

Draft Klamath Task Force Minutes
Best Western Miner's Inn - Yreka, California
February 20-21, 1997

1. Convene.

Hall: Welcome to Don Russell (representing Klamath County), Ron Reed (representing the Karuk Tribe), and Joan Smith as a new member of the Task Force (TF) from Siskiyou County. A quorum was present (Attachment 1).

2. Business.

A. Adoption of the agenda (Attachment 2)

Fletcher: I am proposing to just reverse the order of items 8 and 9.

Hall: Does anyone have any objection with that? Okay, we will do that.

B. Adoption of minutes from the October 10-11, 1996.

Fletcher: I would put a friendly amendment to adopt the minutes with one correction on page 11 in the sentence, I say "needs to be on the vote" should be changed to "needs to be on the boat".

****Motion carries to adopt minutes****

Wilkinson: On those minutes that we just adopted and approved, if you look on the header there, from the staff, attached are the draft minutes from the subject meeting in Brookings, Oregon, please review these draft minutes and get back to us with your comments preferably in writing by January 6th, 1997. Now this is a policy that we have had to deal with over the years. We have continually violated it and it is really unfair to not address that because that is your opportunity to, without contest, review the minutes.

Hall: That is a fair comment. We handed the staff an admonishment for minutes of the meetings not getting out on time and it taking us two meetings to get them. It appears in this case, they really jumped on them and got it done and we didn't do our job. So those admonishments have to go in both directions and I was guilty, too.

C. Review the non federal matches (Mike Rode).

Rode: The annual program funding for the TF must be matched by nonfederal sources to the tune of 50 percent annually. Since my involvement on the TF, these contributions have consisted entirely of the California Department of Fish and Game (CDFG) administered habitat restoration projects funded by state of California voter approved initiative bond acts such as Prop 70, Salmon Stamp Funding, Steelhead Catch Report Card funds. Those funding sources are quickly drying up. So what I am proposing is basically two things. One, that we start looking at additional

sources. We have got monies that we never apply to our in-kind match. Secondly, within the Department, there are a number of other in-kind matches that might qualify such as staff positions that are funded by nondedicated state funds that are directly applicable to the restoration process in the Klamath basin. I will develop it and perhaps at the June meeting, have a structured proposal that we might entertain. I would also then encourage soliciting some of the other local governments throughout the basin to provide feedback and projects that they might be involved with that might act as a match and perhaps have KRFWO act as the clearing house for that.

Bulfinch: That is an excellent suggestion. There is a lot going on in the in-kind work that we are not capturing now. For example, the Siskiyou County Board of Education's steelhead in the classroom program which uses our educational program has developed and they have agreed that they will submit a letter listing what they spend on that and offer it as an in-kind match. One other group that has not matched as yet is the Oregon Fish and Wildlife; they have not had the opportunity to participate in any matching funds. Some way of putting a procedure in place at the June meeting sounds worthwhile.

Wilkinson: I concur with my colleagues, Mr. Bulfinch and Mike Rode. It is incumbent upon us to get cracking on that.

Rode: I ask that the TF in spirit agree that expanding within-the-Department credits for other efforts that are ongoing right now as in-kind match. I could definitely develop some sort of a skeletal structure for the Department and would also volunteer to work on contacting other entities throughout the basin and formally request each year that they provide input on behalf of what they are doing.

Hall: It sounds like from the discussion this is sort of a two part. Does the TF or anybody on the TF have a problem with trying to extend that recognition to these other sources and then second, how do we find out what they are? I believe that was the context of your comments, Mr.

Bulfinch. Does anybody have any problems with that first? Recognizing these other contributions?

Orcutt: I don't necessarily disagree with it, but I would like to take a look at what he comes up with.

Rode: I would suggest that when we talk in June, we will have a pretty good picture as to just what kind of slant there is from federal to nonfederal funding; it could help us understand a little better what track we need to take.

Russell: We live in tight times so, I am suggesting keep a keen focus in the future on the programs that we do get involved in and stay focused on the real important ones.

Rode: I think this would be an appropriate exercise for all of us to get a better understanding of exactly what is going on in the basin to have it in front of us to see where funding services are coming from and exactly what we are doing out there.

Hall: The Chair accepts your volunteerism on putting this together and making these inquiries for the next meeting then and we thank you.

D. Bureau of Reclamation (BOR) funding for 97-FP-08, Juvenile Emigration Monitoring.

Halstead: This is the out migrant study that fell in the middle of the cutoff for the funding for this year and the rest will be picked up by the BOR as part of their contribution. We will continue with the out migrant monitoring at our Big Bar trap on the Klamath River.

Orcutt: One of the things we have been trying to do on the Trinity for quite some time is to have a sit down with all of the agencies that are monitoring in the basin and critique everything, not just the out migrant trapping.

Wilkinson: I want to say there is a great deal of appreciation of the BOR for picking up that funding. The fact that funding is not secure for this information annually creates major turmoil in our budget. We need to jump start this and stay a year ahead because those of us that also have Council responsibilities have a great concern about the needs of some of this information.

Fletcher: One of our concerns is that there needs to be an overall detailed study plan about how the series of traps operating in the Klamath basin are going to operate together. It would be appropriate that the Technical Work Group (TWG) be apprised of what type of data is being collected and what are the objectives of those data collections.

Hall: Let's make sure we bring it up the next TCC meeting.

Fletcher: Okay, I will contact the Chairman.

Hall: It fits exactly with the commitment that we have all made to make sure that the activities in the basin are coordinated and if one TF committee or compact is taking the lead on something, we should be very willing followers instead of trying to invent our own path. I will ask that both our staff from the Arcata office as well as representation from the TWG work with the Trinity subcommittee for monitoring to try and make sure that we are actually doing things together.

E. Staff recommendation on better parliamentary procedures (Bingham).

Bingham: I don't have a lot to report at this point on this and I want to apologize for that. John Hamilton and I were to work together on that and due to the unfortunate illness and many other issues, we simply haven't accomplished that task. I do have a recommendation however which is that the TF consider the appointment of a parliamentarian who would be available to the Chair to make recommendations when there were issues of order and the Chair was uncertain as how to deal with them.

Hall: I agree that this is an odd fit because of the consensus process. You are so appointed, Mr. Bingham.

F. Appointment by the Chair of two representatives to the Upper Klamath Basin Working Group.

Hall: I have spoken with Mr. Wilkinson and he has in the spirit of cooperation and trying to get the job done, agreed to support my appointment of Mr. Fletcher and Mr. Rode to represent the TF at those meetings. I want to emphasize however that any TF member at any time is very welcome to attend those meetings and observe or have comments heard through our representatives. It is very important that the Hatfield work group understand the tribal trust issues of the downstream areas for their consideration and that is why it is important to have Mr. Fletcher.

Bingham: As far as the fishing industry is concerned, we feel very comfortable with Mr. Fletcher's representation since on most of the issues that will be before the Upper Basin, we believe that our interests will coincide.

G. Proposal to change the date and location of the next TF meeting (Lewis).

[see Agendum 28]

3. Brief review of last meeting actions/general correspondence.

Iverson: I will just leave it open for questions about the status of any action that someone might be interested in. The other piece of this agendum was the correspondence (Attachment 3, Handouts A-D) and there again, rather than review all of the correspondence, maybe just leave it open for questions that people might have or additional documents that you want to get entered into the stack of correspondence.

4. Brief status lake levels, flows, and forecast by BOR (Jim Bryant).

Bryant: As you are well aware, this has been a fairly wet year (Handout E). There have been some interesting things that have transpired in the basin that perhaps didn't quite happen the same way over in the other side of the hill. We were able to control the inflow that we got in those January storms, bypassing it through out system down to the Klamath River. It was necessary because of that high flow in the early part of January to bring Upper Klamath Lake up to a higher elevation than expected and then it was dropped back down again. Now we are in a process of gradually rebuilding the lake to what we consider full elevation probably sometime in March, April, May.

Fletcher: What were some of the peak flows that were experienced at Iron Gate Dam?

Bryant: Peak flows to past Iron Gate, I believe, hit 18,000. That was not as high as of course the '64-'65 flood.

Fletcher: We guesstimated that there was about 750,000 cubic feet per second flowing down at the mouth..

Bryant: We were lucky in the basin because during the initial part of that flooding, we had sufficient storage in Upper Klamath Lake and all our other reservoir systems to contain that peak and then that peak was knocked off and sustained then for another two to three weeks after the flows dropped off everywhere else.

Fletcher: Is that why there is ~ 120,000 acre feet difference with what you have now and your usable capacity?

Bryant: The prediction is for a certain amount of inflow over the next six months which is more than enough to refill the lake. So what they (Pacific Corp.) will try to do to provide for some safe storage levels to bring that reservoir up at a very predictable rate which they can do as long as the weather stays fairly stable. It is only when you have a high run off event that things go screwy and they cannot work it out. You will see some blips up and down depending upon freezing weather or rainfall or cloudy days or whatever but by in large, they will be able to manage that pretty accurately.

Russell: When Iron Gate was at 18,000, do you recall what Link River Dam was?

Bryant: At the maximum, Link River Dam was somewhere around 2,500 cfs. In other words very low and then Link River Dam increased later when our storage became too high to make some emergency releases. It was limited because of the topography above the dam. We could only get 6,500 cubic feet per second out of Link River Dam mid January. That is the maximum you can make for a release because of the channel.

Rode: Has there been any progress made in discussions with the irrigation districts as the potential use of excess water in Clear Lake?

Bryant: The '97 operations plan which will be developed over the next month and a half will include all phases of operations on the project. It may or may not include Clear Lake water or Gerber water but it will be an integrated plan looking at everything from agricultural use to where the water comes from. It will be awhile before we get anything but rest assured, you will have a copy of that and you will be able to comment on that.

Rode: I have got a second question regarding Clear Lake. You went from a flow of 470 cfs to shutting it down. What provisions have been made to avoid entrainment mortality of suckers out of Clear Lake?

Bryant: The release was started because of safety of dams concerned. We wanted to put a net in front of the dam obviously but we couldn't do that because the water was frozen behind the dam. It is not quite true that we shut it down. Yesterday, I shut it back down to 20 cubic feet per second. 20 cubic feet per second is sufficient to provide oxygen and habitat for any suckers that may have been trapped in the outlet tunnel. We plan to salvage those fish probably tomorrow or early next week depending upon weather conditions at the dam. Mark Buettner, our fisheries biologist, has indicated that the fish would do very well in there for up to 30 days because of the temperature of the water.

5. Brief update on 1996 fall chinook run, 1996 harvest, and projected ocean stock size (Bob McAllister, CDFG).

McAllister: In terms of the in river run, the number of adults were estimated around 174,600 this year with the jacks running in at about 12,000 for a total in-river run of about 186,000. (Handout F). Four year olds constituted a much higher percentage than average (about 78% of the run this year) so that was fairly significant.

Bulfinch: This year, we had for the first time in a while a significant ocean harvest and we should include the ocean harvest to see what the system is producing. It boils down into economics because we make people pay for it. I have done a little rough figuring here. For our million dollar investment last year, we had a return of roughly \$33,800,000 or \$3:1 on the taxpayers' dollars for the economy of the region. I think this is something that should be calculated in and understood because the public who we are asking to support this restoration needs to be shown that it is worth their support and their effort.

Fletcher: I don't want to get all excited about that number knowing that the natural fish number maybe inflated. We still have a ways to go in refining that.

Bingham: I would just like to try to fill in a few of the blanks here for everybody. These figures were presented to the KC the day before yesterday in Santa Rosa. I will just quickly contrast them with the projections for 1996 so that you understand what we are looking at and these comparisons are projections not actual results. The projection always comes out different than the actual results. The ocean population size for 1996 was predicted to be 244,000 for three year olds, 214,000 for four year olds for a total of 458,000. This coming year, the projection will be for age three 112,300, age four 43,100 for a total projected 155,400. The management implication of this that we will be managing this year to achieve the escapement floor of 35,000 natural spawning adults. We would not be able to achieve the harvest rate objective of a 33% escapement rate, therefore this will mean severe curtailment of the ocean harvest rate probably. The real challenge is that stock size on Sacramento chinook this coming year is projected to be 849,000. A very significant increase, so the real challenge will be how can we shape the ocean fisheries to target those stocks and yet to the extent possible avoid taking Klamath fish in order to provide the escapement floor and provide the in river fisheries adequate fish.

Bulfinch: Even with your curtailed harvests of last year, without the ocean fishery in here, we came out to 3 or 4 hundred thousand dollars more than what we spent on it. So we are making money as well as making fish. We have to translate that some because I am quite certain that the general public has no idea because they are not involved in the fishery business. We could be preserving blue birds or kangaroo rats or whatever because it is nice to do. But this is an important contribution to the culture, way of life, and economy of this entire area.

Hall: Look at all of the fish that are moving out of the rivers, out into the ocean and the low percentage of returning fish. The ocean question has been sort of avoided and we are going to have to get to it at some point because we are, the choir is doing all the contribution while the sinners are out having fun I think we need to be looking at that.

Fletcher: I would like to know who the sinners are that you are talking about? I know this is an issue that this group will have to grapple with in 1997 and the many years in the future so I guess what I am trying to say is there is a little bit of information that we are starting to develop and we need to heed that information and try to apply it prudently to our overall basin management.

6. Brief update on ecosystem restoration issues before Congress

A. Representative Wally Herger's office handout

Hall: Representatives from Wally Herger's office are not going to be here. KRFWO submitted a Flood/Storm damage report (Handout G). There is a short memo in the packet under agendum 6 that conveys his staff message/update on the flood damage (Handout H). We will read this and thank Mr. Herger or his staff for getting us this information.

B. Interior Appropriations Report for '97:

Hall: For the Fish and Wildlife Service in this region, we got a couple of million dollar increase for refuge operation, we got reduced about \$400,000 or so in endangered species, another reduction of about \$100 to 150,000 in our private lands and contaminants programs, those sorts of things, the TF funding stayed constant. They are still taking 8% off the top but the \$920,000 is still there. For '98, we don't know yet exactly how the split would be. The President's budget has gone over to Congress but it goes over as a whole agency's proposal so I don't know what cut this region would have or what portion of those increases there would be but there is a few million dollar increase request in endangered species, some increase request in watershed activities like hydropower and that sort of thing. I don't know yet how that would be divided if Congress were to approve it. Now over on the BOR side, the BOR has in its '98 budget request, the President has asked for \$143.3 million for the Central Valley Bay Delta operation. As many of you know, Proposition 204 was passed by the voters of California which is a \$966 million bond issue to improve, to clean water, work on the Bay Delta and sundry of other activities. On the federal side, there was an authorization bill passed and authorization simply means you are authorized to spend, doesn't give you money but it says if Congress is willing to appropriate the money, you are authorized to spend it for this purpose. An authorizing law was passed on the federal side for \$143 million dollars a year for '98, '99 and 2000 to help match and work with the State of California on those. The President has carried through his effort to try and meet that in '98 and with the assumption that we are getting that he is going to try to do it again in '99 and again in 2000.

7. Awards to private landowners and cooperators (Hall).

[Awards were presented to Rancher Don Meamber of the Shasta Valley and the French Creek Watershed Advisory Group. In addition, certificates will be sent to these people: Blair Hart, A.C. Marion, Norman Fiock, Bill Peters, Dale Kuck, John Ballestine, Butch Jones, Harold De Witt, Bruce Fiock, Peter Brucker, Ambrose McCaulif, and Brian Helsaple]

9. The status of the Klamath Flow Studies.

Flug (US Geological Survey): Please refer to Handout I, dated February 14th, 1997. The institutional analysis was presented in, I believe, May 1996, just about a year ago, in a draft form. The copy is available on our home page. On page 12 is a very brief summary of the status of the institutional analysis. No comments have been received to by Dr. Lamb on that document. His recommendation for improving the institutional analysis is with the LIAM exercise. There are two paragraphs on this page that briefly describe what he thinks the LIAM exercise would do for the TF. It is important is to differentiate the LIAM exercise from the institutional analysis report; to differentiate it from an IFIM or from any other terminology or from a scoping exercise. The four items he has itemized for the LIAM exercise would improve and enhance the institutional analysis. It would outline the potential strategies for increasing the effectiveness of the TF. He is really talking about communication, the policies that different people represent on the TF. Item three is increasing the opportunity for building trust among the parties, and item four is begin the process that could lead to a scoping of study needs, which I think is what you were just talking about when Mr. Rohde was up here. Again, the LIAM exercise is targeted for the TF; Dr. Lamb is willing to offer his service and the services of his staff but it would require that the travel costs be covered by the TF (Handout J). The decision to conduct the LIAM exercise resides with the TF; a cost estimate has been put together by KRFWO staff (Handout K).

Hall: Just so we can be thinking of this as you go through, what length of time would it take to go through this exercise with the TF?

Flug: He is talking two days. He stresses that everyone needs to participate in order for it to be successful. The LIAM actually has a computer model which has some gaming exercises that people would respond to questions and would help open up the communication. Again, that is a decision you have to make, whether that is the appropriate approach for this body. I know he has offered to provide the names of other people that have conducted this exercise, including some FWS offices. He puts an upper limit of 40 people from a practical purpose for the group because he says it should include more than strictly the TF members.

Fletcher: I do support providing assistance to help do an adequate scoping and identification of the problems that we are facing.

Flug: The LIAM exercise is very much different than the problem scoping. They are two different processes and they are both described on page 12.

Russell: Can you tell me what it means when an arbitrator assumes ultimate decision responsibility? How extensive is that? You mention FERC, are we suggesting here that we bring in an arbitrator?

Flug: This is one of the recommendations, an arbitrator is one approach. The key words here would be "unbiased in airing the facts". As you point out, he doesn't think this is going to work here. I think he is suggesting a different alternative than the arbitrator; that the TF do it itself. He is trying to make the point that what happens in a FERC process sometimes is an arbitrator is forced in and then you live with the results.

Hall: In practical terms, what will we get out of LIAM if this group puts two days in to a sit down to do that?

Flug: The LIAM would start you on the technical scoping part. Dr. Lamb thinks there is a problem with people posturing from issues (i.e. The tribal trust vs. endangered species protection).

Hall: The technical scoping is what I heard the TWG tell us that they could do but they need input from the TF on what the objective is. What I just heard you explain is an exercise that might help us get to giving them that kind of direction, so that they can go scope the technical parts of that. Is that a fair read of what you are saying or not?

Flug: Yes. Because the next thing that Dr. Lamb has on here is this in stream flow study scoping meeting for the TWG. That scoping part is really the technical scoping that the TF could participate in but it would be more than problem identification. Since the LIAM would start the process of scope and study needs, I think it would get the TF to speak with this common ground. Yes, we want to protect a species. To what level do we want to protect it? Obviously, people sitting here have different perspectives.

Hall: It was a couple of TF meetings ago, we did have some discussions about the need for the TF to spend some time becoming a TF instead of different entities on a TF so that we could try to come forward with more of one voice rather than several voices around the table. That is the crux of what we need to discuss here. How committed is this TF to trying to get to that and is this the right vehicle to get there?

Flug: you need to decide for yourself whether it's the right vehicle.

Campbell: We are working with UC Davis and North Coast Regional Water Quality Control Board (NCRWQCB). Our water quality studies are integrated and complement each other to provide complete spatial and temporal coverage from Keno to just above Weitchpec. My part of the task was the reach from Keno to Copco. NCRWQCB did the California side. We provided instrumentation; they assisted us with swapping the instruments back and forth. We covering times of the year they could not. Mike Deas (UCD) is in process of developing a water quality model for the reach IGD to Seiad. My effort complements that and overlaps it, by extending coverage from Keno down to Ike's Falls. This effort is intended to provide input to the System Impact Assessment Model (SIAM). In addition, we are using a separate model for the prototype we intend to show you. It is intended to be a plug and play model in the sense that when Mike Deas is done, the HEC5-Q model can be unplugged and his work can be plugged in. The SIAM is intended to be integrator for all these components.

One other important cooperator was PacifiCorp. By informal agreement with them, they cooperated by performing hydrolab profiles on Iron Gate and Copco Reservoirs on a monthly basis. We collected model data and then we are now to the point where we are working on the water quality model. It is loaded and we have verified the fact that the model functions correctly. We are going to be trying to compile our data set for calibration. We have talked extensively with

Jeff Sandlin (who is the person in Ft. Collins working directly with the SIAM) and also with John Scott who is doing the MODSIM model to make sure that the SIAM is talking back and forth with the Hec5-Q or whatever quality model is plugged in.

Upcoming events are the incorporation or integration of the Hec5-Q model into the proto-type SIAM, various calibration efforts for temperature, total dissolved solids, dissolved oxygen and nutrients. We also have planned with NCRWQCB and PacifiCorp another complete season of water quality sampling that will run from March through November, specifically the instrument deployment.

I also met with Bruce Gwynne (NCRWQCB) and PacifiCorp to make sure that our sampling methodologies, our analytical methodologies are approximately similar. If there is enough money in our budgets we will exchange samples so that we can cross check and determine that there is not a significant difference between analytical results. I worked with John Renwick and Tim Mahan last summer and last fall to make sure our sampling methods and locations were identical to theirs. So I am very much appreciative of the fact that these efforts were able to go forward through this coordination and cooperation process through the good efforts of PacifiCorp, BOR, John Renwick, and Tim Mahan. I am looking forward to another successful year this year. Are there any questions?

Public Comment

Fletcher: I would first like to express my appreciation to all the different groups. I want to thank Sharon and her group and others for the work that they put into the Klamath River and I know as Dale said earlier, we can't afford to pass up freebies, and I don't want to lose those guys either. I would like to offer a motion to clarify the TWG's role in this process and to aid them in their ability to do their job here and to aid them in their original charge by this group. I am going to offer the following:

**** Motion **** (Fletcher) The TWG shall have full authority and direction to guide the IFIM currently under way on the Klamath River.

****Second**** (Bingham)

Discussion

Russell: I don't quite understand full authority if this TF operates as a consensus force. I think *the TF should be making the decision so do I misunderstand your intent here on that?*

Fletcher: The TWG would be the ones that are in the best position to guide the IFIM process that this group has already bought into. I don't want to see the situation where we have the TWG sending Dale or the TF letters and it seems that we are at cross purposes.

Wilkinson: Is the intent of your motion to make certain that water quantity model is incorporated with the ongoing water quality model?

Fletcher: What happened here today is we saw a number of concerns raised by the TWG. I don't want to get into a position of making the final decision about a whole gamut of technical issues. The IFIM is a process. TWG has tried to point out that they don't believe that process is being followed. I'd like to give them the direction to recommend to us, to guide that IFIM in the direction it needs to be driven.

Hall: For further clarification, Troy, my notes indicate listening to the TWG chair that he was asking for another direction. Can you incorporate that in your motion so that we can address these issues?

Fletcher: The TWG was asking for guidance on what the objective was. Is that what you are suggesting be added to this motion?

Wilkinson: I would be prone to support the assignment of a Technical Subcommittee of the TWG. However, I have some concerns about your motion. As I understand it being phrased now, it reads assigning the authority of the TF. But I don't think that's the intent, but that is the way I am reading it at the moment.

Miller: I guess I don't support setting up a whole other committee.

Bingham: Troy, I heard you say in your motion that you said "full authority and direction" and I would like you to expand a little bit on the phrase and direction. Because I think what you are trying to say there was that this TF would keep direction over the overall process and that there was no intent in your motion to surrender any overall guidance, simply the technical guidance on a situational basis was given to the Technical committee.

**** Amendment to Motion **** (Wilkinson) The motion would read "full discretion and direction to guide the IFIM study on the Klamath River."

****Amendment accepted**** (Fletcher)

Russell: I just need the reassurances that the authority does remain with this TF and that the Technical Group serves that role as technical advisors to the TF.

Miller: It does not mean the TWG makes the ultimate decision. It means they oversee that process for us. I need to ask Keith if he could maybe clarify the word that he is trying to insert.

Wilkinson: My clarification there, Elwood, would be that I don't want there to be any misunderstanding about authority. I agree with you. We have a constituent authority to be here. We have passed part of that on to our appointees to the TWG. In other words, to me it means they would have the full range of questions or collective wisdom within that TWG to seek the direction to guide this IFIM study on the Klamath River, without there being an assumed interpretation by them or anyone else that they have the authority.

Smith: What I am hearing and also what I feel is a bit of a problem with the word authority. It is my understanding that the TWG makes recommendations to this body and we make final decisions. How about if we said something along the lines of we give the committee discretion to give clear direction to the study. Would you have a problem with that?

Fletcher: No.

Rode: I think by definition, the TWG cannot usurp the authority of the TF. That is in the Klamath Act and that is in the Long Range Plan and a number of other places. I think what we are saying here is that in the past the TF has charged the TWG to lead the flow study or the IFIM, and you are looking for a reaffirmation or clarification of that role for the TWG. But even more so, you also would like, in some capacity for the TWG, to have the ability to review other aspects of the flow study that might be funded outside TF dollars.

Smith: My wording was for the TWG to have discretion to give clear direction to oversee the flow study.

Smith: Let me tell you what I have written down and then somebody else can try. The TF gives direction to the TWG for discretion to direct and guide, and if you want to add integrate, the IFIM study under the authority of the TF.

****Motion withdrawn (Fletcher)****

**** Motion Amended **** (Hall) The TWG is directed to provide oversight in the integration and direction of the IFIM with ultimate authority remaining with the TF through periodic updates.

**** Second accepts **** (Fletcher)

****Motion carries ****

****Motion**** (Bingham) That the TF commits to spend one-two days working on developing and identifying the problems to be addressed in the in-stream flow study and that proposals to assist us in that process be solicited as part of our annual RFP process this year.

**** Second **** (Fletcher /Miller)

Hall: For clarification, the RFP's would be after we have the one day meeting?

Bingham: No. Before. What I am saying is that we solicit proposals from other entities as well to get assistance for a one day effort to develop identification of problems and development of goals for the study. Assuming that the one day commitment would probably come sometime next fall.

Rode: The one drawback I see is that process would unduly delay a very critical element that should be taking place right now to guide the study. It would delay it until next fall.

Bingham: I think we all need to think about it, and we need some time to work together before we are ready to give that clear direction. I am not suggesting in any way that the study be slowed down. I think we are all pretty comfortable with where we see it going. The one part that we've got to get through is to clearly identify what we think the problems are and to set goals.

Hall: Craig, can you give us any insight as to whether or not this meets or does not meet what you are asking for?

Bienz: I appreciate the struggle you are going through here. This something that we have been going through for sometime and trying to be careful that we are actually doing the work that you are all asking us to provide. I think Mike specifically brings a good point to this, and that is we are half way through the funnel and we are really trying to figure out if we want to go the rest of the way or if we need to get completely out of the funnel.

In one way, we have two different approaches right now to the questions we are trying to answer. One approach is as a group of scientists. The other is to come back to this body to make sure it's the process you want to employ. It is called management. Then that is what you are about. There is another side of this that says we just need answers to some questions for management purposes. That doesn't generally require the same ability to experimentally test and make decisions. A lot of what you heard this morning isn't true science as we would talk about it a lot of it is for management purposes and we are trying to find out as a TWG, are you really looking for true science? Because that is what we are trying to give you is the best science.

If what you want us to use is the best tool, we will pursue that. But I don't want to continue tool building if you want something else. If you are telling us this has got to stand up to this level of rigor, then we need better science. If we don't need that, then I can back away from that process.

Hall: Well I think we have the right chairman of the TWG because you have laid this out very well for us. Comments or questions? Did that clarify, and if it did, then how does that help with this discussion?

Wilkinson: I don't have any discomfort at all with your process or your progress. I just can't say much more about that, you are doing a fine job. As to defining best available science, or ultimately the best science, that will always be a challenge, I suppose. I think that the product and the people performing it are the very best that we can provide.

Bingham: Craig, do you think the motion that I have offered is of any assistance?

Bienz: I think it is a good motion. I think the timeliness is somewhat a concern.

Hall: At least when I heard the motion, it was more a comment of to when.

Bingham: Yes. I am not rigid on the timing. We can work on the timing collectively. In fact, I'll pull the wording about timing out of the motion so that we can work on that as a calendar issue

and just simply offer bare bones of the idea is a one day workshop with some professional assistance to guide us through.

Halstead: Right, we have some information on the Trinity based on the study that the service did, primarily for chinook. It is sorely lacking on coho and steelhead. Do we have to make a best guess if we can't get the empirical data that we would like to have for coho and steelhead, or do we just say we can't get it and go on?

Miller: I just want to make a comment to the scientists. Coming from our perspective, we would like to see the best science applied to any instance. When that does not happen, then I think that is why we ask that you come back to this body and you explain the process and procedures you went through in determining your analysis of either being able to collect that science that we need or else to give us the best available mechanism to answer the questions at that point in time that we are trying to answer. That is all we can ask of you. We can't ask our scientists to do the impossible if it isn't within a year or our time frame that is feasible for you to do it.

Hall: One of the things that is one of the very difficult charges of this TF is that our ultimate objective is to give recommendations to the Secretary of the Interior. If we look as our target that we are trying to formulate, a recommendation on that portion of fisheries restoration attributable to flows, then it appears to be that in one way or another, we'll have to get there, acknowledging what's supportable with a verifiable science and what is the utilization of the best technology, recognizing that with a very honest disclosure that we are making our best judgement and making these recommendations.

Olson: Ten years from now a TWG would probably come up with totally different answers and much better answers, but for the time being, it is better to make an informed decision than to guess. I am wondering, Craig could you just tell your comfort with respect to proceeding without further clarification on that item number 1 which is the identification of the problem?

Bienz: Very carefully, we are very uncomfortable proceeding right now and I think the reason is we are just unclear as to a variety of issues including the tools we are trying to use and the level of resolution and it is making us very uncomfortable.

**** Motion Clarified **** (Bingham) The motion did not specify a time.

Bingham: One of the problems we have is we have infrequent meetings and very full agendas, a lot of reports coming in, and I am looking here for a very stripped down agenda for a lot of time for us to work together on these issues.

Fletcher: Let me clarify with Craig. One of the things you asked for and you recommend is that the TF make a commitment to conduct an IFIM. I think you've got that. (Bingham: We've got that). The second thing that you talk about is that no money should be obligated until there is adequate scoping. I don't think you have that yet. But the other thing that you have is a commitment to scope that Nat's trying to talk about.

Rode: I would suggest that implicit with that motion to have a meeting, we solicit from the TWG a specific list of the questions they want answered so that we don't beat around the bush at this meeting. Then we will have in front of us exactly those specific items that are troubling them so that we can get to the crux of the matter and hopefully resolve that in one day.

Bingham: I'll accept that as a friendly amendment.

****Motion carries**** [It was agreed to hold the meeting April 23-24 in Arcata with a facilitator. The location was later changed to Eureka due to the availability of meeting space].

8. Brief summary of Trinity River Flow Evaluation Report

Halstead: The components of the flow recommendation as they sit today, probably won't change much. The final document or the draft document will be released very soon, I hope. There are six of them. 1) Stable fall, winter, and early spring flows provide spawning incubation and rearing habitat for salmonids; 2) High spring flows May and June, mimic the natural spring hydro graph and provide out migration flows and temperatures for salmonid smolts. These high flows also serve to initiate physical river processes such as sediment transport, channel migration, and riparian vegetation control; 3) stable summer and fall flows are maintained to meet North Coast Water Quality Control Board temperature standards for the Trinity River; 4) mechanical manipulation of the channel will initiate physical stream processes that will create diverse aquatic habitats; 5) annual scheduling of flows is intended to be somewhat flexible within annual allocation based on water year type so that annual flow schedules can be appropriately adjusted as new information is developed concerning changing river conditions due to restoration activities and higher flows; and finally 6) establishment of a permanent interdisciplinary team composed of experts in the fields of fishery and wildlife biology, geomorphology engineering and hydrology to develop annual flow schedules and monitoring plans, also known as, adaptive management. The recommendations that are in the report right now, there are five water year types that are identified and allocation in acre feet of water for each one of those years and the probability of occurrence in one hundred years. The water year types are a critically dry year with an allocation of 365,000 acre feet with a probability of occurrence of 12 in 100 years. Keep in mind that right now the allocation is 340,000 feet per year based on the secretarial decision. The next would be a dry year. The allocation would be 480,000 acre feet with the probability of occurrence of 28 in 100 years. Under the normal water year, the allocation would be 537,000 acre feet with a probability of occurrence of 20 in 100 years. Under a wet year, the allocation would be 690,000 acre feet with a probability of occurrence of 28 in 100 years. Under an extremely wet year, the allocation would be 750,000 acre feet with a probability of occurrence of 12 in 100 years.

Hall: This would basically be one of the alternatives identified in the EIS, is that correct?

Halstead: That's right.

Hall: Questions or comments from the TF? Thank you Bruce.

10. TF discussion/Review of TWG letter on scoping/Review of last meeting's motion to make flow study a priority in FY98 Budget.

Iverson: The reference material here, the letter that is referred to from the TWG dated December the 6th, 1996 is Handout L. The reply is found behind the agendum 10 (Handout M).

Hall: After looking at the letter that I got from the TWG, I was a little surprised because the first meeting that I ever attended as a member of this TF was in Eureka a couple of years ago and we were getting a report on the scoping of a flow study at that time. The TWG had the charge to work out the scoping. I brought to the table that the Secretary had notified me verbally (then later in a letter) saying that one of his priorities for this TF was to do a flow study so I pushed that and we have been moving forward. I haven't played a big role in what it is or how it is because we have given those assignments to the TWG to work out. I think over the past two to three years, we spent between \$400 and \$600 thousand dollars in different funds. The Klamath Work Group put in a couple of hundred thousand, the Service put in a couple of hundred thousand, there has been at least that much put in from the TF. If the question is, why haven't we scoped this enough, then the TWG should tell us what they need to do. Frankly, it was their assignment of 2 to 2 ½ years ago to move this forward. I never, at least in my mind, had any idea that a flow study should try to answer questions of tribal trust or of water rights or of any of those other things. The tribes have absolute direct access to the Secretary to talk about tribal trust under treaty rights. What we are trying to do is answer basic biological questions as to what kinds of flows the fish need to have a healthy fishery population. I am not going to decide if that is trust and I am not sure this TF ought to be deciding whether or not that is trust. Those are questions that I think are better answered in other forums or in other directions just as I would run like crazy if somebody tried to ask me if we were trying to answer a water rights question. The state of Oregon and the state of California might get a little upset with that, too. It is very important that we resolve this quickly because we are still spending money trying to answer questions. The last thing we need is to get through the process and not have the consensus that it answers that basic biological question.

Fletcher: A letter from the TWG, this body's technical arm, raising red flags is something that we need to take serious and I am not sure that all the criticisms that were leveled at the TWG are appropriate. I am most concerned that there be a proper scoping, that there be a detailed study plan identifying the process that we are going to go through to determine what in stream flows are necessary to protect Klamath River fisheries. To date, I don't believe that has been adequately done. You say that the TWG's assertion that the flow study is poorly planned and incorrectly scoped is unsupportable. I as a TF member would like to see a study plan that is complete with a clear identification of the purpose of the study, the study components, the participants, the cost, and the time lines. I haven't seen that and that is part of why we are complaining here. I believe the TWG is the best group to start to develop that. If you look at the TWG's letter of concern, they never do mention tribal trust there but your letter does mention tribal trust so it is good that somebody threw out tribal trust as an issue we have to grapple with. Through a proper scoping that issue will come to the forefront and it will be resolved one way or another. If we are doing an IFIM, then you need to follow the IFIM process.

Hall: I don't disagree with what you are saying. The point that I was bringing up in the "unsupportable" comment was basically, I thought it was ironic that the TWG whom we had given the assignment to do the scoping, was telling me that it had not been adequately scoped 2 1/2 years after the assignment. The TWG has not brought that up to my knowledge or memory over the last meetings where we talked about budgets (that could be allocated for adequate scoping). If this caused a reaction and got sparks going a little bit, then frankly, I think that is good because we need to solve this. Whatever needs to happen, needs to happen because we all have a responsibility to the Secretary and to the taxpayers to make sure that the money we put into something gives us the answers that we need.

Fletcher: I have one question and then I will pass it on so that you can be thinking about it. Is the TWG prepared to actually tell us what needs to happen now to do the proper scoping so that you are comfortable that the data collection can be fit into a good flow study? I'll not ask you to answer now because Mr. Miller wants to say something but in just a second, please.

Miller: I want to address a little bit of the tribal trust responsibility because in your first opening sentence, you say that there may be a misunderstanding by some of the tribal representatives in the TWG regarding the intent of this study in that this study is not being conducted to address the Department of Interior tribal trust responsibilities. We are just in complete disagreement on that issue because the tribes have participated in the formalization of a flow study to go on. We voted, we caucused in many of the meetings and debated the flow study issue. It was debated prior to us even being involved in the flow study in an accepted fashion. Each tribe that is sitting here at this table is here because of the trust responsibility issue of the tribes and their resources that are being studied from all facets as well as every other constituency that is here and so it astounds me that somebody would think that isn't a part of the picture. To do a proper IFIM, you have to scope all components and you have to scope all objectives and necessities of not only the resources that you are affecting but the desires of people that are dependent upon those resources. The need for the federal agencies meeting their mandates just for the ESA standard is quite different than meeting the trust responsibilities standard. We have through other processes, identified those gaps. That gap is very prevalent right here in this process. We do have to get a harness on it and it is better to be right up front with getting the harness on this issue. It has to be that we are here and we are determining to address the trust responsibility issue because the trust responsibility is directly to the resource itself, both the water source and the fisheries resource. That is why we are here at this table. Or else, we will go through this process and if we went through this process and we would be redoing it over again when you had to put those components back in.

Hall: I am not trying to tell you that a flow study and the recovery of fisheries in the Klamath River is not part of a trust responsibility. What I am trying to do is tell you that we were not being so bold as to try and decide for the tribes through a flow study what trust responsibility is. The question that needs to be asked is I know through discussions with my TWG representatives that the TWG doesn't believe that has been done also what kind of flows do we need to have a healthy fishery. Part of the definition of healthy can be a lot of different things. The flow study would give us the science. If this is an objective of the flow study to determine trust responsibilities, I think that we will have to have a whole lot more discussion and clarity as to

what that means . I don't know if that is the trail that we want to go down but that is something that you all can give us input on as we work on this TF.

Miller: I don't think that it is a question of determining the trust responsibility, I think it is a question of determining a healthy fisheries like you explained in your analogy. Those healthy fisheries have to be a healthy fisheries from each one of our perspectives. So the tribes have to be incorporated into this scoping process and be a part of the IFIM study that was proposed. That was what we decided on when we voted that we were going to do an IFIM instream flow study. If you leave out the tribes or any other component in here, that isn't a true scoping. It isn't following a proper format. In the second part of your trust responsibility paragraphs, it says "nonetheless the Fish and Wildlife Service, the USGS have gone to great lengths to ensure that this flow study is consistent with the recommended process for an IFIM" which tells me that we aren't doing an IFIM.

Hall: The intent of the paragraph was to say that we were trying to comply with the IFIM. Maybe we ought to now ask the TWG what their recommendations are to try and clarify this.

Fletcher: Right now we just had a little peek-a-boo at some of the issues that can arise when you start talking about, well, what is the problem or question we are trying to answer and getting that clarified up front will make this process go much better.

Belchik: I have been asked to speak for the TWG. Basically, I would like to start by reminding people that IFIM is just a decision making process and is not to be confused with PHABSIM or transects, or other things like that. In the TWG letter, it outlines five steps of an IFIM process. It starts with problem identification and it goes to study planning, study implementation, alternatives analysis and finishes with problem resolution. I believe that one of the problems that the TWG has been having is that it has been asked to do step two which is the study planning and the scoping when step one really hasn't been executed clearly right now. So in response to your response yesterday, the TWG decided to ask the TF for three things. One is that we are willing to create a technical committee to oversee the Klamath River Instream Flow Studies as you suggested in the second to the last paragraph. Two is the TWG asks that the TF participate in the Legal and Institutional Analysis Model (LIAM) which the TWG believes would get the TF closer to being able to undergo and finish Step One. Third, the TWG asks that the TF begin the Step One problem identification which is absolutely necessary before the TWG can truly and adequately scope a flow study. Problem identification will lead to a clear definition of geographic scope, a clear definition of the expected products of the flow study, and why a flow study is necessary. Without these, scoping would be an exercise in futility.

Hall: To me, it sounds like those are things that would fit well in the assignment that we had already given to scope it out but you are looking for specific clarification that yes, we support these things?

Belchik: Basically what we are asking is that Step One be completed before we dig into Step Two and major parts of Step Two have already been completed. There is a Phase I report and the TWG has been working on scoping for a long time but in order to finish the scoping, Step One

(the problem identification) needs to be done. The original intent of the letter that was written to you was to notify you that the IFIM process was not exactly being followed, that we were well into Step Three which is study implementation before Step One and two were really finished.

Hall: Okay, we certainly don't want to stop data gathering but are you saying this should be the focus of the TWG until this is taken care of or what is the recommendation?

Belchik: The TWG suggests that the TF begin the process of Step One which is the problem identification. Basically, problem identification will identify what level of recovery or what laws apply. Is it just the Klamath Act? You went some ways to clarifying that when you said that you did not believe that tribal trust issues would be addressed. But we would like the TF to finish the task of completing Step One and to that end, we recommend that the TF participate in the LIAM exercise.

Bingham: For the record that I am having a lot of difficulty with the LIAM part of the process. We were asked to comment back on the draft that was given to us. I had to say representing our interest that the characterization of the fishing industry was so grossly inaccurate that we felt unable to even comment back on it.

Belchik: I think that the LIAM is a little bit different than the report that was turned out, it is a two day exercise. Marshall Flug will be giving a presentation on that later where he can elaborate further on what that is all about.

Fletcher: The TF needs to recognize that one, there is a discomfort level here with the process that is currently being attempted, and two, our technical people are saying, we got a problem here, and then three, I would like to have a technical committee created. I am willing to reserve comment on the LIAM but then I think I would like to get the TWG to spell out exactly what we need in writing. Let's move forward and go from there based on what their recommendations are and let's use their expertise.

Fletcher: I want the TWG to really lay out the direction we need to go. It is their charge and they need to do it. Let's make it clear to Fish and Wildlife staff, to USGS staff or to whoever that this TWG is the navigator here.

Miller: I am not sure what the LIAM would do for us but I think that as a body, we have made a decision to do an instream flow study. I agree that we don't need to revamp that decision. What I do think needs to happen is the problem identification which includes the scoping. I think that the TF needs to revisit their June 10, 1995 recommendations.

Hall: Troy, are we recommending that there be this segment of the TWG that looks at what do we need, comes back to us and tells us what it is that we need to satisfy #1 and move on? You're asking to review the '95?

Fletcher: Let me clarify too; I am not asking that we redo anything. The TWG obviously has some problems with how different components of this study are being attempted and better

coordination for those study component portions. I would like to have the TWG just come up with the things they think need to be done to get this completely on line and to satisfy their concerns that they have expressed to you in the December 6th letter.

Bulfinch: I don't recall in our commitment and acceptance of the necessity for an in stream flow needs study that we made a specific commitment to conducting an IFIM as a means of getting that. Further, whether that is the best system or a competing system I leave to the TWG to recommend. I thought there was some consensus among the TWG that the MODSIM portion of the study now being carried on in one of the phases was acceptable if not preferable. So what is the question?

Hall: I thought that we actually did agree that we would try to do an IFIM. We can check the record, but that's what I remember.

Orcutt: We have an analogous water decision on the Trinity side. We need to try to bring some of what worked and what didn't work to this process on this side of the hill. I was particularly alarmed in terms of trust responsibility, how it didn't fit in. Maybe the proper forum is outside of this TF directly with Interior representatives. I would like to see a clearer direction from the Secretary on what they exactly want to do. We get directives like provide money for the flow study. What I see is a real lack of coordination. I see a real lack of somebody being accountable to ensure the thing is on track. When the TF wasn't able to make a decision on flows or flow study elements, the FWS took the initiative to move forward with something. What I'd like to see is better coordination. What I am talking about is there are various agencies within DOI (USGS, FWS, BOR responsible for flow study elements.

Hall: I think those are fair comments, and as the Interior representative, I will take on the responsibility and make sure that Interior agencies are working together and not out separately doing things. I am open to other forums, besides this one, on how we can make sure that additional open dialogue takes place between all concerned.

12. Public comment

Rohde: What we are talking about in the TWG is there are two levels of scoping needed. There is problem identification from a policy side, and then there is how the problem can be formulated into a plan of action as to how work would be conducted to solve that problem. Although the TWG has initiated an effort to respond to your request in '95 and come up with a range of studies that could be implemented, we don't have clearly the policy in writing as to what it is specifically the TF is attempting to accomplish and to what length. So we need clear direction from the TF.

Hall: Do you concur with the comment earlier that the LIAM is the vehicle to help get to that answer?

Rohde: We discussed at the TWG the LIAM. We individually have different perceptions of what that is. The TF needs to define the policy to us. If LIAM would accomplish that, then fine. If not, select whatever process that would work for you.

Bingham: From the TWG standpoint, is the primary issue that the TF has not really told you what question that we want answered because of the differing views of what healthy is (to use Mr. Miller's comment)?

Rohde: I think that is initially the source of the problem, but the additional aspect is that work is under way and would it be the work that we would have initiated if that policy direction had come up front? So because we saw work under way, and we weren't directly involved in developing the study plan as to how that work would commence, we have questions not only about the work itself, but as to whether it would be answering the questions that you would be directing us to answer.

Independent of that, we, the TWG, have interactively been working with you to identify what work could be done. We have agreed that the MODSIM work that is under way is a good idea. Encased within the contract between Fish and Wildlife Service and USGS, are milestones and tasks which the researchers are obligated to perform and they have an interactive process where they come back to the TWG. They give us periodic progress reports and they give us opportunities to respond to their progress reports to help guide them. When we came to you in '95 and we said that a water quantity model was needed and when the contract was written, we established the process so that we would be instrumentally involved in guiding how that model would be developed. The work that has been going on in the MODSIM development has been meeting our goals. Other work with UC Davis seems to be going well. But we did pass a motion at the TWG yesterday as it regards to one specific effort that is currently underway with now US Geological Survey, and that is that the TWG does not currently endorse at this time the Klamath River SIAM model being developed by the USGS. At a later date, the TWG will evaluate the model along with its components. This is an effort that has been initiated without that close relationship that we have with the researchers conducting the MODSIM development.

Marsha Armstrong (Siskiyou County Farm Bureau): What you have to keep in mind here is that the IFIM seems to presume that flow is a problem. You have to identify the limiting factors that are affecting fish in different areas. They may be addressed by flow, they may not. If you have de-watering redds, then that's a flow problem. If you have a temperature problem it could be mitigated in another way. Something that you have to look at is what do you want out of this study. All a flow study does is give you a water budget and how the system works. You really have to identify specific limiting factors in the life cycle at a certain time.

13. TF Decision on Liam/Chair assignment on scoping.

Miller: When we went and made the decision to have a flow study done, the question was for us to determine how much water is needed for the fisheries below IGD at any given time of the year when the fish need it. Then we selected the flow study methodology to do that (IFIM). The process has just left out one or two elements. I don't think the process needs to be stopped in any fashion. I think we just need to make sure that we cover those other elements.

****Action**** Hall: I ask that Craig and the TWG prepare questions to assist the TF in how we should address problem identification from a policy side so that we can resolve this and really be

moving along. We need to resolve this at the next meeting. This is not to infer that studies going on will be halted because information can be used regardless of what those other answers are. But we need to be in agreement as to what it is that we are trying to answer. The charge of this TF under the law is to restore the fisheries of the Klamath River. If we haven't done a good job of saying what that means then we need to.

11. Status of Trinity River Mainstem Fishery Restoration EIS/EA (Sullivan)

Bernice Sullivan (Project Manager for the Trinity River Mainstem Fishery Restoration EIS/EIR): The flow study area is 40 miles of the mainstem and from the Trinity Dam to Weitchpec. We'll be looking at showing impact analysis to the Trinity Basin, the Klamath, as well as the Central Valley. The Fish and Wildlife is the lead agency but in this case we have co-leads: the Hoopa Valley Tribe, the BOR, and the Trinity County. The agencies that we are consulting or coordinating with are the BLM, CDFG, California Water Resources Control Board, EPA, Humboldt County, Karuk Tribe of California, Klamath Tribes of Oregon, the USGS, NMFS, NCRWQCB, Corps of Engineers, Forest Service, Western Area Power Administration, and Yurok Tribe.

For the EIS, this is our purpose and need: to restore and maintain the natural production of anadromous fish populations of the Trinity River mainstem downstream of Lewiston Dam towards levels approximating those which existed prior to construction of the Central Valley Project Trinity River Division. Our proposed action is to restore and maintain fish habitat of the Trinity River mainstem through permanent in-stream flow releases, habitat improvement projects, and operation of the Central Valley project Trinity River division.

The alternatives were formulated basically from comments that we've heard from the public during the scoping sessions, from professional judgement, and the technical expertise of the people that are managing the teams. We are looking at five areas related to each alternative: 1) water management, 2) water operations, 3) fish habitat management, 4) watershed protection, and 5) fish population management.

The alternatives were: 1) maximum flow, 2) flow study alternative, 3) percent inflow alternative, 4) mechanical restoration alternative, 5) harvest control alternative, and a 6) state permit alternative. These alternatives were eliminated: A) removal of Trinity and Lewiston dams, B) fish passage facilities, C) predator control, D) increased hatchery production, E) pump storage, and F) channel augmentation utilizing Weaver Creek.

Regarding the types of impact analysis that we'll be looking at, we will include the impacts on the water resources which will include the Central Valley project operations and the Trinity River Basin flood impact. We will also look at impacts to fish resources, wildlife, vegetation, power, tribal trust assets. The economics we will look at will be for the Trinity basin, the Klamath, the coastal areas of the Central Valley, and there will be other areas as well, including the aesthetics and recreation. We'll look at also cumulative impacts. Some of the analytical tools we will be using to help us with our analysis are reservoir operation models, power production models, temperature models, economical analysis models, fish production models, and qualitative analysis.

As of today, we are looking at the administrative draft in April, 1997. This current draft is for peer review and just internal interagencies and all the consulting and cooperating agencies. The public review draft is June, 1997. Some public hearings are scheduled for July 1997. The final EIS will be November 1997 and the record of decision will be done by December 1997.

Q/A

Bingham: I am a little curious as to why the no dam alternative was taken off the table since the no fishing alternative was left on the table.

Sullivan: The no dam alternative is beyond the control of the Secretary of Interior. That was constructed through Congress and would have to go to Congress to be decommissioned.

Hall: One of the requirements when you go through National Environmental Policy Act (NEPA), under which an environmental statement is required, is that there are tests that each alternative must go through to make sure that there is a full array of alternatives. One of those tests is that the authority to implement the alternative must rest with the action agency, or in this case the Secretary of the Interior. An alternative, the Secretary must have the authority to implement an alternative before it is entitled to be considered in NEPA and the Secretary can not decommission a structure or have it removed. Congress is the only one that can do that.

Smith: I noticed a couple of your alternatives you had were for modification to the Trinity Dam. Could I ask what that modification would be? Would it be for more storage?

Sullivan: It would be for raising the level of the dam and it would have to do with the safety of dams for flooding.

Orcutt: One of the things I think you can vouch for is that the Tribe was an integral part of including high flows and how that maintained ecosystem below the dam that exists there now. I think that is a good model for us to use and what worked and what didn't work can be applicable on the Klamath side.

Hall: We tried to alert everyone that it was being looked at particularly the people in the Central Valley. I would just offer my advice to the TF and the council members that it is extremely appropriate, as far as I'm concerned, for the council or the TF to make comment on the EIS as a group on any alternative. I strongly suggest that it be done during the comment period so that it is part of the record and the secretary is not accused of ex parte communication in the administrative procedures act or the NEPA compliance regulations.

Halstead: One of the questions that always comes up with folks is: how is the flow report that we are working on tied in with the EIS and can you even do an EIS until the flow report is done?

Sullivan: The flow study is the technical background to doing the EIS. The Secretary can't make a decision without looking at the flow study first and say "okay this is what the flow study states."

But until he sees where the impacts will be for that particular flow regime and looking at all the other alternatives, he really needs both of those to make his decision.

Pace: Forty percent in the proportional run, what was the rationale for selection of 40% as opposed to 60%.

Sullivan: I don't have an answer.

Rohde: The Klamath Basin tribes have all agreed that our ultimate goal is to restore anadromous fisheries up into Southern Oregon, up into upper Klamath Lake-Williamson and Sprague. The Trinity EIS process is strictly limited to Lewiston Dam down. We seriously question whether it is possible to restore and maintain fish populations towards levels approximating those which existed prior to construction of the dam by merely managing the area below Lewiston Dam. Even if the best alternative for fisheries in terms of the highest flows was adopted on the Trinity, we currently question whether restoration and maintenance of fish populations could be achieved on the Trinity. Therefore, we question whether that concept could be applied to the Klamath as well. It is a complex issue, but it's one that we are working on right now.

Bingham: There maybe some confusion here because in the reauthorization of the Trinity Restoration Act, what is called for is a restoration of fisheries for harvest, a restoration of the harvest, not a provision of some number of spawners in the river via harvest management. I am not sure you all read the reauthorization language the way it was intended because the intent of Congress in the reauthorization was to increase their harvestable population as well as meet escapement goals.

14. KRIS Demonstration (Higgins)

[William Kier introduced the session by stating that Kier and Associates, Inc. had a strong interest in an information system for the Klamath River Basin having helped the TF develop the LRP, where the need for such an information system was clearly stated. When they realized such a system was not one of the immediate funding priorities for the TF, his firm looked around for other ways to pay for it and found enormous support from the California State Water Quality Control Board because the LRP had been an assessment of limiting factors and identified many as water quality related. The result was the Klamath Resource Information System (KRIS), developed with funding entirely outside the TF, but in the name of the TF and always in full consultation with the TF. The intent of KRIS is primarily to evaluate the effectiveness of restoration progress, KRIS is being used, and is in the implementation stage.

Pat Higgins of Kier and Associates then demonstrated the latest version of KRIS to the TF via an overhead projector. Kier and Associates intent is to develop a comprehensive fisheries and water quality database for the entire Klamath and Trinity basins. He used KRIS to show the locations, as well as before and after photos of some of the restoration projects. He also used KRIS to illustrate temperature data for the mainstem Klamath spatially. A compact disk (CD) with KRIS, including the megatable and bibliography, will be coming out by June of this year.]

Q/A

Unknown: Will the CD have Delphi on it?

Higgins: The CD will have the program built right on it. It will not have the ArcView program on it. The ArcView project will probably be on the CD because there is sufficient space but for those without ArcView, they won't function. It is our intent over time if we continue our involvement in this project, to start to capture some of those map elements so there isn't this dual buying. Elements of KRIS will be on the Internet as of April.

Kier: You might mention that French Creek was one of the earliest projects that the TF launched. Already you see the results of the project in turn of positive improvements here. That's how it works in the perfect world. You have the means of capturing information yourself and explaining what you are doing.

Higgins: We hope that the TF or their designees on the TWG will take strong interest and begin to use this tool. In fact the CRMP groups and several of the subbasin and local interest groups are already active users.

Unknown: How are you getting in a lot of the historical textural information?

Higgins: We have two different things we are doing. We are capturing electronic data, the most recent reports we can get. We are also scanning text from historical documents.

15. Upper Basin Amendment Assignments (Wilkinson/Mike Golden (for Martha Pagel))

Wilkinson: Remember our strenuous activities over the upper basin amendment (UBA) for years past and particularly the October meeting where we deferred action until today's meeting. During that process, Martha Pagel from the Oregon Water Resources Department offered her assistance. She was not able to be here so Mike Golden, the Governor's watershed advisor is here to add his comments pursuant to discussion with Martha.

Golden: What I want to talk about is the commitment of the governor's office and the State of Oregon to the Upper Klamath Basin and watershed restoration because I think that is a key issue that you should know and may help in your deliberations here. We do not have, and at this point do not plan on as a state to take a position on the UBA because I don't think it is our prerogative, first of all, and secondly we see the opportunity to deal with it in a little different manner at this place. However, I think it is really fair to say that we see a lot of things in the UBA that really show a commitment to watershed restoration that we really believe in. They are very strong components of the Governor's environmental program at this time. The most important thing now is how do we move effectively in restoration in the Upper Klamath Basin, with or without the UBA. Any activities that we can put together that are going to enhance the Upper Basin are extremely important because this gives us the opportunity to leverage a lot of dollars, resources, to build a lot of trust that needs to be built everywhere in watershed restoration. I can think that we would support, in concept, most of what is in that UBA at this time.

Marbut: Martha has said in the memo to you (Handout N) that we do not see any conflict with the UBA and the adjudication process, and the adjudication conclusion. Of course that is predicated on the fact that there are no mandates or directives there.

16. TF discussion

Miller: We have been debating this issue of the UBA for quite some time and the States have an obligation already to the Tribes to make sure that nothing is being deprived from us in the Compact. I appreciate the State of Oregon and I commend them because they have been trying to work with us and through this difficult issue and with all the other parties but I would say that I would like you to comment on your obligation to this Compact.

Marbut: I don't think my response is going to come anywhere near satisfying you. It is our general position without making a careful analysis is that it is prospective and it is prospective for a couple of reasons. First of all, it clearly says, rights after the date of this Compact. It also clearly says in another part, that it recognizes all vested rights, previous rights, in the basin. So I think we can start from the premise that it doesn't change what rights are there. Those are what we are trying to get adjudicated. Whether the Compact would be interpreted to grant the kind of overreaching and very powerful authority that you have read in the water quality arena, I would almost have to ask our attorney to review that. But I might say that the authority to deal with water quality issues rests with the Department of Environmental Quality in the State of Oregon and they have taken a very active and very high profile in listing water quality limited streams, TMDL streams, 303D streams, et cetera under the authority granted by the EPA to them under the Clean Water Act. They are not holding back in pushing for water quality concerns. But interstate water quality concerns are very complex. I think both states and the members of the Compact Commission want to take that seriously. What their legal authority is, they need to understand. We hope Martha and the Chairman of the Klamath Tribe signed an Understanding of Principles on where we are headed with negotiation of the Klamath Tribes' rights. I would expect that that would proceed forward smoothly and we will be having periodic and regular meetings. As you know, we have both corresponded with Secretary Babbitt on the subject of naming a federal team and getting moving with that process. We really look forward optimistically with that process. I think that any independent action by the Tribe would be premature until we see how that process works. Lastly, let me point out that all of the Indians, individuals, notwithstanding the Tribe, have filed claims for their irrigation rights in the basin. Those will be processed with all the other claims and respected in the process.

Miller: We have been trying to get this UBA deal pushed through and we keep running into road blocks because of people's fears but I look at the UBA as being a lesser document than this Compact that has been passed by Congress that gives authority to states and to other individuals and secures their rights. That is why I guess I am having such a problem with understanding how come people can't just get on with it.

Marbut: Elwood, I absolutely agree with you and I don't know what to make of the Compact. When you get to allocation of water, you have got to do it according to that hierarchy list and the tragic part of that is, fish are at the bottom of the list or virtually there. Nobody wants that kind

of a hierarchy; everybody wants cooperative management and including all of the elements from riparian restoration to purchasing old rights as we are doing all over the state to protect flow and of course, addressing water quality issues whether they are point source or nonpoint source.

Miller: There has been Supreme Court rulings that put our rights first above everyone else.

Bennett: Elwood, I sense impatience here about doing things and can the Compact do something legally. We looked over the document like you have. We see some limits to what we can do. However, we don't see the limits in trying to do this consensus process that we have invited all of you to be a part of. Trying to get studies with the BOR started to get some other definitions out there of what is available, what is needed, where do we go from here. We do see a light at the end of the tunnel for the whole watershed. It is a solvable thing. We would rather spend our time doing this, getting a solution to solve everyone's water needs then spend it in court and spend it in doing adjudication on both sides of the border. Oregon is obligated to do adjudication. California side, we are not running out to jump out and do that because frankly that is just going to carve up the amount of water that is already in the basin, not going to provide you with any new water. We would rather get out there and do different management techniques or find some other storage or really find a solution for it and we are hoping that is really the way to get this solved. The adjudication process will take several years to do. We hope we can get on a time frame of getting a real solution out there before that. That is where the commitment is, is to try to find a solution and California is there, too.

Miller: I appreciate what the Compact is trying to do. I am going to be at the Compact meeting tonight and actually probably touching on a lot of these same issues and some other issues. You know the purpose of the Intertribal Fish Commission and its commitment that we work together irregardless of all the other bodies in the basin to see it through that these resources are protected. We hope we can do that in a friendly fashion because that is the way we would like to do it.

Miller: After looking at the document (Handout O) from Klamath County that they have already mandated that their individual here cannot accept any decision on the UBA, I move that we table the issue until the next meeting, until the June meeting.

Wilkinson: Yes, I concur but I just want to point out after these gentlemen from the State of Oregon and from the Compact Commission have made some revealing statements to a lot of us that in the last six years, I want you to realize that this UBA committee has not been on cruise control, they have been involved and once again, I have said it before, my heartfelt thanks to them for always maintaining a gentlemanly and ladylike approach to the issues. I don't want to see all the energy that has gone into this and the development scuttled at this point.

Bingham: I promised you at the beginning of the meeting a new parliamentary procedure, but as the appointed parliamentarian, I would rule that a tabling is an appropriate motion at this point.

Miller: I just wanted it postponed. I don't know if that would be acceptable.

Smith: I just got a copy of this yesterday and spent most of the night as you can see highlighting this interesting reading. I also understand that this draft document dated October, 1995 has had more revision. Is there anyway we can get an updated copy?

Wilkinson: Yes, there are copies available. The very last revision was conducted between the Klamath Basin Water Users and the Klamath Tribe. [KRFWO has the master copy of the most recent draft].

Russell: I think it is appropriate to take this off the table if I can use those words for now. The reason is as pointed out here, the Water Users did spend a lot of money to work on this document, about \$100 grand, however, that document was taken by the Klamath Tribes and it was altered. I think at that point, Elwood, I want to offer to you the fact that I think we need to have a meeting in our basin and discuss these issues because that document was altered. Now, I don't have a complete document. I have the '95 document but there are revisions to that document as late as May of '96 so we need to work toward getting the book completed so we can come to some agreement on what is and what is not in there so I will have an answer when the County Commissioners ask me "What are we signing?"

Bulfinch: Let me clarify what happened.... the reason you don't have a dated October copy is the revisions were made in May 1996, negotiated up to the last minute, without time to reprint the entire document. What staff did was take the revised sections only and distributed them alone. I know I received a copy in due course and I assumed the members of the Committee received copies of that. As far as I know, they have not drawn out a completely re-edited version of it

Miller: It wasn't just the tribe that made the revision, we sat in a meeting with the KBWU and with the full Committee. Everybody looked at the concerns that we had; we never just went in and arbitrarily made revisions.

Russell: I think we need to sit down and discuss that.

****Action****Hall: The appropriate way to handle this is to refer it back to Committee to get a completed document so that the committee can work on it. If members of the TF don't have a completed document, we certainly need one. But I will ask the Chairman of the Committee to respond.

Wilkinson: Thank you, Mr. Chairman, the document that I will refer to then will be the document that we had in front of us when the UBA Committee made the do-pass recommendation in Klamath Falls, that was when the document was finalized. As Mr. Miller points out, we had some busy meeting schedules up to that point. We had some very small fine points of new interpretations of new pieces of information that had to be worked out. Now it has been under discussion at the TF level since then because here again, the opportunity to deal with the issue was to have taken place at a subsequent meeting in Brookings, and then there was more time pled for to review it. In the meantime, the bottom fell out of the basket and so here we are. The Committee and I will continue to serve if you wish.

17. Public Comment

None.

18. TF decision on UBA

Hall: What we have is a member of the TF representing an entity that has said, we want you to vote no unless and until certain things are resolved. That member, Mr. Russell, has said, let's have a sit down so that we can discuss this. I need to know if there is a real problem with that from anybody.

Miller: No and I would like to share with Mr. Russell. I have been trying to sit down on some other issues with Mr. Crawford and you guys and we just need to set that time and get together.

Hall: I will ask you to work with that then Mr. Wilkinson.

Wilkinson: Yes, I would be delighted, Mr. Chairman. Are we putting a time line on the UBA for our next meeting?

Hall: Yes

FEBRUARY 21, 1997 RECONVENE 8:15

19. Report from the TWG on the development of the Fiscal Year 1998 RFP and sub basin planning (Craig Bienz).

Bienz: There are four things I need to talk to you about this morning. To deal with the mixed stock fishery that we have and that we understand that the recruits that we are sending out this year from our hatcheries will come back in the next century, we would like to request that the TF work with the Pacific Fisheries Management Council (PFMC) and the CDFG to provide some form of marking on all hatchery stocks.

We understand that it is under the authority of the CDFG to conduct this kind of work but we feel that because of the proposed listing on many of these stocks, the concerns that we will have as we look into the future with any kind of harvest management or regulations, it seemed to the TWG that the best thing that we could recommend is that the TF, the PFMC and the CDFG mark fish before release this year. The purpose would be basically so we have a better estimate of the types of stocks we are actually harvesting from, if they are hatchery fish or if they are wild fish.

Rode: Our position has been that to do mass marking, we also need to have simultaneously in place the resources and the ability to do something with those marks, to retrieve those marks. There has been a lot of discussion statewide and with other groups and I am sure there will be continuing discussion with NMFS and other agencies and other entities regarding the merits or detriments of mass marking. Right now, I believe the state's position is that we don't want to address mass marking on a basin by basin level but to address it on a statewide level. So if some

decision is made to proceed with mass marking, we will do it at all our hatcheries and not just one or two. It will be a coordinated effort and I think that is about the best update I have on the issue right now.

Orcutt: The state of California's steelhead Management Plan just came out; its recommendation is to mark the steelhead. The California Citizens' Advisory on salmon and steelhead advisory committee is in support of it. The sport fishery should certainly be concerned about that. If the listing comes down, why wait? I think we need to take a pro-active approach.

****Motion(Fletcher)****To support marking, work with CDFG and the PFMC to get to some decision on an appropriate level of marking.

****Second****(Bingham)

Rode: I would suggest that the question or the motion be phrased more in the form of the concerns that are involved rather than trying to specify certain mandates or specific actions and I think that would be more palatable.

Hall: Mike, do you have some language you could offer?

Orcutt: We want to be able to identify the hatchery production so we are looking at tools and methods to do that.

Fletcher: I want to make sure CWT is in that phrase.

Wilkinson: I want to repeat what I said a little earlier. This is an international issue. It is an expensive issue. It is a policy issue by the states involved and the provinces. I would like to see us make a recommendation and I think what Craig is after is a recommendation to this state on marking for our stocks. This whole mass marking thing is a whole other issue and at this point limited only to coho.

****Motion clarified****Fletcher: I would make a motion that the TF recommend to the CDFG and the other appropriate entities to CWT the appropriate number of coho and chinook salmon within the Klamath basin.

****Second accepts**** (Bingham)

Rode: I am not going to be able to vote for that. We still as the Department look upon that as our prerogative. We obviously think that we are adequately marking chinook salmon right now and we propose in this basin to mark coho. We are concerned with the inability to differentiate wholly between the hatchery and natural stocks and recommend that the CDFG coordinate with appropriate agencies to resolve this issue. It is inappropriate to get down to the specifics to the level that the suggested motion entails. My supporting that approach would imply tremendous commitment in dollars and a specific approach that is one of many other options. I don't know if I am in the position to do that right now.

Bingham: I would just like to offer a suggestion to help us move forward process-wise. Perhaps the state would consider abstention on this motion as a way of indicating that there is not commitment whatsoever to the motion on the state's part and yet they wouldn't stand in the way of the motion.

Fletcher: I am getting specific here with the CWT because what I am trying to do is not disrupt our current or past marking practices. If something better comes along and there is better methodologies that come up then we can look at those. I just want to say CWT some portion of fall chinook, spring chinook and coho and that enables us as harvest managers, as restoration evaluators to do our job.

Orcutt: I cannot support that. That is not doing anything different than we are doing right now. That is not adding anything. They are already marking the coho. They are using the maxillary clip, they are not going to CWT them now. That is not adding anything and the steelhead issue is still something that I feel strongly about. At some point in time, sport fishing people should darn well be concerned about it if we lose that fishery because of listing. You didn't offer anything speaking to steelhead.

****Motion Amended**** That the TF recommend to the CDFG and the other appropriate entities that the appropriate CWT marks be applied to chinook and coho salmon and in addition the appropriate marks be applied to steelhead within the Klamath Basin.

****Second accepts****

****Motion carries (CDFG and ODFW abstain)****

21. TF discussion on 1998 RFP and subbasin planning

Bienz: Last October in Brookings the TWG presented to the TF our recommendations on the RFP process from 1997. I will talk specifically about what those recommendations were. We didn't see any problem at that time but as we went back to the minutes, we never found that the TF actually said we approve of you putting these into the RFP for 1998 so I am back here today. Specifically, under the middle section (Handout P) there where it says recommendations, it says that after we went through the ranking process from 1997, we found that the proposals would be more easily ranked and more helpful to us if they included these six elements in the middle section there.

Wilkinson: Craig, on the recommendations on the clarification of ranking criteria. Could you walk me through the TWG's perspective on commitments to long range projects? Questions have come up in the past about the annualization of the budget process and our commitment to longer range projects, how might that be dealt with?

Bienz: What we have been relying on is the TF to basically establish or the BC to say that this is a commitment that needs to be made at that level and we pull that out of the ranking process so that the commitment is made by the TF. If I could use an example, the water quantity model that

Marshall Flug talked about yesterday, that is a long range, long term program and what we did was we basically, this is where we get into the later part of my discussion later on here this morning but we took the \$50,000 for that project, pulled it out of the budget.

Bingham: Are the language changes you are proposing to the RFP the same specific language that you have presented here in this outline? Just to clarify, you are asking for TF action to so amend the RFP, is that correct?

Bienz: That is correct.

Rode: In that section of the RFP where there is the line for the in-kind contribution or match; if you could have an indication there of whether it is a federal or nonfederal match, then we would have an automatic way of tracking the nonfederal match requirement that we have and perhaps after the projects are ranked and funding is approved, the Yreka staff could just go down through the projects and perhaps pick up a certain amount of dollars for the match that way.

Farro: Again emphasizing need for matching funds, I think we should encourage matching monies. Are you envisioning using some kind of points in the ranking of these to try to accomplish that goal?

Bienz: It is part of the ranking right now but it is up to the individual ranker. In other words, they could look at it and understand, in other words, that this is a great project that doesn't have any and therefore it would still get the highest number of points. I think it is 10 points in that whole category where it could receive those total number of points. We could easily change that to encourage the expression or use of matching funds.

Wilkinson: Last bullet, Craig, requests that your research assistant position be removed from the RFP process. Would you mind verbalizing a little bit the rationale behind that?

Bienz: Actually, what we are actually talking about here; we have made more recommendations. The ones that we are really wanting to put in the RFP are just those six up here. The others are more or less for our internal purpose but specifically, on the point you made; we did take the BC removing the research assistant position from the ranking process. We felt that that was necessary to continue to support both the TWG and the TF with a lot of the multiple projects we are doing. We are using that individual to basically tell us where those projects are, putting it into the GIS system.

****Motion (Bulfinch)**** That we accept the recommendations of the TWG for the revised RFP for fiscal year 1998.

****Second(Farro)****

****Motion Amended****(Bulfinch): Instead of emphasizing need for matching funds, put encourage matching funds and or in-kind contributions.

****Accepted (Farro)****

Wilkinson: For clarification, to the maker of the motion, does your motion include the six bullets under recommendations, what is your position on the next five bullets/more recommendations?

Bulfinch: The next five recommendations, I was not addressing.

****Motion carries (Yurok Tribe abstains)****

Farro: Can I request as soon as this is put into text in the RFP, that the TF members would get copies of it?

Bienz: We will try to put that together for you today. I think the letter dated January 6, 1997 from Kier and Associates (Handout C) best describes the next recommendation of the TWG.

****Motion**** (Unknown) That the TF move the boundary between the lower and mid-Klamath planning subbasins so that the lower Klamath will be from Weitchpec to the mouth of the Klamath River and the middle Klamath from IGD to Weitchpec

****Second****(Fletcher)

Bulfinch: It appears that from the Act extending the Trinity project, that it defines the area from the mouth of the Trinity River down to the mouth of the combined rivers, Klamath, as the lower basin so it is consistent with the enabling legislation.

Rode: Isn't this an artifact of the old CH²M Hill that preceded the long range plan and was probably in error. The new delineation more accurately defines the tribal ancestral areas of inhabitation a little bit better and it probably makes more hydrographic hydrologic sense. It just seems to me like it is just a technical matter.

****Motion carries****

Bienz: The last issue I have to bring before you this morning would be the recommendations from the TWG to the BC (Handouts P and Q). I should just try to expedite that by saying our recommendations were, I would say unanimously approved by the BC.

20. BC recommendations for FY98. (Bingham).

Bingham: I really want to thank the TWG for efforts over the past couple of years to reform our annual RFP and funding process and develop a new time line and recommendations for the approach that we are now filing on to towards recommending projects by category. I realize a lot of work went into that from the TWG and speaking on behalf of the BC, I would just like to recognize and thank the Committee for its efforts. That said; the BC met December 4, 1996. Present were myself, Kent Bulfinch, Clancy Dutra, Leaf Hillman, Mike Rode and John Hamilton providing staff support (see Handout Q). Our recommendation for the distribution of surplus

funds is in Attachment two to the BC minutes. On the stable funding for harvest management monitoring, we are going to have a report on what the TWG recommends in this regard which will be sent out to the TF and it will be an action item. I am not exactly sure about the status of that; I don't believe that has happened.

Hall: Craig says it hasn't.

Bingham: Okay, so that would fall out of our recommendations then at this point.

Then, (item IV and V) relative to the TF direction and TWG recommendations for up front commitments, I remind the TF of that is just to say that we took action and direction was given to us to include the flow study.

We reviewed that motion and the budget consideration of the TWG recommendations. It should be understood that the actual amounts that were recommended by the TWG were actually greater than the available amounts because they were not mindful of the \$80,000 set aside for the Fish and Wildlife Region. Their recommendations were for Category I, Field Office and Restoration Program administration, \$320,000, water quantity model \$50,000 and TWG research assistant \$50,000 for a subtotal of \$420,000. So these were the upfront commitments that were recommended by the TWG. The BC concurred with those recommendations.

In other words, we concurred with the Klamath Restoration Field Office and Restoration Program administration of \$320,000, that is at the top of page two of the report. We agree with that amount and our recommendation was that the operational costs for the field office be made available at the annual BC meeting. There was some concern at the BC among some of the members that they would like to a more detailed budget.

We didn't have that available this year; we were well aware of work loads for staff and there was simply no time to prepare it. Next year, we would like to see it so that we can make our recommendation on a more informed basis.

The BC agreed with the amount of \$50,000 for the research assistant, and recommended that the travel part of that budget, the difference between \$42,600 and \$50,000 be upgraded towards prioritization for travel with the understanding that more direct assistance for the CRMPs will be provided. The BC recommended that the TWG specify what additional duties will be required for the HSU person in FY98. BC agreed that additional explanation of Category II is needed and that Category II should be better defined. We are on now to the actual spending categories. The better definition would be sub basin support or projects including CRMPs. Given the current appropriation, the BC agreed to the possible dollar amounts. BC supports commitment of Category III dollars as defined in November 25 letter from the TWG as related to flow studies. The BC agreed the flow study proposal should be submitted and ranked on their own merit under Category III. It is assumed that the TF motion priorities for funding in FY98 will include the Klamath Basin Instream Flow Study and those will be addressed through a revised RFP which solicits flow related studies. I just want to kind of underscore this because it is pretty important and essential to our recommendation and that is that there had been a proposal from staff that we handle the instream flow studies through a set aside process. We are not recommending that approach but what we are recommending instead, that the RFP be broadened to include the

instream flow study which would then allow instream flow study related proposals and projects to be ranked as part of the TWG process along with all the other project proposals. Finally, the suggestion that the letter go to the state of Oregon requesting support for the OSU study for \$21,000 FY97 dollars for the second installment of the thermal refugial and videography pilot study is supported by the BC. It is recommended by the BC that Keith Wilkinson suggest a path for the letter to be signed by the TF Chair.

Hall: One clarification question on your flow study approach. I don't disagree with the way you want to do it. Given the motion that we passed that you are to see that the flow study stays on target, am I correct in assuming that that will be figured in to how you rank things and making sure that you are comfortable, that enough projects are getting done to keep that flow study on step?

Bienz: I think we understand now, Dale, that that is what we are trying to accomplish both in the TF recommendations and in the scoping process which will feed in. Whatever comes out of that scoping process will go into our ranking process consistent with this priority.

Hall: I hope everybody else appreciated that we put a heck of a burden on the TWG to basically see that this flow study keeps going and we have offered our support and oversight for that. So if you need assistance, let us know but with that assumption, I am comfortable with your recommendation.

22. Public comment

Felice Pace (Klamath Forest Alliance): As one of the petitioners for the listing of the coho and so forth, I want to let you know that the ESA (or the decisions that the fish warrant listing even though they may not be listed) is having a very good impact, in my opinion over in the Scott Valley. Basically what I see has happened is that a lot of folks in particular the agricultural community has rolled up their sleeves and gotten down to the work of restoration. My request to you, all as individuals, and as representatives of the various entities, is that you become aware if you are not and take action to prevent what could be the single biggest thing preventing the restoration of these runs and that is in terms of the Klamath River, I think at this point, the Oregon coho plan. The Oregon coho plan and the associated habitat conservation plans (HCPs) that every single industrial ownership is doing throughout the northwest and in the Klamath Basin, are basically keeping upslope issues off the table on private lands and ratifying or proposing to ratify current practices. Now if anybody on the TF thinks that current upslope practices in terms of the way we take care of roads and unstable slopes are adequate for the restoration of salmon, they are not in touch with the best science that is available and I would be happy to work with them to get them in touch with that science. The HCP for Fruit Growers Supply is on the Solicitor's desk at Interior. No HCP or any reports on it have been made to the Scott Valley CRMP even though Fruit Growers Supply is a member of that CRMP. The public, the County, associated agencies, the other landowners including the Forest Service that are intermingled with Fruit Growers ownership, none of these entities are privy as far as I can tell to what is in this HCP yet, it could be approved shortly and lock in management under the no surprises rule. The other thing I want to say is that I see in terms of reading the way the salmon issue is playing out is that

the agricultural communities in my basin and I see in a lot of other basins are responding in a pro-active manner and in an appropriate manner in many cases. I see the timber industry as not acting as a responsible citizen and neighbor in this respect and instead trying to cut the deal with the Clinton administration and Mr. Babbitt.

The other thing I just wanted to briefly mention is funding. It is obvious from your discussions this morning and from what happened last year in the funding, I believe last year, we had less than \$200,000 available or allocated of the million dollars for projects. I said that we should get together to increase the appropriation and to target that appropriation for projects. In that regard, there is a letter on the table inviting participation in such an initiative to seek an additional one million dollars appropriation that would be targeted through the TF but only could be spent on projects and with some no substitution kind of things.

I would also challenge the upper basin folks, KFA is ready to support right now the million appropriation for the Hatfield Working Group if the Hatfield Working Group and/or other entities in the agricultural community will support the one million additional appropriation down here.

Hall: If someone told you it is on the Solicitor's desk, the answer should have been it is under review because the regional director decides when it is going to the Federal Register for public review. No permit will be issued unless it has gone for public review.

Pace: There is a public review process but it goes on sort of after the deal is cut. There is a formal process and we will participate, I hope all of us, in that process. You know, it is not pro-active. The position of the environmental community and I believe, what the science indicates is that HCPs need to fit into an overall strategy and support an overall strategy. We have a strategy on public lands. That is the aquatic conservation strategy of the Northwest Forest Plan. We don't have a strategy on private lands that integrates the two things.

Fletcher: I do concur about the budget and we are always really fighting over nickels and dimes. I don't think a million is appropriate. It may be more. I recognize the concern about upslope processes and that there are some feelings that HCPs by timber companies don't address this. I will say, from what we have been exposed to in working with the Simpson Timber Company in our lower basin planning effort, they are taking a pro-active approach.

Hall: If the TF decided that it wanted to make a recommendation to the Secretary to try and seek additional funds, then I could participate in that process and work with you. If the TF decided that it wanted to work with Congressional delegations to try and get additional funds, then laws would prohibit me from being involved in that kind of activity and I would have to abstain but I certainly wouldn't stand in your way in trying to get additional funds.

Farro: There is a lot of political pressure to resolve that issue and it is linked to the approval of a Headwaters deal HCP on a very short time frame and I think it is going to be very problematic because there is a fast track and approval of HCPs for one segment of the landowners (the larger corporate), then the rest of the general public and the smaller landowners, find that they are in a different set of restrictions which are more onerous.

For those of us who are involved with trying to work with landowners in bringing about positive change and cooperative projects, this is going to be very difficult and I am not sure the political folks pushing fast tracking are quite cognizant of what is going to happen when the rest of the public sees that. I think it is something that is going to come back to haunt us in ways we are not really thinking about right now.

Hall: I share the concern between a small landowner and a large landowner and the same process going for both, the same requirements of the law. There are draft policies coming out in the Federal Register for review. I encourage you to look at those to see if they are better at meeting the needs. If you have recommendations to modify those, please submit those recommendations.

Bingham: I, too, have been very troubled and involved by this issue. We have worked very hard at the TF for a long number of years to develop a cooperative working relationship with landowners in the various sub basins that the Restoration Act directs us to restore fisheries in and I think we have achieved quite a bit of success in that respect.

****Motion**** That this TF requests, formally, to the Secretary that in the development of HCPs, as part of that development process, that he encourage landowners that are in the HCP process to participate in the sub basin planning process within the watersheds within which those ownerships are located.

****Second****

Hall: No discussion, we will call the question.

****Motion fails (Smith, no)****

Debra Crisp (Tulelake Growers' Association): Since the formation of the TF, administrative costs have been excessive to say the least. According to my information, over 40 percent annually. The Growers' Association would like the TF to consider a significant reduction in administrative expenditures which would allow some more money for recovery projects. We think that the TF has wasted a great deal of money over the past 10 years. I think there should have been more money designated for the recovery of the species instead of such excessive administrative costs.

Jennifer Davis-Marks (Coordinator for the Scott River Watershed CRMP): I would just like to express my support of Nat's motion because I really feel that the community at large are the ones that are most responsible for the recovery. They are the ones that are going to actually get in there and do the work and cooperate. I think it is real important that the CRMPs have some kind of a say in all the processes in the watersheds and I am specifically speaking to the HCP process at this point.

23. Action - TF decision on recommendations

Bienz: In a letter that Dale had written back to the TWG February 12th that he offered to make himself available as well as the field offices in Yreka and Arcata. I have talked with both of those offices and we will take you up on your offer.

Hall: We will help in any way we can. This is a tough assignment, I know.

Russell: Just a quick question so that I understand here under excess funds; question, did I understand that correctly that those funds will always come back to the TF for discussion?

Bingham: That is correct unless, the exceptional situation would be if we were in a use it or lose it situation between meetings then the policy that I outlined to you would kick in and distribute those funds by category or if there were not sufficient funds to fund in each category, then the procedure that is outlined in italics would be used to lump the money and to fund down the ranking order. This procedure would only be used in the event that the TF could not be convened.

Russell: Thank you again. Again my purpose is to be sure that any and all funds have been or will be addressed by the TF whether it is a nickel or \$500,000.

Orcutt: On #3 of the BC report, harvest monitoring, I would point out that I think ultimately hopefully what comes out of the discussions of the TWG on overall Klamath basin monitoring needs will come up with some of these priorities. Specifically is one Keith had concern about, age composition projects, this issue will be addressed at some point in time.

****Motion****(Bulfinch) I move to accept the BC's recommendations.

**** Second (Russell)****.

**** Motion carries****.

Wilkinson: On the second to last item on the budget proposal (items IV and V, C) , asking me for direction on a path for a letter to be signed the Chair regarding the \$21,000 for the Refugial study, for the record, that should be directed to Donald O. McIsaac, Ph.D., the Director of Interjurisdictional Fisheries Management Program, ODFW.

24. 5-year program review proposals and recommendations of contractor to TF (Wilkinson)

Wilkinson: As the agenda indicates, this will be a 5-year program recommendation from the subcommittee. As you know, you were communicated with when the proposals came in and there were two proposals that came in within the time frame that was indicated in the RFP. The subcommittee met on the 6th of February to review these proposals and rate them. The subcommittee was Mr. Bingham, myself, Mr. Bulfinch and John Hamilton from the staff. As a point of information, invitations were sent to all TF members and all Council members to participate in this. The subcommittee for the partial term review has this finding. There were two responses to the RFP, one from William Kier and Associates and another from S.P. Cramer and

Associates. Based upon an evaluation of the proposals, using the criteria that were provided in the RFP, the subcommittee unanimously recommends the TF enter into an agreement with William Kier and Associates. One other piece of information that I have. Inadvertently in the past in discussions about this RFP, I had misled the TF as to how this would be conducted. With us today is Jess Watson the Bureau's contracting officer and I would like for him to explain the difference between what we understood as a contract and what this is going to be an agreement.

[Jesse Watson explained the difference from the Service Contracting and General Services perspective between a contract and an agreement (be it Grant or Cooperative) as funding instruments]

25. TF Discussion on 5-year Program review

Fletcher: I have a severe problem with Task 9.1 and 9.2 of the RFP and I expressed that problem to the TF at the Brookings meeting and explained that I wasn't going to be comfortable with that type of language going forward at that time.

Hall: It would help me if you would let us understand what concerns you have.

Wilkinson: The issues that Troy is talking about would be Task 9.1 and 9.2 and they are on page 11 of that report. At this point, Troy should identify what his concerns are and/or if he has any amendments that he would like to make in the RFP now of course the question then is if the amendments are significant, then that essentially changes the RFP and the proposer might not be happy with it.

Fletcher: So what I want to make clear from the beginning is that my concern and my unwillingness to go along with one of the tasks will not prohibit this program review from moving forward. I need to make that clear from the beginning. To begin with, Section 9.1 is more under the charge of the KFMC. That issue hasn't been fully discussed there. It is their charge to deal with harvest management as identified in the Klamath Act. So I am not going to agree that that be on the table. The other thing is that we have resisted efforts like this in the past and it is because those efforts have been, in my opinion and my constituents have been based mostly on false rumors and false accusations in an attempt to have a microscope placed on what we do. This type of a critical review over our monitoring program, I am not going to allow. I will present all kinds of information relative to our monitoring, I will sit down with anybody, talk to them about our monitoring, I will bring them out there and essentially do all the things that this review wants to do, but I am not going to condone an official review of that effort.

Hall: In your deliberations on the RFP, were Troy's concerns brought forward and did you discuss those?

Wilkinson: No, we did not because the conversations that took place of Troy's concerns in development of the RFP were after the fact in the October meeting. Now here again, I must point out that when the staff and I talked about who should participate in this RFP review and selection

is why we very carefully sent out notification to all TF and all Council members. We did not send out copies of the proposals but we offered to send them out if they so requested.

Bingham: I did serve on the subcommittee and Keith is entirely correct. Everyone on the TF had an opportunity to participate but I don't think that removes the concern that is here today. My concern here today is that we move forward with this process. I don't want us to leave today without having moved forward with the midterm review and I think what may be the appropriate action here would simply be to take Tasks 9.1 and 9.2 out. We leave the dollar amount which is clearly identified which is for \$9,300 and refer the issue back to the Klamath Fishery Management Council who as Troy has correctly pointed out, has really not had a chance to discuss or review this issue and then let's see what we get back from them in terms of a recommendation as to how to proceed. I would also like to say that the Yurok Tribe has reached out to the ocean salmon industry which traditionally had a high level of suspicion and mistrust about harvest management and monitoring on the lower river and I am happy to report that many of the concerns which existed in the California segment of the troll industry were laid to rest in that process which was initiated by Troy Fletcher and I would just like to recognize and thank him for his efforts in that regard. So we are here today relatively comfortable with the idea of deferring these two tasks. We recognize there may be other interests in the basin, landowners, CRMPs, people who haven't reach that comfort level yet and to that end, I would defer to those interests and refer the matter back to the Klamath Council for further discussion and resolution.

Fletcher: Even in the Klamath Council, let me be honest, I am going to have some concern and Nat expressed pretty correctly the way that we have chosen to address this issue from the Yurok Tribe's perspective.

Rode: It is regrettable that the Yuroks have been singled out in these tasks. By in large though, I think it would be extremely healthy to have all harvest management operations and monitoring programs reviewed by an impartial third party.

Wilkinson: I would concur. I would probably object to removal. I don't want to see it stricken now necessarily.

Fletcher: I want to see it stricken now and if any of this nature is developed, I would like to see the impetus for that development at the KFMC. So I won't agree with anything that does anything short of that.

I would support a motion that would remove these with the comment that they fall then the responsibility of someone else and should be addressed separately and go forward with the other items of the review that are directly pertinent to TF activity. One of the assets this review would have is to examine the breakdown of linkages between this group and the KC. If we are really going to look at harvest management, we need to not look at the monitoring's success and enforcement; what we need to look at, is harvest management successful in meeting its objectives? We manage for natural escapement. Right now we are managing for the floor and we have managed for the floor in a number of different years and people believe it has a direct impact on returns to the Shasta, the Scott.

Miller: I want to go back to October when we deliberated on this issue quite extensively and Mr. Fletcher had raised the question that the harvest management issue of monitoring and stuff could be taken and be rightfully looked at the KFMC forum. Mr. Wilkinson had shared with us that he personally thought that it was a critical component of the objective, in view of its contributions towards the whole restoration program. Acting Chair, then Mr. Bingham, said "what he was hearing was at least two members of the TF were uncomfortable with these tasks and I am going to suggest that Keith, you and Troy, hammer out language before the next TF committee". Troy, have you and Keith had an opportunity to do that?

Fletcher: We have talked and I have presented my alternate language.

Miller: But have you guys hammered out the language to be presented to our committee? That is my question.

Wilkinson: The subcommittee that had dealt with the proposal directed my action. I suggested to Mr. Fletcher that he might be able to modify with the proposer because I preidentified who the proposer was to him. He was unable to get any satisfaction there so, here we are.

Miller: It is pertinent that we do take that out until that issue can be addressed and I think that if it does get reinserted at some point in time, it needs to be correctly implemented.

26. Public comment on 5 year program review

John Crawford (Klamath Water Users): I must be missing something here and I must be terribly naive in that I don't even want to take a position or comment on the two sections that the Yurok tribe is disputing here but I am in agreement with Troy that the basic impetus of this review is to look at and evaluate some degree of success or failure of the LRP itself and in that regard, why is there not a conflict in talking about Kier and Associates being the reviewer of a document that they were the primary authors of?

Bingham: If you think about it, the evaluation is primarily to discover whether the implementation of the plan the goals and policies of the Klamath Basin Authorization legislation. So it didn't appear to us after having carefully evaluated the issue that there was any inherent conflict in having the preparer of the plan review the performance of the program.

Crawford: I would agree with that evaluation, Nat. However I think that human nature is going to prevail in evaluation of that implementation by the author of the plan is going to contain some bias.

Bingham: We put out, or the committee put out through the TF a widespread solicitation for proposals. We received two proposals. We ranked those proposals objectively against the criteria that were established in the RFP. Of the two proposals, the Kier proposal fell out as the closest to achieving the goals. We went through section by section and numerically evaluated them.

Crawford: I understand the situation you were in and it is unfortunate that that world wasn't more perfect and that more proposals were not submitted.

Bulfinch: If the originator of a plan is given to someone else such as this to carry out, and it is not carried out to the satisfaction of the originator, he is apt to be just a little bit more petulant in the criticism of the process than he is to be congratulatory on how well he did with the plan. So getting a good review in that regard, I don't think is an obstacle with this particular contractor.

Crawford: I agree, too, Kent, that the potential for that is there as well.

Hall: I will say, John, that I would have liked to have seen more competition for this work but I have to say I reviewed personally the effort to solicit proposals and it was extensive.

Pace: Any consultant that took on this task would bring their own biases and those are various. I think it is impossible to escape some bias. On the topic though, I can see or if I anticipate a course that this might take, based on past experience with the TF, I can see gridlock looming in the wings here. If that in fact is the case, I would like to offer that there may be some language. The proper task for any harvest evaluation with respect to the Klamath Act in your charge would be what effect has harvest management had on your charge. If you accept that then substitute language for task 9.1 and 9.2 might be to review and evaluate the effect which salmon harvest management has had on the ability of the TF to successfully perform its restoration charged as described in the Act.

27. TF decision on 5-year program review proposal

Farro: We spent a lot of money on some things in here that aren't getting enough evaluation. We have spent a lot of money on the rearing programs in here; some years the spending on those was higher than actual habitat restoration and I was hoping to see a little more refinement of the task of evaluating the effectiveness of those programs. Is there room to add more details in that?

Wilkinson: In my opinion if I might respond, in my opinion, your concerns are addressed in the RFP.

****Motion****(Bulfinch) I move to accept Kier and Associates as the cooperator and to remove sections 9.1 and 9.2 from the tasks of the midterm review (with the comment that these items should be addressed in another forum because they are not the direct responsibility of the TF).

****Second****(Bingham):

****Amendment to motion**** (Bingham) That the recommendation of the subcommittee be adopted in the motion.

****Amendment accepted****

Wilkinson: For clarification, to the maker of the motion, how would you deal with the \$9,300, the ticket item on 9.1 and 9.2?

****Motion amended****(Bulfinch) That sections 9.1 and 9.2 be deleted from the contractor's responsibility and sum allocated which should be negotiated out of the cooperative agreement with the proposer.

****Second accepts****

****Motion amended*** To establish an oversight committee to meet with and provide direction to the contractor and to provide information back to the TF.

Smith: Are we saying that we are going to guide the people who are evaluating this on how to evaluate our accomplishments?

Bingham: I see the committee's role as being to explain the intent of the RFP to the contractor and to give clear guidance going in. Once the tasks are commenced, it would be wholly inappropriate for us to try to guide the pen that is going to be evaluating us and I hope that everybody understands that once the tasks are underway, we have to take our hands off otherwise, it won't be an independent review.

Miller: I cannot accept the motion that is on the floor. I liked the scientific terminology that is used in the Kramer proposal a lot more than what is used in the Kier proposal. I said that I couldn't support the motion based on what we were able to review. I do want you to understand we had less than an hour to review or even look at these proposals and that we really don't feel that is an adequate amount of time so I am making a counter offer that we accept the technical proposal of Cramer and Associates.

Bingham: First that I think it is true as Keith Wilkinson said earlier, truly unfortunate that we did not have the participation of the tribes when the subcommittee met and that this matter sort of has to be hammered out now in public. But I will go on record as saying that if the Cramer Proposal is formally moved, I will formally object to it. I believe that it is based on science that while it appears to be unbiased on the surface, there are things in it that I find prejudicial to my interest. I have information that I am aware of that leads me to be unable to support the Cramer proposal.

Miller: With that, Mr. Hall, we also in looking at the Intertribal Fish and Water Commission as a whole body, have some concern with Kier and Associates.

Wilkinson: I am sorry for interrupting but to Elwood, it is unfortunate that you only utilized one hour to review these proposals and it kind of leaves me in the dark how you could in one hour decide one in favor of the other.

Miller: We certainly didn't want to do it within one hour but, that is all the time we had to deliberate on this issue before coming here and trying to reach some resolution to this process. We have an uncomfort level with the proposal that is on the floor and could have worked through

them had we been given these documents earlier. In the June meeting Mr. Orcutt said I want to be involved in the product; what product goes out and have a clear understanding of what we are asking for in the RFP, because the Klamath Falls was rather generic and conceptual. Mr. Wilkinson, you said the proposal laid out in Klamath falls, was generic. To the best of our ability, we need to know what contractors can provide us. Some of these issues were being hammered out in telephone conversations rather than committee meetings and so there is a lot of unanswered questions to this process. I am not trying to point any fingers at anybody or at yourself. I think you did the best job you possibly could with this situation but obviously questions did not get answered. So part of the reasoning is the short time frame that we were given here and also the whole process of being excluded.

Wilkinson: I find your reasoning and your justification for reasoning unpalatable. Rather than go into a personal conflict item, I would certainly suggest for our consideration that all of our mailings in the future be sent certified mail.

Fletcher: We have to deal with this issue right now and there are two consultants here that are on the table and I recognize that there was a pretty extensive advertisement for this RFP.

****motion withdrawn****(Bulfinch).

****Motion****(Fletcher): That we do accept Kier and Associates and in addition, an oversight committee be clearly identified now to provide needed direction to that contractor to complete the task at hand, with 9.1 and 9.2 excluded.

****Second****(Bingham)

Discussion

Fletcher: I don't know whether we are going to get a better proposal. So in recognition of Elwood's concern, I think that if that oversight committee is clearly identified here we will make sure that the appropriate people will shape the review.

Bulfinch: If you change from to a committee to a committee of the whole, I would be delighted to support it.

Fletcher: I am reluctant to accept that. I think it is a good idea and I think everybody here wants to participate as much as they can but if you took everybody's calendar out and looked at it, we are lucky to be here.

Bulfinch: Whatever committee you appoint to review this, it will be just as happened today, that someone on the TF with justifiable seating will challenge or refute the results of that committee and eventually it will have to be settled by the TF as a whole so you might as well start with the TF as a whole.

Russell: First of all, Keith, I can say that probably these documents are laying in Klamath County office somewhere so I will take my lumps for not having done my homework because they are probably there but the question is, is when, do we have a drop dead date here of. . . so to speak, drop dead of when we have to hire or commit to a contractor?

Hall: We have to obligate the funds by September the 30th or we have to pay out of next year's money. Already, the schedule, I believe Mr. Wilkinson said it would be the end of '98 before we got the report back. Putting it off, is pushing us further and further up into that second decade leaves us less and less room to make the adjustments that might be necessary as we move toward the 20 year mark.

Miller: I am willing to accept the motion with the formulation of a committee the way that Troy had mentioned. I would hope that immediately after the passage of this motion that we identify that committee.

Hall: You can rest assured if this passes, the Chair will name that group quickly. Comments? Questions?

****Motion carries****

Miller: I would like to see Mr. Fletcher become the Chairman of this committee.

Fletcher: I will give it a shot.

Hall: It is in your hands.

Iverson: I think we probably need a bit of direction speaking of our office and also contracting and general services. We have got a Kier and Associates representative here and I guess if I were a Kier Associate, I would be kind of wondering what I am stepping into as far as satisfying a very large committee. This may not be something that they took into account when they made their original profit estimates. We need to know what the modification is regarding responsibilities to satisfy the committee review and so forth. That is something that isn't in the scope of work that we have to deal with now so it appears to me that the scope of work will have to be modified and I would like to get some guidance on how we are going to do that?

Hall: That is correct. The question that Ron is asking is a legitimate one. There will be now required meetings with the committee that the contractor will have to meet. Ron is just asking how that gets into the system and that was what I was trying to answer.

Rode: There also seemed to be an implication on Ron's part that there might be some additional incurred costs due to time needed by the contractor to meet and possibly changes in the description of the tasks as they are now results. That might result in additional costs. I am just thinking since tasks 9.1 and 9.2 are being dropped, that there is perhaps some flexibility with the \$9,300 associated with those tasks that I would hope would be more than enough to cover the

additional work involved. Could we look upon it as that as a possible source of adequate funding?

Hall: Yes, you do have some room in there.

28. Identify agenda items for the next TF meeting in June

Hall: The next thing was we were going to try and set up a one day retreat. This would not be an official TF meeting. We would not be making any hard core decisions. We would be trying to work through our idea of objectives and where we want to go. Am I correct in that?

Iverson: Probably need to talk about that some more but, Dale, my reading of the FWS regulations that implement the Federal Advisory Committee Act, is that it is very hard to have a closed meeting and in fact it requires a written approval from the Assistant Secretary.

Hall: We need, my view, very definitely, we need some quiet time together to get our act together as an entity, as one body trying to work together to solve problems and my experience is the more open public and official that is, the more reserved people will have to be in trying to get at the issues. If there is any kind of requirement that we get an approval to be able to meet privately so that we can start developing ourselves as a better individual group instead of a body of a whole lot of different individuals, then I will be happy to get that signed next week. Let me know what I need to do because I will be meeting with Don Berry on Tuesday.

[The TF agreed to changing the dates of the June meeting to the 26th and 27th and to change the location to Klamath Falls at the Oregon Institute of Technology]

Hall: What about agenda items?

Bulfinch: One of the ones that was suggested earlier was securing additional funding and second, I would think it would be appropriate but by that time we ought to have some indication of the interest of the state of Oregon in that Phase II OSU study. We should have a report back on that whether it is or ain't going to do it.

Hall: Certainly the third one would be what we just talked about and that is some direction and guidance officially on the objectives of what we want to accomplish for public input and all that at the next meeting as well.

Fletcher: I would like to add some ESA information. There is a lot of inquiry about HCPs and that type of stuff and maybe we could invite somebody from NMFS to make a little presentation to us about that and fire off some questions to them. My comment was in response to some of the public comments that I heard, Felice and then I heard Mitch express some concern and I think it is fair that we at least look at that issue a little bit.

Hall: Thank you. We are adjourned.

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING

February 20-21, 1997

Yreka, California

Klamath River Basin Fisheries Task Force Members:

Kent Bulfinch	California In-River Sport Fishing Community
Nat Bingham	California Commercial Salmon Fishing Industry
Mitch Farro (2nd day)	Humboldt County
Troy Fletcher	Yurok Tribe
Ronald Reed (for L. Hillman)	Karuk Tribe
Dale Hall	U.S. Fish and Wildlife Service, Portland
Elwood Miller	Klamath Tribe
Alan Olson	Forest Service
Mike Orcutt	Hoopla Indian Tribe
Mike Rode	California Department of Fish and Game
Don Russell	Klamath County
Joan Smith	Siskiyou County
Keith Wilkinson	Oregon Department of Fish and Game

Attendees:

John Hannum	Regional Water Quality Board Staff
Sharon Campbell	USGS - Biological Resources Division
Marshall Flug	USGS - Biological Resources Division
Ron Iverson	Klamath River Fish & Wildlife Office
Jim Carpenter	Cell Tech
Stu Farber	Timber Products Co.
Bruce Halstead	Coastal California Fish and Wildlife Office
Terry Hanscam	For the Sake of the Salmon
Tom Shaw	Coastal California Fish and Wildlife Office
John Rienwick	
Andy Draper	UC Davis
Bob Byrne	
Blair Hanna	USGS, Biological Resources Division
Kelly Duncan	Humboldt State University, NRPI Department - TWG
James Wroble	Hoopla Tribe
Steve Lewis	Klamath Falls ERO
Alice Kilham	KRCC
Mike Belchik	Yurok Tribe
Earl Danosky	Tulelake Irrigation District
Gary DeSalvatore	Sport Fish.
Dick Heiney	Tulelake Irrigation District
Wilma Heiney	Klamath, Modoc Counties/Water Resources Advisory Committee
Bob McAllister	California Department of Fish and Game
Mark Pisano	California Department of Fish and Game
Marcia H. Armstrong	Farm Bureau
D L Meamber MI	Rancher
Don Meamber, Jr.	Rancher
Mike Deas	U.C. Davis
Frank Schall	Siskiyou Daily News

Attendees, Cont.

David Webb
Craig Bienz
Bernice A. Sullivan
Sandra Rosene
John Scott
Felice Pace
Reed Marbut
Mike Golden
Ted Kepple
Bill Bennett
Sam Henol
Jennifer Davis
Hal Cribbs
Tim Bowen
Juanita Quijada
Jennifer Silveira
Judy McDaniel

Shasta CRMP
Klamath Tribes
Bureau of Reclamation
Interest local observer
USGS - Biological Resources Division
Klamath Forest Alliance
Oregon Water Resources Department
Oregon Water Resources Department
Herald & News
KRCC - CA. DWR

Scott River CRMP
Klamath River Basin Task Force
KBWRA Committee
Klamath River Fish and Wildlife Office
Klamath River Fish and Wildlife Office
Klamath River Fish and Wildlife Office

FINAL REVISED AGENDA FOR THE KLAMATH TASK FORCE MEETING
BEST WESTERN MINER'S INN - YREKA, CALIFORNIA
February 20-21, 1997

February 19, 1997 12:00PM

February 19 - Scott CRMP will conduct tour of restoration projects starting at Ray's Food Store parking lot in Fort Jones at 1:00 PM.

February 20

- 8:00 AM 1. Convene. Opening remarks. Welcome to Joan Smith, the Siskiyou County Representative. David Finigan the new Del Norte is unable to attend.
- 8:15 2. Business
- A. Adoption of agenda
 - B. Adoption of minutes from the October 10-11, 1996 meeting.
 - C. Review of non federal matches (Mike Rode)
 - D. Bureau of Rec funding for 97-FP-08, Juvenile Emigration Monitoring
 - E. Staff recommendation on better parliamentary procedures (Bingham)
 - F. Appointment by Chair of two representatives to the Upper Klamath Basin Working Group
 - G. Proposal to change the date and location of the next TF meeting (Lewis)
- 8:45 3. Brief review of last meeting actions/general correspondence
- 9:00 4. Brief status lake levels, flows, and forecast by U.S. Bureau of Reclamation (Jim Bryant)
- 9:15 5. Brief update on 1996 fall chinook run, 1996 harvest, and projected ocean stock size (Rode, CDFG)
- 9:30 6. Brief update on ecosystem restoration issues before Congress
- A. Representative Wally Herger's Office handout
 - B. Interior Appropriations Report (Hall)
- 9:45 7. Awards to private landowners and cooperators (Hall)
- 10:00 8. Brief summary of Trinity River Flow Evaluation Report (Joe Polos)
- 10:15 9. Status of Klamath Flow studies:
- A. NBS institutional analysis\proposed LIAM (USGS/MESC)
 - B. MODSIM Water Quantity model (Flug, USGS/MESC)
 - C. KR-SIAM Prototype (Flug, USGS/MESC)

- D. Coldwater Refugial Study (Bartholow, USGS/MESC)
- E. Brief Summary of other key efforts
 - 1. UCD temperature modeling (Deas)
 - 2. Habitat Suitability Curves (CDFG)
- F. Flow study process and scoping status (USGS/MESC)

12:30 LUNCH

- 1:30 10. TF discussion/Review of TWG letter on scoping/Review of last meetings motion to make flow study a priority in FY98 Budget
- 2:00 11. Status of Trinity River Mainstem Fishery Restoration EIS/EIR (Bernice Sullivan)
- 2:15 12. Public comment
- 2:30 13. Action: TF decision on LIAM/Chair assignment on scoping
- 3:00 14. KRIS demonstration (Higgins)
- 3:30 15. Upper Basin Amendment and assignments (Wilkinson/Mike Golden (for Martha Pagel))
- 4:00 16. TF discussion
- 5:00 17. Public comment
- 5:30 18. TF decision UBA

Note: The Klamath Compact Commission will meet from 7:00-9:00PM in this room.

February 21

- 8:00 AM Reconvene
- 8:10 19. Report from the Technical Work Group on the development of the Fiscal Year 1998 RFP and subbasin planning (Craig Bienz)
- 8:30 20. Budget Committee recommendations for FY98
- 8:45 21. TF discussion on 1998 RFP and subbasin planning
- 9:00 22. Public Comment
- 10:00 23. Action: TF decision on recommendations:
 - A. FY98 categories
 - B. Final FY98 RFP
 - C. Guidelines to handle excess funds/concerns of Mike Orcutt
 - D. Funding of monitoring/research needs
 - E. Draft letter to Oregon regarding \$\$ for Phase 2 OSU study

- 10:30 24. 5-year program review proposals and recommendation of contractor to TF (Wilkinson)
- 11:00 25. TF discussion
- 12:00 LUNCH
- 1:00PM 26. Public comment on 5-yr program review
- 2:00 27. TF decision
- 4:00 28. Identify agendum items for the next meeting in Eureka, CA on June 19-20 (there may be a proposal to change the date and location); Set the date and location for the meeting after next.
- 4:30 PM Adjourn

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING
February 20-21, 1997
Yreka, California
HANDOUTS

- AGENDUM 3 HANDOUT A Letter to Ron Iverson from American Fisheries Society from Humboldt Chapter, dated November 19, 1996.
- AGENDUM 3 HANDOUT B Letter to Phillip Baker, CDFG from Don McIsaac, October 3, 1996
- AGENDUM 3 HANDOUT C Letter to Chairman Hall from Kier and Associates, dated January 6, 1997
- AGENDUM 3 HANDOUT D Letter to Chairman Hall from Rich Elliot, CDFG regarding appointment of Mike Rode as Klamath Task Force Coordinator with Upper Klamath Basin Working Group, October 23, 1996.
- AGENDUM 4 HANDOUT E Water Update, Klamath Project, February 19, 1997
- AGENDUM 5 HANDOUT F Updated Megatable
- AGENDUM 6 HANDOUT G Memo to Assistant Regional Director, Re: Flood/Storm Damage Report, dated January 9, 1997.
- AGENDUM 6A HANDOUT H Memo to John Hamilton/Judy McDaniel, Status of Supplemental Appropriations
- AGENDUM 9 HANDOUT I Letter to TF and TWG members from Dr. M. Flug, dated February 14, 1997
- AGENDUM 9 HANDOUT J Letter to Ron Iverson from Lee Lamb December 31, 1996
- AGENDUM 9 HANDOUT K Estimated cost for LIAM/Scoping meeting
- AGENDUM 9 HANDOUT L Letter to Chairman Dale Hall from TWG, dated December 6, 1996 re: Flow study efforts underway
- AGENDUM 10 HANDOUT M Response to Technical Work Group from Chairman Dale Hall, dated February 12, 1997.
- AGENDUM 14 HANDOUT N Memo to Task Force from Martha O. Pagel, dated February 18, 1997
- AGENDUM 16 HANDOUT O Letter to Task Force from Klamath County
- AGENDUM 19 HANDOUT P Technical Work Group Recommendations and Revised Annual RFP and Budget Process--Schedule
- AGENDUM 19 HANDOUT Q Minutes from Budget Committee meeting on December 4, 1997

FINAL REVISED AGENDA FOR THE KLAMATH TASK FORCE MEETING
BEST WESTERN MINER'S INN - YREKA, CALIFORNIA
February 20-21, 1997

February 19, 1997 12:00PM

February 19 - Scott CRMP will conduct tour of restoration projects starting at Ray's Food Store parking lot in Fort Jones at 1:00 PM.

February 20

- 8:00 AM 1. Convene.
Opening remarks. Welcome to Joan Smith, the Siskiyou County Representative. David Finigan the new Del Norte is unable to attend.
- 8:15 2. Business
- A. Adoption of agenda
 - B. Adoption of minutes from the October 10-11, 1996 meeting.
 - C. Review of non federal matches (Mike Rode)
 - D. Bureau of Rec funding for 97-FP-08, Juvenile Emigration Monitoring
 - E. Staff recommendation on better parliamentary procedures (Bingham)
 - F. Appointment by Chair of two representatives to the Upper Klamath Basin Working Group
 - G. Proposal to change the date and location of the next TF meeting (Lewis)
- 8:45 3. Brief review of last meeting actions/general correspondence
- 9:00 4. Brief status lake levels, flows, and forecast by U.S. Bureau of Reclamation (Jim Bryant)
- 9:15 5. Brief update on 1996 fall chinook run, 1996 harvest, and projected ocean stock size (Rode, CDFG)
- 9:30 6. Brief update on ecosystem restoration issues before Congress
- A. Representative Wally Herger's Office handout
 - B. Interior Appropriations Report (Hall)
- 9:45 7. Awards to private landowners and cooperators (Hall)
- 10:00 8. Brief summary of Trinity River Flow Evaluation Report (Joe Polos)
- 10:15 9. Status of Klamath Flow studies:
- A. NBS institutional analysis\proposed LIAM (USGS/MESC)
 - B. MODSIM Water Quantity model (Flug, USGS/MESC)
 - C. KR-SIAM Prototype (Flug, USGS/MESC)

- D. Coldwater Refugial Study (Bartholow, USGS/MESC)
- E. Brief Summary of other key efforts
 - 1. UCD temperature modeling (Deas)
 - 2. Habitat Suitability Curves (CDFG)
- F. Flow study process and scoping status (USGS/MESC)

12:30 LUNCH

- 1:30 10. TF discussion/Review of TWG letter on scoping/Review of last meetings motion to make flow study a priority in FY98 Budget
- 2:00 11. Status of Trinity River Mainstem Fishery Restoration EIS/EIR (Bernice Sullivan)
- 2:15 12. Public comment
- 2:30 13. Action: TF decision on LIAM/Chair assignment on scoping
- 3:00 14. KRIS demonstration (Higgins)
- 3:30 15. Upper Basin Amendment and assignments (Wilkinson/Mike Golden (for Martha Pagel))
- 4:00 16. TF discussion
- 5:00 17. Public comment
- 5:30 18. TF decision UBA

Note: The Klamath Compact Commission will meet from 7:00-9:00PM in this room.

February 21

- 8:00 AM Reconvene
- 8:10 19. Report from the Technical Work Group on the development of the Fiscal Year 1998 RFP and subbasin planning (Craig Bienz)
- 8:30 20. Budget Committee recommendations for FY98
- 8:45 21. TF discussion on 1998 RFP and subbasin planning
- 9:00 22. Public Comment
- 10:00 23. Action: TF decision on recommendations:
 - A. FY98 categories
 - B. Final FY98 RFP
 - C. Guidelines to handle excess funds/concerns of Mike Orcutt
 - D. Funding of monitoring/research needs
 - E. Draft letter to Oregon regarding \$\$ for Phase 2

OSU study

- 10:30 24. 5-year program review proposals and recommendation of contractor to TF (Wilkinson)
- 11:00 25. TF discussion
- 12:00 LUNCH
- 1:00PM 26. Public comment on 5-yr program review
- 2:00 27. TF decision
- 4:00 28. Identify agendum items for the next meeting in Eureka, CA on June 19-20 (there may be a proposal to change the date and location); Set the date and location for the meeting after next.
- 4:30 PM Adjourn