

FINAL MINUTES FOR THE KLAMATH TASK FORCE MEETING

June 24-26, 1998

Klamath Falls, Oregon

Shilo Inn

June 24, 1998

1. Convene and opening remarks - tribute to Nat Bingham (Barry).

Barry: Good morning and welcome to Klamath Falls. I am the Department of Interior (DOI) representative. It would be good if each representative introduces themselves [they do so].

This being the first meeting of the Klamath Task Force (TF) after the passing of Nat Bingham, I want to say a few things about Nat . . . to remind us of some of the ways he helped us and contributed to our goal. I sent out a note to all of you that this spot was open on the agenda for this purpose, if you wish to do so.

I had only personally known Nat for the past couple of years. But I had known about him for a long, long time. Nat's involvement in Klamath fish restoration was broad, deep and enduring. In the 1980's, he participated in the Klamath Fishery Management Group, which was in a way the ancestor of today's Klamath Advisory Committees. When the Klamath Fishery Management Council (KC) and the TF held their first meetings in Eureka in July 1987, Nat was there as a member. He was elected vice-chair of the TF soon thereafter, and served until his passing. Nat was the commercial fishing industry's first representative on the KC. He left when his workload as a fishery restoration lobbyist and activist became too great, but came back to the KC recently, representing the Pacific Fishery Management Council (PFMC).

Nat had a great curiosity about the natural world and a sophisticated understanding of the technicalities of resource management. Combined with his understanding of the political and bureaucratic processes, he became an effective lobbyist for fishery restoration in California.

Nat was your parliamentarian. You generally turned to him for an opinion on how Robert's Rules would have us proceed. The TF adopted Robert's Rules to insure that all members could air their views, but those rules can be cumbersome. Nat looked for ways to use Robert's Rules to move toward a consensus.

Some people can deal with a consensus democracy, and some cannot. Nat's nature was well-suited to this decision-making process. He had the patience to listen to speeches and then politely indicate their points, but he never lost sight of the common goal of this TF.

We will miss Nat, and there may be no one person who can take his place here. We will continue to honor Nat whenever we take the extra step to use the best science and when we compromise and seek some common ground to benefit the resource.

I will leave this statement for the record. And if there are other TF members who want to add their remarks, I invite you to do so now, and then we will open to public comment, as well.

Spain: Thank you. Nat was an inspiration to me, my neighbor and friend. Nat had patience and a willingness to listen; he had a vision for this body - that of a neutral entity to address habitat issues in the Klamath. Often we get swept up into sectarian battles. Nat kept us focused on the common goal of habitat restoration. I am proud to help continue his legacy. It may take three people, however. We were all moved by his dedication.

Wilkinson: (Inaudible remembrance of Bingham).

Fletcher: As you know, relative to the Yurok Tribe, we were involved in a small battle over allocation with Nat and the Pacific Coast Federation of Fishermen's Association (PCFFA). Nat worked hard to bridge the gap between the fishermen and the Tribe. We are appreciative and Nat will be missed.

Bulfinch: I want to say something about Nat, but will wait until agenda item number 6.

Farro: It is hard for me to talk about this, but I will share with you a story about Nat. I first heard of Nat when he was fishing. We were fishing the south area and it was the last day of the season. I heard Nat on the radio and he had his son Eli with him who must have been about five at the time. It was slow fishing. I was listening to the radio and Nat was on. He was saying they had just landed their last fish of the day and that it had been one of those that were right on the margin of being long enough to keep. It could have been a money fish, but he talked it over with Eli and they decided to let it go. I remember wondering if this guy is for real, but he was. His legacy and philosophy were to put back what we can for the future.

Orcutt: Nat and I were original members of the TF. Keith and I are the only ones left now. I had a great deal of respect for Nat despite the fact that we were often on opposite sides of the table. It is incumbent upon us to finish what Nat started.

Barry: Anyone else with a remembrance of Nat? OK, we are on with the agenda.

2. Business

A. Adoption of agenda

Wilkinson: I propose a modification to the agenda under Item 10 that Bruce Halstead report migrant trapping.

Rohde: I request that Agendum 19 be dropped because the persons responsible aren't present.

Barry: I will take it over.

****Motion** (Cindy Barry): to adopt agenda with the above revisions (Attachment 1).**

****Second****

**** Motion passes. ****

B. Adoption of minutes from the February 1998 meeting

Rohde: You need to correct page 16 of the Minutes; it should be changed from the AKaruk Tribe to the AYurok Tribe.

****Motion** (Cindy Barry) to adopt the minutes with the above revision.**

****Second****

****Motion passes.****

3. Brief review of last meeting actions/general correspondence (Hamilton)

Barry: Don Barry, the Assistant Secretary nominee, recently toured the entire Klamath, Upper Basin, and Trinity via air. We gave him a copy of the Klamath Forest Alliance memo. If any of you want to communicate individually, feel free. He is much more informed than before.

Russell: On behalf of Klamath County Commissioners and people of Klamath County, I welcome the TF here. I appreciate the efforts of Nat and his views. That will run far into the next century. We look forward to taking you on a tour. We have plans to help you oversee a big piece of the project and the wildlife refuges.

Barry: The six chairs meeting did not happen; it will be rescheduled (Handout A). My tenure as chair is somewhat tenuous. Mike Spear is the new manager of the California/Nevada Operations (CNO) office in Sacramento. He will be moving there August-Early September, before the next TF meeting. He will have a staff of nine and one of them will be my equivalent. Staff will distribute a copy of the Director's memo in regard to the CNO (Handout B). It is important for the TF to have a vice chair elected in case there are any lapses in leadership within Interior.

The effort to split off California and Nevada into a separate Region failed before Congress. So we will have a Regional Director in Portland but have the CNO manager located Sacramento. He (Mike Spear) will have the full authority to operate as if he is the Regional Director. He will be able to negotiate Habitat Conservation Plans, elevations of any Department of the Army Corps of Engineers permits. His authority is fairly broad. Program staff will be in the CNO, but all the Contract and Finance people will stay in Portland to service the CNO. The most important news is that the Klamath Basin in its entirety will come under the management of the CNO manager.

Let's put the election of the new vice chairman as part of Agendum 42.

[Hamilton briefly went over recent correspondence (Handouts C-E)]

Hamilton: You should take a look at the copies of letters in your packet. There are several pieces of correspondence that are quite important.

Orcutt: Regarding the MOA between National Marine Fisheries Service (NMFS) and California Department of Fish and Game (CDFG) (Handouts F and G), can someone tell me whether the deferred listing decision on steelhead was contingent on the Klamath Mountain Province (KMP) plan being implemented? Because I heard the CDFG rejected the plan in the MOA. If true, is the KMP plan still valid and what will that do to the deferred listing?

Reck: It is my understanding that NMFS is providing some money to backfill some of the monitoring that used to occur, but stopped due to budget problems. Specifically what fell off I would have to look into.

Farro: It had some problems in the budget process, but it did go through. There will be funded an equivalent of 33 personnel years (some permanent staff and lots of seasonal).

Orcutt: That's good news.

Barry: Regarding the TF letter requesting a waiver of the 8 percent overhead, over the past several weeks I have been working diligently to get you a response. The reason I have not is that the FY99 needs for the RO have not been established. They are quite aware of the issue. There is a hard and fast 8 percent overhead rule on the books associated with all fishery projects in this region. Its going to be hard to get a waiver, but I will continue to try. Before the next meeting in October we should have our budget set, so I will get you something.

Russell: Regarding the Mr. Anderson mentioned in your letter of May 6, 1998. Is this the same gentleman who is working with the adjudication process here in the Basin?

Barry: Yes. That is why Robert Anderson has contracted with Hardy to do this adjudication work. I wanted to make sure that he spoke to this body.

Spain: I think it would be really helpful to the TF to have copy of that draft to follow the process through.

Barry: Somewhere I have a copy of a letter from Anderson to interested parties explaining what he is doing with Tom Hardy in the Scope of Work. I will get you a copy of that letter as well. (Handout H)

Rohde: In regard to the letter that you sent to Dr. Hardy, this is a Secretarial action. This is an internal action and you should be coordinating through the DC office. The letter was as the TF Chair, right.

Barry: I am aware and in the loop now. The adjudication process is difficult and time consuming. There is someone else in the RO and Tom Stewart who are working on this and more aware on a day to day basis than I am. They are keeping me up to speed. We decided to write this on behalf of the US Fish and Wildlife Service (FWS), perhaps it should have been done on behalf of the TF. But I am reluctant to do that without consulting you first.

Fletcher: Mr. Hardy is working on the California side. It is important to make that distinction. We are not speaking to bringing this information into the middle of the Oregon adjudication. Hardy's work will make a specific flow

recommendation to Bureau of Reclamation (BOR) for operation of Klamath Project in his Phase I study. It will also make recommendations along with the Technical Work Group (TWG) regarding longer term studies, as a basis of a permanent flow recommendation.

Rode: Can we assume when we get Hardy's Scope of Work we will have an adequate understanding of his involvement in flow studies the Klamath Basin or is there something else that he is working on?

Barry: That is why we extended the invitation to him for this meeting - to answer questions. Staff, do you know why he could not attend?

Hamilton: He said he had a conflict, but would attend the next meeting. [As of 09/23/98, authorization for Hardy attending was pending]

4. Update on Klamath Basin ecosystem restoration issues before Congress (Staff from office of Senators Wyden and Smith as well as Representative Smith)

[No Congressional Representatives were present]

5. Report from NMFS on recovery actions for coho and steelhead and relation to the Klamath Fishery Management Council, TF, and Tribal Trust Responsibilities (Reck for Lecky)

Reck: Jim Lecky would have liked to have been here. The best way to proceed with all that is happening is to go through headings.

A. Five counties initiative on coho - For the past year, NMFS has had discussions with the counties. What this could end up with might be a couple things. Counties may end up with a five-county Habitat Conservation Plan (HCP), it could be a State HCP, or it could be amended 4D rule. In particular, there are opportunities here to educate county work folks so that road work is more fish friendly.

B. Memorandum of Agreement (MOA) on Steelhead - On the KMP ESU, we did come out in decision not to list and withdrew with a commitment to revisit within four years. An important component of the MOA is 100 percent hatchery marking for harvest of sport fish. CDFG will reinstate several programs where there have been funding cuts. The Memorandum of Understanding (MOU) also agrees to revisit California Forest Practices rules.

C. Critical habitat designation for coho - It is a requirement that NMFS designate critical habitat. Several other places have done this. Critical Habitat is only relevant to Federal regulations. We've had a number of hearings and public comment and have received a lot of comments. There is a lot of misunderstanding about what is involved. I have seen the process unfold and what is on other end. The next step is the comment period which closed on the 10th. We are going through thousands of comments and are addressing those to fine tune the final rule.

D. Operation of the Klamath Project and Flow Study issues - NMFS annual plan review for the Klamath Project has been going on since 1996 to take into account the needs of anadromous fish. It concerns me that there is talk of a multi year plan being dropped. This plan is important. I am encouraged by recent flow study developments. There is a laid out road map.

E. Status of Klamath River Fish and Wildlife Office (KRFWO) request for programmatic consultation - We were very short staffed. The request is back on my desk. I have directed my staff to work with FWS - Yreka. This is the most efficient way to do this.

F. HCP/CRMP plans - NMFS is committed to review those products.

Questions and Answers

Fletcher: Please speak to the MOU between NMFS and State. There is a lack of a tribal role. The Tribes are entitled to 50 percent of the harvest. The Tribes do a significant portion of the monitoring. The Tribal role needs to be more clearly defined on this issue. How does the recent ruling on the Oregon Plan influence the MOA?

Reck: I do not know a lot about the MOA. I am not that interested to be honest. The larger issue is the need to pull together the role of the Trinity and Klamath Restoration Programs into a plan.

On the Oregon Coho Plan, the judge issued a ruling that NMFS was arbitrary and capricious. Technically, that does not affect the decision on Northern California and steelhead.

Rohde: Some of the outrageous backlash to the critical habitat designation came from Klamath River. The proposed designation riled up the whole community. They got jacked up and ready to explode. There is a gap in information dissemination from NMFS and a lack of education of leading officials so they would know about the process so people at large could be educated. We still do not know how the regulations would be implemented. We can't do anything to help offset the negative reaction.

Reck: It has been a PR disaster at best. I will plead guilty for NMFS. Some things don't happen until the last minute. We just had substantive talks with the CDFG January 1 after three years of notice, so NMFS is not entirely to blame. There are other factors regarding why people are riled up. There are other underlying reasons. We are not sociologists and not trained to deal with mobs. A lot of mistakes were made, but are being resolved.

Smith: I take exception to calling concerned citizens a mob. We are concerned because in Siskiyou County when the timber industry shut down, government said recreation will take its place. People now see farming and recreation being possibly shut down. At the last meeting Hogarth promised a detailed response to our concerns; I have not received it to my knowledge.

Reck: I would be concerned about not getting a response from NMFS. It is important to respond to the county and I will do what I can to see that this happens.

Spain: NMFS has done a poor job of education. Some of this hit us by surprise. Anything, you can do with this experience to get press releases out, media folks in NMFS, do it. We can't keep doing damage control.

Fletcher: We need to defend Don. The bottom line is we have a species on the brink of extinction. People do need to be put on notice that NMFS has a job to do; status quo doesn't get it anymore. If you want high unemployment, tribal fisheries have it. Something has to change. If not, NMFS or FWS will come in. Issues have to be addressed. There is a lot of misinformation. These are not stupid people fanning the flames. Instead, they need to direct this energy to something positive.

Reck: In my personal opinion, this has been akin to yelling fire in a crowded theater. It is highly irresponsible. I too am interested in getting on with the job of restoring fish. I would like to see voluntary efforts get on with doing what can be done. This will not be a heavy-handed plan. There will be discussion with groups to do what needs to get done to get discretionary efforts in place.

Wilkinson: I have worked 20 years with various agencies. All agencies suffer from the problem of communicating with stakeholders. Problems can only be solved by stakeholders. We need to humanize decisions. When we get in a bunker mentality, it takes a long time to get back to cooperating.

Russell: I would like to speak on behalf of my industry. If we are going to edify (when you say land practices), there is another half and that is the Pacific Ocean. We need to point to all areas for improvement, not single out agriculture or any other industry.

Reck: I agree NMFS needed to be more up-front. In the first place, the notice should have mentioned lots of causes.

Farro: Communities dependant on ocean harvest have already sacrificed to large degree. We have not harvested coho for more than one brood cycle. To date, all the burden has been on fishing communities. The issue of equity needs to be addressed. We did not have a choice; the process for us was not voluntary.

Reck: The determination of whether actions address the change that needs to be made will be a long process. If voluntary actions lead to a dry hole, other actions can happen.

Smith: On volunteer efforts, the Five County Coho Plan is going forward. We've found a lot of good things being fixed with voluntary effort. Working with NMFS has been positive.

Reck: I agree.

Olsen: That this is really about recovery of fish gets lost. The economic well being of communities is a result of recovery, but right now, we are seeing a backlash to upslope restoration. With road decommissioning, KNF has the dollars. I hope that Joan and others can keep that in the forefront.

Orcutt: Where is the final 4(D) rule to be published?

Reck: The utility of the ESA is it gets people to the table. Craig Wingert is the man on 4(D). When is the Trinity to be addressed? I don't know. It's on the radar screen. I will have to get back to you.

Barry: Critical habitat is the most contentious and least understood part of the ESA. It is very difficult to understand. Outreach before, during and after is very important. It is critical that all of you understand this. I appreciate the comment from Mike that three million board feet of timber have been sacrificed to protect fisheries.

Public Comment

Dave Solem (Klamath Irrigation District): The question of what you're going to do with the in-stream flow study has not been addressed by the TF. It's going to become really apparent. You're going to end up with the same kind of problem NMFS had with the critical habitat designation. I've heard some reference that the in-stream flow study would be the basis for permanent flow regime down the river. It's going to be really important we don't tie the in-stream flow study to Klamath project operations without deciding what you're going to do with the information before you spend a lot of money. I applaud you for going and collecting the information, I think it's something that's always been needed.

Wilkinson: Where is the adjudication today, regarding the funding?

Solem: On the adjudication funding, the legislative emergency board met last week and authorized the full funding request of about \$370K for an increase in staff for processing of the claims.

Fletcher: For the past several years there's been a lot of consternation about how much water these fish need, and the appropriate amount of flow that comes out of the Klamath Project. We have two solicitors' opinions the Feds have come out with and they clearly articulated the obligations of the BOR to operate the Klamath Project consistent with its trust obligations to the Tribes to protect the flow. They also require that we utilize the best available scientific information. That's where the flow study is going to come in.

Solem: The Klamath Project will be responsible for meeting the flows identified at Iron Gate Dam (IGD), in your opinion?

Fletcher: Yes. The solicitor's opinion in response to the Oregon Attorney General makes it clear that even if the adjudication is complete there is still an ongoing obligation to operate that federal project consistent with all of the priorities that have been outlined.

Solem: There are many other impacts above IGD that have an effect of flow and yet there is continually focus on the Klamath Project. It doesn't happen that way. The critical habitat designation and the determination of the in-stream flow study are going to be taken out of the hide of the Klamath Project and out of this community. If it is, you are going to be in big trouble on the restoration program.

Fletcher: Your concern is valid and that's why the TWG has undergone an extensive scoping. Everybody on this TF should have participated to weigh in with your concerns, etc., through that process. Unfortunately, there hasn't been much participation from Klamath County despite the call for that participation throughout the process.

Solem: I'm not talking about the technical requirement of the flow study as nearly as much as what is the intent and the purpose of the flow study down the road.

Fletcher: The intent is to identify what the in-stream flow needs are for fish and to put that water in the river.

Solem: The TWG has made the determination what will be the flow required?

Barry: No. One doesn't equate necessarily the other, because it's a scientific document that stands alone. It's part of the decision-making process but not the entire decision in and of itself. NEPA kicks in to play.

Spain: The flow study is not a decision document, it's a set of facts and information that give us a much better basis to make good decisions. What we need is better information; we'll all duke it out on the policy issues as to what we do with that information, what decisions are made, what compromises. There will always be pluses and minuses of those kinds of policy decisions. My own feeling is the angst of land users, water users, fishermen, the angst everywhere will be greatly increased by lack of information and that's been a problem throughout. I don't know what that flow study is going to say. None of us do. That's why we need the information.

Solem: Is there a process in place to get the public involved in an actual decision-making?

Spain: We really have to spend a lot of attention on that process and make sure people know that they have the right to input. Get your folks involved in the TWG and the technical scoping; we'll certainly be involved. The more information we can develop the better; the sounder that information is, the more we can demonstrate that there is a good basis for decisions.

Solem: You say that it's not the State's responsibility and the adjudication will not be a valid process to help make that decision?

Spain: It's one of the processes. The problem I see, personally, is that we have parallel processes. We have to merge them, wrap them together and make sure they're coherent.

Rode: Glen has said most of what I thought also. I see the flow study end-product as being a biological flow recommendation, it will be one piece of the puzzle, it will be balanced against other resource needs: Upper Klamath Lake sucker needs, refuge needs and the needs of agriculture. I don't think the flow study has the capability of stating that the Klamath Project's responsible for all the water that comes out of Iron Gate. I think that's beyond the scope of the flow study. There's a lot that goes on after the flow study.

Reck: I wanted to add that there are different ways you can assess flow needs for fish, (different methodologies) and each one of those relies on data that you collect. There are three things going on here that I'm having trouble sorting out maybe in the context of your question. Flow studies, at least in the Klamath, are going to be a bit of an iterative process. The Yuroks have done something, others have speculated. Now it appears Dr. Hardy is going to put together a rather cursory or short term best guess answer at the moment, by water year type. I don't anticipate that is going to be the final answer. I view this as converging on the multi-year answer on what you do in order to make it habitable for fish below IGD. Finally, from my discussions with Dr. Hardy, all of the information from the data to the models developed are going to be available to basically everyone. If you do more intensive studies, all that data and perhaps models and maybe perhaps hardware will be available to groups who are interested too. I think what we're trying to do is converge on where everybody has the same tools and they can run scenarios as they affect their lives. People will be able to use these tools to further the negotiation of operations, rather than being here's the answer, end of story onto eternity.

Solem: The thing I would suggest is that we have some ideal of the range of where the answers are going to come out for restoration of the fishery. If we start to talk about those kinds of numbers that become a permanent basis for flows downstream, it will definitely have a huge impact on these communities up here. Look at the critical habitat

designation process that NMFS had; it's going to come to those levels of concern here on the flow study. We better be thinking of how we're going to put that together and start to anticipate what that's going to be and get things going. I have a fear you're going to go through the flow study process, and they say "this is it, we have the information now, this is what we have to have." The impact of that can be pretty immediate and can be real, really great. I hope that as we go we start to look at some kind of process and don't end up with a 1000 people here waiting to find out, "well wait a minute, how does this all work?"

Reck: The first thing that came to mind was KPOP when you said that. I don't think we have a good model at the moment for what you're saying you need. It's much like recovery planning in NMFS, there isn't a good model so you have to try and figure it out in a better way at least when it comes to anadromous fish recovery planning. We have to try harder in coming up with the right decision making process and forum.

Solem: I agree. Again, my final thing is, the study will not solve the problem.

Barry: Please help spread the word amongst the community that my Regional Director and Roger Patterson of BOR are seeking to seek a balance between recovery of fish, tribal trust responsibilities, needs of migratory birds under the Migratory Bird Treaty Act, agricultural interests, and certainly through the adjudication of private water rights; it all comes into play.

Bulfinch: The method that the TF is employing to determine the in-stream flow is the Instream Flow Incremental Methodology (IFIM). Part of the IFIM is the Legal Institutional Analysis Model Exercise (LIAM) in which interested parties get together to determine what the objectives, limitations, and possibilities are for reaching a compromising agreement. It is important to go ahead with this LIAM, so everybody knows where everybody is coming from on this thing.

Fletcher: Priorities are laid out there clearly in the solicitor's opinions, they're laid out there in all of the correspondence that we have with Interior and that means you need to provide enough water, sufficient adequate water to meet the in-stream flows needs of fish. There is no balancing there from my perspective. You have to meet those needs. There are opportunities on the fringe to work on the storage issues, to augment water supplies, and things of that nature. But there will be a flat number that comes out and that number may go up and down depending on water year type and depending on the on going monitoring activities in the basin through some type of adaptive management program. There will be a priority there to meet Tribal Trust needs. It won't go away and sometimes the Feds won't be able to balance.

Solem: You have got to be very careful in moving forward on an in-stream flow study that's preparing for litigation because that's exactly what you're describing to me. I'm not sure that that's your charge.

Jim Carpenter (Co-Chair Upper Basin Working Group/Chair of the Concept Committee to the ADR Group (Alternative Dispute Resolution)): We're really happy to have you up here in the upper basin holding your meeting as a way to inform you of some of the issues and see how things that are going on up here also relate to what's going on down stream and the flow study is going to be one important component of it. There's flow studies going on and hydrologic studies going on here in the Upper Basin as a part of the adjudication process as well. But it isn't going to be the only component that responds to directly to how the project is managed, for instance. There are not just minimum flows but qualitative considerations, opportunities to increase the pie. I hope to show you this as a part of Waterfest. Thanks for coming and we look forward to working through some of these knotty issues with you guys.

Jean Vickrey (Siskiyou County Resident): I live on the bank of the Mid-Klamath River and the residents there are not satisfied with NMFS laws that they're trying to put through as we see them. We do not understand what the real issues are. We don't know what our property is going to be. We don't understand what fees we'll have to pay. We understand there will be fees for anything we want to do and no one has addressed those issues to us yet. We do have a lot of concerns. I think NMFS should put it in writing and it should be presented to our Supervisors so that we have something to go on. They're pretty wishy-washy. Nothing is really definite and we do not know what's coming and we would like answers.

6. Report on 2nd Annual Private Landowner Award (Bulfinch)

Bulfinch: This year we have a three way tie for the award and I am asking for \$125 for the three plaques. Last year I was authorized \$500 to play with and I turned \$400 back.

****Motion** (Bulfinch) I request \$125 for the 2nd annual private land award for three recipients for FY99.**

****Second Motion** (Smith)**

****Motion Carried****

****Motion** (Bulfinch) For 1999, rename the annual private land award to the ANathaniel Bingham Memorial Award for Contribution of Anadromous Fish Restoration®**

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

****Motion Carried****

7. Report from staff on past decisions on the Federal match and Kier and Associates summary of matches to date (Kier/Hamilton)

Kier: (Handout I) There were nine research tasks in our contract. This one has to do with whether the funds were being matched or leveraged by the parties receiving them. We examined the leveraging in two categories: A) the direct match to dollars you authorized. B) the indirect match (other dollars attracted because of your dollars). To do this, we got a list of recipients from KRFWO, then wrote a letter with a questionnaire. We called and wrote and called again. That produced 15 responses out of 78 questionnaires. Some people said they would get back to us (but didn't), others were more to the point and told us to go to hell and tell the TF to quit making demands for unpaid extras. The responses we got were from a mix of cooperators that we decided represented the spectrum of your grantees. Their projects represented ~\$1.5 million dollars. We got about an 80 percent non federal match for these projects. When you take the stuff that's coming in from other federal program, that match jumps up to ~180 percent. An example is the FWS grant from NASA on Landsat data. Linda Webb will answer questions.

Spain: Is the sample of 15 really representative?

Webb: KNF responded; they did not have much in NF match. But other than that, I think the sample is representative. If anything, I think this 80 percent is low because the responders had a hard time finding records; there's a lot that did not show.

Kier: We made a couple of recommendations here. If you ask someone about a project eight years ago, they go nuts trying to find the records. So the FWS should weave into grant agreements a requirement that the grantees identify the direct match and source (i.e., Cantara) and encourage the tracking of the soft match. Cindy, my suspicion is that this information is going to be of interest to Congress.

Barry: Good recommendation. If we haven't been putting it into our agreements, we should have been.

Wilkinson: What is your experience with the groups you polled as to how they have quantified volunteerism?

Webb: It would help to have a standard set. I think they have done a pretty good job of it now. Cooperators who contributed to agencies (on paid time) should be thanked. They looked at Coordinated Resource Management Planners (CRMP) attendance and put a values on time for the members, perhaps \$5/hr. It would really good to ask cooperators how tracking may best serve them also. This exercise was hard for them to do it.

Wilkinson: [Inaudible].

Webb: Often they don't know ahead of time if they are going to get a grant match for sure.

Kier: We are growing a grant worthy culture which was not here before. When we wrote the first 319(h) Ron had a concern that the 40 percent match could be assured. He made it clear that he expected us to track the match. This

was assigned to Pat Higgins and he has developed some skills in this area. As you know, we are up to the fifth phase of the 319(h) grants. The match has been 60-70% for each cycle.

Wilkinson: Could we expect as part of your report a recommendation as to how to design an audit? Or a process regarding accountability?

Kier: Take the word audit and bury it so deep that it won't be seen again. Linda has perceived that some of the reticence about returning questionnaires is due to concern about what's next and whether the TF will next want to examine cooperator's books.

Wilkinson: [Inaudible]

Webb: There are other funding outfits that have match reporting requirements and could help us with this.

Farro: Matching claims are often pure baloney. If you had to verify it, you couldn't; often it is very inflated. There is recognition that CRMPs and advisory council attendance is a match. With soft items like that, how do we know not double counting? How verifiable is the process that was used?

Webb: We have a binder with their responses where we asked them to give us the dollar figure and source identified. It is all spelled out.

Kier: [Inaudible] I did value the Landsat data; I used numbers from Dr. Fox. [Inaudible].

Farro: I do not find the numbers unrealistic. Often we have more than a 100 percent match. In the state process, the contract administrator is responsible for that verification. But its not fair to other proposers if that process is not verifiable.

Webb: I think you will find where they listed it on a proposal, it leaves out a lot of what we have here.

Kier: We will share our information gathering experience and process with KRFWO. Our contract did not say anything about designing standards. We will give your staff our best council. Its up to you to remember to ask them whether they put it together.

Spain: It needs to be simple and consistent. We need to know up front what proposers intend to do with proposals, then what they did. We need to know if what we are doing is cost effective and whether the cost is being shared.

Kier: Thanks. See you this afternoon.

8. Report from staff on the regulatory requirements associated with on-the-ground projects (Hamilton)

[Hamilton provided a summary of the regulatory requirements for on the ground projects funded through the TF, including an estimate of lead time and staff hours associated with compliance (Handout J) and how the KRFWO is addressing those requirements]

Farro: On the Section 404 regional permit, has anything been done to reauthorize that?

Hamilton: We have asked them to reinstate our authorization, but the anadromous fish listing and associated requirements are apparently keeping them from issuing us a new permit.

Rohde: Isn't there something in the Request for Proposals (RFP) that says cooperators need to take care of the permits? Can you give us examples of projects that we have funded that initiate FWS compliance that you have to do. There may be a hidden cost that we are not aware of here when we approve a project.

Hamilton: Being the federal funding agency, we are ultimately responsible for compliance. If the cooperator does not have the resources or is taking so long that they may be conflicting with timing windows for listed species, then we may often have to work through the channels that we have. An example of a project with multiple compliance issues

is the McGarvey Creek project with spotted owl, murrelet, and anadromous fish issues. Monica is there this week working on a contaminant survey.

Fletcher: Everyone is coming to grips with the coho listing. Cooperators have to be aware of the requirements of the ESA. So, are you asking for more money?

Hamilton: We could always use it, but the main point here is that you understand the increase KRFWO has had in workload with these additional regulatory requirements and where some of that money to KRFWO goes.

Barry: Thank you.

9. Status report on 1998 operations (BOR, Jim Bryant for Wirkus)

Bryant: As you all know we went through an extensive process in developing an operations plan to make sure all the water is taken care of in the basin. The weather has cooperated. You can see the hydrograph of Upper Klamath Lake (Handout K). Very likely the lake will stay higher this year for a longer period of time than it has ever stayed before (Handout L). Lost River has put a tremendous amount of water into the Klamath river system. We are still spilling and we are almost into July. What a year. Unfortunately, there is no storage flexibility built into the system. There has been little irrigation so far and much of the basin has not even been planted yet. We shouldn't have any problem at all meeting the lake level goals. It is very likely flows below IGD will stay high. All in all it should be a very good year for fish habitat; lets hope it translates into returns.

Spain: It would be helpful if we could get a copy of that last overhead.

Bryant: I will just give them to your staff.

Rohde: When is the last year you've seen a year like this?

Bryant: I have never seen one like this. This may not be as high as 1964 or 1965 with huge flows for a shorter duration, but what it has been is sustained precipitation. That's very unusual for a high desert environment. Usually it flashes off. It's the kind of stuff you really want to have.

Farro: What about the \$250k the BOR was considering sending to the TF.

Bryant: We sent a letter a couple of weeks ago about the five projects we were considering. We had some shortfalls and we ran out of money. Karl is back in DC right now to see if we can get some extra money, but we are running out of time.

Barry: I talked with Karl last week and that is on his agenda to talk about this week in DC.

Farro: It's my opinion that the BOR should contribute to the mainstem spawner surveys. We have budget shortfalls.

Barry: If we identify any projects that BOR could fund, perhaps the TF could send a letter to BOR regarding year end 1998 monies.

Bryant: Those five projects are still on the radar screen.

Spain: What is the status of the Long Range Operations Plan? You've been winging it on one year Environmental Assessments (EAs) for a long time.

Bryant: We still plan on doing a long term EIS interim plan until the adjudication kicks in. We published a notice of intent in the Federal Register. We plan to move forward with the formal process sometime this summer. We had hoped it would be in place by 1999, but I do not think this will happen that soon.

Barry: We really need the proposed schedule for the Long Term EIS.

Bryant: Yes, I will send it.

Barry: I will make sure it gets distributed. Thank you.

10a. Report on monitoring needs assessment for the Klamath River (BOR, Bernice Sullivan)

Sullivan: I started, but have not gotten as far along as I thought. It is hard to work around so many people's schedules. The report is in a brainstorming stage right now. The Trinity Three Year Action Plan had a pretty good outline; though I might work around that. Hopefully I will have a little more for the next meeting.

Orcutt: We participated on the Trinity side. The KC is really looking at the harvest monitoring in particular. The ESA will also have requirements. However it happens. It needs to happen quickly. We need to have that information so the TF or whoever can go after the funding.

Sullivan: The report is now high on my plate. I'm hoping to have an outline by the next meeting.

Wilkinson: At the KC meeting, I presented a position that I took from the legislation. Anymore discussion on this?

Fletcher: We need a specific agenda item to discuss how the KC will work with the TF. We have not had a good exchange on this. It causes a lot of pain and heartache to hear that programs are being shut down, because that could mean a fishery is shut down.

Sullivan: My goal is to start on the harvest monitoring one first.

Rode: October will be too late; that will mean that we have lost another year. Within the CDFG we will have had recurrent shortfall with monitoring for three years straight. If your schedule will not allow having something earlier, I suggest that we seek another process for doing this.

Wilkinson: From the KC, harvest monitoring is an absolutely necessary piece of information. I would like to see a person from the KC on the TWG to represent this interest.

Fletcher: If you look at the ranking sheet, you will see CDFG proposals for this work. If you are going to prosecute a fishery, you have to have harvest monitoring. Fishing into escapement is contrary to the goals of this TF. We need to have a discussion of the merits of restoration versus monitoring. I do not propose to have it here.

Wilkinson: I suggested at one time that a staff person represent the KC on the TWG.

Barry: I will table this until I can talk with Ron and his staff.

Sullivan: I was thinking of going in depth, but what I am hearing now is that a summary of monitoring needs and costs might do the job. That's more doable.

Spain: There are some obvious immediate monitoring needs. We have a short window to get some supplemental appropriation; the committees are meeting next week. The supplemental appropriations process is a long shot. But, by January, the Administration is forming its budget for next year.

Wilkinson: (Inaudible) The best entity to identify needs is in either the KRFWO or the Tribes. The next agenda item will portray the problems that occur when we do not have our monitoring needs met; in this case the Shasta juvenile production or what can be the expectation of adult returns. It gets us into a grievous social as well as biological dilemma.

Sullivan: I will do an outline sketch to meet this year's need. I will put it together as soon as I can.

Barry: Thanks, Bernice.

10b. Trapping report (FWS, Bruce Halstead) (Handout M) (Added Agendum)

[Halstead summarized outmigrant trap data to date and provided a handout. Especially notable is the abundance of outmigrant Klamath steelhead (yearlings) which far exceeds anything they have seen since they began trapping there. All of the Klamath steelhead are natural fish. YOY chinook have been slow to out-migrate.]

Questions and Answers

Wilkinson: Klamath chinook seem to be disproportionate in terms of the number of natural versus hatchery fish. May/ June releases from the Hatchery may have not reached the trap yet.

Spain: Why so many coho in the Trinity?

Halstead: We know there are lots of coho from the Trinity; 90 percent are from the hatchery.

Fletcher: We have some summaries from our outmigrant traps. It is important to look at all trapping in the system to tell the story. We need to compare all the outmigrant data side by side.

Orcutt: In distinguishing between the wild and hatchery steelhead, how can you tell when you do not mark them all?

Rode: This year's fish have been marked at IGD.

15. Kier Report on Midprogram review (Handout N) [Agendum 15 was moved forward]

Kier: Earlier today I gave you a punchlist of the tasks for the midprogram review. Principle among them are Tasks two and three in which we are asked to determine how the restoration program has done in carrying out the intent of the Act and Long Range Plan (LRP). Starting with the easy stuff, the runs of fall chinook are up. Mid-Klamath tributaries are a mixed bag. Spring run fish look like they have a fighting chance. Steelhead are in deep trouble. It's not necessarily related to habitat problems. There is no organized assessment for coho in the Klamath and that may in part be why we ended up with listing. In the LRP, we ventured that there may have been no recruitment of sturgeon, but we now know that a number of year classes are showing up in the Tribal fishery and FWS sampling. So sturgeon are doing something right in the Klamath as people wring their hands about them up and down the coast.

Regarding habitat, it is not a happy river. We have poor water quality that does not seem to be getting any better even in a good water year. Coldwater refuges are shrinking in number as those streams warm up. We were asked to look at habitat changes attributable to your investment program and identify as well improvements and losses attributable to natural phenomenon. There is a third class of actions out there I call business as usual. There are specific situations where this is frustrating what you are trying to accomplish. The most egregious example we came across (Joan this one's for you) is in the Shasta valley. A landowner did some rearranging of nature which may have substantially wiped out all the work which you have invested in the Shasta. Here you have valley of landowners who are slowly getting involved in restoration. Yet, you have one rogue, a bad actor, who does not give a damn. If we are going to deal with the recovery of Pacific salmon that are listed under the ESA on a volunteer basis, there is going to have to be some way to deal with bad actors like this, especially in the Shasta valley.

The damage this landowner has done in the Shasta cannot be seen from any public road. The violation ended up in court where a deal was settled and I want to find out how this was dealt with institutionally. We have gotten the run around regarding the basis for the agreement, what kind of restitution or mitigation was required. We finally concluded that the only way we are going to learn what happened is to write a letter. I haven't yet, but intend to get to the bottom of this. I do not think this is an isolated situation. Habitat destruction and the ability of one landowner to undo restoration progress by other landowners in the watershed puts a huge question over the voluntary approach that the Clinton and Wilson administrations are so enamored with.

16. TF Discussion

Rode: I do not have all the information on this specific case, but I would suggest that rather than say that the landowner was given after-the-fact permission, rather you say that the case was not prosecutable, or was not

winnable. Quite often the District Attorney won't take these cases. I do not think this resulted in permission being given.

Smith: If this person was a rogue, as you say, it's not setting an example for the rest of the community.

Kier: Is the community aware of this incident?

Smith: I wasn't. I heard there were problems with this individual, but I did not hear about this.

Rode: This is a key piece of property and water for restoration in the Shasta. We have done everything under the sun to establish a relationship with this owner in a non-threatening way and we have been able to get nowhere. So another element in the prosecution of this case might have been that prosecution would have broken down all communications.

Kier: I would appreciate it if you would do some checking to see if forgiveness of these transgressions by CDFG leveraged any conservation opportunity. I would like your assessment. As Joan said the violation is an anomaly because the individual is an anomaly in the Shasta valley; OK, but we have to find out a way to fix it. My point is that this TF, unfortunately, does not fit in well with resolving this problem; no one gave you guys authority here.

Orcutt: The LRP says we are to evaluate CRMP's and see how that is moving forward before trying other approaches. That seems to be the question on the Shasta; not flagrant violations, but whether overall restoration is working on the Shasta.

Farro: I am very well aware of regulatory failures to protect habitat from rogue operators while requiring lawful restoration cooperators to labor through regulatory red tape. Where are you going with this?

Kier: At this early point I am throwing this in the lap of the Shasta Valley Community. We worked hard to help these CRMPs get organized. In a perfect world, the CRMPs will deliver us. But if we have people coming in from outside who do not understand what we are doing, that's a real problem that needs a community solution.

Spain: I am more concerned with the Terwer Creek situation. It appears that this is one agency undercutting another.

Kier: This is a case where a lower Klamath Tributary has been heavily harvested during the life of this restoration program. My understanding is that the biologist out there has protested the harvest plans going below 15 percent retention of old growth trees which is the standard that the Board of Forestry established early in the spotted owl recovery effort. CDFG has been rolled on this.

Fletcher: I appreciate your being focused on the lower river. On the Shasta, we need to be cautious when we allocate funds because one illegal incident can undo all of our investment in the Shasta.

Kier: That was the rash statement made in my handout.

Rode: Troy, that is really stretching things to say that incident will undo all the other work we have done on the Shasta.

Fletcher: Maybe, maybe not. Maybe some of the energy focused on NMFS recently would be better off spent doing positive habitat restoration.

Rode: That is a point well taken.

Russell: Bill, why blacken the eye of the Shasta Valley community for the transgressions of one? My opinion is that we cannot do a lot about it, but that the community will probably educate him.

Kier: I learned today that in California's statewide effort to come up with a nonpoint water pollution control program for the range livestock industry, that they have come up with a bad apple policy which may apply here. I will learn

what I can and pass on to you. On the Scott, CRMP-s have done some appreciable good for restoration; the bad news is that after the flood some folks panicked and there was substantial damage done not just by the flood but by unregulated repairs afterward.

Smith: I am seeing that there may be a problem, but I do not see data regarding proof. I have a problem with you saying that this incident destroyed all the work of the CRMP. I will do some investigating into this. I take exception with your innuendo.

Kier: Your point is well noted.

Barry: This is a summary of a draft report. Will your draft report have the information, the proof?

Kier: You have abundantly pointed out that my characterization of this incident has been flip. The investigator in me would like to know; I want to know how the institutions deal with this. I am impressed after this conversation that one has to tread very lightly when he suggests that the good will and hard work of a lot of people have gone out the window.

Fletcher: Wait now: we hired Kier, and his professional opinion is important. It is not up to us to be in a position where we are directing the results of his review.

Barry: We haven't seen the draft report. So Joan-s point is well taken.

Bulfinch: How much worse could this damage have been were it not for the constructive efforts of the CRMP and others in the watershed? Second, with the hostile atmosphere in Siskiyou County, make sure you do not create a ESA poster boy like that Taiwanese Kangaroo Rat rancher down in Merced county. We should take note of situations where aberrations and habitat damage occur, but the emphasis should be to encourage and give credit to all the positive actions.

Kier: You are all right. Joan and Troy have good points.

Wilkinson: (Inaudible)

Kier: Education is important in the long term picture. To put this in perspective, the restoration program is getting \$20 million over 20 years, yet the KNF is getting \$30 million to fix the damage from one flood. We all know how much forest roads cause problems to fish habitat. Wouldn't it be great if the TF and KNF had a harmonic convergence to focus on road decommissioning and spend the \$30k in the most fish friendly way possible. We do have some advice. Before this event the Six Rivers NF went through a road inventory process with public input. Wouldn't it be great if the KNF was beginning to do the same thing.

Olson: That-s a good point. Looking at Joan, one thing that stands in our way is an informed public understanding of road decommissioning.

Spain: I would like to pursue this with respect to the road decommissioning budget, how that works in to TF priorities, and downstream basin restoration. There is an opportunity that Bill raised. Did you look at what-s happening with TF projects and whether forest land basin roads upstream can be decommissioned to complement TF efforts?

Olson: We looked at the whole Klamath Basin. Frankly, we prioritized it into looking at where resources could be best spent on things that are fixable.

Kier: Glen, I will dig into this.

Spain: On the policy failures underscored in the earlier report, it does highlight a fundamental institutional problem when some entity is working at cross purposes. Thanks Bill for bringing it to our attention. We can argue the specifics, but I want to focus on overall issues.

Olson: (Inaudible) If the TF has a strategic vision, then we can take advantage of an opportunity like this. We can always spend money, the key is that we spend it in the right way. One last comment for your review, in terms of big scale changes that have happened since the LRP was developed we have seen a huge policy change on national forest lands (The Northwest Forest Plan). The counties have born the cost of this in the short term; hopefully, in the long term we will see the benefits. Cuts for the forest have been reduced and are achievable. We are not a national park, but the point is that the focus for the first time is on fisheries and water quality/aquatic issues.

Kier: Got you; we will make that point. Let me talk about a couple of other issues. The administrative database had to be worked on, but it is in great shape now. Some of these questions that we asked of the database were not anticipated when the database was designed. So who got the money? It is true that the majority went to entities associated with the TF. But it has shifted in interesting ways. There were a variety of contractors at first, then the agencies, then the CRMPs came of age and benefitted. One could say that things are where they should be now with landowners getting the majority of the funds. Regarding how effectively the money was spent, in a perfect world you would go to the project database and say this project took care of this problem identified in the plan. But that's not the case. Part of the fault lies with the LRP. It is a lumpy, uneven beast. Where specific priorities are in the LRP, you can see if they were addressed. We are working on this. We will have a draft report for you within three or four weeks without fail. We will have some GIS analysis. We are not getting a lot of quantitative information other than assessment of media coverage and public awareness. We will give you a base of what you can build on in the years ahead to track where restoration goes. We can do some quantitative analysis for the riparian vegetation on the Scott and Shasta.

Smith: On Task number seven, you said at the time you needed the information was not available. I saw the recommendation that KRFWO needs a database manager, why?

Kier: I think we are at the point where the Yreka office needs a professional database manager, not just a contract person. In our review we asked how does the Yreka office stack up? In the interviews most of you responded that guys in KRFWO are not that great or kind of weak, but in fact here is what has happened in terms of workload in terms of dollar managed versus staff (handout N). Staff sensed this, but did not realize the degree of it until they went through this exercise. They have had a major increase in the workload to manage with a corresponding FTE staff level staying the same. In fact, Ron's salary has been paid for from another source so there is actually a decline in FTEs which manage the workload. They have 3.5 folks administering ~\$3.5 million worth of projects. There is a rule of thumb in Oregon where they have been doing these small restoration projects for some time that they are to manage a maximum of \$350k per staff member. The KRFWO work load is about three times that. As you also know, the TF has been awarded 319(h) grants which have significantly increased the workload in recent years. KRFWO breaks these contracts down, with the funds going to the Shasta, Scott, Salmon River guys and others. John ends up administering 10 agreements for an average of \$30k each from that one shipment from Santa Rosa, while the state has only the management of one for \$300k. We are going to dig into this deeper. (Inaudible)

Barry: Thank you for that high note at the end; we thank our hardworking staff (applause).

17. Public Comment

[None]

18. TF Decision

[None]

BREAK

11. Request from Klamath Fisheries Management Council to TF to direct the TWG to identify and report to the Klamath Fishery Management Council regarding non-fishery related issues or factors that limit full production of fish stocks in the Shasta Basin. (Wilkinson or Fletcher)

Fletcher: This came up at the last KC meeting. (Handouts O and P)

****Motion** (Troy Fletcher) The TF to direct the TWG to identify and report to the KC regarding non-fishery related issues or factors that limit full production of fish stocks in the Shasta Basin.**

****Second** (Mike Orcutt)**

12. TF Discussion

Smith: What do you hope to accomplish with this motion?

Fletcher: I would hope the TWG would identify other factors which contribute to the decline of Shasta stocks. If flow and or water temperatures are an issue, I would like to know that. The TWG has already done something close to this with the scoping effort.

Barry: So the answer lies in the flow study and scoping.

Belchik: We identified causative factors related to water management. Not all of what is going on in the Shasta is related to water management; for example grazing is a factor but was not identified in the scoping.

13. Public Comment

Dave Webb: I am the other half of this issue. I have a critique of the KC 92 Brood Year Report (handout Q). Thank you for addressing this issue. This is the appropriate body to consider whether or not such a study is necessary. In regard to the report by the KC which was presented to you in the packet, I would really like to endorse the proposal that Joan Smith brought up for peer review. For peer review to work it is predicated on a multitude of comments from people of all different backgrounds. It's really important that each of us work on scientific documents and provide what input we can realizing that the TF and KC both rely on the volunteer efforts of the technical advisors. As far as investigating causative factors of decline in the Shasta River, I think Keith Wilkinson hit one of the nails on the head. We're assuming that outmigration has declined. That's a pretty reasonable assumption, but we don't really know whether the efforts we doing are having an impact and it leaves us in a position where we are left with the most logical option: finger pointing. That's wholly unproductive and that's where we're stuck right now. Somehow we do need to come up with an outline for indexing the Shasta. That's very important to proceeding in a productive fashion overall. Outmigrant monitoring is a critical need and identified in the Shasta Watershed Restoration Plan.

We have pursued other avenues to try to gather the sorts of data which the KC is requesting. We have a study which we have partial funding on over the last several years with UC Davis to look at flow and temperature relationships in the Shasta River to produce a model to help us predict the effects of changes in management, restoration practices, and water use practices. The study costs a lot of money. If we can't do additional studies, then we're really stuck with where we are right now: the best guesses of the people who have familiarity with the system, CDFG, the Shasta CRMP, FWS, perhaps the landowners. We are all best served by a fair, open, honest exchange of information process: the Shasta CRMP is committed to that. If we can find limiting factors that have been overlooked, I am all for it. Thank you.

14. TF Decision

Wilkinson: (Inaudible) I would tend to support the motion. We need to respond to the perception that harvest is the problem versus the perception that production is the problem.

Smith: If we are going to address this in the scoping anyway, why do we have to go through this exercise to single out the Shasta, especially if we are not going to look at the whole picture? I have some real concerns about it.

****Motion Amended** (Reck) The TF to direct the TWG to identify and report to the KC regarding non-fishery related issues or factors that may limit full production of fish stocks in the Shasta Basin.**

****Second Accepts****

****Motion Failed**(No-Smith; Abstain - Rohde)**

Fletcher: What has been done here has set a bad precedent. Our sister agency has asked us to do something and we have refused. That's fodder for the midprogram review.

Rohde: Its true that the TWG is doing scoping on limiting factors and that could be forwarded to the KC as one installment on their request. The TWG is also working with the CRMP to review their plan and have a dialogue over the factors they have identified. When we are done with this review we will probably have additional installments we could forward to the KC. If there is other information that surfaces along the way we are all dedicated to providing it.

****ADJOURN****

June 25, 1998

19. Report on Karuk Tribe request for funds under the Self Determination Act (Rohde for Hillman)

Barry: The Karuk Tribe will talk verbally about negotiations. Until negotiation between the Service and the Tribe are complete, we do not want the draft to go out so we are asking for those copies back (handout rescinded). I am sorry for any misunderstanding.

The Karuk Tribe has submitted a Self Governance draft contract to negotiate with the FWS about six months ago. The substance would be to contract directly to FWS for some projects which are funded by the \$1,000,000 which comes to the program. We (Tom Dwyer, several others, and I) discussed this with the Tribe (the Tribal Chair, Leaf Hillman, the self governance director). We discussed the proposal and thought it a good idea to bring it for discussion at TF since it is in the spirit of partnership and cost sharing. The FWS will continue to negotiate with the Tribe on this into the future. Again, I want to apologize to the Tribe if I violated any propriety with the Tribe by passing out the letter yesterday. It was unintentional on my part. FWS has never entered into one of these before so we are new to it. I thought that Leaf would be here to talk about the proposal. Since he isn't, I will state that there is one project; I can mention it, but that is not the issue. The issue is to talk about Self-Governance.

Wilkinson: In this proposal would information from water temperature monitoring still be available to TF?

Rohde: Absolutely.

Spain: I'm not sure it is a good idea to fragment the program.

Fletcher: You are putting the cart before the horse. We made a request similar to what the Karuk Tribe did last year, but didn't follow up on it. The TF needs to be aware of the basic premise behind Tribal Self-Governance and what it allows. It allow the Tribes to get into the Federal decision making process. The Tribes have a unique stake and interests as well as procedures to exercise them. I don't want this to be presented in a way that gets the TF upset because of lack of information. I don't know about the Karuks, but we want to look at all FWS programs. We all know there are not enough funds here. We have had considerable discussion about administrative overhead. There are some administrative services carried out now that the Tribe could assume. There are a number of things out there which are fully separate from the TF budget. We are only talking about \$1,000k out of a much larger budget. I would request that you get a copy of PL 104.413, get a copy of the Indian Self Determination Act, get a copy of FWS Trust Policy Relative to Indian Trust Assets. That's the place to start rather than springing an initiative on this group without you having the background to make a sound assessment.

Barry: Don't assume that we don't have that information. We have been reviewing those documents.

Fletcher: I can appreciate that you have them, but the documents need to be shared with this group.

Spain: I would be willing to consider it if I knew what was being considered. I need something in writing to chew on and am at a loss to form an opinion without a proposal in front of me. My interest is getting more money to a project which is grossly underfunded, not dividing funding money up into more fragmented administration.

Barry: I understand and we can pass that on to the Self-Governance director. I felt the same way.

Rohde: This is the beginning of Government to Government negotiations. Our Tribal representatives said its OK for Ms. Barry let the TF know that we have entered into Government to Government negotiations with the FWS. Those have just begun. I know of no other circumstance where the initial negotiating document is divulged publicly, then hashed over before the two government entities have gone through the process.

Spain: I don't have any problem with that, but if the TF is to advise, we need to know what we're advising on.

Barry: It seemed reasonable that, with the role of the TF to advise the Secretary on matters in the Klamath Basin, we include some forum to provide feedback. Even though I understand and can appreciate that these are Government to Government negotiations, traditionally, these projects were funded with the \$1,000k the TF decides upon by consensus.

Spain: I think the discussion is totally appropriate. If, by moving these projects to Tribal administration, that creates new money, then it is a good sell to me. If it diverts from the funds here and divides the administration of these programs, then I have problems with it. Administratively, it would create some nightmares.

Farro: I do understand the implications for this TF. Under the law we have to advise the Secretary of DOI on the expenditure of funds through this program. As difficult as its been, we have to set up a process where projects come in, are looked at objectively, and are ranked on their merits. Anything that is an end run to that process of objective rank and review, has serious political implications. There are a lot of programs which have authorization but you always have to get an appropriation. We are asking for enlarging the pot of money. We may not all be in support of even that. I would hope we would have our mid program review before we try to be more efficient at what we do. Any process that departs from our ranking by an objective, technical group really has some serious implications. It would erode the ability of this group to function and obtain funds.

Orcutt: We all agree that we need more money. We have worked through the appropriations process and worked through self-governance; it needs to be a collaborative effort in terms of the whole Klamath and Trinity basin, not just Trinity funds. We have tried to integrate and diversify in trying to get the additional funds. We are facing similar circumstances on the Trinity side. The Hoopa Valley Tribe worked on adding \$2 million back to the original one million dollar request. In our infinite wisdom, I guess, we were trying to get the money and missed the boat on the appropriations process. That's what we need to focus on here.

If we are going to have Self-Governance on TF agenda, the individual tribes should be contacted first; we each have a Self-Governance coordinator. It is premature to start speculating about the amount of money for Indian programs. Finally, Self-Governance is not new to the FWS. We have an agreement on the Trinity side. We need to work together collaboratively, as Mitch said. I am trying to do that. I have been back to D.C. three times since February and what they are focussing on are negative aspects. I wouldn't want that to happen here. I would like PCFFA and all to speak from the same page.

Spain: That puts it in a better perspective, rather than have a vague proposal that alarms people. My concern is that we have a good comprehensive review of programs, make the dollars go as far as we can, have no duplication of effort, and not compete with existing dollars. We need to have ways to get monitoring funded independently of the TF budget but within an overall strategy. If Self Determination is a potential vehicle to do this, we will take a serious look at it, but we need to get there first.

Orcutt: That's already happening. The DOI has three under secretaries (BIA, Wildlife and Parks, and Water and Science). Because of the Trust Resources issue, they are putting dollars there already. Another issue we may have to look forward to in the future is accountability; we have heard a lot about it on the Trinity side. Another attribute when the Tribes have contacts with the Federal Government is Trust Evaluation. This is a mutual responsibility. The Federal government has a responsibility; the Tribes are contracting for dollars to meet certain objectives. Both sides have issues which are brought to the table. Its not just the Tribes having the entire responsibility; it's also the federal government. We always have a problem when you have to evaluate efficiency.

Spain: We have a real high burden to demonstrate that what we are doing works. Maybe this is a mechanism to do this.

Fletcher: All the Tribes have pushed initiatives at various levels. We just met with the Assistant Secretary of Indian Affairs and identified the Klamath as a serious funding need. The tribes have their own activities going on. These programs benefit everyone around the table.

Spain: I acknowledge that.

Fletcher: Self Governance has been presented here backwards. The Tribes have the ability to benefit the Klamath Basin by looking at the Federal Budget. That is something this group may not have the ability to do. We are looking at the FWS budget for this region. There are other non fishery activities. It's not just this program.

Spain: That would be a good agenda item for next meeting.

Fletcher: Let's invite self-governance members of the Tribes.

Rohde: I am not part of the process, but I am familiar with Self Governance. It is recognized by Congress that sovereign governments may have the right to perform activities the U.S. government undertakes that occur on Indian lands. When we initiate discussions with DOI about activities on our Tribal lands, we are not targeting any one funding source. We are talking about activities performed in the past that are vital to the restoration effort. Funding can come from anywhere within an agency. Making this letter from the Karuk Tribe available to the public could give the impression that we may be attempting an underhanded deal to steal money from a program which is already starving. We might interpret that as a defense by people who are concerned about their own jobs or budgets. DOI and FWS have a wide array of budget line item categories they can choose from for this money, other than the Klamath Act. We have no intention of doing anything to undermine this program.

Rode: Absent your success in getting outside funds, would this imply that you would take it out of this TF budget?

Rohde: It is premature to discuss that at this time. We have not had any recent meeting with the FWS. FWS is involved all the way up to D.C. I'm not sure what Cindy wants to get out of making this letter available to you other than educate you is that we have initiated this process.

Orcutt: What Bob said underscores the need to have a self-governance presentation. The ability of Tribes to do work is not just tied to Indian lands. We are looking at all factors that affect fish survival. Most of our work goes all the way up to the hatcheries.

Rode: On the Trinity, are you claiming dollars under Self-Governance normally allocated to the general restoration program?

Orcutt: Yes, we are utilizing funds that in the past went to CDFG and FWS. Most of our projects are cooperative projects.

Rode: One could infer that this is the same process here.

Barry: That is premature to discuss, but our entire FWS budget is open to negotiation.

Fletcher: It's fair to say that there may be an interest in any activity of CDFG or FWS in the basin. Don't assume that TF funds are going to be entirely take over.

Rode: The implication is that the TF will lose its ability to prioritize the restoration program.

Fletcher: If you use the Trinity as an example, the Trinity still prioritizes. We still go through a prioritization process and Self-Governance is interwoven with that process.

Barry: That's a very good distinction and that gets at what Mike is saying. It was recently explained to me that for whomever has the Self-Governance agreements there is a certain amount of money set aside, mostly administrative. But then you do compete with the Trinity Restoration Program, even though you have a Self-Governance Agreement, correct?

Orcutt: In the FY 2000 budget there is \$800k set aside outside any of the TF-s; that is new money that will be added. We need to do a presentation to the TF before we get into discussion.

Barry: Let's close. I want to reiterate that in no way was this designed to undercut Karuk proposal by getting folks riled up. It was put on the agenda for information only.

20. Assessment from the TWG regarding the importance of gauges, technical rationale for each gauge, and the funding options. (Belchik)

Belchik: The TWG was never able to address this assignment; we were doing the scoping and other issues. However, from the scoping, we are recommending more gauges. We would not recommend the removal of any gauge. In fact, we recommend the mainstem gauges be made water quality collecting stations. I could bring it in front of the TWG and do some prioritization, but we would not identify any gauges as expendable.

Russell: How many are there?

Belchik: Of the USGS on the mainstem there are four on the mainstream below IGD only on the Klamath side, one on the Salmon, one on the Shasta, one on the Scott, and one on Indian Creek.

We have identified the need to have existing gauges telemetered. It's at the concept stage right now. Right now our idea is to wire up the existing USGS gauges.

Fletcher: This is another area where coordination is needed. Bernice is appointed to fulfill that role, so this is for her.

Spain: What I hoped would come out of this is not only an assessment of what's out there and important but that we would find out what gauges are needed to get good info and why. We need that rationale to justify more funding.

Belchik: You'll see we have done that.

Bulfinch: The existing gauges were put in for a reason. Is the data they accumulated serving a useful purpose? If we say keep in, we should get some support from the people who asked them to be put in the first place.

Orcutt: We need to get proactive on this.

Belchik: I have assigned a biologist to summarize what gauges are there, what the funding sources are, and what the stability of the funding is. Frankly, we are getting the run around from USGS and some of the agencies.

Barry: USGS does not fund anything anymore. Forest Service (FS) & FWS each picked up two in the Klamath last year.

Fletcher: This is why Tribal Self-Governance can add to the effort. USGS is pulling out, but DOI is responsible in helping Tribal Trust. This will take some intense lobbying.

Barry: Let's get the information first, then prioritize.

Olson: We have not addressed the funding issue since Ashland, at this same time of year. It's the same problem at this time. I do not know if we've made any progress. We turned it over to the TWG and we have priorities, but we are no closer to funding.

Fletcher: We've been working on it. I don't think it is solved that simply. We have raised this issue in a number of different forums. We will have some creative solutions when we talk about our workplan.

Rohde: The reason that USGS doesn't have the money they used to is that DWR had a budget cut and there is no more cost sharing. USGS prioritized gauges based on which were more important on flood control. USGS is a DOI agency. The Tribes have had formal discussions with Patricia Behneke, Assistant Secretary of Water and Science. She verbally said she would protect the gauges. Budgets are being cut in the appropriations process. We are advisory body to DOI secretary. If we want the budget problem to go away, we need to direct the issue to the Secretary of DOI (also to the Secretaries of Agriculture and Commerce). We can't play around anymore.

Spain: I second that. If we had a checklist of gauges on which to build a budget, we could take it to the decision maker.

20a. TF Discussion

Fletcher: I want to defend the TWG a bit because I know why this did not happen. I would like to have others step up and take the assignment. We will assist.

Belchik: We have a list nearly finished. You want the rationale and have it prioritized ?

Spain: Yes, we need the list. Troy and I are trying to get out a letter and hope to have the list as an attachment. Now is the time to impact the budget for next FY.

Bechik: I will get the list to you.

Barry: So, the gauge information list is to be included in the memo to DOI Secretary which Troy and Glen are going to work on.

Olson: We will have to tell USGS that we can't fund these gauges.

Barry: I have a commitment to look at end-of-year 98 \$ to see if it can be used to fund gauges. However, that is not the long term solution and that is what we want to get at.

Reck: Our Region may be able to help out.

20b. Public Comment (on TWG Report)

Frank Shrier (Pacific Corp): You can take one gauge off the list - IGD. We fund it and will through the life of the license. We also fund below JC Boyle, Keno, and Link River. Federal Energy Regulatory Commission (FERC) has a staff member who checks to see that we meet minimum flows.

Dave Webb (Shasta Valley CRMP): - [On Kier's midprogram report, it is important to remember that he is a visionary and a big picture guy; he may not have been accurate on some of the details.]

The Shasta CRMP embarked on real-time temperature data gathering. We have a real time data center at water master's weir. Our station can be accessed by computer and telephone (for water and air temperature information) at 530-459-0496. In process, we have opened discussion with Department of Water Resources (DWR) about internet capability at that site. The other good news is you can find the gage for the Shasta River at the mouth on the Internet. If you do an Infoseek search with the words Shasta River in quotes it will give you a list of sites. If you look at the National Oceanic and Atmospheric Administration (NOAA) flood warning site at Medford it has the Shasta gauge data (2 hour delay)(handout R).

Harry Carlson (Upper Basin member of TWG): Yesterday, Jim Bryant talked about starting the long range operating plan this summer; the schedule overlaps with the development of the annual plan. Last year they did not get to Long Range (LR) because they spent all their time on annual plan. If we do not have LR, then we are stuck with an annual

plan and some severe crises management on the first average water year, including legal action and probably legislation. We need to move forward on LR and public input to it. This is an impending crisis.

Barry: Thank you. That is why we asked them to provide us a schedule for the LR.

Larry Dugan (Senior Biologist, BOR): The LR is a concern of many of us in the BOR. On the last go around for the annual plan, there was a high level of, shall we say *interest*, from D.C. which governed how the plan was developed. That was a lot of concern for many of us in BOR at the local level. I've worked for government for nearly 20 years and I have never have seen this level of interest before. We can't go forward with a LR EIS process when efforts are diverted every year by an annual plan. That took up nine months of my time last year. If left alone, we could develop such a one year plan in about 90 days. I would ask the TF for some encouragement at the D.C. level for hands-off management. I do not like micro-management any more than anyone else. It is unbelievable what has come from D.C.

The gauges are critical. There is a need for the gauges to calibrate the models with the flow study. Without the flow studies, there can be no fishery restoration in this watershed. At some point, you need to go into the tributaries and above IGD and include those watersheds in the modeling. A remark was made yesterday that there is a disproportionate amount of responsibility placed on the Klamath project to supply water downstream. There is some truth to that. When asked to develop a Biological Assessment (BA), blinders had to go on. Under ESA, I looked at this project only as it affected downstream. I was not afforded the opportunity to look at the other impacts above the project, including water quality. At some stage soon we need to look at the watershed in total.

Orcutt: Is it your opinion that there are adequate funds in Karl's budget to do a LR EIS?

Dugan: Karl is in DC looking for money right now. Dr. Hardy says he needs \$350K more to do 3D modeling that will interface with the TWG. I have a lot of respect for Mr. Wirkus; his heart is in the right place. He is in a tough position politically, but Karl is out there looking for money to fund studies below IGD. In the budget for next year, I have put in a proposed \$1 million for flow study to be conducted based on my interaction with the TF and TWG.

Fletcher: Will there be interaction on how to pay for EIS? How much is Karl asking for for the EIS?

Dugan: I am not sure. It may not cost \$400k. There is enough information to develop the EIS right now. The Tenant method has been used. I am not sure this is the definitive answer. There is new interest by Interior in Dr. Hardy's study which should be available by January. This can be incorporated into the next NEPA document (EIS or EA as yet to be determined). I am of the firm belief that given the 3D information and FWS data (transects for PHABSIM), I can integrate that information with an existing document for this year to come up with a pretty good approximation of the relationships of flow vs. habitat.

Wilkinson: Where is USGS on gauging? Have they taken a position? Aren't they missing the boat by not combining their energy with ours.

Orcutt: Rohde quoted Patty Behneke saying that the gauges will be in place. USGS works for Patty Behneke. We just need to get the right people connected; we will get to that under the discussion on gauges.

Rohde: Regarding D.C.'s involvement in decision making involvement. Your suggestion was that the TF write a letter to DOI Secretary to the effect that DC allow the BOR Klamath Field Office to make appropriate decisions?

Dugan: Yes. I expected that it would be a collaborative effort when I came here to work on flow studies with Regional and DC folks. Instead, they developed alternatives and say: *Here you are; what do you think?* I was expecting a little more exchange of information. My interest is not with the irrigators, the Indians, or downstream. My focus is on fish. I would like to see less interference at the executive level to allow ologists to come up with flow recommendations to recover species.

Barry: I can't sign such a letter. It is the job of DOI secretary to have oversight through the various assistant secretaries. It is the obligation for local levels to go up through the chains of command.

Dugan: I can appreciate this. The local office is very concerned, but obviously politics come into play here. The local office has done an excellent job and tried to be forthcoming. There is too much interference at the local level but I do not know what to do about it. Unless it diminishes, we will be stuck spinning our wheels.

Russell: I commend you for your courage. I commend you for telling the TF the distinction between the watershed and the Klamath project. When there is a transgression, it comes out of the Project hide.

Rohde: I would like to educate the Chair that in a situation where the Chair can't sign, the Vice-Chair could.

****Motion** (Rohde) That the TF send a letter to Secretary of DOI request that all executive agencies allow BOR Klamath Field Office to submit the appropriate environmental and management documentation without interference from DC.**

****Motion Seconded** (Fletcher, for discussion)**

Spain: Thanks to Mr. Dugan for his candor and Karl's candor. That creates a lot more trust than any number of EA's and EIS's.

Russell: Are you still answering to Pat Behneke?

Dugan: Yes, but we interact with David Cottingham a lot.

Barry: As far as I understand, he does not have line authority.

Dugan: True, but he is heavily involved in the development of the EA with alternatives.

CAUCUS

Olson: I can't support the motion. (INAUDIBLE) At the same time, we would like them to butt out, we would still be asking them for money.

Rohde: The view Mr. Dugan is expressing is widely recognized by the Karuk Tribe. I am attempting in this motion to point out to DOI (DC level) that the TF is aware of the very heavy-handed approach to management of Klamath Project (KP) and other resources within the Basin. That is not the way NEPA is intended to proceed.

Fletcher: I will vote against it. One of the reasons is that we don't agree with the local BOR Field Office. We have had concerns. The Tribes have an MOA with BOR which has been ignored on regional and local levels. There are some good things such as getting Larry on board, but there is lots to be done yet. I would vote no because I do not trust the local level either.

Orcutt: We need to complete the EIS. We need funds to do it and we need to use the best science available. I hope that we can move on.

****Motion Withdrawn** (Rohde)**

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

****Motion** (Bulfinch) Send a letter to Secretary of the DOI stating that executive agency micro-management of BOR Klamath Project Field Office has resulted in unacceptable delays in development of KPOP Long Range Plan. In the letter, request that executive micro-management be kept to a minimum.**

****Motion Seconded** (Smith)**

****Amended Motion** (Spain) Send a letter to Secretary of DOI emphasizing critical importance of development of LR KPOP Plan and urge him to devote whatever resources are necessary to expedite that process. Executive agency micro-management of BOR KRFO have resulted in unacceptable delays in development of LRP. Request that executive micro-management be kept to a minimum.**

****Second Accepts****

Orcutt: A letter to DOI needs to be clear and concise. It won't get there with this motion.

Barry: I would vote against the wording "executive micro-management", "executive oversight", yes. Sorry, Kent that is the part I would have to vote against.

20c. Public Comment

Solem: There is a point of order here: where does this issue fit into the agenda?

Barry: It should have been part of Agendum 9.

Solem: You are going off the agenda completely and the public has no opportunity to comment on this.

Barry: So noted.

****Motion Amended** (Bulfinch) I will withdraw the second part (the request that executive micro-management be kept to a minimum).**

****Second accepts****

****Friendly Amendment to the Motion** (Spain) Send the letter to Secretary of DOI emphasizing critical importance of development of Long Range KPOP Plan and urge him to devote whatever resources are necessary to expedite that process.**

Second concurs

Russell: I conceptually agree, but it won't crack any walls in D.C. D.C. and Mr. Cottingham will read this and there may be repercussions.

Reck: (INAUDIBLE) We don't know that they will take it that way. It is just a restatement of BOR proposal in the EA. I do not see how it could be opposed. Let's get on with LR, or hear why not.

Spain: It's always important to remind them. Everyone wants LR. The DOI Secretary has the power to get the funds and resources.

Russell: I agree, but they will say that they thought we were doing it already.

Rode: The letter should emphasize that it is not happening.

Barry: Let's draft the letter while we're here. If it passes, we can read the letter before we close. I appreciate the public comment that this may be out of place on the agenda.

Further Public Comment

Sullivan: A few months back when we had the last government to government meeting on the EIS, the EIS schedule was so optimistic, that it was impossible to finish it for next year. We have not put a new schedule together; we are working on it and I'll get together with Jim Bryant and get back to you. Regarding the budget, on the Klamath EIS, if we keep it in house we could keep costs down.

Miller: I can't support the motion until I see the letter.

****Second** (Wilkinson)**

****Motion Tabled****

Barry: Karl, will this letter undo any of the good will you have fostered in regard to funding for the Klamath on your last trip to Washington D.C.? We would like your opinion.

Spain: For clarification, this is not intended to disparage the effort of the BOR Klamath field office; the intent is to support the work of the field office in moving this effort along.

Wirkus: My early reaction would be that I do not understand what it was that led the TF to believe that the Secretary did not support the long range effort.

Rode: We had a presentation yesterday from Larry Dugan expressing that yearly plan development has hampered or competed with the LR development.

Wirkus: You can point to the 98 planning process and see it was much more extensive than past planning; these processes are incremental. I really do not think the two are countering each other. A commitment was made to produce a schedule. We have not set the LR aside; we intend to start scoping in the very near future.

Barry: One might say why not just wait to see the schedule then comment if it is not appropriate, but I do not want to put words in your mouth.

Rohde: We had a brief presentation from Bernice Sullivan and she indicated a schedule had been put together for the development of the EIS, but upon her review the schedule was unrealistic. Now we hear from Karl that the 98 process is part of the increment and now we are preparing the 99 increment with no clear definition of what the schedule is or whether it is realistic. A letter to the Secretary is clearly justifiable just to get this on the top of the pile.

Russell: When we send this letter they will probably say *AI* thought we were doing that; it may be early to send the letter off right now.

Reck: Will this letter move the LR process along?

Wirkus: Honestly, No. If there was a characterization that political manipulation was holding the process back, that is absolutely not the case. Sure, we do have a line organization. Frankly, I think we are making the appropriate requests for help. If anyone thinks that there is not attention in D.C. or if they do not understand we have important issues in the Klamath Basin, they are wrong. The letter is not harmful, but it does not help a lot.

Wilkinson: At this point in the discussion, I think the letter would be premature.

Reck: I agree. We need to see a schedule as soon as possible. What we are seeing is a lot of frustration - that includes BOR, NMFS, the Tribes. Everyone wants a multi-year plan as soon as possible.

Barry: A Motion is on the table to send the letter to the Secretary. BOR will send us a schedule very soon for the long term Klamath Project operations plan.

Spain: I now believe it may be premature to send this letter. We have the option of reevaluating this motion at the next meeting.

****Motion Tabled (Again)****

****Second Concurred****

Spain: For the record, I would like the text of the letter as proposed entered into the minutes for future reference and I will provide that to staff (Text is yet to be provided).

21. Report from the TWG on IFIM scoping (Belchik)

Belchik: I have a document to pass out. No one on the TF realized what a huge effort this would be. Several things have compounded the difficulty to make this scoping more difficult than in other basins. Usually in the IFIM process there is dam or project proposal which triggers scoping; it's usually a straightforward process. In this effort we are dealing with a very complex system which is far different than it used to be and there were lots of study efforts which were ongoing. We found it difficult to scope when studies were underway. Take the geomorphology study for example. We had Ayres=scope of work; it changed several times throughout the project and we were never sure what the final product was going to be. For these and several other reasons, the scoping took a lot of time; it was really an unsustainable level of effort. We have taken measures to remedy this. TWG has now decided to go to a quarterly schedule. The next meeting is in September. That is a more sustainable level of effort.

The IFIM scoping began after some false starts. First, we defined subbasins and next causative factors that led to the decline of fish which were water management related (these were already provided to the TF). Next we came up with study questions. We then took those questions and organized them by current processes, change in processes, current status, change in status, and historical status, etc. A further step was to identify first priority causative factors for each subbasin. At this point, we had to make a leap to get to dollar amounts and specific study techniques. We needed someone to help us review of computer modeling techniques so the TWG had some of the leading flow study experts come and give advice. We had a meeting in June with Ayres to hear their draft study findings and we had other geomorphology experts there. Finally, the TWG made recommendations regarding fisheries recommendation; in this area we were the experts.

We made recommended study elements in hydrology, geomorphology, water quality, microhabitat, and fisheries biology (handout S). I should qualify this by saying this is the first increment of flow study recommendations; we have some areas where we have not completed scoping.

For all recommended studies, the general strategy is: 1) to compile existing data and look at what's there, 2) gather data to fill data gaps, and 3) finally, work to acquire productive capability.

Regarding specific recommendations: data management is important - this applies to every study we recommend; the data should be in digital format accessible to all. It is unknown if KRIS is suitable. Another more powerful way may be appropriate. Much of this data will be necessary to input into a GIS.

Regarding the cost estimates, these are rough estimates -sometimes from experts and sometimes our best guess. In some estimates, we identified a cost, yet there is already ongoing efforts and money has been dedicated. For example on the Shasta, we identified the need for a temperature model which is already underway.

Smith: Please clarify; under Hydrology you have recommended five gauges on the Shasta and five on the Scott?

Belchik: Yes, five on each. This serves several purposes. First, it helps identify water balance. Hydrologic models serve as basis for temperature and water quality models, so it serves both purposes.

Spain: What's the cost?

Belchik: It would cost \$10k to install a gauge; \$5k for satellite telemetry and \$10k for water quality [a one time cost]. One \$35K/yr technician would maintain these gauges on both tributaries and possibly do the mainstem tributaries; there are some TWG members who feel this salary needs to be bumped up. This is an expansion of concept from Dave Webb to collect real time data; this would allow residents of the watershed to see what was happening.

22. TF Discussion

Wilkinson: That would be \$250k for the Shasta alone. Where would you get that money?

Belchik: We did not constrain ourselves with that.

Rode: I can see the use of telemetry from a management standpoint, but this is a study. Why here?

Belchik: It is useful to have real time information, not post mortem.

Farro: How long will these be maintained for this model?

Belchik: I would have to get back to you after talking with hydrologic modelers; I do not think it would be more than a couple years until you understood the relationship of flow from one place to another. Its an intensive short term monitoring; once understood, you could be scale back to more routine monitoring. I-d have to ask the modelers about the ability to extrapolate to different types of water years. I would assume they want some variety.

In regard to the water quantity models, the models that run on a monthly or two week time step (MODSIM and KPOPSIM) are useful for generalized water planning and coming up with monthly hydrographs. However, they do not describe day to day changes in spill or what results from rapid reductions such as if flows at Link River are reduced and how that propagates downstream. We recommend that a daily time step water routing model for the mainstem Klamath be developed for priority areas and times using the existing MODSIM model. There is a need to predict what daily flows do but that does not extend throughout the year or all the way to the mouth. The stranding incident this year and associated fish kills underscore the need for being able to predict daily levels. We also recommend developing and implementing hydrologic water capabilities for the Scott and Shasta; we are aware of the Scott River water balance model work which is ongoing.

We recommend the development and implementation of a detailed water quality study and improvement plan. With all these studies we recommend that we identify options for improvement; we do not just recommend study that shows how bad things are. In any contracts or agreements, the identification of mitigation or improvements need to be a part of the study results.

On the cost estimates for the telemetry of gauges, it seems I need to go back and get these estimates a little tighter.

Barry: This telemetry was included in the previous page as a cost and now you have it in again.

Belchik: Yes, even within the TWG there was some confusion. I can work with Bob Rohde to straighten it out.

Smith: I just did a rough estimate and the cost would be \$1.7 million total.

Belchik: Some of that includes ongoing studies so it may be an over estimate of some of the costs. Regarding acquiring of predictive capability, we need temperature and water quality models in the mainstem, Shasta, and Scott which can predict diurnal temperature and water quality fluctuations and the effect of water management to those fluctuations. SIAM only predicts average daily values. We do not have a cost estimate for these yet.

I will talk a bit on what computer models need. Computer models need the kind of data equal to the kind of predictions you will ask of them. You need diurnal fluctuation data to predict the same.

On fisheries biology (and microhabitat) the FWS periodicity report did the job on the mainstem; we need the same information for the Shasta and Scott. We are lacking a lot of basic distribution information on fish, especially in the mainstem and some tributaries. We need detailed information on what fish are where and when. Some of this may be taken care of by the HSC work being done by CDFG, but that only extends to the Scott River. Regarding predictive capability, we understood USGS and FWS are to do some kind of microhabitat work in the mainstem; however, Jim Henriksen flatly stated that they are not doing micro-habitat work in the mainstem. Well, they are doing something a lot like it; they are taking cross sections and measuring parameters. We recommend that USGS work be augmented, because they are doing the work for SIAM and we are doing it for water management. Aerial videography would fit here and help with microhabitat typing. Eventually we recommend this be done on the Shasta and Scott but only after^{II} is done; for that reason there is no cost estimate. We need to know more about fish distribution in time and space in the Shasta and Scott before we put in cross sections.

On geomorphology, the mainstem has been done by Ayres and Assoc. They did a good job of describing what kind of river the Klamath is and what types of data are available. On the mainstem, some further work needs to be done.

We need a better understanding of sediment below IGD. Ayres concluded that small tributaries supply enough sediment; but there was no supportive data. This goes against the opinions of biologists. The final report should supply a sediment balance with accompanying logic. This would be done with the idea of possibly supply sediment below IGD. Mainstem work should also include a description of the extent of sub aquatic macrophytes. This also needs to be done on Shasta and Scott. The TWG recommends that preliminary work focus on survey of work done and begin quantitative field work with the development of preliminary management alternatives that could result in immediate improvement. A proposal for \$55k has been submitted by McBain and Thrush.

We also recommend regular fish disease and pathology surveys on the Klamath. The thresholds and tolerance for Klamath fish of all species and life stages need to be determined and tested experimentally. \$50k spent here would save endless debate in the future.

Under >Acquire Predictive Capability<: it will be very difficult to predict on a population basis, but SALMOD is an attempt and we support it as a learning tool. It does have limits (it's for fall chinook only and of limited geographic scope).

These recommendation are preliminary. Future study results will modify these recommendations and direction. This needs to be considered a work in progress .

Barry: The first priority is ?

Belchik: This identifies causative factors which are the highest priority within each subbasin.

23. Public Comment

Larry Dugan (BOR): Why not add a benthic baseline component? As water quality restoration occurs, you can see how populations respond.

Orcutt: An adaptive approach is needed, perhaps.

Fletcher: We still need a lot of discussion on adaptive management

Bill Bennett (California Department of Water Resources - DWR): The estimate on gauging station costs may be low. We recently contracted for telemetry for ~10 gauges on Butte Creek (including water quality) for the BOR at a cost of \$300k.

Barry: Do you mean active installation or annual?

Bennett: Both. I might add there could be an opportunity for cost sharing with our water masters for the Scott and Shasta. I'll give Mike a name on this.

Fletcher: You said DWR operates gauges. Where's the funding come from?

Bennett: Through the state system. It's baseline and flood related. It is typically not increased. We can't take on new gauges. However, if there was cooperative funding, we could consider it.

Webb: One observation, when they installed a system with USGS, it became very expensive to meet quality criteria. Our quality is not quite as good, but adequate. It may not be appropriate for every gauge to have real time access on the Shasta.

24. Decision on scoping, flow study direction, and legal and institutional analysis model (LIAM)

Barry: Procedurally I would like to ask the TF whether we accept the Scope of Work from the TWG. The report was an assignment. It is an important document that will provide direction regarding the implementation of the flow study and how we spend our resources. I want to make sure the TF is fully accepting of this document and make that known.

****Motion** (Spain) I move that we accept the TWG report on scoping, noting for the record that it is preliminary and the amounts mentioned are estimates.**

Spain: It is a good first cut, a very good first cut.

Reck: I would agree and add that there is some more detail work to do on priority setting.

Wilkinson: I would suggest that the motion dies for the lack of a second and would question why a motion was necessary. It really is a report.

****Motion Dies for Lack of a second****

Fletcher: Just so this group understands that this is a document that different constituents will now use as the justification for seeking additional funding. FWS, BOR and others could use this as ammo for more funding. People need to appreciate that this is a document that decision makers will refer to and say we have completed flow study scoping, let's get moving.

Barry: Thank you for the reminder; we have been waiting for this. Moving on to the LIAM: at the last meeting an assignment was given to Staff to get more information about the LIAM. They have provided that information to the TF. (Handout T)

****Motion** (Russell) Reject Dr. Lamb's proposal and continue to investigate other alternatives/retreats.**

****Motion Seconded** (Farro)**

****Motion Carries** (Abstain - Orcutt, Rohde, Miller, Bulfinch)**

Further Public Comment

Debra Crisp (Tule Lake Grower's Association): On behalf of the Grower's Association I would like to welcome you all here and hope you will all attend the tour. The sponsors of your gift packets are the Grower's Association, the Tule Lake Potato Distributors, Klamath Water User's Association, Wong's Potato Company, Mazetta's Horse Radish, Speckled Sugar Company, and the Oregon Potato Commission.

Barry: Thank so much. (Applause)

TOUR OF FWS LOWER KLAMATH LAKE REFUGE AND TULE LAKE SUMP

Friday, June 26th

25. HSU GIS products and report (Rohde)

Rohde: Here is a three ring binder (and CD with a compilation of the useful information displayed in the appendices as well as other information in the ArcView format) we have assembled with examples of the products provided by Humboldt State University (HSU) under this agreement (Handout U). Also I have for you a copy of a letter to TF Chair Cindy Barry dated June 18, 1998 (Handout V).

[Rohde reads from the letter].

Barry: Thank you, Bob. So the first item to decide is about the \$10k remaining of FY98 money for the HSU GIS analyst.

26. TF discussion

****Motion** (Fletcher) Obligate \$10,000 already set aside for GIS assistant for FY 98.**

****Motion Seconded** (Vaughan)**

Orcutt: What is HSU's response if they do not get the \$10k?

Rohde: The Research Assistant work will stop.

Smith: This is a very impressive report; thank you. I am going to take the CD home and use it with the Klamath Resource Information System (KRIS).

Spain: I would like to hear from any members of the budget committee (BC) regarding possible duplication of effort; we want to avoid duplication between the KRIS database and this database.

Bulfinch: Our concern was with overhead and that has been addressed.

Orcutt: The proper place to address this is with staff, not with the BC. That is what I asked are there other projects potentially needing funds. The other point is that KRIS and GIS are totally different animals.

Spain: I understand that, I just want to make sure they are compatible.

Barry: Mike's question is whether there is a higher, better use for this \$10k. My view is that we should close out this matter for FY98 and then perhaps address the question for the FY99. Specifically, are there other agencies which can supplement what we are buying from HSU and perhaps reduce the cost of our agreement for FY99.

27. Public Comment

None [There are letters of support for the SRRC and Scott CRMP (Handouts W and X)]

28. TF Decision

****Motion Passes****

Barry: We got the briefing report on the GIS products from HSU and made the decision on the additional \$10k for HSU for FY98. We said last time that we would also look into whether any of us or other agencies could provide the same GIS services or cost savings relative to the FY99 funds for GIS. Due to the length of today's meeting I suggest we defer the decision on whether to consummate the \$50k for the HSU agreement until the October meeting. We will not enter into the agreement until the next meeting.

Fletcher: Why not? We have already decided that \$50k would go to the HSU GIS assistant.

Barry: We have not had a significant amount of discussion about it; we just put a placeholder there to make sure we had the money set aside in case we wanted to go for it. I remember that I wanted to see if there is some agency support that could be provided here to offset cost from HSU.

Orcutt: So it may go down?

Barry: Not the entire amount.

Rohde: I have recommended in this report that we approve it. This is the time of year we make those decisions. What we did with delaying the FY98 dollars is hang the HSU GIS research assistant out to dry for a year not knowing whether he was going to have a position or not. The time to discuss that is now.

****Motion** (Miller) To approve the \$50k for the HSU GIS research assistant from FY99 funds.**

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

Discussion:

Barry: I will repeat what I said before: that it was my understanding that, having heard the report of what was provided, we would go back to our agencies and see if any of these service can be provided elsewhere or in-house now that we know what we are paying for.

Bulfinch: We should still do that.

****Motion Fails**(No-Barry)**

Barry: I intend to have all of us to take a hard look at our budgets. I still have gauges to pay for.

Orcutt: Can we put this on the agenda for the October meeting?

Barry: It will be there; I will bring it back up. The next item is the \$6,400. Please refresh my memory regarding where this came from.

Hamilton: It was originally \$8,400 set aside last year, with the possibility of it being used for note taking. We used \$2k of it to pay for Tom Payne's participation with the TWG scoping.

****Motion**(Fletcher) Obligate the \$6,400 already be set aside for note taking for TWG.**

****Second**(Spain)**

Barry: The next TWG meeting is not until September, so would this cover FY99 as well?

Belchik: I am not sure whether it would cover the needs for 1999, but it would sure help a lot. As a matter of fact we had a proposal from a TWG member to provide services and that was for ~\$11k. He might take less.

Orcutt: I will not vote for this. We have a process in place. I would rather see if there were any unfunded needs for FY98 consistent with that process.

Fletcher: The TWG brought this forward at the last meeting and I was under the impression that there were no funds to pay for support for the TWG. We could not get existing staff to help. The Yurok tribe stepped up to do the work. We have asked the TWG to do a lot. Support staff is sorely needed. I am not willing to provide more freebies. There is no reason why this group should not get support for the TWG. If we don't pay for their support, then we should quit giving them assignments.

Barry: We will ask staff to look up the next unfunded project on the list for FY98 (the TF never got back to this). So we will table this.

****Motion withdrawn**(originally tabled, but the TF made a decision on the workplan without using this information)**

Barry: Next is the \$50k for multi spectral videography.

Belchik: The TF approved the expenditure of \$50k to acquire multi spectral videography digital images of the mainstem and significant tributaries. I have a scope of work and a budget that I submitted to John H. We are going through the contracting process and hoping to fly this summer.

29. FY99 Proposal Ranking and Workplan recommendations (Belchik)

Barry: Please refer to the ranked list of projects (Handout Y). Lets start with Category 1. The funding line cuts off in the middle of HR-08.

Fletcher: Consistent with our policies, I recommend that we fund through the preceding project HR-09 and put the remaining dollars in the Apot@ off to the side for now. The next highest ranking project would be FP-05.

Wilkinson: Troy, how many dollars are you talking about? Speaking from the KC perspective there are some other C3 projects that should be funded.

Fletcher: According to the policy, we agreed to go to the next highest ranking project. As a KC member, I do have a concern. The KC passed a motion at their last meeting to the effect that they would like the TF to consider reallocating some of the money in C2 to C3 for harvest monitoring projects (in particular for the sport fisheries, Coded Wire Tags (CWT), and age analysis). It is appropriate to discuss this. I speak in support of doing so.

Wilkinson: Also, a motion at the same meeting was passed that fisheries should not be prosecuted without monitoring. Unfortunately some of these are occurring and they are becoming contentious and interrupting the allocation process.

Barry: We heard about the need for flow monitoring from the TWG. Both fishery monitoring and flow monitoring (gauges) projects would be a high priority in my book and should be in our ranking efforts.

Orcutt: I would like to speak on behalf of E-01, Salmon Camp: An Outdoor Education Program for Native American Youths. Its a good project.

Smith: I would like to see the left over money from C1 be applied to PC-02. It is important to keep our CRMP's funded.

Hamilton: As background, the California Coastal Fish and Wildlife Office (CCFWO) says they can fund the two set asides (FP-06 and FP-03) for \$30k each, correct Bruce?

Halstead: You are right, John. We were unable to finish the coho spawning surveys in the mainstem, so we have ~\$3k left over. If we apply that as a credit to FP-06, then FP-06 can be funded at ~\$30k and we break even.

Barry: Then following the current established process of the TF (the rule), we would fund down through FP-10 in Category 3 (with FP-06 and FP-03 already prefunded for \$30k each), down through PC-01 in Category 2, and through HR-09 in Category 1. This leaves a balance of \$118,378.50 in the "pot". FP-02 with a rank of 70.5 would be the next highest to be funded, then HP-06 with a rank of 70.33 would follow. We have \$39,303.5 left. FP-05 is the next highest at 68.63. To finish the exercise according to the rule we would then fund HR-08 for \$23,303.50.

Public Comment

Halstead: Do any of these have the potential of being picked up by the State?

Hamilton: The state process is finished and the non-funded state projects in the Klamath are included in our process.

Discussion

Orcutt: At some point I would like to hear from Karl Wirkus. (He was not present).

Smith: This has unfunded the Shasta CRMP and I have a serious concern about that. Last year we said we were going to do it different this year.

Orcutt: I have some concerns with earmarking projects up front and deviating from the rule. Tribal priorities and perspectives line up 99.9 percent of the time with the TF.

Barry: The TF voted to set aside to ensure Biological Resources Division's (BRD) involvement. If you had a concern at that point that we did not earmark, so noted now.

Orcutt: I do not have problem with passing through the filter; I was sitting there. Taking that one step further, what if one of the Tribes proposed a project that fell under that category in the future under Self Governance? I would like to hear which projects were funded by the state.

CAUCUS

Smith: The CRMP are the heart and soul of this program. Last year we got to this same place and deviated from the rule to fund the CRMP. We decided that we would not go through the same process for the CRMP and that we would do something different this year. We did not follow through on that. Nothing against the TWG, but I do not believe the CRMP should be subject to the same ranking process. We take administration off the top, maybe we should do the same with the CRMPs; not saying we shouldn't have accountability. We should not fund one of the five CRMPs over the other.

****Motion** (Miller) Accept the TWG ranking of the proposals.**

****Second** (Orcutt)**

30. TF discussion

Olson: If that is the way you want to do allocation, then the TF has no function here. We might as well just turn it over to staff.

Barry: This body has the ability to change the process at any point.

Russell: The fourth baby, the Shasta CRMP has fallen into the river and is gone. We as a TF could correct that. Maybe this group should decide up front how many CRMP it will fund and at what level.

Fletcher: When it comes selecting projects for the workplan, everyone needs to be held to the same standard. If you set the rules aside for this, then expect the same in the future when we want to Acherry pick®. I am not going to deviate from the established procedure (the rule).

Spain: The reason this process was adopted is that what we did previously was divvy the funds up based on whoever yelled the loudest or twisted arms the longest. It was very divisive and nearly killed this TF. The process we have now is not perfect and is a compromise to identify targeted projects. I propose that this whole process be reexamined and that we have a fourth category, one of targeted projects. This cannot just be an automatic machine, we have to have priorities. CRMP support, basic staff support could be part of that. So could immediate, urgent monitoring needs.

Smith: I have sat in this meeting for three days and listened to concerns about the Shasta River over and over, yet we do not want to fund the CRMP. This TF makes the policy decisions. If we do not have any decision making ability, we should just turn it over to staff. I am not going to support the motion. I support the idea of equally dividing the money between the five CRMPs.

Rode: I sympathize with what Elwood, Glen, and Troy have said. I felt very good we came up with a standardized process. However, this is a situation of our own making. We did not deal with it last year as we should have. We have talked about the importance of planning and now we have a large state effort which will be looking to local areas for coordination. We cannot afford to not fund the Shasta CRMP; we need to have a presence in that basin. The inflexibility with acting on the ranking recommendations is not warranted in this case. We need to consider some sort of emergency action for this year only similar to what Joan has proposed.

Olson: The concept of a square peg in a round hole really applies to Category 2. I'm equally concerned with deviating from the process the TF developed; however I'm not so sure Category 2 has ever fit that process. I think we should consider the idea of another targeted category.

Orcutt: I have no hidden agenda for the Shasta; it has a high potential for restoration. We have parity here on the Klamath side and a process we have ownership in. What's fair for one is fair for all. Stick with the process.

Bulfinch: We have a short memory sometimes. The TWG has identified a number of study needs for the Shasta in yesterday's report. This can only be done on the private property in the Shasta through the CRMP coordinator.

****Friendly Amendment** (Barry) Adopt the original motion, but the winners of categories 1, 2, & 3 will get together and collectively fund the CRMP.**

****Maker of the Motion does not accept****

Rohde: I am handing out the TF charter. Item number seven says the estimated annual operating cost of staff support to the TF is \$103,500 which includes 1.8 FTE of administrative support. That administrative budget has far exceeded the estimated annual operating costs, and yet annually we are told that the TF has no authority to have any impact on that. If the TF wishes to deviate from the process we have so arduously developed, then I would submit that we reevaluate whether the FWS budget (which has so easily been set aside off the top) be part of the mix.

Reck: I do not have the information in front of me to evaluate funding one CRMP over another. I support putting together a subcommittee to try to fix this problem before next year. The issues there are: how do you rank CRMPs; are they going to be taken off the top; what is the definition of a CRMP; and whether we need to have criteria to assess CRMP performance and accountability? We need to do this before we get to this same decision point next year.

****Motion Fails** (Abstain-Wilkinson, Russell, Rohde; No-Smith, Rode, Reck, Olson, Bulfinch, Vaughan, Barry)**

****Motion** (Spain) Approve rankings budgets in Categories 1 and 3, deferring Category 2 for further discussion.**

****Second** (Vaughan)**

Spain: Since there seems to be no controversy with Category 1 and 3, my intent is to get them out of the way.

Orcutt: We have resoundingly voted down the process so, unfortunately, what we are into now is cherry picking.

Rode: I would not call this cherry picking, rather it is a solution to a problem which is basin wide.

CAUCUS

****Motion Withdrawn (second agrees)****

****Motion** (Orcutt) Propose that we take the \$155,000 from Category 2 and fund each of the 5 CRMPs (Shasta, Scott, Lower Klamath, Mid-Klamath and Salmon) with \$25,000 each and take the remaining \$30,000 to fund the Salmon Camp in Category 1 (E-01).**

****Motion Seconded** (Rohde)**

Orcutt: The rationale for the Salmon Camp is that we are dissatisfied with the deviation from the process, but we will go along with this for one year. But we will put it toward something that all the tribes are supportive of.

Rode: I am happy with the proposal.

Barry: I appreciate the generosity of the Tribes in coming together on this compromise position. That is a spirit here we need to recognize.

31. Public Comment

Halstead: Looking at some of these dirt moving projects, we have about \$6-700k that we spend every year within the range of the Northern Spotted Owl and this year we had to go out and beat the bushes to get proposals to take our money. Here we are thrashing around over \$4-5k worth of projects. If we would have had some of these proposals on our plate to consider when we were dividing up the Jobs-in-the-Woods (JITW) money, they wouldn't even show up here because they would be funded already. One thing to remember about JITW-s, they have to be for on the ground projects and on non-federal lands. We can't fund the CRMPs.

Spain: We need to coordinate better.

32. TF decision on FY99 Work plan

Barry: For clarification, we would not be funding E-06 Friends of the Lower-Mid Klamath.

****Motion Carried** (Abstain: Fletcher, Spain, Rohde, Olson)**

****Motion** (Fletcher) Fund Category 1 down through (including) Project HR-09 for a total of \$197,459.**

****Motion Seconded** (Spain)**

Spain: I would add that this motion implements our standard procedure.

****Motion Carried** (Abstain- Rohde, Fletcher, Orcutt)**

Vaughan: We had quite a discussion about this at the Caucus. Elwood and Troy thought that when we defeated Elwood's motion that we had suspended the standard procedure and rule developed. We replied that was not the intention of defeating his motion; it was only to proceed further. What we are doing here is going back to the rule we all agreed upon the first time.

Barry: On Category 3, we have to fund FP-06 and FP-03 off the top for a total of \$60k.

CAUCUS

****Motion** (Miller) Fund Category 3 down through Project FP-02 for a total of \$105,904 (which includes the carry over from Category 1), with the remainder going to FP-08 for \$6800.00**

****Second** (Rohde)**

Barry: Any other public comment? [None]

Discussion

Orcutt: We do need the retreat. I would rather deal with the unallocated 98 dollars separately.

Olson: I would like to remind the TF that the gauges remain unfunded.

Rode: I would like to ask Mr. Wilkinson his opinion on the necessity of the age-composition studies proposed to be funded in the context of harvest management. We do age-composition now; is this necessary?

Fletcher: You are missing the point; we do age-composition now, but guess who does it. We do. We are unfunded for the Klamath. Last year we got funding for the Trinity side. We do it not only for the Yurok Tribal harvest but for Iron Gate hatchery, spawner surveys, and the sport harvest; we were unfunded for it last year. We had to take a hit in our core budget; that is inappropriate. That information forms the core data needed to predict ocean abundance which we base our harvest allocation process on. So it is necessary.

Rode: So you do not need the full amount?

Fletcher: I am willing to take what we can get, knowing that last year we fell short. It is not being funded by the Trinity program.

Rode: It puts this project in a new perspective. The element of an additional match was not reflected when ranked. They ranked it for the \$15k, but now we are talking about a \$15k project that is only costing \$6800.

Fletcher: I do not know why the match wasn't in there but there is a match for the Trinity side.

****Motion Carries** (Abstain-Smith, Wilkinson, Rohde, Russell, Olson, Reck, Rode, Fletcher)**

****Motion** (Orcutt) Propose that excess FY 99 funds be used to fund HP-06 (Scott River Watershed Temperature Monitoring Program) and use combined FY98 excess of \$6400 and \$9600 to fund TF retreat.**

****Second** (Smith)**

Discussion

Fletcher: Not that I will kill the motion, but I am expressing concern that the TWG needs support for note taking. We need to give them that support or give the TWG less to do.

Public comment

Iverson: In support of Troy's comment, I did some calculations on what it would cost our office, and, if the TWG keeps meeting at the current rate (60 days/year), I estimated that for us to produce edited notes with a biologist participating it would take over \$90k. So, Troy, good going; that is the level of cost you are incurring if your salary and benefits are anywhere near ours. For the level the TWG is proposing (quarterly) I figured it would cost to produce unedited transcripts between \$10-11k/year. To have a biologist participate and edit the notes would be \$18-19k/year. That's the range of the real cost to support the TWG.

Belchik: We did get a proposal from a qualified fisheries biologist to do the notes for \$12,383, so there are differing opinions on what the cost might be.

****Motion Fails** (No - Vaughan) (Abstain - Russell)**

****Motion** (Fletcher) Propose that we offer \$10,000 to Ross Taylor to be the note taker/support for the TWG and that the remaining \$6,438 (\$438 of FY99 funds) be devoted for the TF retreat.**

****Motion seconded** (Wilkinson)**

****Motion Carried** (Abstain: Rohde, Rode, Wilkinson)**

****Motion** (Fletcher) Propose to establish subcommittee composed of TF members to develop criteria and performance evaluations so that CRMP can be properly assessed for funding.**

****Motion seconded** (Smith)**

Discussion

Rode: Maybe a more appropriate pathway would be for the Chair to appoint a committee or subcommittee to address these issues and come back with a recommendation, then have the TF vote on that recommendation.

Wilkinson: I agree, it should be an administrative matter. The chair should appoint a committee.

Smith: No matter how we do this, it is important that we not have this problem three years in a row. I am curious why Keith wants it to be an administrative matter. Last year it was administrative matter and nothing happened.

Wilkinson: I hate to see something of this value get thrown out on a consensus vote basis. It needs to be pointed out that it was discussed but did not happen.

Barry: There are two issues here. We need to come up with a way to fund the CRMPs, but also come up with criteria to evaluate them.

Fletcher: I wanted the motion to address performance criteria so CRMP progress can be assessed. Clear recommendations should come out of any committee that would deal with this quandary. I agree with Keith that it could be an administrative directive, but we need to deal with it as soon as possible.

****Motion Failed**(No-Miller) (Abstain: Rohde, Orcutt)**

Miller: I do not object to bringing this up again after a Caucus.

Barry: OK, we will go forward with the agenda and, if you want to, bring it up at a later time.

****Motion**(Fletcher) That the TF extend an invitation to the KC to appoint a representative to sit on the TWG.**

****Second**(Wilkinson)**

Discussion

Rode: We have a representative from the KC on the TF. Why doesn't that individual pick someone of appropriate qualifications to come to the TWG meetings? I am talking about Keith and Troy.

Fletcher: The individual I have picked is very well qualified, but not in the arena of harvest management. It will be very difficult to get an individual that can be a jack of all trades; harvest management is a complicated process that requires a lot of time. It would benefit the TWG to have someone who is knowledgeable about the details and specifics of harvest management.

Wilkinson: People from the ODFW staff who are familiar with the allocation process would have to come from Portland, which is a bit remote to attend the TWG meetings. I do not have the authority to appoint someone other than an ODFW staffer, so that is why I would prefer that appointment to come from the KC.

Rohde: ODFW did have a representative, but there was so little discussed that related to ODFW and meeting locations were tough for him, so he fell off out of attrition. I would like the KRFWO to consider providing this service. What we are really talking about is cross pollination. This motion only addresses the KC representative attending TWG; it would be equally important for a TF/TWG representative to attend Technical Advisory Team (TAT) meetings. My only other concern is that ranking occurs by the TWG who are the members delegated from this body and would that individual appointed from the KC have voting authority?

Fletcher: It needs to be the appointing body who determines who is their representative. The bottom line is there needs to be a representative to address monitoring and other needs.

****Motion Carried**(Abstain-Rode, Rohde, Orcutt, Miller)**

Fletcher: At the next KC meeting I will bring up the issue of the KC asking the TF for representation on the TAT.

Smith: Regarding ranking, I want to recommend that the TF have the substance of the proposals available for review and the criteria.

Orcutt: The criteria were developed a long time ago by the TF. We used to get copies of all the proposals and there is no reason we cannot get them.

Hamilton: There is no reason we cannot show them to you but we do get all copies back from the TWG members after the ranking. The information is proprietary.

Spain: How these are ranked is a mysterious process for new TF members. The criteria for ranking should be sent out with the next package. Copies of the actual proposals should be available for TF members when we are making decisions.

Barry: We will send out in advance the criteria list for ranking projects. Please agree that we will all get a briefing from our TWG members. Next year we will have a one copy of proposals available.

33. Upper Basin Amendment (Wilkinson)

Wilkinson: There has been no activity of the Upper Basin Amendment (UBA) Committee since the last meeting.

****Motion** (Wilkinson) That the UBA be reclassified as a resource document and be retained in the archives of the TF.**

Wilkinson: The UBA document I am referring to is the last one worked on by Staff and labeled AMay 1997 (Revised)@.

****Motion Seconded** (Russell)**

****Friendly Amendment** (Bulfinch): That in addition to being a reference document, that the UBA in its present form be provided to the coordinator of the Upper Basin Working Group as a reference.**

****Second Accepts****

34. TF Discussion

Wilkinson: There has been a great deal of work go into this document; its too valuable of a work to lose.

Rode: I sympathize with Keith but since it is not adopted as a TF document, it should not be represented as a TF document.

Spain: I see no reason not to retain the UBA as a reference document; otherwise these things get lost. It should be so noted that it was adopted by the subcommittee but not the TF. I would like to make sure we do not lose the high water mark.

Wilkinson: There is a preliminary reason I suggested this avenue. If we act upon it and it is not successful, then only the prevailing side can bring it back to the group. Fearing that, I would like to make the case for accepting it as a resource document.

Miller: The Klamath Tribes were never notified of any meetings that took place. I will not vote for it as a resource document.

Wilkinson: There have been no meetings.

Miller: As Chair, you should have convened them.

Wilkinson: You are correct. Reflected in the February Minutes is an offer by upper basin folks of a proposed amendment. I spoke against accepting that because it had not gone through the subcommittee process nor had it been addressed by you or your staff. In my view, as Chair, there has been no reason since then to have a meeting.

Miller: What amendment was proposed in February?

Wilkinson: The Klamath County representative brought to the meeting a printed version of a modified UBA (not the May 1997 version), but with the caveat that it had not been seen by you or your staff.

Miller: Don, did you propose an amendment?

Russell: No I did not propose an amendment. I delivered a document to the Chair of the Committee. You missed that meeting, Elwood

Wilkinson: The document that Don is referring to is labeled "October 1995, revised February 1998". Because you had not had a chance to review it, I felt really good I had frozen the other. My concern was that we would start this process all over again.

Barry: For TF purposes, this second document does not exist. Our discussion is in reference to the May 1997 draft UBA.

Bulfinch: We do not want the UBA to be lost so that it couldn't be reinstated in a more productive climate.

Fletcher: If the May 1997 document came to a vote today, would it fail?

Russell: I do not think I would be vote for it right now.

Miller: I would vote for it. I am not going to support putting it on shelf.

Russell: You would throw the baby out, then.

Miller: I would not say that. If its not good enough for us to use then no one should be using it for anything.

Rode: A third alternative is to retitle the document, indicate the true authorship, and let it exist as such - a report on the Upper Basin. I do not agree with the middle of the road alternative of having the UBA exist as some quasi-official status.

35. Public comment

Sullivan: I've looked at the draft UBA and there is a lot of valuable information in the document. You could put right up front a disclaimer that would cover your individual reservations.

36. TF decision and assignments related to Upper Basin Amendment

Barry: Given the amount of time and energy put into this, is there any hope that it might be approved in the foreseeable future?

Russell: I would be willing to visit with our County Commissioners and my folks again to see if we could say yes in October. However, at some point it either lives or dies. If we cannot get there, we should kill it now.

****Motion Fails** (No-Miller, Rode; Abstain - Rohde)**

Bulfinch: I suggest that both documents (the May 1997 one and the one developed later by Don Russell's constituents) be presented to parties that may act upon them in the future.

Russell: I will take the initiative and establish a line of dialogue with Elwood.

Miller: I will meet with Don Russell.

Barry: Thank you, I hope you two can get together.

37. Status of efforts to pursue additional funding (Spain)(Handouts Z and AA)

Spain: Felice Pace is out of the country so he has passed this on to me. Here is a copy of a letter to from various interest groups to Senator Boxer requesting additional funding as discussed at the Brookings meeting (Handout BB). I do not know the status of where this is in the appropriations process and have been unable to find out.

38. TF discussion

Barry: It did not make it in to the House subcommittee mark. The Senate has yet to mark up.

Spain: Felice and I will be contacting Boxer's office to try to get it in the Senate version. This late in the game it will be difficult. Boxer is not a high ranking member of the committee; there are not a lot of favors owed to her by the Chair of the committee; then it will go to the mark up in Conference Committee where it will probably not survive. However, this serves as rallying effort to try to get the administration to try to put these line items in its proposed budget which is due in January. For the next Fiscal Year, we want to make sure we are better organized.

39. Public Comment

[None]

40. TF decision on strategy to pursue additional funding

Barry: You mentioned using Felice's memo as a vehicle for administrative funding. That was a very important document. I passed it up the chain of command, and our Region of the FWS has submitted its budget for FY 2000. Even though the Administration cannot officially disclose what its budget request is until its officially been delivered to the hill, I am pleased that we have regional support for almost doubling of the \$1 million for the program. You have a very good supporter in Mike Spear for this program. He will continue to be instrumental the future of this program. The request, however, does have a long way to go.

Spain: Very good. This process underscores two points. One, we have to continually fight for our budget. Two, the best way to do that is organize alliances and coalitions across all traditional lines where we have fraction points. We know that the solution to many of these problems is more funding.

Spain: Troy and I agreed to work on a letter (Handout CC) which underscores the importance of filling those gaps for monitoring programs, gauges for flow and water quality, and for additional harvest monitoring and escapement information. This is a timely issue. We may be able to impact the budget process this year, but the main thing is to make sure these line items are included in the administration's budget for next year. There will be an attachment to this which is a list of gauges which Mike Belchik is preparing. We are submitting this letter for your review and comment. I am not sure if the Chair can sign it.

Barry: This will support the FY2000 administrative request by the FWS, so I think I could sign it. We should have a vice chair by the end of this meeting, so they could sign anyway. Thanks for developing this letter; it was requested at the last meeting. We will get it finalized on TF letter head.

Orcutt: This is an important issue and we need to go further than the discussion has taken us.

****Motion**(Orcutt) That the Budget Committee be reappointed but also be given the task of working on appropriations.**

****Second**(Miller)**

Orcutt: This late in the game, writing letters is not where things happen. The Federal agencies are working on an initiative three years down the road; we are hearing positive things right now. But we need a standing work committee, probably made of non-government officials, to carry the ball with appropriations. If Klamath County and the rest of us can agree on an initiative, then odds are good it will get funded.

The budget committee part fits well into the appropriations part.

****Motion Carries** (Rohde abstains)**

Orcutt: How should we do the appointments?

Barry: If anyone wants to volunteer for the Budget subcommittee, then contact the Yreka Office within the next week. We have an indication now that these individuals want to serve: Mike Rode, Elwood Miller, Troy Fletcher, Joan Smith, and Mike Orcutt.

Orcutt: Are we going to vote on the vice chair?

****Motion** (Russell) I nominate Keith Wilkinson for vice chair.**

****Second** (Olson)**

Miller: How are we doing this?

Barry: If the motion fails, we can have another motion.

Spain: Keith has one of the clearest heads on the TF and KC. He has kept us on track on preliminary issues. I appreciate his perspective on the issues before us. He would make a fine vice-chair.

****Motion Fails (No-Miller; abstain-Orcutt)**

****Motion** (Rohde) I nominate Mike Orcutt**

****Second** (Miller)**

Smith: For clarification if we go thru the process, do we then vote?

Barry: If we are all in agreement we can suspend our own procedures.

Orcutt: If that's the case, then let's just open it to nominations and make the decision at the next meeting when all the TF members are here. A lot of people have left.

Spain: I do not think this should be a yea or nay on any personalities or their long, hard service to the TF. I would like us to consider it early in the meeting rather than later. It is appropriate to have as many TF members here as possible.

****Motion Tabled**** (Agreed to by the Maker of the Motion and Second).

****Motion** (Spain) I move to adopt the three page letter (Handout CC) regarding the gauges as being from the TF.**

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

****Motion Carries** (Abstain-Orcutt, Miller, Rohde)**

41. Recap and summary of decisions/assignments (Hamilton)

Deferred.

42. Set the date and location for the **meeting after next**. Identify additional agenda items for the next meeting.

Barry: The next meeting is scheduled for Yreka on October 15-16.

Rode: I request that you reschedule this meeting as I need an alternative.

[discussion results in keeping this meeting date and location]

Barry: For the meeting after next, lets make it on February 4-5, 1999 in Hoopa. Hearing no objections, so be it.
Thank you all for attending and we will see you in October.

3:00 **Adjourn**

ATTACHMENT 1

**KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING
June 24-26, 1998
Klamath Falls, OR**

Klamath River Basin Fisheries Task Force Members Present:

Cynthia Barry	U. S. Department of the Interior
Kent Bulfinch	California In-River Sport Fishing Community
Mitch Farro	Humboldt County
Troy Fletcher	Yurok Tribe
Elwood Miller	Klamath Tribes
Al Olson	U.S. Forest Service
Mike Orcutt	Hoopla Indian Tribe
Don Reck	NMFS
Michael Rode	California Department of Fish and Game
Bob Rohde	Karuk Tribe
Don Russell	Klamath County
Joan Smith	Siskiyou County Board of Supervisors
Glen Spain	PCFFA
Mike Vaughan	Del Norte County Board of Supervisors
Keith Wilkinson	Oregon Department of Fish and Wildlife

Attendees:

Mike Belchik	Yurok Tribe
Bill Bennett	CDWR, KRC Commission
Jim Bryant	BOR - Klamath
Jim Carpenter	Hatfield Wk. Gp.
Deb Crisp	Tulelake Growers Assoc.
Jennifer Davis-Marx	Scott River CRMP
Larry Dugan	BOR
Della Frost	USFWS, Yreka
Bruce Halstead	USFWS, Arcata
John Hamilton	USFWS, Yreka
Bill Kier	Kier & Associates
Mary Knapp	USFWS, Arcata
Steve Lewis	ERO/USFWS
J. Mire	I.C.U.
Todd Olson	Pacificorp
Linda Prendergast	Pacificorp
Frank Shrier	PACIFICORP
Dave Solum	Klamath Irrigation District
Tom Stewart	Klamath Basin National Wildlife Refuge
Bernice Sullivan	DOI-Bureau of Reclamation
Rosalind Sumner	USFWS, Yreka
Marie Theres	I.C.U.
Peter Townley	Shasta River CRMP
Bill & Jean Vickery	I.C.U. - Local Yreka Resistant Group
Dave Webb	Shasta River CRMP
Linda Webb	William Kier & Associates

Attachment 3

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING

Agendum 2	Handout A	Memorandum of June 5, 1998 from Iverson canceling 6 Chairs
Agendum 2	Handout B	Memorandum, dated May 1, 1998, from FWS Director establishing California/Nevada Operations Office
Agendum 3	Handout C	Letter from Chair to Fenn dated February 19, 1998
Agendum 3	Handout D	Letter from Vice Chair to Spear dated February 20, 1998
Agendum 3	Handout E	Letter from Cynthia Barry to Thomas Hardy dated May 6, 1998
Agendum 3	Handout F	Press release and MOA between the State of California and NMFS regarding North Coast Steelhead Trout dated March 13, 1998.
Agendum 3	Handout G	Letter from Barry (as Chair) to NMFS regarding MOA. Dated March 9, 1998
Agendum 3	Handout H	Draft scope of work by Robert T. Anderson
Agendum 7	Handout I	Survey results from Linda Webb to identify funds leveraged By T.F. restoration grants; general Restoration Program Activity
Agendum 8	Handout J	Estimate of lead time and staff hours associated with compliance for on-the-ground projects
Agendum 9	Handout K	Table of Klamath Basin 1997-98 Operations Plan vs. Actual
Agendum 9	Handout L	Graph of Upper Klamath Lake elevations
Agendum 10b	Handout M	Report update for 1998 season for juvenile salmonid monitoring program
Agendum 15	Handout N	Klamath Fisheries Restoration Program Evaluation - Kier and Associates
Agendum 11	Handout O	Letter from the KC to the TF Chair dated March 8, 1998 requesting the TF direct the TWG to identify and report on issues or factors that limit full production of anadromous fish in the Shasta River.
Agendum 11	Handout P	Letter from the Klamath Fisheries Management Council to Shasta CRMP coordinator dated March 8, 1998, regarding the TAT analysis of Shasta River Fall chinook.
Agendum 11	Handout Q	Dave Webb's Draft Comments on KC Brood Year '92 Report
Agendum 20	Handout R	Current River stages and stream flow for Shasta River
Agendum 21	Handout S	Summary of IFIM flow study recommendations from TWG To TF
Agendum 24	Handout T	Memorandum from Barry to the TF and TWG dated June 3, 1998

Agendum 25	Handout U	Three ring binder assembled with examples of products provided by HSU under GIS agreement
Agendum 25	Handout V	Letter from Karuk Tribe (Robert Rohde) to Cynthia Barry, dated June 18, 1998
Agendum 28	Handout W	Memorandum from SRRC to Chairman, Cynthia Barry, dated June 19, 1998
Agendum 28	Handout X	Letter from Scott CRMP to TF Chair dated June 18, 1998
Agendum 32	Handout Y	FY99 proposals as ranked by the TWG
Agendum 37	Handout Z	Memorandum from Klamath Forest Alliance to organizations which support Klamath River fisheries restoration and clean water dated April 16, 1998.
Agendum 37	Handout AA	Letter from the Northern California Council of the Federation of Fly Fishermen to Representative Vic Fazio dated March 23, 1998.
Agendum 37	Handout BB	Memorandum from Felice Pace, Klamath Forest Alliance(KFA) to signatories to the Klamath River Appropriations Letter to S. Barbara Boxer and other interested parties dated May 27, 1998
Agendum 37	Handout CC	Draft letter to Bruce Babbitt, Secretary DOI for Task Force consideration

Informational Handouts:

California Department of Water Resources. March, 1998. Natural flow of the Klamath River at Keno, Oregon, water years 1945 through 1994 by months (sent under separate cover)

Letter from CDFG to BOR regarding \$250k addition and requesting that money be subject to priorities established by the TF. Dated February 20, 1998.

Reply to CDFG from BOR dated March 17, 1998.

Journal of Conservation article, June 1998: A Global 200: A Representation Approach to Conserving the Earth's Most Biologically Valuable Ecoregions@.