of the Trinity River.*

Stokely mentioned issues related to Trinity Co. flood insurance rate maps (FIRM's), specifically that new 100-year floodplain studies were needed because the river channel has aggraded and filled in with vegetation since the previous flood study in 1975.

Rod Wittler gave a presentation on the baseline scientific tasks that necessary prior to a scheduled flow release.

Rod: "All models are wrong, though some are useful."

RST= rotary screw traps.

Need to do all these things or be ready to do them by 4/22/05.

*General discussion of critical paths.*

Ryan: Is Solicitor Jim Monroe working with other agencies such as DWR, DFG, Trinity Co. on the flowage easement issues? We need to know whether or not this is the appropriate legal path to take, but we can't until the Solicitor's Opinion is completed.



*General discussion of sending letter to Regional Solicitor Dan Shellito asking how to get this Solicitor's Opinion on floodplain issues completed soon.*

Action: TMC members expressed general support for the two critical path time frames.

**Action Item: Channel Rehab Site Revegetation Design Philosophy Using Hocker Flat as an Example** (Validate/modify objectives; costs) Robert Sullivan, TMAG

Robert gave a PowerPoint presentation on revegetation philosophy. 90% of the BEST quality juvenile rearing habitat for both fall and spring run chinook is in vegetated areas, according to Thom Hardy.

The upland terrace being expanded for flows to move as widely as they can to allow juvenile rearing.

The effort is to try to restore habitat for wildlife species that existed in abundance prior to the construction of the dam. Not actively pursuing creation of habitat for specific wildlife species except yellow-legged frogs and turtles.

*General discussion of revegetation philosophy and natural regeneration, which gives us multiple age classes of various plant species.*

Neil Manji noted that the revegetation is beyond what permitting requirements are.

Affirmation of approach was requested of the TMC.

There was lots of discussion.

Neil Manji made a motion, which was seconded by Irma, to agree in concept with the revegetation philosophy, to allow the TRRP to continue design of revegetation under this prototype, with the caveat that monitoring of Hocker Flat will guide revegetation following the AEAM philosophy for the next sites, in conjunction with creation of a dynamic fluvial river.

Friendly amendment by Kautsky that dynamic fluvial river is part of the revegetation philosophy (accepted).

Unanimous approval

*Motion by Hill to adjourn the meeting, it was seconded by Manji. There was unanimous approval to adjourn the TMC meeting.*

**Meeting adjourned at 5:45 pm**

## **Trinity Management Council Minutes**

**Date:** Thursday, December 10th, 2004

**Location:** Turtle Bay Museum, Redding

**TMC Members Present:** Chairman Mike Ryan, *Bureau of Reclamation*; Mike Long, *USFWS*; Sharon Heywood, *USFS*; Dave Hillemeier, *Yurok Tribe*; George Kautsky for Mike Orcutt, *HVT*; Tom Stokely (for Ralph Modine), *Trinity County*; Neil Manji, *State of California*.

**Absent:** Irma Lagomarsino, *NOAA Fisheries*

**Others Present:** Doug Schleusner, Executive Director *TRRP*; Harry Rectenwald, *DFG*; Keith Marine, *North State Resources*; Loren Everest, *USFS*; Sherry Chilcoat, *USFS*; Rod Wittler, *TRRP Staff*; Curtis Anderson, *DWR*; Joyce Anderson and Mike Mitchell, *USFS*; Paul Uncapher, *North State Resources*; Dana Hord, *TAMWG Member*; 2 unknown persons; John Schmidt & Robin Krambholz, *Canyon Creek Residents*

### **Introduction: Approval of Past TMC Minutes**

There were various amendments to the minutes of June 29-30 and August 20. The minutes of 7/27/04 and 8/2/04 were not changed. Tom Stokely will issue final approved minutes for the record.

Motion to adopt minutes as corrected amended, by Stokely, second by Kautsky.

Motion approved; one abstention- Mike Long because he wasn't at the meetings.

Doug pointed out that the TMC Minutes are to be distributed within 30 days. Need a validated version.

Stokely will provide an updated final version to Doug ASAP.

Sharon would like to discuss the Canyon Creek mine issue before 11 am.

### **Action Item: NEPA/CEQA and Permit Compliance Strategy**

(Status report; validate/modify proposed process)

Tom Stokely, Trinity County

Doug Schleusner, ED

Doug said this was a follow-up to the request by the TMC at its last meeting to expedite permitting for projects. It's more of a NEPA/CEQA issue than permitting itself. He gave a PowerPoint presentation and summarized the handout at the meeting.

He said there were no shortcuts in doing a quality job. However, we need to know the difference between defensible vs. bullet proof documents.

Stokely noted costs are going down due to experience and use of existing environmental documents as a template for future ones. Many false starts with the bridges EA/EIR resulted in cost overruns. Trinity County was sued, but the plaintiff withdrew. There is no need for State approval for flow releases, but Trinity County may go to SWRCB in future for water permit amendments, but not now.

There was a suggestion to consider supporting the North Coast Regional Water Quality Control Board (NCRWQCB) as the CEQA lead agency.

Curtis Anderson said DWR's attorneys think Trinity Co. might be designated as the CEQA lead agency. Stokely said Trinity Co. didn't think so because Trinity Co. can't issue permits for projects on public lands. The NCRWQCB will be issuing a permit for each and every project, regardless of ownership and Trinity County thinks that agency is the most appropriate CEQA lead agency.

Harry Rectenwald said that the Department of Fish and Game's position is that there is no authority for a Streambed Alteration Agreement (1602) for projects with federal money or on federal lands.

Neil Manji asked why not DWR as the CEQA lead agency?

Curtis Anderson said that Hocker Flat and other projects do not require discretionary approvals/permits by DWR. Resources Agency might be signatory, but DWR is contributing money, which is an integral part of the project.

Stokely made a motion, and was seconded by Heywood for the following items:

- As early as possible next week, place a call to NCRWQCB the week of Dec 13 by TRRP, TC, DWR, and DFG. DFG and DWR will work the issue within State agencies concurrently.
- During the first week of January, need to send first written request letter to NCRWQCB on or about Jan 4, to affirm if it has accepted CEQA lead agency status.
- Please give formal response on or about Jan 15, file appeal by Jan 15 or thereabouts.

Unanimous approval.

Motion by Sharon Heywood, seconded by Manji to adopt the following recommendations for environmental review:

- Poker Bar: Categorical Exemption/Categorical Exclusion
- Little Yellow House- none necessary
- Channel rehab, site specific EA/EIR's

Unanimous approval.

**Information Item: Canyon Creek Gold Mining EIS: Status and Ways to Participate in the Process**  
(Possible action based on presentation/discussion)

Joyce Andersen, USFS

Sherry Chilkoot and Mike Mitchell were also present from the USFS.

Joyce Anderson gave a PowerPoint presentation on the project. It is an unpatented mining claim within the Shasta-Trinity NF, currently there is a moratorium on patenting mining claims.

Master Petroleum has claims to the site which is 9 miles north of Junction City, adjacent to wilderness area, and plans to mine 22 acres as an open pit mine. The time frame for the claim project is 5-25 years. Estimated that 1.4 million tons of gold bearing placer gravels will be mined and displaced.

There is no way to say no to processing the application, but conditional use can be applied to the site. The majority of comments are opposed to the project. Comments are made via voicemail on a dedicated phone line, internet e-mail, and written queries. There have been hundreds of comments made.

The mine is not in wilderness area, 2.2 miles from Canyon Creek Trailhead, and ¼ to ½ mile from the wilderness boundary.

Water will be withdrawn from Big East Fork of Canyon Creek using 190,000 gallons per day. This will reduce Canyon Creek flow by 3.5%. Big East Fork makes up 15% of Canyon Creek's flow.

Wetting material for processing and infiltration into ponds. They could line ponds. Currently the Lower Canyon Creek temperature is at 70 degrees during the summer; diversion of the tributary's water may affect temperatures, which in turn may affect summer steelhead, spring chinook, coho, etc. which are present in the stream. Water would be incorporated into the existing project.

Setbacks are less than riparian reserve under President's Forest Plan, which are planned to be 80-200 foot setbacks.

Asking for more funds from Regional Office to process the application. There are concerns with previous chemicals (i.e.: mercury) being released from previous mining operations.

**Comment from public members:** There are concerns with naturally occurring and historic chemicals being released into the watershed from the mining operation. They summarized a letter from DFG regarding steelhead spawning in the Big East Fork of Canyon Creek. Although the test pit is 1 acre, 2 acres of trees have been cut.

How far do they have to reclaim the site? Answer: The Reclamation Plan is in the Plan of Operations. Bonding is part of teeth behind reclamation requirements.

Mike Mitchell: The size of the bond is based on the level of activities.

Question from public member about cutting of old-growth trees on the site.

Joyce Anderson said that part of the impacts is that the project is in a Late Successional Reserve, and suitable habitat is being removed. A biologist is looking at impacts that are “likely to adversely affect” the environment for the project.

Public member: The test pit approval is based on Categorical Exclusion, I disagree with the approval.

Joyce: The issue went to court and the judge decided it wasn't a problem.

Public Member: The court didn't look at all the evidence; on top of that, Gloria Marshal from Master Petroleum allegedly falsely claimed she was assaulted twice by Canyon Creek Coalition members.

Mike Ryan: Is the claimants activity on private ground part of consideration in this decision?  
Joyce: Yes, we looked at cumulative effects from lessons learned on the private grounds.

Do the applicants pay fees that cover the costs of processing the application or the Surface Mining and Reclamation Act (SMARA) compliance? Answer: No.

Will Trinity County have to get involved in permitting? Yes, as the CEQA lead agency.

It was noted that they can't issue permits w/o county approvals under SMARA.

A public member asked if “catastrophic bonding” will be provided in case there is mercury present (through massive soil disturbance) and it is released to the environment.  
Joyce: We are still evaluating it.

Public members questioned the ability to restrict sediment from being released into the stream.

Joyce noted that two letters were received in support of the project, and were very general in nature. All of the other letters/comments were overwhelmingly against the mine.

Loren Everest said there has not been an analysis done in regards to water withdrawal. He doesn't see how removing water will improve temperature conditions within the creek.

A test pit will be dug next spring.

Mike Mitchell: The clearing for test pit #2 is 1.1 acres according to GPS and GIS.

Mike Ryan: We may want the TRRP office to send letter and/or have TMC take a position on DEIS when it comes out.

## **Information Item: Spring Chinook Egg Viability Thermal Study**

Keith Marine, NSR

### Objectives:

- Examine Over-summering spring chinook in regards to the effects of temperature, such as egg viability.
- Verify temperature mortality schedules used in SALMOD-Trinity
- Refine flow management for temps.

Using adult holding tanks at Trinity River Hatchery.

Temperature evaluation selected based on NCRWQCB temp criteria. 50° - 62° this year, 64° next year for eggs.

50° - 72° for pre-spawning adults. Daily average should only fluctuate 2° - 3° above and below the range of 58° - 62°.

Full intention to be open with results to the public and do full peer review.

Fish Energy Flow: Done through the use of a Respirometer which looks at oxygen consumption which relates that data to energy consumption of the fish. Not subjecting fish to exercise, some current exists, though.

Harry pointed out that much more mortality will show up as the life stages progress.

Doug asked Keith to show up today because there were several questions about this project at the last TMC meeting when the budget was being discussed for data on temperature mortality cohorts for SALMOD. Stokely added that it also has regulatory implications because of the existing 60° and 56° State temperature standards.

Kautsky noted that SALMOD doesn't differentiate between spring/fall chinook salmon. He is supportive of the study.

The Collection of adults is where? Not sure, want to get them downstream as far as possible before they get stressed. Transport to lab and hold through entire pre-spawn maturation period. They would like to capture them near the estuary salt wedge.

Eggs were taken from hatchery fish and it was assumed that temps were fairly consistent.

Hillemeier noted that it is a real challenge to hold adult fish that long.

Keith Marine: Attempting to design a system to do the best that has been done. Would like to take radio tagged fish from the wild and use them in subsequent embryo studies. The archival temperature tag will be most important to get data on conditions for the wild fish and then to see how their eggs develop.

## **Information Item: Fall Update on Fish Returns, Hatchery Operations**

Neil Manji, DFG

Neil stated that the information presented to here is extremely preliminary information. He does not have handouts until the numbers are more solid, which should be in a month or so. Grilse numbers are subject to change through age composition investigations (22" is the standard size cutoff). 98,600 adults predicted to return. 75-80,000 might be the actual final tally (76k now). Need to include Klamath and Trinity tributary data. About 18,000-20,000 fish under the projection.

32,000 fish harvested by the Tribes and in-river sport fishermen.

Hatchery returns are 23,000 fish, about 33% of run. Trinity River Hatchery (TRH) fall chinook returns are above the 27 year average. 12,000 adults. Iron Gate Hatchery (IGH) is below average, but about same as Trinity.

35,000 adult fall Chinook is the baseline for spawner escapement and will not be met. Probably more like 21,000 to 23,000 spawning fish. Trinity has 10k fish, the Klamath is similar. There may be implications for harvest management. Maybe there will be a reduction in the angling season next year.

Natural escapement + hatchery escapement + harvest = the inriver run size. If add ocean harvest = ocean abundance (less predatory losses).

The Klamath side seems to be impacted the most this year being that 3,067 fish made it upstream this year. Usually one of largest tributaries, the Shasta River, had 978 returning fish; the average is about 5,500 fish. Scott River has the lowest runs on record since 1978 with 500-600 fish, usually that tributary averages 5,500 fish. The Salmon River had 564 spawners, the lowest on record; it usually averages about 2800 fish. These numbers are based on carcass, redd, and live fish surveys.

Trinity River is below average, but not as bad as other Klamath tribs. 90% of fish passing through the Willow Creek weir are hatchery fish. It appears that a lot of hatchery fish are spawning in the wild. Everybody should be concerned about the low number of natural fish returning and high numbers of hatchery fish. There were around 2,000 natural fish this year.

- TRH 12,270; 16%
- IGH 10,567; 13.8%
- Trinity Natural 10,591; 13.8%
- Klamath Nats 10,622; 13.9%
- Harvest 32,465; 42.4%

Spring Chinook runs are slightly below average with about 10,500 spawners. The average is 15,000. Last year there were 45,000. Returning spring and fall runs are down. The Trinity was probably hit hardest by 2002 fish kill based on regression analyses of spring chinook.

The Mega-Table will be done in early January. Numbers are preliminary until next year.

Mike Ryan: ESA consultation for CVP has language about Trinity River Hatchery – it's time that we take a look at the hatchery operation in terms of where we want to be with recovery for coho.

**Information Item: Summary of Science Framework Workshop 1 and Next Steps**

(Possible action based on presentation/discussion)

Rod Wittler

Rod Wittler gave a PowerPoint presentation on the October Science Framework.

Important from an outside perspective looking in for the scientific basis for the TRRP.

Have had fish subgroup meet to define and finish 1<sup>st</sup> step of framework.

Communicating process for developing rigorous monitoring plans related to the program hypothesis.

Meetings in early January to begin the adaptive process for annual flow scheduling process.

Have a draft of all 3 steps by March 2005 at the next ESSA workshop, then annual flow recommendation in April.

Mike Ryan: All are feeling budget stresses this year. There will not likely be Reclamation money for the purchase of water for late summer flows this year.

Harry Rectenwald said that based on his experience in the last few days, the monitoring went well for each part of the hydrograph in the ROD.

**Action Item: Coastal Salmon Recovery Program: Grant Process and Strategy for New Proposals**

(Identify tasks, make assignments)

Doug Schleusner

Neil Manji

Doug gave a PowerPoint presentation that he developed with Harry and Neil Manji.

Whose programs are eligible, ready, and most competitive to apply for these grants? Urban streams program is not available to federal agencies. EPA Wetlands isn't available to federal agencies either.

Focus on implementation on the ground.

- Mainstem: Emphasize spring run chinook,
- County/RCD: Tributaries- emphasize coho
- Find matching: Hamilton pond, dredging, rehab site revegetation.



*General discussion of appropriate agencies to apply for these grants.*

Stokely suggested that TCRCD and Trinity County are the best applicants for the Department of Fish and Game's grant program funds.

Doug suggested having staff work on these grants with various entities to consider who should apply for these funds and what projects.

Kautsky: Core obligations of TRRP are concerns of HVT. Request needs to be made to the feds so budgets are adequate to fund the program. Every year we get to a list of projects that can't be funded. HVT is in support of building appropriate federal budget requests 3 years into the future to adequately fund the TRRP.

Mike Ryan said that the Implementation Plan and ROD call for a variety of funding sources, so this is true to the Program. It's all good stuff to do.

Hillemeier recommended developing a funding proposal for the rehab sites for the next funding series.

Doug: For Lewiston 11 and Lewiston 8, there is \$2.7 million for site rehabilitation in fiscal year 2006. The budget deferred \$1.5 million from 2005 into 2006.

Mike Long: Fund a grant writer to help obtain funds and research funding issues.

Mike Ryan: It helps get appropriations to show other funds being contributed.

Stokely will commit to work with the TRRP office on this and provide an update no later than the next TMC meeting.

### **Other Items Not on The Agenda, General Discussion:**

Mike Ryan suggested getting a bunch of principles together to go over TRRP issues so when we bump up against policy issues & funding, we will be prepared which would be good.

[The TMC agreed it would be a good idea.](#)

There was a general discussion of a dedication of the bridges.

- 1<sup>st</sup> bridge opening is Feb 18 (besides Bucktail).
- Flows begin in April
- May 14 is scheduled for 8500 cfs.
- Week of May 16 is the week to go to high flows.
- Increasing visibility will increase support.

### **Regular Business: Open Forum:** Comments from the public

There were none at this time.

## **Regular Business: Calendars**

Confirm next meeting date and location

Next meeting tentatively scheduled for March at Weaverville.

- 4/8: Official determination
- 4/12: Flow scheduling work group (with earlier ones as well)
- 4/13: TAMWG
- 4/14-15: TMC
  - Flows
  - NEPA/CEQA
  - Grants
  - Have presentations on 14<sup>th</sup>
  - Take action on the 15<sup>th</sup> in Weaverville; science framework; principles meeting in May
- 4/18-19 – final adjustments to flows
- 4/20- final TMC conference call, if necessary
- 4/22-25 start ramping up flows, definitely by the 28<sup>th</sup>

Safety and calibration issues will be important for an 8500 cfs flow

Mike Ryan is unavailable through April 8.

Motion made to adjourn by Stokely, seconded by Long.  
Motion was approved unanimously.

**The meeting was adjourned at 2:30pm.**