

# Klamath River Basin Fisheries

## Task Force Meeting

June 26-27, 1997

Shilo Inn, Klamath Falls, Oregon

June 26, 1997

### 1. Convene, review agenda, opening remarks

Bingham: I would like to welcome all of you. Thank you very much for coming. (A quorum was present, Attachment 1). Ron Iverson will be the Department of Interior (DOI) representative (Handout A). We have a very full agenda for today's meeting. This is probably the main meeting of the year for the Task Force (TF) in that we will be approving our annual work plan, and tomorrow we will have one of our oldest and favorite issues back for reconsideration-The Upper Basin Amendment (UBA).

### 2. Business

Bingham: Requests to amend the agenda. Under item 3, we will add 3(d) which will be a quick report on the U.S. Fish and Wildlife Service (Service) reorganization. We also have for consideration a draft letter to the new California Department of Fish and Game (CDFG) Director from the TF. We will also have a very brief report on actions taken relative to the salmon harvest allocation. Are there other items that TF members have?

Fletcher: I would like to insert tomorrow morning a brief informational piece about the midprogram review progress.

Bingham: We will put it at 8:00 am. Other items for the agenda?

McAllister: I would like to have 2(c) postponed until the next meeting. Mike Rode could not be here and was unable to put together those values because of year end budgetary considerations.

Bingham: Okay. We will strike 2(c) and put it over to the next meeting.

Iverson: Mr. Chairman, to put fiscal year (FY) 98 project proposals in context, I would suggest we to hear about other restoration projects that are planned in FY98 in the Klamath Basin. For example, the Trinity program, projects on the Lower Klamath, the Upper Klamath projects.

Bingham: We will put other funding sources right ahead of item 10. We have a call now for consensus to approve this agenda.

**\*\*Motion\*\*** (Wilkinson): I move to approve this agenda.

**\*\*Second\*\*** (Bulfinch)

**\*\*Motion carries\*\***

Bingham: We have minutes from February 20-21, 1997, and from the meeting in Eureka on April 23-24. Those were sent out to you, so I presume you have had an opportunity to review them. Are there any TF corrections, changes or comments to the minutes?

Wilkinson: I would just ask of the staff if there were any revisions to those two sets of minutes.

Hamilton: There were comments received from Mr. Bulfinch, and they have already been incorporated. We did not get comments from anybody else.

Bingham: Can we let the record reflect that Mr. Bulfinch's comments have been received and changes have already been made. Were those made to your satisfaction, Kent?

Bulfinch: Yes.

**\*\*Motion\*\*** (Wilkinson) I would then move to approve both sets of minutes February 20-21, and April 23-24, 1997.

**\*\*Motion carries\*\***

Bingham: We will move forward to a review of last minutes, actions and general correspondence.

### 3. Brief Review of Last Meeting Actions/General Correspondence

Bienz: The letter that you have in front of you is one that the Technical Work Group (TWG) had put together based on some information that Dr. Marshall Flug has been working on the MODSIM model. That model is something that the TF has been supporting the last few years. In the development of that model, we are finding that there are some other data that may be very important to how that model works. We believe that the Bureau of Reclamation (BOR) may have the opportunity to provide some of that information.

Bingham: This letter is being brought to the TF by the TWG with the request that we approve it.

Wilkinson: Craig, could you expand a little bit more on your intent on item 5 - validation of storage-area-capacity?

Bienz: As the MODSIM program has been advancing, there have been specific points that the model developers have identified as critical to the performance of the model. One of the most important variables in the model is water availability as projected in Upper Klamath Lake. It is basically the beginning of the model. We are asking the BOR as the keeper of the record to give us some level of validation that this stage is correct.

Wilkinson: So you are looking for a validation of curves with intermediate points.

Bienz: That is correct. I think that they have that data.

Bulfinch: Iron Gate and Copco have capacity elevation tables. They do not have area curves.

Bienz: We do have the information and that is what I think Marshall has included in his model. We are basically asking BOR to come forward and say these are the best data.

**\*\*Motion\*\*** (Wilkinson) Move to approve the letter.

**\*\*Second\*\*** (Bulfinch)

**\*\*Motion carries\*\***[letter is Handout B]

Bingham: We have another letter that has just been passed out relative to interagency coordination and instream flow studies.

Orcutt: The process that we've had relative to flow evaluations in the Klamath Basin, has been disjointed. Since we are advisory to the Secretary, we are asking for some guidance on Interior's position. They oversee US Geological Survey (USGS), the Service, and BOR. There needs to be better coordination and collaboration. no offense intended. I am open to any suggestions or additions to the letter.

Russell: I appreciate the work in this letter, but it is kind of sudden. I would want at least the County Commissioners to have a chance to take a gander at this.

Bingham: I propose we take it under advisement, and table it until later in the meeting, so we have time to read over it.

Hamilton: There are several letters in your package including one to Representative Herger from the Siskiyou County Farm Bureau (Handout C). Also in there is one from Klamath Forest Alliance (KFA) (Handout D). You should focus on the one dated June 6. If you have not had a chance to read it, he is requesting an evaluation of emergency storm response. Note that it

brings up again the additional million dollars that KFA has requested. KFA brings up some concerns on funding decisions and also talks about an assessment dilemma and, as I read it, a need to direct TF funds towards doing subbasin planning. In addition to this letter, there is a rebuttal letter by the Farm Bureau dated June 23 (Handout E). Maybe folks want to look at these for a little while. Nat, you mentioned there will be public comment at 4:30 today. Maybe Felice will bring this up then.

Bingham: The record will also be open to comment on work plan recommendations.

Fletcher: I have a comment as people review Felice's letter. He does make a lot of good points, but some points are relevant in our discussions this afternoon for funding. He points out there may be some duplication in funding. Knowing how tight of a budget that we have to work with, it would be prudent of us to keep that in mind.

Bingham: Good point. We need to think about how we are going to deal with duplicated efforts.

Orcutt: The up front summary seems like it is storm damage. Maybe it would be appropriate to have others on the TF that are involved with the Provincial Advisory Committee of the Northwest Forest Plan talk about discussions that might have already occurred.

Bingham: Does the U.S. Forest Service (USFS) have any comment on this?

Olson: There are at least two points in here that are relevant to the task at hand in terms of restoration and potential funding sources. The first one is that my staff has been conducting a very thorough assessment of the flood effects, even incorporating provincial information on this particular event. We can schedule at our next meeting or future meetings a report on this finding or we can provide a draft report to TF members for review at their leisure. It is up to you. The second point regarding funding decisions on page 3: there are some accusations in here about how the USFS is approaching road decommissioning. This is a huge issue within the forest. There is a considerable amount of damage on the forest, as well as funding available to approach it. It is complicated not only by ongoing contracts but also mixed ownership, because a number of these are cooperative roads. It is not something that the USFS can undertake immediately nor without consideration of other public users. My staff on the forest has just chartered a group to locate the roads system across the forest (approximately 6,000 miles of road system) to evaluate the effects of the flood, the potential for upgrading, and the potential for decommissioning. This will affect flood damage repair over the course of the next two to three years. Obviously some portion of the road system is being worked on as we sit here, but there is a large portion of decommissioning will take place over the next two and three years. Those are not the highest priorities. The highest priority right now is protection of property, provisions of contracts, recreational needs, and things of that nature.

The June 5 KFA letter was basically a complaint to the North Coast Regional Water Quality Control Board (NCRWQCB) about some activities on the forests. Again, we take these pretty seriously. The actions taken to date include folks from my staff going out with NCRWQCB and investigating all these sites, as well as the broad spectrum of activities across the forest. I encourage the TF to review the findings of the NCRWQCB on this particular issue. We have a report out now, and I would encourage the TF to review these findings. I was quite pleased with the types of upgrades taking place. Stream crossings, for example, were not being put in the same way that they were constructed. In many cases they were upgraded culverts, such as rolling ditches to prevent stream capture. That report should be out within a month. I will provide a copy to the TF. While Felice's concern is a relevant perspective, it is premature to suggest that all the roads in the forest will be put back the same way that they are now.

Bingham: I think it would be best to leave this for now and come back to it in public comment.

Olson: I would be happy to in the future to provide a report of what progress we are making on road repairs, upgrade, etc.

Bingham: That would be helpful at a future meeting.

Olson: Would you like to have a report before the body, or would you like to see the report to read at your leisure?

Russell: Mr. Chairman, I would like to hear more from this gentleman, and from Joan Smith.

Bingham: Okay. We'll get to that at another meeting.

Fletcher: Mr. Chairman, one of the things that we talked about in the midprogram review was actually going out and taking a look at a percentage of these previous projects that this body has funded. Recognizing the recent storm event this past year, I think that will be an excellent opportunity to evaluate the effectiveness of many of those projects.

Bingham: Ron, you were going to briefly report on the coming reorganization in the Service. There is a news release in the members' packets.

Iverson: There is a press release (Handout F) which announces the pending reorganization of the Pacific Region of the Service. That region includes Idaho, Washington, Oregon, California, Nevada and the Pacific Islands. In consideration of the tremendous number of environmental issues in California and Nevada, the decision has been made by Secretary Babbitt, to divide the Pacific Region into two regions, one of which would consist of California and Nevada. The latest schedule I have heard for the implementation of this reorganization is the 1st of October. The Regional Director for the new California/Nevada Region which would be known as Region 8, would be Mike Spear. He is currently our Pacific Region Director. They would be seeking a new Regional Director for the Pacific Northwest Region 1. The Klamath Central Coast Ecoregion where we are physically located right now would be part of the California/Nevada Region. The Upper Klamath, including our Klamath Falls Fish and Wildlife Office, will be included in the California/Nevada region. The biggest limiting factor right now is finding some money to pay for it. There is an effort to get some assistance from the California Congressional Delegation to finance this very expensive endeavor in FY98. One fallout of that is that any extra dabs of money that are in the region this year are going to be picked up and set aside to help. I don't expect we will see any end of year funds available for other purposes in the Service. In fact, there is some indication that there might be an assessment against ongoing programs to help fund the reorganization. In the Sacramento Regional Office there will be a geographic Assistant Regional Director sort of corresponding to Dale Hall's job.

Bulfinch: Will there be two people or one person?

Iverson: One person that will have the programmatic responsibility for the fishery resource program. You may remember Bill Shake had the fishery resource programmatic responsibility, whereas Dale Hall had the Ecological Services responsibilities, including endangered species and several other funding sources. It looks like our programmatic control would be going back to a connection of the fishery program. The only individual who has been identified in the new regional office is the Regional Director Mike Spear. All the other positions will have to be filled by advertisement beginning the end of this month. The regional office in Portland is going to be reduced in size by about 1/3. Many of the jobs will be available in Sacramento, for those who wish to relocate.

Wilkinson: Ron, is the Service accepting comments on this proposed revision?

Iverson: This has been presented to us as a decision that has been made and the only remaining step is to secure the funding in our FY 98. We weren't consulted either.

Wilkinson: This would generate a lot of comments from the Upper Basin.

Lewis: Not only would our office be part of that new region, so will all of the refuges that are under Tom Stewart, including those that are in California, Clear Lake, Tulelake, Lower Klamath, Bear Valley, Upper Klamath and in Klamath Forest Marsh. I would also bring to the attention of the TF that Jamie Clark has been nominated as the Director of the Service.

Russell: It was your recommendation that this area be put under California?

Lewis: Don, we did not get consulted, so it is not my recommendation. We found out about it last week.

Russell: I really love the way this government works.

Bingham: I want to reemphasize that the implication for us here in this TF is that there won't be "Dale Hall pots of money" anymore to bail us out. When we come to the budget this afternoon, be mindful.

Iverson: We have an acting Assistant Regional Director for the Klamath Central Coast Ecoregion, Cynthia Barry, whose permanent position is basically replacing Jerry Grover. She'll be acting in the functions Dale Hall performed as far as

supervising the field offices in the Klamath Ecoregion. She is the programmatic Assistant Regional Director for the Ecological Services program.

Bingham: Next we have a draft letter to Jackie Schafer, the new director of CDFG, basically letting her know who we are and inviting her to our next meeting in Yreka.

Iverson: What is the history of this draft?

Bienz: The TWG thought it appropriate that the chair of the TF introduce the new Director of CDFG to our process. Also, we are interested that the new director made a specific promise to invest in restoration activities as part of her new position.

McAllister: Let me restate that. When it comes to restoration activities, she is trying to provide department employees with what she calls the "know all the forces" initiative. This means enough money and resources to do the job we need to get done. Unfortunately, we just had a review internally of what is called budget concept proposals for funding. Very few of those got through, because of the limited resources in the department including my proposals to fund a variety of Klamath and the Trinity monitoring activities. I think it is timely to inform her of the importance of these activities.

Iverson: Bob, is there anything in here that would cause you pain?

McAllister: No. I think it is a good idea.

Orcutt: The Trinity Basin Fishery Restoration Program ends after FY 98. Considerable amount of activities in both basins are funded currently under that program. What is going to happen to these monitoring activities that are useful for harvest management? These considerations should be conveyed strongly in the letter.

Fletcher: I concur with what Mike just said. I think it is important we identify our concerns.

Bingham: Troy, would you and Mike draft another paragraph to add to this letter relative to monitoring?

Fletcher: Yes.

McAllister: I have been in contact with people in our department concerning getting what I might call the "letter writing campaign" moving. I hesitated until the State's budget was finalized at the end of the month. I don't think I'd be letting anything out of the bag in telling you that essentially all of our budget change proposals with any personnel attached were turned down. The Legislatures came back and said sorry. Some education needs to be done on both sides. Jerry Barnes from the Salmon Committee was going to describe the importance of some of those monitoring issues. I hesitate to put that in this letter, as opposed to the direct invitation.

Fletcher: I think we could draft something that will take your concerns into account.

Wilkinson: I am generally in support of the intent of the letter. But I would suggest that we table this until we review your agenda items that include Miss Schafer and the Fish and Wildlife Commission of California as it affects Oregon fisheries.

Bingham: We have plenty of time to discuss the language so there is an understanding. I want to make sure the Director understands we are very concerned about this issue. At the same time, we want the letter not so threatening that she doesn't want to respond positively to our invitation to join us at the meeting.

#### **Added Agenda Item: Fish Harvest**

Bingham: I have an informational item. Fish harvest in the Southern California Cell (SOC) has been very high: greater than 200,000 fish. It is estimated that most are from the Sacramento River. The season closed on schedule. Another problem that has surfaced is that the California Fish and Game Commission (CFG) allotted 1000 more fish to the in-river recreational fishery in the Klamath River than the Klamath Fishery Management Council (KFMC) and Pacific Fishery Management Council (PFMC) had recommended (and set the season structure for). The whole allocation structure is delicate and this will upset a lot of apple carts.

Fletcher: Harvest affects restoration. It is important that there be a consistent process and certainty in the season setting process. It is important that the CFGC also use that process. We will not come down in favor of any one side of this particular issue.

Wilkinson: Speaking as the representative for ocean fisheries, this action taken by the CFGC without consulting us is justasteful. To take a thousand fish away from the ocean fisheries has a significant impact. This is not fair to all the other users.

Bingham: If you have concerns, communicate them to National Marine Fisheries Service (NMFS).

Orcutt: Just to clarify: the action will be an in-season adjustment taken by NMFS and will likely be taken out of the KMZ recreational components to make up the difference?

Bingham: That's correct; that is what we were told at the Pacific Council by NMFS. There was no action on this matter by the Council.

Iverson: It was kind of surreal, kind of troubling to see how these decisions went forward. The CFGC had very little information, and apparently did not consult with the CDFG. They did not have the science in front of them and were intent on making this decision their own.

Fletcher: We have got to use the best science available. The CDFG and the tribes have to make the CFGC aware of the science. We will write letters.

Bingham: There was never a suggestion that the escapement goal not be met. The action that is being taken now is to protect the escapement. It's an allocation matter, but the bottom line is that we get the requisite 35,000 fish to meet the spawner floor in the basin. That is important from the restoration perspective.

4. Update on Klamath Basin Ecosystem Restoration Issues before Congress (Senator Wyden's and Senator Smith's office)

Wilkinson: One of the issues that might be informative would be the funding under the reauthorization of the Hatfield Working Group. Possibly Steve Lewis could comment on that.

Lewis: The 76 legislation authorized the funds-for a million dollars in per year for five years. It did not appropriate dollars. So the effort right now is to try to appropriate dollars in the FY98 budget year. Representative Bob Smith has sent a letter in and has asked for consideration of adding a million dollars to DOI's budget for some specific projects that have been identified by the Upper Basin Working Group. Senator Ron Wyden put a similar request in for a portion of those projects for about \$500,000. On those dollars, the DOI is responding back to congressional staff on capability of the Service to implement those dollars. At this point, what we would be looking at is a budget increase for FY98, for some specific activities. What we are not talking about at this point is whether this would become part of the President's budget for FY99, and then it would become an ongoing funding item. What we are doing this year is more of a catch up to get it added to a budget that has already been set by the President, rather than it being in the President's budget. Please understand at this point that while there is support by the Service for activities, it is the position of the Service that those increases in funds can't hurt other ongoing programs and that is a similar position that the DOI takes when you talk about trying to add on. When we get more information, we would be pleased to pass it on to Ron and he can pass it on to you guys.

Bingham: The so called add-on process that Steve just spoke about is really true. The Appropriation Committee does add on within a particular area of the budget. It means that some other program loses funding. When the add-on game gets played, the smart players kind of guide the process to tell it where to go get the money. KFA did put a request in to send it to Barbara Boxer, followed up with a request to Senator Feinstein for \$1 million additional dollars for the California portion of the basin. That letter is in your packet. It was signed by a number of different groups. I am not aware at this point, how much movement there has been on this request. I put in a request, formally through the Appropriations Committee process back in March for an additional one million dollars to be directed towards coho salmon recovery efforts in the area which we have responsibility for. That request has not moved very far. Congressman Riggs did formally submit a letter supporting my request to the Energy and Water Appropriations Subcommittee to put it in the DOI budget. The Committee has not yet marked up. And I am not aware that there is a lot of support for this. I am just hopeful that some folks would get behind it.

There is still time to get any last minute letters and faxes to any member you might have access to. If you want to talk to me during the breaks or something, I would be happy to work with anyone who is interested in referring you to particular members who might be influential on that. Also the Cal Fed Bay Delta ecosystem has scooped a huge portion of the DOI's budget in unallocated non-line item fashions. That has hurt public programs within a year old budget.

Orcutt: I support everything you said. I always keep looking for the appropriate forum for some of these discussions. The Five Chairs is potentially one of them. The Hatfield coordination is another. There needs to be a real collaborative approach for the entire basin in terms of administration. I am talking about the Service, all the DOI agencies, and also NMFS, because you mentioned coho listing. We are going to have to try and collaborate and coordinate a lot better than we have in the past.

Fletcher: One of the things we have discussed at the last TF meeting was starting to develop a strategy to come out and pursue additional adequate funding. It is time that we put pen to paper. This body is going to have to say we need 'x' dollars and here is exactly why we need it. We are going to have to put our full support behind that. Maybe between now and the next TF meeting, we can try to come up with this strategy. I would be willing to offer some straw man type stuff to the various members. Let's put this on the next TF agenda and really take a serious look at this.

Bingham: Okay. We can put that on the agenda. As far as this TF is concerned as the agent for the Service the appropriate areas to work in is the President's budget. We really, as a TF, cannot directly lobby or write letters to congress. That is not in our purview. As individual members, we certainly can work as a coalition. When I go back to D.C., that is what I see.

Iverson: Those of us who have been around long enough remember when the effort was underway to extend the authorization of the Trinity program. I remember that Bill Shake, our then chair, proposal that there be a basin wide approach to get balance funding on both sides of the basin. That did not get support. I think it was a concern that it might divert support for the funding for the Trinity or reduce the probability of that in the Trinity funding going through. Whatever it was that caused that coordinated approach that Troy mentioned not to happen, it would be good to see whether those issues are still there. It might come to poison the thing again.

Fletcher: Right now is obviously an excellent opportunity with the issue reauthorization back on the table.

##### 5. Report on NMFS listing and implementations for Restoration Projects (Bybee or Reck)

Reck: On May 6, 1997, we announced in the Federal Register notice the decision to list coho salmon as threatened. The Southern Oregon/Northern California ESU of those fish which include the area downstream of Iron Gate Dam (IGD). That listing took effect on June 5, 1997. The decision on steelhead is due August 9, 1997. We are also proceeding ahead with our range-wide chinook status review. Around the beginning of the 1998 calendar year we might see that come out. Close on the heels behind chinook will be coast-wide cutthroat trout.

As far as implications for restoration projects, at this time I will separate this into two categories: 1) those being either federal actions that are pursued or those that are federally funded and, 2) those that are entirely non-federal in nature. As of June 6, federal agencies are required to consult on those actions that may affect the fish. Right now we have engaged in consultation with a number of federal agencies. We have somewhat of an acute workload problem as well as limited resources. That problem is being a bit exacerbated by litigation. Those things will contribute to delays for completion of consultation.

Bingham: Under take prohibition, projects may not take place unless they are permitted by the NMFS. What we just heard was that these permits may not be forthcoming which could impede our entire program. So the question is, would NMFS be prepared to look at generic permit for a category of projects. Or is NMFS actually going to want to come down and permit each project?

Reck: We don't permit, so to speak, incidental take for federal activities. Instead that is subject to consultation and we do a biological opinion on those. Permits are issued to either non-federal entities or federal entities that are going to engage in direct take. That programmatic approach is very prudent and can be pursued indeed in a wider scope, not just, for example, instream projects funded by the TF or anyone else. We have tried to do that to the extent possible, really push the envelope while trying to minimize paperwork in the process. Unfortunately that has been hamstrung because everything is subjected to considerable legal review, at the moment. As to whether things will be delayed or not, that is kind of a decision for the implementing agency. That is where, I can provide plenty of advice as to the intent and the letter of the Act and what can and

cannot go forward under certain circumstances. In general, I would not be too concerned about having your projects delayed. How NMFS views, for instance, the instream structures, is clearly on the record. That is, we generally encourage it, however, it must be in combination with other components of restoration strategies including upslope process. Probably the clearest explanation of how we view that is in biological and conference opinion both in Oregon and California on the implementation of the number of USFS resource management plans and the BLM resource management plans. In general, we don't have great concern over these projects. I don't think NMFS will go out and personally put some sort of blessing on each log structure. Instead, I do anticipate seeing a programmatic approach to it. When it will come out the other end, I really can't speak to.

Fletcher: Most restoration is generally advantageous for the species. Instream structure projects in combination with addressing up slope processes are the prudent and wise thing to do. What I hope doesn't happen is that (due to limited manpower that NMFS has) focusing on restoration activities, permitting, and consulting gets in the way of NMFS attention to other land use practice concerns such as water diversion, timber practices, and fishery harvest.

Reck: Just off the top of my head, I would say relatively little of our time is spent contemplating restoration activities.

Farro: Have the take prohibitions been published which will then trigger the 60-day application period for scientific permits? Initially it was supposed to take place on the April 25 deadline.

Reck: The prohibition against take (more commonly known as the 4d rule), to my knowledge, has not been published. As we are sitting here, to my knowledge there is no prohibition against take. It is kind of a unique situation. For us in every other listing action in my memory that NMFS conducted we applied prohibition against take concurrently. This is a more complicated situation having differences in approaches on the Oregon vs. California side of this. They were going to concurrently publish this 4d rule at the same time as listing federal register notice. But for a variety of reasons it has been delayed and that is kind of why we are in this situation.

Orcutt: On the coho ESU, could you elaborate on the Oregon component that supposedly wasn't part of the original ESU and that process. And also, just a quick summary of 4d.

Reck: The ESU has always included Cape Blanco down to, I think, the Mattole River in California. What is different is there is an Oregon plan to address that problem. As of yet, there is not the equivalent of that in California. Because of this, there are going to be some differences in how the prohibition against take is applied in Oregon vs. California. The entire ESU is listed. However, prohibitions against take have not been applied to either geographic areas in Oregon or California. What has been applied is the requirement for federal agencies to consult on actions that may affect. That is in place. The prohibitions are not.

Orcutt: What occurs from June 5?

Reck: One thing I think we can look for is some addressing of Critical Habitat issues.

Wilkinson: There is no prohibition against take in the freshwater systems in the natural producing systems that I'm aware of, Coquille is an example. The Coquille watershed group is one of the oldest in Oregon. There has been no significant change in their operation, since this listing process. They're going along with their same biological goals. What we're having problems with there, outside of funding, is coordinating with other basin processes like PAC. We need to get our acts together. Prior to listing, we were having real communication problems with NMFS because of some staff shortages. Now they are staffed on the PAC team.

Farro: There is one volunteer program for restoration activities in the central California ESU that has gone through this process of obtaining permits. The CDFG could get a template of that.

McAllister: CDFG is going forward with the generalized programmatic Section 6. How is the funding for Section 6 allocated?

Reck: Section 6 allows the states to takeover some responsibilities in an agreed upon manner. Usually there is funding associated with having to take over some responsibility.

6. Status Report on 1997 annual operations plan (BOR, Wirkus) and Klamath Basin Water Acquisition Program (BOR, Davis)

Status Report on 1997 annual operations plan

Wirkus: The day before yesterday's elevation of Upper Klamath Lake was 4142.43. That would compare with last year, which was 4142.26. The current flow downstream is 1100 cfs at IGD. Our irrigation use is running near average. This year we had an early period of relatively high use, then a cool rainy period with low use. The June 1 Natural Resource Conservation Service inflow forecast continues just above 100%, but inflow to Upper Klamath Lake is 70%.

McAllister: How will the El Nino event affect the upper basin?

Wirkus: We have just started looking back at previous El Nino events to see if we can develop some comparison.

Fletcher: Has there been a compilation of biological information garnered during the 1997 Water Advisory planning process?

Wirkus: Yes. I can make that available to you.

Smith: In the Tulelake area, there are quite a few areas of the wildlife refuge that were formerly under water that are dry now. Can you address that?

Lewis: You are referring mainly to White Lake. It was drawn down earlier this year for botulism control. Right now the refuge is not short of water.

Wilkinson: Karl, regarding the 1100 cfs, how did the juveniles get out? What did the out migrant trappings look like, both natural and hatchery?

McAllister: Based on our trapping, it appears that out migrant survivability is way down.

Wilkinson: We have a better water year, but we aren't going to get a better fish productivity out of it. There is always competition for food and space.

Halstead: So far the numbers are down, but we may be experiencing a late out migration. It does not appear that we are at the peak yet. The fish are moving slower this year. Hopefully there are still a lot of fish.

Fletcher: It would be unwise to draw any conclusions at this point.

Wilkinson: There is the same relationship between hatchery and naturals.

Halstead: When hatchery fish show up, naturals show up also.

Orcutt: How are the water temperatures?

Halstead: They are cooler this year.

McAllister: The water started to warm up, but then we got some cloud cover that held them down.

Bulfinch: On the Shasta River, fish movement was started by warmer water temperatures, then pushed by the pulse flow. Fish did not move until the temperatures got high.

Klamath Basin Water Acquisition Program

Davis: The Klamath Basin water acquisition program is a pilot program. We went out with a request for proposals a month ago. We got 12 offers. Our objective is to look at new sources or reduce demand. We are interested in proposals from the

Shasta and Scott watersheds. We are evaluating them now. They are for stored, surface, and ground water. It will give us a feel for how a program like this might work. We are evaluating it in terms of water law.

Bulfinch: In the Shasta Valley there is concern that purchase of water rights may result in money going into someone's pocket, but no additional water in the stream.

Davis: We have been mindful of that. We have not gotten any rights purchase offers from the Scott or Shasta.

Fletcher: There are some really good prospects on the Scott and Shasta Rivers. The hindrance is the funding. It will take millions to make it happen.

Davis: We have earmarked \$200k only. It is a pilot program. If we have good proposals, we may look for more funds. We have talked with Shasta landowners about water conservation.

Fletcher: This effort needs to be part of a larger solution.

Wilkinson: Even though it's not well funded, what about next year?

Davis: We only want to evaluate this years program.

Russell: Have you turned any applicants down?

Davis: We are just looking at them now. We have not turned any down.

Russell: Are you considering additional storage?

Davis: This is a component of the overall water supply initiative. The Water Supply Initiative (WSI) is looking at a multitude of options including storage.

Bulfinch: Are the acquisitions total or partial? Does a landowner have to sell the right to their whole allotment or the just the excess?

Davis: We are looking at getting water for this year only, not acquiring rights.

Fletcher: Even if there is no interest, we have to be prepared to put a solution forward, and will need to have the funding for it. I hope you are lobbying internally.

Bingham: There is a mention of El Nino on page 11 of the status report, including elevated temperatures at an extreme level not seen since 1982. There could be some very poor conditions for the salmon in the ocean, very similar to 1982-83. This is a serious matter.

#### 7. Report from the TWG on IFIM scoping

Bienz: The IFIM scoping issue has gone on for some time. I want to bring you up to speed on work that has progressed. We are not sure how to proceed. Communication is the key point. We have some recommendations on how to keep the scoping on track (Handout G). Starting with problem identification, the TF has agreed to follow the IFIM process. The next step is to complete the process. The TWG has set a meeting for July 2. We need to look at some things that are very small scale and some things on the watershed scale. Videography is the best way to accomplish that task. There is \$50K available to fund that element for 1998, based on your approval this afternoon. We also want to consider extension of the basin hydrology model from Seiad to the mouth of the Klamath River. That would cost about \$95K if we use MODSIM (at this point MODSIM only brings us from Iron Gate down to Seiad). We're questioning whether MODSIM is the appropriate tool.

In FY 99, we would then go back and look at videography for the tributaries, Shasta, Scott, perhaps the Salmon as well. We would also do hydraulic calibration using cross sections, and perhaps hydroacoustics, to give us a three dimensional picture of what's going on within the channel, so we can address channel relationships. We would also do the reach characterization,

breaking the river into segments. We can't study every piece of the river, so we're trying to see what pieces are similar, and how those relationships will hold up to our analysis. Prices for the hydraulic calibration and the reach characterization run at \$10K per site. We need at least five sites, where tributaries come into the mainstem. There are other pieces of the river that may also be necessary to quantify, where changes in flow or geology affect channel relationships. Last on our list is the biological response indicators. This includes a literature review of available information, field validation, and continuing collection of information about the species, the physical environment and their relationship. This runs at \$20K per site, so we're looking at a cost of about \$100K per year.

We suggest as a part of the IFIM, the Service sponsor an annual research coordination meeting in January. The purpose would be to get the researcher's data, get a report, and know if we can use that information as we go out for contracting the next year. We would also pursue study planning in FY98. At this point, it looks like it would cost about \$10K a year for this special meeting directed by the Service and the TF. We suggest that this meeting would be mandatory for all contractors, as it would ensure they interact and discuss issues.

The last two steps of the IFIM process are alternative analysis and problem resolution. We are not including these two steps at this time in our time line. Is the TF is okay with everything that's on-going?

Bingham: What you want is to touch base with us to proceed with this program?

Fletcher: I see a couple of specific recommendations that you might like us to adopt now, or do you just want to move forward?

Bienz: Unless we hear something that says we're not on the right page with everyone, we'll keep going ahead. You're always welcome to attend any of these meetings. The work with Dr. Flug and with MODSIM is on track. Our recommendations on study implementation and videography was unanimous. There are other requests in here that are outside of your budget. The travel expense for experts brought in for this Service special meeting would not be covered in the Service budget at this point. We estimate it will cost them about \$10K. Regarding the hydrology for the rest of the basin, we won't have the answer to the methodology question for another three or four months.

Bulfinch: I think the content is well designed. I think we should emphasize maintaining the time frame. One of the important dates is 2001, the precicensing discussion. Relicensing will come in 2006, which coincides with the expiration date of this TF program. By the year 2006, we will be done for the next 50 years. Allowing the TWG to keep this thing on schedule must be kept foremost.

Fletcher: How is the participation in the TWG: have you had all your TWG representatives there?

Bienz: We have had quorums. Not all representatives were there.

Fletcher: It's important as we move through this process that all interests are present in this forum.

McAllister: If everything were to go forward with five sites, how much per year would that approximately amount to?

Bienz: The biological response index is \$100K, in and of itself. In some years it would be a couple hundred thousand dollars, and that's just for our recommendation here. We have other pieces that are on-going that have also been funded. We're spending about \$120K for 1998 on Category Three work, some of which contributes toward this analysis. In addition to this, some \$100K is being spent or proposed, plus your own agency is doing work, plus other people are doing work. The total would be roughly \$300K-\$400K a year.

McAllister: That agrees with my estimated value. I want to remind the TF that the whole IFIM type scoping process plus the biological part could amount to the entire budget that's available. That would mean the kinds of activities that we'll look at this afternoon won't even be available for discussion.

Russell: Concerning our representation on the TWG, it is important. I have spoken to our Commissioner about how we can handle the cost of having technical people there. In addition, I hear that sometimes at these TWG meetings folks get in shouting matches. Maybe we need to think about that.

Bienz: We try to let all the positions be represented, and we intentionally want all those to be heard, without turning it into a political issue.

Bingham: We're prepared to create plenty of latitude for scientists to be human within their own processes. It's the product we care about.

Orcutt: Regarding Bob McAllister's comments on the potential exhausting of the budget and the future of the TF: is anybody within DOI willing to speak to what's required for them to research and/or provide other funds for this effort? Is BOR participating in the process? What's required of them to research and/or provide funds to the program?

Wirkus: The development of the flow work is crucial to all of us, so we're very interested in getting it done. We'll be as proactive as we can be in funding activities of this nature in the future. I can't speak with any specificity right now. Larry Doogan is a Fishery Biologist that just joined us last week, so we now have someone to specifically work on these issues, who will regularly attend and participate in TWG meetings.

Fletcher: In Mike's draft letter, it would be good to include a monetary commitment by the DOI to see this thing through.

Bingham: We'll take that to the drafting committee.

Shrier: We have not been involved directly, but we want to be, including monetarily.

Bingham: Maybe we can talk about that during the break. I have some ideas.

Bulfinch: In the letter it should be stated that this is the DOI's priority; we should indicate the origin of the effort is coming down from the top and not as a request coming up from the bottom.

Iverson: What is the schedule for completing the scoping?

Bienz: It could be completed next week. There is a continuing element to scoping . . . you get new information and continue to bring it back in as we go through the process. I would say our goal is to finish this as soon as possible. We have identified the problem we need to focus on, we're part way there, but we're not all of the way there. I don't think a person can put a definitive date on that, one can get to a certain point and say that part of the study could not be completed, therefore you have to go back and reframe your question. That's adaptive management as it relates to conducting an IFIM.

Iverson: It says here, the next step is to complete the scoping. That implies to me that there is a milestone out there.

Bienz: July 2nd.

Iverson: Isn't a feature of scoping that other parties are brought in to review and/or contribute or can have an opportunity to do that on July 2nd, like USGS for example? To review this study plan?

Bienz: We have been approached by a broader scope of folks to participate in this and at this point it's a TF decision as to the extent you want to open this up for other comments. We've kept this to the process that we understand.

Fletcher: I would recommend that we mull that over, it's a good point. We heard Frank (Shrier) say they want to contribute significantly to this process, we're going to have to think about how we bring others in.

Bingham: I think so too. I think at this point we'll save further this discussion for tomorrow. Craig, you're going to be here tomorrow, I hope?

Bienz: No. Let me just say this is my last official representation as the TWG Chair.

Bingham: I was aware of that. I was about to thank you for your efforts. Maybe now is the time to say that we certainly appreciate the job you done leading the TWG through this very difficult process of getting this study underway. I want to

convey my appreciation and I think that of the entire TF. That said, will there be anybody here if we delay this until tomorrow?

Bienz: Thank you. With you today is the new TWG Chair, his name is Mike Belchik. Mike has been working in the Klamath basin for a number of years, he has a degree from Humboldt State in Fisheries and Oceanography. Mike has worked the USFS, with the Service, with BOR, a number of Federal agencies. He now works for the Yurok Tribe. He's worked in the upper basin, and lower basin. He has a variety of experiences on the diversity of issues that are before you.

Bingham: Maybe we can officially inaugurate him tomorrow. The TF will have some time to think about and talk among themselves about the questions such as: "are we going to open the scoping up to other entities, and if so, how?", what are the milestones, and what would the format be.

#### 8. Update on Trinity EIS

Halstead: The status of the Trinity EIS will be discussed by Bernice Sullivan, the coordinator for the EIS (Handout H). I will bring you up-to-date on the flow studies that our office has been working on for the last eight or nine months in cooperation with the Hoopa Tribe. This has been a joint effort to get this thing to the Secretary. We have put together a draft that's ready for peer review. We're in the process of narrowing down the list of scientists across the universe that we feel would provide peer review to make sure we're on the right track so the document will hold up to the intense scrutiny that we expect it will get once it's delivered to the Secretary and he presents it to Congress. We anticipate it being in the hands of the peer reviewers around July 1. Right now the draft is back in D.C. The DOI is doing a policy review, whatever that is. The flow study itself is not policy, it's a scientific document. It's not required to go through the process of publication in the Federal Register, Public Notices and Scoping Hearings. It's strictly a scientific document that examines the flow of the river that was studied over the last 12 years. Plus it examines the measures that need to be taken regarding flow and geomorphology actions to restore the fishery as required in the Act. Under the Central Valley Project Improvement Act it requires that the Service and the Hoopa Tribe agree on the flow schedule and then implement it.

On the EIS, there are several work groups that are plugging along. There were some glitches apparently that occurred in modeling that had to be redone. This set them back a little bit. Every time you turn around it seems like something just comes up on the flow study or the EIS to set things back. People are still working diligently, they're still meeting, and hashing things out, getting things done. Of course, the ultimate goal is to have all of these things completed, done, and record of decision out on the EIS for next year's water allocation.

#### 9. Klamath Compact Commission update on water supply initiative (Kilham)

Kilham: We're up and going on the initiative. As you can see the Federal Government is already going on the WSI Pilot Program. The States of Oregon and California are going on their ground water. The Compact's responsibility is outreach and public information. We are scheduling our first meeting in Yreka at noon on July 9th and then that evening in Klamath Falls from seven to nine in the Hensall Pavilion. Then down in Eureka, probably at the Red Lion. What we're going to do at these initial meetings is present a purpose statement, present a draft format for presenting options, a draft for criteria, and a draft of alternatives. We're calling them options and then the idea is that they be alternatives if they become a group of options as we spoken about earlier. The answers are going to be multiple solutions being put together in a package which will make funding much more possible, which will make it possible for people to come forward with small projects and large projects. Possibly the coordination will happen a little more easily than it has with all of our diverse groups. We want input on all aspects of this. We're going to be on a fast track, these meetings are going to be very important. We also are hoping that people come forward that have studies on groundwater, or geology, or anything that might be useful on our process. You can go to whoever you are comfortable with, the States, the federal government, the BOR. We are hoping people will take an active part in helping us put together some hopefully noncontroversial ideals to start with. I just hope and encourage everyone to come to these meetings.

Bennett: These are going to be reconnaissance level studies in which we're looking at options that would feed into our consensus work that we plan in the fall. In addition to the meetings that Alice set up in July for getting initial ideals, there will be some other follow-up public outreach in September and October. We hope to have at that point at least a public draft for people to look at and get some comments back. Then as some ideals come forward from our report that look very promising we can work on a consensus group to nail some of that down. If a few of the things look good we can work together and get

some funding before actually getting some on-the-ground projects. Bob mentioned, some of the demonstration projects that the BOR has started, we're going to feed that into the report as well.

Wirkus: I just add my enthusiasm. I don't know how much knowledge there is of other places where a similar approach has worked, like the Umatilla, and the Yakima. I'm pulling together some information on those as an example of places where putting together a consensus approach, then taking it to the Congress for authority and funding has worked. I believe it's a very workable solution in the Klamath Basin if we can get together and stay together behind it.

#### Issue of other funding sources:

Bingham: This is the time when people identify others funding sources for restoration that may be available or funding that's being provided that people know about. The Proposition 70 committee met with the state funding process and some projects were funded in the Klamath basin. As soon as we get that list we'll provide it to KRFWO. There were some projects funded which I believe will qualify for the match. Also there is an RFP out called The California Grassroots Salmon Initiative. This is a small amount of funding that is available through sources (\$170k from BOR and \$250k available from NMFS) to catalyze and support on-the-ground salmon friendly activities at the local community level in California. This can focus on cohos, spring run chinook, as well as steelhead. I will give Ron a copy of the RFP. The deadline for getting proposals in is July 21st, that's the date the postmark has to be on the application. The National Fish and Wildlife Foundation (NFWF) will be administering project selection and contracting.

Bulfinch: The Steelhead Tag Fund has accumulated \$760k. It is proposed to use the money for marking hatchery fish. Some of that money could be applied for by CRMPs.

Bingham: There is a steelhead stamp committee, but I do not have the results. The process just took place.

Fletcher: I have a funding concern. As we begin our deliberations there are other sources. We funded the McGarvey Creek Restoration. That may be duplicative. I would like to see the ERO fund the same project first.

Bingham: We do have to be cognizant. We used to do it informally.

Halstead: Our program that I'll report on is the Job-In-The-Woods (JITW) program with the Forest Plan. We have a little over \$600k to spend in Fiscal Year 97, these projects will be funded this year this is not for Fiscal Year 98. We anticipate the same level of funding for Fiscal Year 98. We have gone through the ranking process. We had 26 proposals with the total around \$2.5 million for all proposals. With the \$640k we have we feel we'll be able to fund nine projects. Ironically, six of those are in the Klamath Basin. There's one with the California Conservation Corps (CCC)/CDFG on Hunter Creek, one again with CCC/CDFG on AhPah Creek, one with the Yurok Tribe in McGarvey Creek. All three of those are in Del Norte County. We have a couple in Redwood Creek which aren't in the Klamath Basin, but near by. There's one in Klamath County on the Crooked River and the Wood River Stream Bank Stabilization that will be funded through the JITWs program. And two in Siskiyou County, one in the Scott River and one in the Salmon River (riparian planting, fuels reduction, culvert maintenance, revegetation, essentially erosion control type activities). There's one on Cache Creek down in Lake County for erosion control work.

Lewis: First of all, the ERO just completed it's project selections for the FY97 funding available to it. Bruce Halstead reported on the JITWs. He indicated that funding would be available next year, that's our expectation. The second area where the dollars were received was through the Upper Basin Working Group Initiative. This year we have selected projects that will total a little over \$800k, including about \$45k that will be going to I & E and public information. Those dollars should be there in future years again, that was added to our base funding. I want to emphasize that what we've been doing is working with upper basin working group to identify their criteria and the types of activities. The other area of funding is from BOR which has continued to support and fund restoration activities, this year for about \$250k. That selection was finally completed just yesterday. I'm not sure how their funding will be in future years, Karl can address that if he wants to but the commitment has been there to work and make things happen. There is a legislative effort for FY98 at two levels. One is to add \$1 million to the working group that was authorized in the FY96 Opal Creek Bill. Then the second effort on that is about \$500k through Ron Wyden's office.

Iverson: Another source of funding in FY97 which will be there again in FY98 is the Clean Water Act Grant. We're looking at five or six relatively small projects totaling maybe \$100k-\$150k for on-the-ground restoration bringing the Yurok Tribe, Karuk Tribe, and some other cooperators. There is also some additional money for KRIS.

Orcutt: Last September CDFG brought the issue to the Five Chairs of some of the projects that weren't going to be funded in that fiscal year. What is the fate of those projects in this fiscal year? Is the Service or anybody on the federal side going to fund them? If they are funding them will there be any left for deliberations for the budget of 98, the TF budget?

Iverson: That will be the main topic of the Five Chairs to discuss in July.

10. Progress Report from the TWG on subbasin planning (Rohde)

[Deferred until next meeting]

11. Work plan for FY 98

Bingham: We have come to the main event of the day, the workplan for FY98. First a quick review. [Note the memo from Dale Hall, Handout I]. The budget committee agreed to the basic categories of funding. We identified \$320k for the operation of the field office, a significant reduction: \$50k we already obligated for the water quantity model which is part of the in-stream flow study; \$50k for TWG research assistance, pending approval. Out of the \$920k available we have already expended \$420k.

Now we come to today's work which is \$500k. The budget committee first recommended you approve funding levels on the three categories: Category One, \$250K, Category Two, \$125k; Category Three, \$125k. This is using the formula that was developed couple of years ago by the TWG. You have before you the list of proposals ranked by the TWG (Handout J). I propose that we start with Category Two, because Category Two may be relatively easier to deal with. It relates to watershed coordinators. If funded at the level of \$125k, we have a cutoff part way into the Salmon River proposal.

Hamilton: Yes, it cuts off right in the middle of Salmon River, and the Shasta CRMP would not be funded if the TF is to go by the rankings alone.

Smith: I have a real problem with that, because the Shasta River CRMP is a good organization. In fact, all of the CRMP's are doing a good job and are very important. We could resolve this by equally funding all five of them at \$25k a piece.

Fletcher: The TWG went through the ranking process, we had ranking criteria, and we adopted policies to follow that criteria. We agreed upon this, and I want to stick as close to those policies as possible.

Bullfinch: Everything is so rigid here we can't focus in terms of priorities. The priority should be consistent with spawning escapement by watershed. I have here a table showing the Shasta River is the highest potential producer of natural spawning fish in the system. We have to take a second look at this and make sure that all the CRMPs are functioning.

Fletcher: My only concern is I'm put in a position of having to decide whether to rely on the TWG's assessment of these particular proposals versus us doing a double guess or revisiting certain priorities. I'm just trying to keep the adoption of proposals as much as possible to a technical merit based procedure.

Smith: It's not fair that a CRMP that's been around for a long time and has good projects be completely left out.

Bingham: Joan mentioned the Scott River CRMP received \$37.5k, from For the Sake of Salmon and Salmon River in the second round got around \$14k. The question is, should we put that into our thinking relative to this? Because otherwise we're double funding.

Smith: Mr. Chairman, I didn't mean to infer that the process was unfair. I have a representative at that process as well, but the unfair portion I was speaking to was the fact was that some of these groups have received monies, since they gave us their proposals. For the Sake of the Salmon just gave \$37k for the Scott. The Scott only asked for \$39k, so don't we take that into consideration and say they would only need another \$2.9k? Or do we just equally fund them?

Orcutt: I have two or three concerns. One is: the total amount of money going to the Scott is \$74k, the Salmon River gets \$76k, because there's a match there, but the Shasta River has only \$35k and there's not a large match there. Are the **matching funds** from For the Sake of the Salmon considered funds or not? That's one question. The second question is the geographical area served by the groups. There's some difference in area in the Salmon River watershed versus the **Shasta River** watershed. The third question is in regards to the Shasta River. For some time now I have been assured by **Mike Rode** that there is going to be a report by CDFG on what needs to be done in the Shasta River. I've never seen that report. **But I do** know in terms of things that we can do something about on the Shasta River which affect fish production. The **Salmon River** doesn't have those types of problems. I question the fairness of just saying \$25k across the board for all five of these **projects**. The last thing is I take some exception to the rationale they've gotten other funds. I don't think it should be used **against** somebody that they got funds from other sources.

Bingham: Mike does make a good point there. I just want to add to it. In the For the Sake of the Salmon program, it's expected that the **total coordinated funding level** will be \$50k and the rest will come from a different source, preferably **local**. So it may be that some of these proposals we're seeing here are seeking that match. That's a factor to consider.

Smith: Are you now stating that would not be double funded?

Bingham: Yes. In the For The Sake of the Salmon program there is a requirement that there be other money coming from somewhere else. So it may not be double funding, I don't know.

Fletcher: As we go through this process, I'm sure there will be Category One and Category Three projects that are **not totally** funded. There might be a project that the cutoff line will fall right in the middle of. We're talking about moving some of those left over funds into Category Two, or something of that nature.

Iverson: How were these last three coordinators funded in their current fiscal year? Do I remember correctly that they got \$25k a piece?

Hamilton: Yes.

Iverson: So what Joan is proposing is simply what we have right now.

Fletcher: Which we said last year that we did not want to revisit again.

Bingham: A suggestion has been offered that we turn our attention to the other categories and see if there are any **left over** funds that we can come back with. I am hearing from most of you that you would like to see all of the CRMPs **funded**.

Hamilton: Excuse me, Nat. Before you start talking about using excess funds in other categories, should we review **that rule** the everyone adopted last year on how that would be done?

Bingham: It would take modification of that if you wanted to do this. All I am suggesting at this point is that we go **ahead and** look at the other categories to see what projects would be funded if we applied that policy. My understanding is that **the break** point there is somewhere in the middle of FR-O3. John?

Hamilton: That's right. The funding line would break off at FR-O3, the Walt Lara project. There would be a **shortfall** of \$15,671 and then for category 3, the funding line would stop FP-O3, the juvenile immigrations, there would be a **shortfall** there of about \$6,600.

Bingham: I happen to know the Proposition 70 got Kidder Creek for \$3.100.

Farro: I believe that High Prairie was also picked up by that.

Bingham: Were some of these mentioned in the ERO for funding the same project?

Iverson: We have a handout on that (Handout K). There are a couple of projects that looked like they were the same but John did some checking and it appears that even though they are rated, none of them is exactly the same.

Farro: We are in the middle of a new program review. We need to focus on how we go about selecting the projects. We have gone to great efforts to try and make an objective review of the projects on their technical merits and we have done so. Without that, things have gotten rather messy here and I hope we are not losing sight of that.

Orcutt: In the past, there were numerous USFS projects submitted for funding to the TF. Have we exhausted all those other areas where previously there was a lot of focus?

Bingham: In the earlier years, we saw a lot more proposals than this so I think people have downsized their expectation. They say, "Maybe I shouldn't bother going through this rather elaborate RFP process". I know years ago, we used to get huge number of proposals.

Bulfinch: Option nine projects are getting conducted in the watershed. We don't have any way of capturing those except for tracking them in KRIS. Is it because that work is not being done under the TF responsibility that we don't see it?

Olson: A lot of the Jobs-in-the-Woods projects became merely an earmark on existing funds. Whether they were engineering funds for road maintenance and road construction or anadromous fisheries funds, they just came out of business that we would have done in-house. An earmark came down attached to those monies as they came down from Congress that said USFS now contract them out. There is not a lot of new money that is coming to the Klamath for watershed restoration, just a relabeling. When we submitted a proposal for in-stream work and work in channel, they were very competitive. We got a lot of money from the State but frankly, once we got a lot of the more obvious stuff done in the channel, we didn't feel that was solving the problem any more. So we moved up the channel to roads and cause. Unfortunately, after a number of tries with TF proposals, we felt that we were not competitive in the TF ratings because of your concern with roads that are associated with other activities and that it was the USFS obligation to fix them. That is being kind of blunt, but that is the reason, Mike, you are not seeing as many USFS proposals. The other part is that as a program manager, we are dealing with a pretty big pot of money for public land. With the relatively small amount of TF money that is available now, that we think that the focus which is largely on private land is probably a pretty good direction.

Bingham: Back to the issue at hand, are we really contemplating making the CRMPs permanent?

Smith: I would like to bring your attention to Section 1. There are two projects that are above the ranking line and have zero matching funds. That needs to be taken into consideration. As far as the Category 2 projects, the way it is ranked right now, you are saying that the two bottom CRMPs are not as worthy as the others. I understand your concern for an ongoing and continuing funding but at this point in time, I think that the CRMPs are critical and we have a responsibility to fund them all.

**\*\*Motion\*\*** (Fletcher) Funding in Category 1 would end with HR-07, with the additional dollars assigned to Category 2.\*\*

Second (Farro)

McAllister: Could you clarify in my mind what the procedure was in the past when a line was drawn at a particular category in terms of transfer of that money? Was there no developed policy?

Bingham: We have tried to move in the direction of sticking to hard and fast categories that we established earlier in the budgetary process but there were only a couple years where we actually did that. In the early years, we moved things around a lot. Your point is whether we can do it or not? We are the TF and we can pretty much amend our own rules. What we are trying to do is build a process that leads to more objectivity but at the same time if you have a project that is worthy, but it is going to fall below the line because of one of our rules, then the question is open for discussion.

Bulfinch: The Shasta CRMP project rank of 73.1 is higher than the rankings of the one in Category 1 and 3 that would be dropped so that it would be within the policy and would not be making a deviation of that policy.

Bingham: That is correct. We are following policy with Troy's motion.

Wilkinson: I would be prone to vote against that motion because, from the standpoint of the Council's interests, with the cutoff line being at FP-O3 (which is critical to the Council's needs), it will not fund monitoring necessary for fisheries management.

Smith: Troy, your motion was to cutoff at HR-O7 which would leave a balance of \$23,061, correct? And if you go down to Category 2, you would be \$6,138 short for the Salmon River and leave the Shasta unfunded, that wouldn't leave enough money if you didn't add that \$6,000.

Fletcher: I am just whittling away at the problem in Category 2.

Bingham: It doesn't get us all the way there but it is progress.

Orcutt: I would like to hear the discussion on three before we decide on the other two categories.

**\*\*Motion Tabled\*\***

Fletcher: If you add up some of the things in Category 3 that are important but BOR should pay for, we would have **\$100,000** savings in Category 3.

Iverson: Bruce, did you get a response to your letter to the BOR on the out migrant funding?

Halstead: We are \$6,000 short. The discussions that I have had with BOR about this have been positive and I have confidence that they will make up the difference.

Wilkinson: Then speaking from the perspective of the Council, I am very comfortable with that cutoff line being **part way** through FP-O3.

Orcutt: Your memo, Bruce, that you had written, could you briefly describe what that all means?

Halstead: This memo (Handout L) was the first one that we wrote to the BOR when we thought there was only going to be a \$105,000 in Category 3. It turns out it is \$125,000 so that took care of \$20,000 of the \$40,000 and apparently **there was** some bad math that someone did somewhere and it really turned out we are only \$6,000 short and not \$20,000. **This was the** first memo to alert the BOR that we were going to be hitting them up to fund the difference between what the TF was able to contribute and what we would be asking them for.

Orcutt: Why not just go the ask them to fund the whole thing?

Halstead: Believe me, Mike, we tried that. \$61,000 would be TF and \$6,000 would be BOR funds.

Orcutt: BOR is only going to contribute \$6,000? What have they contributed in the past?

Halstead: Let's just say they have contributed the difference. I can't tell you the exact numbers.

Wilkinson: If you took Category 3 and took FP-05, 02, 01 and 03 and totaled them up and that comes to \$131,593. **That is** \$6,000 over the \$125,000 that is eligible for Category 3.

Orcutt: And BOR is going to make up that difference.

Bingham: So what we are struggling with here is to see how we can move things around. It is clear that this good project is going to fall by the wayside no matter what we do. There just isn't enough to go around. Are any of these projects in **Category 3** likely to be items that will come under discussion at the Five Chairs meeting?

Wilkinson: My request to the Five Chairs was to provide funding continuity for these projects (spawning escapement and juvenile out migration).

McAllister: I will reply to that because Don McIsaac and I are going to be making that presentation to the Five Chairs. In essence, we are trying to get across the idea that monitoring should be taken out of processes and funded separately **wherever** that cost comes from. We are just trying to get the consensus on the idea that monitoring is a long term necessary part of

whatever restoration plan that we come up with. At this point, I don't think we can say which monitoring things may or may not come under that process.

## CAUCUS

### 12. TF Discussion

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

**\*\*Second Agrees\*\***

Farro: I feel it is very important we keep to the process that we came to at the budget committee as a recommendation to not wade into a situation that is hard to extract ourselves from.

**\*\*Motion\*\* (Farro)** We approve funding in categories 1, 2, and 3 to the last fully funded proposal. That is HR-07 in Category 1, PC-01 in Category 2, and FP-03 in Category 3. Further, any remaining unallocated balances in the categories and also any dollars that arise from projects being funded by other sources will go to the next highest ranked proposal, independent of category.

Farro: That leaves us with somewhat of the unfortunate situation in that we may not be able to fully fund a couple of the CRMP proposals. It is unclear exactly how many, but I know at least one and possibly two projects will be picked up by other sources. I will also make a personal commitment, as the Chair of Proposition 70 funding process, to pick up a project that is above the ranking line in Category 1. So we maybe suffering a lot of agony over nothing here.

**\*\*Motion Seconded\*\*** (Wilkinson) I'll second the motion, not the comments.

Wilkinson: Mr. Chairman, a point of clarification first to the maker of the motion. In Category 3, you were talking inclusive FP-05, 02, 01 and 03?

Farro: Yes. One part of that motion that I wanted to see was that the remaining monies be split between the two coordinator positions so that there is at least a contract to get them started.

### 13. Public Comment on FY 1998 Work Plan

Halstead: One of our projects here is the coho spawning survey. In two of the six years I have been here, we wouldn't be able to survey because of early rainfall. Obviously if we cannot do it, that money would be available for some other project.

### 14. TF Decision on final FY 1998 work Plan

Smith: If we funded down to HR-07 that leaves, what \$23,000, is that correct? See, as it stands now, I cannot support it because I don't understand how that is going to leave us. We had talked about an item in one that's already funded, \$3,100; it is E-02. So that would add to the \$23,000 and make it \$26,000, is that correct? That is still not going to cover the final two positions. If we could do some work on that and add that amount to the total of all of them, if we split it equally, it would come up to about \$28,000 apiece, which is almost funding for everyone.

Farro: Also I believe that the locally built fish screens 97-FP-12 was half funded by Prop 70 and half funded by the Steelhead Report Card Committee. If it would help us get through this, I would amend that we fund Category 3, fully fund through PC-05 and split the remaining funds between the Shasta, Salmon and Scott River CRMP processes. That I think would give some assurance of a functional amount of funding. I think we all agree we want to see those programs continue.

Smith: That would be better.

**\*\*Motion amended:** In category three, PC-05 would be fully funded. The remaining amount of funding would be split between the remaining three, the Salmon, Scott and Shasta.

**\*\* Second concurs\*\***

Bingham: How much would that split amount to?

Fletcher: Yes, it would be \$29,000 something, but let me express my concern here. When we submitted our proposal request for \$25,000, it was in recognition that there were five planning efforts and that others should do something similar, right? So if we do keep PC-04 and PC-05 funded at the full level, we are going to take a cut from what we could have taken and we split it all equally, but I still want to see PC-05 fully funded. What I am saying is that, I don't think it was any surprise to anybody. I mean it wasn't to me, that we are going to run into this. That is why we put \$25,000 there and get less money this way.

Bingham: I think the TF appreciates that.

Orcutt: In the past, I have raised a concern that everything wasn't necessarily on the table in terms of all the potential funding sources. With the explanation I got of the process on the out-migrant sampling projects (specifically BOR is going to pick up something that comes out to \$6,000, it has been as high as \$20,000 in the past), I have some concern about that. The other concern obviously is BOR is not here to say one way or the other.

Fletcher: One more clarification. The policy on excess funds that was handed out, could we have the specific circumstances and whether this was a motion that was dually adopted by the TF? That way there won't be any confusion. My read of it is that we go down by category through projects until we can fully fund. Any excess money above that, is then put into a pot and then the next highest rank regardless of category, is then funded.

Bingham: That is what it says here.

Farro: My motion, tried to adhere to that as clearly as we could. I think this is a case where we have to make an adjustment to making sure that something like the Shasta River CRMP doesn't fall through the cracks. When we adopted it, I don't think we intended it to tie our hands quite that thoroughly. I think we have to make a judgement call here. I have always been an advocate for a fair and open process and I have tried to make a motion to do that.

Miller: I am not going to agree to any motion until I hear whether or not we acted upon this issue.

Fletcher: I can appreciate what Elwood is saying. He wants to make sure that we have adopted this officially.

Hamilton: It started out with the TWG, it went to the Budget Committee, the Budget Committee adopted it, it went to the TF next and I am pretty sure that the TF adopted it. To be sure, maybe you want to make a motion on it right now?

Bingham: Yes, we can change our rules.

Wilkinson: I guess my memory is different from what I have heard. I know we didn't follow this last year because we had this same debate last year.

Bingham: Okay, TF, what do we want to do now? We have a motion and I think to help us along, it would help to recap it so we understand what we have got before us.

Farro: I made a motion we approve funding in Category 1 through the last fully funded project, HR-07, in Category 2 through PC-05 and Category 3 through FP-03 and that the remaining monies from Category 1 would go into Category 2. We would again fully fund PC-04 and 05. The remaining funds would be split between the remaining CRMP coordinators.

Orcutt: What is your interpretation of the partially funded CRMP ones? Would they then be considered partially funded so that you just go down to the next line?

Farro: They would get funding up to the amount of their proposal because they would be the next highest ranked proposals.

Orcutt: Because you split it three ways equally and then I am not clear on what the next step would be.

Farro: If any funding became available, it would go to the next highest ranked proposal until it was fully funded which in this case, would be the Scott River, then it would go to the next highest ranked one. After that, if a whole bunch of money drops out of the sky here somewhere, you would start going back to projects we are not even talking about here based on how they ranked in the process.

Bingham: Is there objection to the motion? Let's do it a different way. Let's get a roll call and go around the table [Informal motion fails, formal motion still on table]. So we need to work on it further. It seems like we are making progress.

Orcutt: The out-migrant sampling project is an obligation of somebody to do on an ongoing basis. There are going to be other projects. I am given some hope that maybe at the Five Chairs level, those things would be discussed and there be long term solutions to those issues. I didn't necessarily vote against the motion but I continue to have that concern.

Miller: I don't have a problem with Mitch's motion that he has on the floor now but we need to also look in the rule. I am not sure if it was an adopted rule [The BC committee's recommendations of December 4, 1996, including the rule for excess funds, were adopted by the TF at the June 4-5, 1996 meeting (page 22 of the minutes) and the February 20-21, 1997 TF meeting (page 38 of the minutes and Handout Q from this meeting)].

Farro: We came up with a process to try to clearly delineate how we would make these decisions so that they are defensible to the public. I made my motion to follow that process. It is my assumption and until I see otherwise, that we did adopt this as TF policy. I really feel that I offered a motion that was very straight forward and to get us through a process that we had all accepted. My motion would stand alone regardless of whether there is some glitch in that format being adopted by the TF.

**\*\* Motion carries\*\*** (Abstain: Fletcher, Miller, Orcutt, Wilkinson).

Bingham: I want to thank the TF for their diligence. It is not an easy process although we did finish quite a bit earlier than we usually do in the day. In view of the number of abstentions, I am going to recommend that we agenda an assignment to the Budget Committee, the TWG and the TF to clarify the work plan development process particularly in regard to overage. I will ask that all three entities work to clarify that issue for next year's process so that we have a better mutual understanding when we arrive to where we got to today. [Again, see reference above to motions passed at June 4-5, 1996 meeting, February 20-21, 1997 TF meeting]

Wilkinson: Another suggestion, because this issue comes up each year is during the budget process it would behoove us to invite the BOR, Pacific Corp, and any other potential funding source to sit in on that and what they might be able to contribute to.

Bingham: Another suggestion I would want to add is that everybody who is involved in some other funding process, please bring all the documentation you can so that we have harder information available to us to guide us through this decision making process.

Fletcher: Another issue to this is the duplication in funding sources. It would be good to notify us if you submit projects to multi sources so we don't get into the guessing game that we just went into today. Let's also have a cumulative total column because my calculator is getting burned out.

Russell: May I also add that we somehow magnify the size of those numbers for those of us that are struggling to get along without bifocals.

Iverson: We still have an action on Item 2, the proposal by the TWG to replace that Item 2, the water quantity model with videography.

Bienz: We had also recommended that the TF support a Service working group meeting in January. We had asked for maybe \$10,000 also to do that work. Going back to what we talked about this morning respective to item #2, the water quantity model, we would like to ask the TF to allow that \$50k to be used for the development of an RFP for videography of the Klamath River from IGD to the mouth.

The technology right now would give us is 40 cm accuracy. would give us three band image in addition to that infrared so we would pick up temperature of the surface of the water as we would go down the river. The other benefit of the technology would be determining the channel shape, width (and in some places depth), would give us elevations, slopes, things like that of the river channel itself. It would give us the entire river which would then allow the researchers to stratify the channel type, with respect to sinuosity, width, depth, gradient or slope, some of the major characteristics that we look at when we classify river systems.

Farro: This is particularly suited for the fish habitat simulation component, correct?

Bienz: That is correct. It has been used in other places to do exactly that. Basically it gives you that more refined perspective of what that channel is actually doing. Let's say you funded it for 1998, you would have 1998 river channel conditions which is basically one year after the big flow. So from that point on, any point in time, you could go back and do the same thing. It goes back into a GIS system so that you could make those comparisons at any time in the future.

Bulfinch: What about the funding for the water quantity model, where does it go?

Bienz: The reason we asked for that money originally is that we knew we had to make installments back to the Biological Resources Division of USGS. When we did our homework we found out we had already paid the \$50k. So this money, then became available for us to go ahead and propose to use for the video.

Russell: How often would we be doing this video technology?

Bienz: One time. The suggestion that we are making is that we put this out through the Service for a bid. There are multiple entities that could do this work so you get the best bid for the product.

Russell: I have forgotten what the \$10,000 is for that we talked about this morning.

Bienz: We are recommending that the Service sponsor a research coordination meeting on an annual basis in January where all the agencies that have received funding come in and describe the status of the work they are doing. It would be an opportunity to see what is going on with each of those projects. It would give you an open forum to discuss whether or not something is working. You would then know that before we start making suggestions on where we go with budgets for the future years so it is kind of a check point in the process.

Bulfinch: You mentioned this would also use some infrared cold water refugia locations. Does this supplant or pick up that \$21,000 partial contract we had to do that with the Oregon State University (OSU) last year?

Bienz: That OSU pilot project was funded by the TF to place radio transmitters in fish and fly the river for basically the same kind of imagery. That was in a very specific portion of the river. That was done in '96, this would probably be done in '98. The new work would be the entire river, not just the reach between Ishipishi and IGD.

Hamilton: The multispectral videography is a step beyond what Oregon State has done. It does more than the infrared videography. By the way, on the Oregon State request that we made to them, Don McIsaac was not able to write a letter back to the TF but he called during a very busy day this week earlier and he said basically that Oregon State would like to help but the State of Oregon doesn't have any money right now.

Bingham: Okay, let's try to move this to resolution. We have three simple requests and a motion to authorize \$50,000 for videography. A second?

**\*\*Motion\*\*** (Bingham) Authorize \$50,000 for videography.

**\*\*Motion seconded\*\*** Iverson

**\*\*Motion carries\*\*** (Wilkinson abstains)

Iverson: There is still the item of the technical session that the TWG has recommended.

Bingham: I think we are out of money at this point.

Iverson: Given that the flow study that the TF has assigned is a very high priority and the TWG is moving on it, it seems to me, something has to give. Maybe that something could be the subbasin planning (the GIS map layer development) **not being dropped but stretched out somewhat**. Maybe that would allow for item #3 to be scaled back somewhat in Fiscal '98 to a lower level. That would free up enough money to fund this technical workshop, whatever that amount needs to be, \$10,000 or whatever.

Bingham: The suggestion has been made then that we scale back technical research assistance and use \$10,000 for a workshop.

Smith: In response to Dr. Iverson's suggestion, I guess I would like to defer maybe to the October TF meeting. **We can get some work done in the meantime and find out what the costs were maybe for the workshop last year.**

**Public Comment:**

Bienz: I have enjoyed working with you.

Bingham: The TF again repeats its thanks to you for all of your efforts. You have done a terrific job and moved our process very significantly forward. That said, our work for the day is completed.

June 27

Bingham: We have some items that were put over from yesterday. First one up will be an add on report by Troy Fletcher on the mid term review

Fletcher: At the previous TF meeting, Bill Kier and Associates were chosen as the contractor to do the job of doing a mid program review. At that time, we formed a subcommittee to make sure Mr. Kier and Associates got started on the **right track** and that there was a conduit between the TF and Mr. Kier. We had a meeting with Mr. Kier at the Yurok Tribal Office in Eureka. Nat Bingham, Mitch, Mr. Kier, and his associates were there. We made it clear that this is a mid program review and he needs to be free to do his job but give us all the information necessary to better help us do our job here. Kier and Associates have started working. He has collected all the agendas, minutes and things of that nature. I would imagine that in a few more months, we will probably want a little bit more formal contact with the subcommittee. Mr. Kier and his group did indicate that they are going to contact each TF member and they are going to ask each TF member especially regarding the concerns each of us have. That is a good opportunity to make your views known to the consultant. In a few months, I will probably send out a more formal type of memo to the group saying where we are at.

Bingham: Kier and Associates will be contacting all of the TF members?

Fletcher: Yes, he will probably sequester you for an hour or two or more.

Bingham: I think it is important to get the perspective of the newer members as well as the ones that have been on board since the early days. Moving right along. We have a couple of letters that were put over from yesterday. There was a draft letter to Bruce Babbitt (Handout N). Troy, you were going to take the lead on that, I believe?

Fletcher: I have added another few sentences to it about funding and our desire to encourage the Secretary to make this a priority in terms of the flow study.

Iverson: I don't object, Mr. Chairman, but I have a comment on this. I am not going to participate in the approval of this. Being the DOI representative, I don't want to say what we are willing to have the TF write to us but I would like to point out a couple of reasons that I think it is a bad idea to send it. There is a big reason and a small reason. The big reason is that the main thrust of this letter is saying the DOI is doing all of these things out there, these flow study related things but none are wholly in tune with the needs of this TF. It is an embarrassing fact that the needs of the TF in terms of the flow study have never been identified and still haven't been identified. So who is to say what is in tune with them or isn't in tune with them. The other small problem that I see with it is that it makes a point of a need for a great deal more coordination. It is always

good to have more coordination but when I think about all of the reports we have gotten here from the USGS, all of the folks who have come out here from Fort Collins to keep us briefed on their progress, and all of the reporting from the BOR on their annual flow operations, I really wonder, is there a coordination crisis that is so great that we have to alert the Secretary to it? There is a letter that ought to be written. The thrust of which, I would see as: "it has taken us a number of years here but we finally got organized and we are on our way with a scoping effort for the flow study. We wanted to let you know that, Mr. Secretary and, along the lines of what Troy just said, we hope that you will continue to assign this the same priority that the TF does. We plan to recommend a level of funding for it and we hope that the DOI will do the same." That is the letter that I would recommend be written, but I will withdraw myself from the process of approving a letter to the Secretary.

Wilkinson: After hearing Troy's version and Dr. Iverson's, I really would like to see a blend of those worked out because I am particularly impressed by Dr. Iverson's view and approach of it which I think better suites my view.

Bingham: Would the authors, or the drafting committee that has been working on this letter, be willing to try another version here to incorporate Ron's concerns?

Iverson: I'd be happy to get in on that during the break or whatever.

Bingham: Let's take another try at that draft and if we cannot get it done before the meeting is over, we can continue the process. I am certainly sensitive to those concerns that you raised Ron and I think couple of the other members are, too. Okay, that letter is going back for more work. We had one other letter to the CDFG director. That one was going to get a little more drafting work. Did anybody add language to that letter?

Fletcher: I've got two sentences.

Bingham: Okay, would the TF support that letter with the sentences added by Troy? Anybody have a problem with it.

Bingham: Okay, we will ask staff to take that one up then since the other letter is going back for redraft. [Fletcher's additions were incorporated as the fourth paragraph of the draft letter].

#### 15. Response to TF letter on LIAM (Lee Lamb, USGS)

Bingham: That moves us up to respond to the TF letter on Legal and Institutional Analysis Model (LIAM). We sent a letter to Dr. Lamb, have we received any response to that letter? I think we just sent it.

Iverson: Here he is in person.

Bingham: That is certainly very responsive and we appreciate it. Would you care to address us and respond to our letter. We certainly want to welcome you.

Lamb: I am pleased to be on the agenda today. The letter as I read it has two parts. The first part talks about the inadequacies of the institutional analysis as prepared in draft and submitted to you. The second part of the letter talks about my proposal to you to run a workshop to conduct an institutional analysis in which you the TF members would be directly involved. That institutional analysis, which you have a copy of, was conducted about a year and a half ago. The principle idea was the use of a technique called the LIAM. The LIAM is very sensitive to both the time, (that is where you are in the process of a conflict resolution or problem solving event) and also to the questions which are asked of it so those are two reasons why there may be inadequacies in that report that you received. An inadequacy mentioned in your letter is one with regard to who was interviewed for the LIAM exercise. Certainly, that had to be a very limited number of people. There were also people interviewed who are not directly on a day-to-day basis involved with this process. So that is another way that you might have some inadequacies built in to the process. I received six months ago, a letter from Mr. Bulfinch describing some concerns he had with the report. I have just sent back to him in a letter with my basic concurrence with those shortcomings and some thoughts. I have no problem with the concerns about the LIAM. I am sorry that we had to wait a year to talk about it but that is okay. I had proposed some time ago that the TF work with us to conduct a workshop using the LIAM to help scope out some strategies and opportunities for problem solving inside of this process that you are involved in. I still hold out that as a proposal to you. We are happy to help out and willing to work with you on that. What I have done is to provide to you the paper that is entitled "A Policy Model to Initiate Environmental Negotiations" (Handout O). You should have that in front of

you. I don't expect that you would have read it because I just brought it. That paper describes how we have used the LIAM in the past to help decision making bodies such as yourself prepare for, scope out, and look at problem solving they may face. Later on, you may want to read that and it can help inform your decision making. There are two ways to go about doing this. Let me describe those but with a little preface about the LIAM. The LIAM is a computer based model of political process which is certainly what you are involved in. It is a model that relies on input from whomever is assigned to provide the input in terms of answering questions about some important variables that are well established in the field of social science that can help look at problem solving questions. As a result of that, the model produces a number of variable responses and you have seen those in the LIAM report. It produces two things in particular. One is a role map of expected organizational behaviors and the other is an indication of organizations' strengths and needs in terms of influencing decision making processes. In an LIAM workshop, what occurs is that the parties involved in the decision making get together, provide the information, my staff will put it on the computer and we would go through the exercise. We can make adjustments on the spot. I recommend my staff come out and we can go through the exercise with up to 40 people. We would compile the information and ask the TF to meet with us. We could do the analysis with you. That is my proposal and I still make it. The only request I have is for travel expenses.

#### 16. TF discussion

Bullfinch: I was not interviewed. What I did not realize is that we are not supposed to be interviewed. They were trying to get how we perceived others positions in the report. However, in the exercise they get real positions on the problem, the assets, and the obstacles which we bring to the table. The need for better understanding becomes evident with every issue before the TF. Given this we should take another look at the exercise. The only problem is our budget.

Bingham: Lee, do you agree with Kent?

Lamb: Yes.

Fletcher: Where do we go from here? What Kent said makes sense. I want to understand what the Ag issues are and Oregon law. I am sure Don wants to know about tribal trust rights.

Wilkinson: There are three of us here who went through the LRP development. My view is that since then we have not had the discipline to do it again. When we function in a public forum on a consensus basis there are problems, we often alter our behavior because of exposure to the media or interest groups. I would be supportive of this exercise. How can we do this without being in the public view. When this was done before (development of the LRP) we went out of town. That was a remarkable exercise. We achieved the purpose.

Orcutt: Will you go forward with the model report on the Klamath?

Lamb: USGS will not go forward with the model on the Klamath without your permission. The report is published in draft and without your approval, will not go to final. We currently have it on a home page, but to my knowledge there have been no hits. We will remove it. Of course, someone could FOIA us. The only two requests for the draft so far have been from Mr. Rohde. Regarding whether TF could do this exercise outside of public eye, I do not know.

Bingham: We have to proceed consistent with FACA.

Lamb: It would be wrong to conduct the exercise without the full TF and others, but we have to limit the exercise to 40 people.

Iverson: We have to be concerned about lawsuits. Dr. Lamb, it seems that maybe you have been through this, won't the lawyers stifle this?

Lamb: LIAM asks questions that aren't very threatening to lawyers, but it could be problem.

Bingham: Maybe we could put this decision over until the next meeting in October. I see value in such a workshop. I encourage the TF to think about it. Since you have come, are there any other questions for Dr. Lamb?

Lamb: The offer does not expire in October.

Fetcher: In Eureka, we talked about LIAM being done in conjunction with other flow studies. Do you feel they can be done concurrently?

Lamb: You have had scoping. I am not sure LIAM would alter the basic questions, but the exercise could alter the *analysis*. The case studies are applicable to non IFIM studies as well.

Orcutt: I do not want to leave you with the impression that we are adverse to your help. On the Trinity we have seen some good tools developed. From my perspective, DOI needs to have one person accountable and overseeing the effort. I cannot say there is good coordination (other letter).

Bingham: What we have before us is Dr. Lamb's offer.

#### 17. Public Comment

Halstead: I saw the draft. My question is, if we went through the process, what would be result?

Lamb: The benefits would be a common understanding of each other's positions and the process. Also, specific to flow studies, what specific data would be used and how would be developed. Anyone else who participated would benefit.

Fletcher: It would be beneficial to see how we are each focusing. There may be some unanticipated considerations.

#### 18. TF decision on LIAM/report

Russell: There is merit to this. I am uneasy on the timing, but there are issues we do need to talk about. Maybe by October we will have some answers.

McAllister: I would concur with Don that waiting to October would be good.

Bulfinch: I recommend that we discuss the LIAM exercise decision at each meeting, then decide to conduct it at the appropriate time. So lets defer at least until October.

Bingham: I hear a concensus that the TF should defer the decision until October.

Iverson: I will include the estimated cost of a workshop in my plea to Region for upcoming year.

#### 19. Upper Basin Amendment (Wilkinson)

Wilkinson: As chairman, I would like to thank the committee. The committee has had to do a lot of work. Thanks in particular to Dr. Iverson and staff, Klamath Basin Water Users Association, and the Tribes. Without them we would not have been able to make a do-pass recommendation a year ago. We do not have concensus *any more*. As to the future, the differences do not seem to be resolvable. For those of you who have had a chance to read the draft UBA, it does not set policy (revised version, Handout P). The intent was that once it was adopted then policy would be developed. I would like to thank Kent Bulfinch and Jim Bybee for their recent comments (Handouts Q and R). There has been an inordinate ammout of work on this document. Do not throw this out the window. Consider defering action until another time. There will be time when this work will be usefull.

#### 20. TF Discussion

Fletcher: We have danced around the issues. How can we make this workable?

Bulfinch: We need to complement Kieth's efforts. When first proposed, it was clear that the restoration of anadromous fish depended on water quality. Regardless of quantity, water quality has to be good. The contributions of ERO and Tribe are now starting to address water quality. I am not so interested in turf, but process. The Klamath Compact has taken a larger

ole. In reading section 201 of bill it forsee the problems of water quality and The Compact does represent the interests of California. I suggest that in order to continue to address the water quality issues we table the UBA as written, but present the document as a technical foundation to address the issues of water quality through the Klamath Compact.

One issue not addressed is the restoration of anadromous fish to upper basin. The original Fortune study is 30 yrs out of date. The technical references in the draft UBA bring information up to date. I further suggest the TWG scope eventually the biological, financial, and social constraints to anadromous reintroduction so we can apply to appropriate authorities

Russell: I would like to point out that in regard to the UBA, it stands or falls based on what we decide here. I'm going to ask the question that my Commissioner asked me - what does the UBA do that the Hatfield Bill cannot? Lets caucus before we drop this in Bill Bennett and Alice Kilham's lap.

Bingham: I would like to answer that question. The UBA summarizes and compiles what is known about water quantity and quality in the upper basin. It does not make policy. It incorporated a great deal of local history, knowledge, and provides information to inform policy makers. I would be distressed if we just put on shelf somewhere. This compilation should serve the public.

Miller: On the UBA, I do not want to see it given to another body. We all spent a lot of time on it; we were 98 percent there. We have spent hundreds and hundreds of hours on this. If we can't deal with it, lets just leave it tabled. Because at some point the anadromous fish issue has to be answered. We know that it could take decades. We don't want that work to go for naught. We need to caucus, not only speaking with our own constituencies but with one another.

Orcutt: Glad that someone brought up the fact that we were 98 percent there. I will take the responsibility that my alternate, Robert Franklin, raised objections of a technical nature when we were nearly there. If the UBA would have been approved, we'd not have to be here. I would like to point out that there is an amendment process and that even with the LRP, there were reservations after it was finalized. But the world did not come to an end. The only thing precluded without passage of a UBA is funding to the upper basin. I am not sure about tabling the UBA indefinitely.

McAllister: I have read the draft UBA as a technical, informational document and I do not see the problem with distributing it. If we do not adopt this, we are not giving people the information needed to restore fish runs. Don, can you describe the nature of your objections to giving people the information they need to make decisions?

Russell: I am not opposed to giving people information. I do see this document as subservient to the LRP, and that being the case, this TF is going to administer that plan. As to the answer to my question whether the UBA would give us funding, we now have the Hatfield group for that.

## 21. Public Comment

Deb Crisp (Tulelake Growers Association): These are the comments (Handout S) that were developed by the Board of Directors. Our Association requests that the document be tabled until an acceptable time allotment is provided for further comment and we'd like to have more time to study what the documents do for agriculture in the basin. As the document has been revised, it's unacceptable to the agriculture community in the Klamath basin. Since the development of the initial draft of the UBA, resources have become available for restoration projects in our area. The Upper Basin can now provide for these restoration projects through the Hatfield Working Group, there's been a lot of discussion on this already. Therefore, it's the position of our Association, that the UBA isn't necessary. The citizens and the agencies of the Upper Basin are capable of accomplishing restoration goals for our area without the UBA. The TF influence does not belong in the Upper Basin and should focus on solutions below IGD. Should the UBA be adopted by the TF we could not support application of the LRP written for the recovery of anadromous fish as a plan for the Upper Klamath Basin. In conclusion, I would remind you that since the formation of the TF, administrative costs (and I've addressed this issue before) have been over 40 percent annually. It would certainly address the environmental concerns of the TF if we could expect a significant reduction in administrative expenditures and more money designated for on-the-ground recovery projects. It has become obvious that the TF has wasted millions of dollars and has not been effective. After ten years it's time to take a hard look at a program that has resulted only in the proposed listing of steelhead and the threatened listing for coho salmon, plus what you talked about Mike, the chinook and other species.

Wilkinson: I noticed that you and I agree on the tabling of the issue. My question to you is: with the technical work that is incorporated, even though you haven't had a chance to resolve it, would you agree with me that that should be made available to whoever would want to employ that technical information?

Crisp: I don't know how my board would feel about that, but personally I have no objections to providing information. But in reading the document I think some of the information is biased and that there needs to be other data re-written into the document so that we look at all sides of the issue. If we did that, I would have no objection.

John Crawford: I'm a farmer from Tulelake. The question that Keith asked to Deb about the tone of this thing and whether it is acceptable to transfer to some other body to use as technical information needs to be addressed. Unfortunately what we have in the revised document before us is technical information that has a tone that's unacceptable. We got to a place almost two years ago where we had technical information in there that was agreeable to everyone that was on that sub-committee. We were able to come to consensus on the sub-committee to bring it forward with a due past recommendation to this TF. Subsequent to that we've had further revisions based on the objections that were noted in Klamath Falls. And now we have technical information that has been removed from the document, we have technical information that has inserted into the document, and we have a tone that has been developed on that technical information. That is why it has been deemed unacceptable to the agricultural community. Whether we want to transfer technical information that has a tone to another body to deal with the same social and political parts of this thing that the TF and the sub-committee have had to deal with. I'll leave to the TF.

Fletcher: I'd be interested in seeing some of your written comments that you have about the specific sections, the tone, and your concerns. That way, when we considered it again I can look out for that specifically. I think I know some of the sections you're talking about but I don't have a great appreciation for what occurred.

Crawford: We word smithed this thing hour after hour and if you're asking whether we want to take another shot at that, I'll take another shot at it, but whether it will have a positive outcome or not I don't know. The whole purpose for this thing was brought to us from the TF with the ideal that there are not going to be any funds available for restoration in the Upper Basin unless this document is accepted. Well it seems to me that in this atmosphere that funding cycle has turned around. We have the TF up here asking for funding from the Hatfield Working Group. To think that after adoption of this UBA that the TF is going to act to provide restoration monies for the Upper Basin when they're now asking the Hatfield Working Group for those same monies, I don't believe that's going to happen.

Fletcher: I don't want you to go word by word, I just wanted to know some general type of sections.

Miller: I wanted to make a statement about the purpose of the UBA. The purpose of the UBA to the Tribes wasn't just for money. The Tribe is concerned about the watershed from the top of the mountain all the way down to the mouth of the ocean and what goes on in there. To me, money is probably the fourth thing down on the line. Water, fish, habitat, all the aquatic things, that's what it's important to us. Just being able to work together to see what we can do for this watershed as a whole, that's what is important to the Klamath Tribe.

Bingham: Thank you for that clarification Elwood. Is there any other member of the public that would like to address this issue at this time?

James Ottoman: I was born in Klamath Falls over 70 years ago. I've watched this water problem develop, I've been interested in water all these years. What I want to do is give you a history of how this TF wound up here into Klamath Basin. Do you remember Ron? You held a public meeting, you and one individual were here. We had about three people that were aware of it, so they attended the meeting. One of them was the author of the Compact. When we left that meeting, we thought we had the understanding that the TF would stay in the lower reaches of the Klamath River and the Compact would handle these water problems up in the Upper Klamath Basin. In the Compact you have the Indian rights, you have the pollution rights, you also have the water quality solutions. Besides that, we've had literally hundreds and hundreds of studies showing how the springs up in Upper Klamath Lake warm the temperature. We even had the Army Corps of Engineers (COE) in here at one time. They wanted to build dikes up on the Upper Klamath Lake to see if they could improve the quality of the water at that time. Of course that was the only invitation we ever extended to the COE to come in here. The work you people have put on this UBA won't be wasted. It will be in that pile of papers that Jim Kerns has of all the studies that have gone on in this

upper region. In fact, if there's any watershed in the U.S. that has been more studied, I would sure like somebody tell me where it is. Thank you.

Jim Kerns: I helped write the Klamath River Compact. I want to remind you that one thing is going on here that you should be taking a lot of interest in, in fact you should pay no attention to anything else but this. We had about two million acre feet (AF) of water go down the river since October, you needed about 850k for the salmon. In other words we wasted one million AF of water. We have got to quit wasting water or we're going to go dry here some day. We've got to have some storage and any effort you make in anything else is wasted until you get some storage. The Link River flow runs from 400k AF to over two million. We get a few of those 400k AF years and you're going to be out of water and we are too.

22. **TF decision and assignment related to the UBA**

Smith: I have some concerns about adoption of the UBA. Mr. Crawford is in area I represent and I want to make sure Ag (agriculture) interests are adequately addressed.

Bingham: We have a number of options regarding how we can go with this.

McAllister: Why is there a problem with publishing it, even if not adopted?

Bingham: There are some implications to adoption, in particular in regard to funding. This process has not been negative, we have learned a lot. We have three entities now working together.

Caucus

**\*\*Motion\*\*** (Wilkinson) I move that we table the UBA in its present form with additions and deletions.

**\*\*Second\*\***(Russell)

Miller: Does this mean tableing it indefinitely?

Wilkinson: No. To bring it back before the group would require a consensus action. I do not want to lose the product we have developed.

Miller: Requiring a concensus vote to bring it back is unacceptable. I do not believe the members at the table would allow it back.

Wilkinson: I respectfully disagree. I feel there is an opportunity to revisit this.

Bingham: As a clarification regarding parliamentary procedure, we can have the UBA back for discussion at any convened meeting of the TF.

Fletcher: I do not think the intent of the motion is to preclude anyone from having discussions as a group on the UBA in the future.

Wilkinson: Regarding Miller's concerns, I would be receptive to a friendly ammendment to table the motion in its present form until October.

**\*\*Motion ammended\*\*** (Miller): That the motion be ammended to have the UBA come back before the group in October.

Second concurs (Russell)

Wilkinson: I accept that as a friendly ammendment.

Bulfinch: I would oppose. We will not get anywhere by leaving the UBA in its present form without definition and identification of issues in writing. Without this commitment, we will be back in the same place in October.

Wilkinson: During the caucus, my optimism was raised. My feeling is that the subcommittee can address technical issues. I would point out that two years ago we did come to consensus on technical issues and it is achievable again. Once we adopt the UBA, then it opens up the process.

Bulfinch: I do not disagree with that objective but your motion as stated does not say the subcommittee will address the issues between now and October.

**\*\*Motion Ammended\*\*** (Fletcher): That subcommittee will convene between now and October to address issues unresolved related to the UBA.

**\*\*Second accepts\*\***

Wilkinson: I accept.

Bingham: We have a twice ammended motion, any further discussion?

Wilkinson: I did not want to obligate the subcommittee, but suggest that the subcommittee meet prior to the committee to get to resolution.

Russell: This will require time. I would caution: some of the material is of a technical nature and requires time, it's been a busy summer. Let's not set in concrete a meeting in October.

Bingham: What Elwood's amendment spoke to was having it back on the agenda, back for TF discussion, and possible action by October.

Orcutt: I would hope that we get some new members on the committee and that all TF members get the opportunity to participate. We need some new blood.

Wilkinson: I would propose that we hold the meetings in Yreka at the Service office and invite all TF members to participate.

**\*\*Motion carries\*\*** (Miller, Bulfinch, Orcutt abstain)

Bingham: The UBA will be on the agenda in October. I would like to thank the County Commissioners for taking time out of their busy day to attend.

### **23. Identification of discussion topics for the upcoming Five Chairs meeting**

Iverson: The principle items of discussion at this point will be: 1) the crisis in funding of monitoring for fisheries management; 2) a summary of restoration work so that the five chairs can ge the big picture; and 3) an introduction of Bernice Sullivan, the DOI intercommittee coordinator. So are there other topics?

Fletcher: The Trinity reauthorization needs to be discussed.

Bingham: Add an item regarding the meeting frequency of the five chairs. Currently we only meet annually. We need to have a regular shcedule.

Iverson: They should consider whether to ask Barbra Holder to attend.

Orcutt: Add the Trinity EIS and KFMC on harvest rate management and implications for Scott CRMP and Shasta CRMP.

Fletcher: We should invite the Fish and Game Commission president.

Bingham: Good idea, we need to make sure they are better informed about the relationship of the Commission to other groups working in the Klamath.

24. Identify additional agenda items for the next meeting October 15-16, 1997 in Yreka

Bingham: Let's do the Schafer letter.

Fletcher: I would like to insert some additional edits.

**\*\*Motion\*\***(Wilkinson) Send the letter with revisions.

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

**\*\*Motion carries\*\*** [the letter went out with Fletcher's additions (Handout T)]

Bingham: What are items for the Next agenda?

Russell: I would like to see a lively discussion regarding storage.

Fletcher: Lets expand that to also include what Alice Kilham is working on.

Iverson: IFIM needs to come back to the TF. There are some questions where the TWG needs more guidance. **I have to say** for the public record that I do not like the comments under problem identification regarding the exchange of views on Dale Hall. I hope that you will use restraint. Whether true or not, is it inappropriate to put this information in a technical document.

Bingham: I concur. We need to be professional. We may disagree and the fur may fly behind closed doors, but we don't need to air dirty laundry in public.

Fletcher: I can understand. But I also saw the letter Dale wrote as slamming the TWG. We do not need to be doing that: we need to be cognizant at both ends on this concern. Other agenda items are a midprogram review update, and a report on some of the restoration we have been doing in the lower basin. Both should be in the next agenda. Also Bernice Sullivan.

Bingham: Also include an agenda item regarding beginning the process of amending the LRP. This is somewhat consistent with the midprogram report.

[It was decided that the TF meeting after next will be held the 19th -20th of February, 1998 in Brookings, Oregon]

Adjourned

**KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING**  
**June 26-27, 1997**

**Klamath River Basin Fisheries Task Force Members Present:**

Kent Bulfinch	California In-River Sport Fishing Community
Mitch Farro	Humboldt County
Elwood Miller	Klamath Tribe
Al Olson	U.S. Forest Service
Mike Orcutt	Hoopla Indian Tribe
Nat Bingham	California Commercial Salmon Fishing Industry
Keith Wilkinson	Oregon Department of Fish and Wildlife
Joan Smith	Siskiyou County
Nat Bingham	
Ron Iverson	US Fish and Wildlife Service
Bob McAllister	CDFG
Troy Fletcher	Yurok Tribe
Don Reck	NMFS
Don Russell	Klamath County

**Attendees:**

Bernice Sullivan	Bureau of Reclamation
Steve Statz	Harza NW
Steve Lewis	US Fish and Wildlife Service
Mike Belchik	Yurok Tribe
Todd Kepple	Herald & News
Les Harling	Salmon River Restoration Council
Jim Villeponteaux	Salmon River Restoration Council
Bill Bennett	CA DWR, KRCC
James R. Ottoman	Ag
Ken Rykleost	Ag
Bruce Halstead	US Fish and Wildlife Service
Mike Polmateer	Karuk Tribe
John Renwick	California Regional Water Quality Control Board
Esther Kennedy	Senator Gordon Smith
Mark Buettner	US Bureau of Reclamation
Doug Tedrick	Bureau of Indian Affairs
Larry Dugan	US Bureau of Reclamation
Berton Lee Lamb	US Geological Survey
Frank Shrier	PacificCorp
Karl Wirkus	US Bureau of Reclamation
Bob Davis	US Bureau of Reclamation
Hans Hackley	Oregon State University
James Heyer	Oregon State University
Alice Kilham	Compact Commission
Vlawn McCovey	Yurok Tribe
Debra Crisp	Tulelake Growers Association
Rod B. B.	Klamath Potato Growers
Darla Eastman	US Fish and Wildlife Service
Tiffany Fechter	US Fish and Wildlife Service
John Hamilton	US Fish and Wildlife Service

## KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING HANDOUTS

June 26-27, 1997

Agendum #3 Handout A	Departure memo from Chairman Dale Hall dated May 27, 1997
Agendum #3 Handout B	Letter to BOR and PacifiCorp on process of developing water quality model for the Klamath River - Iron Gate Dam to Seiad from the Task Force signed by Nat Bingham
Agendum #3 Handout C	Letter to Herger from Siskiyou County Farm Bureau dated May 2, 1997
Agendum #3 Handout D	Letters from Klamath Forest Alliance dated June 6, 1997
Agendum #3 Handout E	Rebuttal Letter to KFA from Siskiyou County Farm Bureau dated May 2, 1997
Agendum #3 Handout F	Press release regarding division of Service's Pacific Region dated June 18, 1997
Agendum #7 Handout G	Memorandum from Craig Bienz, Chair of the TWG, to the Task Force regarding <b>IFIM</b> Scoping
Agendum #8 Handout H	Draft EA on the 1997 Trinity River Interim Fishery Flow Release (California)
Agendum #11 Handout I	Memo from Dale Hall re Task Force Priorities dated March 10, 1997
Agendum #11 Handout J	FY98 proposals as ranked by the TWG
Agendum #11 Handout K	RFP overlap list of projects submitted to ERO and Task Force
Agendum #11 Handout L	Memorandum to BOR from CCFWO dated June 9, 1997
Agendum #14 Handout M	Draft letter to Bruce Babbitt
Agendum #15 Handout N	Draft of letter to USGS/Lamb on LIAM signed by Bingham June, 1997
Agendum #15 Handout O	Draft copy of A Policy Model to Initiate Environmental Negotiations: Three Hydropower Workshops from the U.S. Geological Survey
Agendum #19 Handout P	Draft Upper Basin Amendment, May 1997 (mailed under separate cover to TF)
Agendum #19 Handout Q	Letter to Keith Wilkinson from Jim Bybee (NMFS) dated May 30, 1997
Agendum #19 Handout R	Letter to Keith Wilkinson from Kent Bulfinch dated May 31, 1997
Agendum #21 Handout S	Memorandum from Tulalake Growers Association regarding revision of the Upper Basin Amendment
Agendum #24 Handout T	Letter to CDFG regarding monitoring efforts signed by Nat Bingham
<u>Informational Handouts</u>	
Informational Handout	Letter from the Bureau of Indian Affairs addressed to Dale Hall responding to their letter to TWG Chair on concerns about the completion of the Klamath River flow study
Informational Handout	Fisheries publication - Special Issue on Watershed Restoration
Informational Handout	Invitation to the barbeque dinner hosted by the Klamath Basin Ecosystem Foundation