

FINAL MINUTES FOR THE KLAMATH TASK FORCE MEETING

October 15-16, 1997

Windmill's Ashland Hills Inn

Ashland, Oregon

October 15, 1997

1. Convene and opening remarks.

Bingham: Task Force (TF), welcome. We have a quorum (Attachment 1). I'd like to take the opportunity at this point to welcome Cynthia Barry, the new designated Federal Officer, to the TF. We are very pleased to have you with us this morning and welcome.

Barry: My official position with the U.S. Fish and Wildlife Service (USFWS) is as a Deputy Assistant Regional Director (DARD) in Portland, Oregon. Many of you knew the former DARD, Jerry Grover, who retired last February and I was selected to replace Jerry. All of you know that Dale Hall left as Assistant Regional Director and went on to be the Deputy Regional Director in Atlanta, Georgia, so I have had to be wearing a couple of hats here over the past few months. Now, as you have probably all heard, we are also in the midst of seeking Congressional approval to establish a new regional office in Sacramento. So in this interim, I am the designated Federal Officer to the TF. We will see what my future fate will be. I am glad to be here. I have been with the FWS for 21 years and I am a second generation FWS person. My dad was a refuge manager. I have been out here for nine years in the west.

2. Business.

A. Adoption of agenda (Attachment 2)

****Motion** (Bulfinch): I move the agenda be adopted as issued.**

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

****Motion carries****

B. Adoption of minutes from the June 26-27, 1997 meeting.

Wilkinson: Have there been any amendments that came into your offices that are not reflected on this printout?

Hamilton: No.

****Motion** (Wilkinson): Approve the minutes**

****Second ** (Bulfinch):**

****Motion carries****

C. Report on non-federal funding sources. (Rode, California
Department of Fish and Game (CDFG))

Rode: I have passed out a handout (Attachment 3, Agendum 2c, Handout A). Each year as you well know, the CDFG proposes a financial match to the TF funding. Over the years it has somehow become a CDFG match which really isn't the intent. It should be a nonfederal match. The TF has not made a reasonable attempt to solicit a match from other sources. There are a number of other CDFG activities in the basin that I thought would qualify for the match. I solicited information from people and programs involved in other restoration type activities in the basin for a total that comes to \$624,799. There are some additional expenses that I haven't been able to capture yet. What might be most appropriate would be to let everybody digest this information and perhaps bring it up either later today or toward the end of the meeting. What I am proposing is that the TF concur with this approach; the guidance and direction for this is in the Klamath Act as well as in the Long Range Plan (LRP). The subject of what is appropriate for a match rests with the Secretary of Interior as described in the Klamath Act.

Bingham: On the summary of nonfederal expenditures, what period of time does that encompass? Is that one budget year or the life of the program?

Rode: These are ongoing programs.

Bulfinch: Your handout says that the TF continues to narrowly define what constitutes legitimate, non-federal funding sources. I don't think the TF has narrowly defined it. We are narrowly capturing it. What we are missing is a means of capturing the actual expenditures made by nonfederal sources and the only thing the TF or the Field Office is probably remiss in is getting the people who have contributed to be considered for a nonfederal match as the CDFG routinely does. The definition should be broad enough to include any efforts that are really meaningful.

Bingham: Do you have any ideas as to how we could do that?

Bulfinch: The Siskiyou County Board of Education contributed to our educational program very heavily. I have asked them to write requesting that their expenditures be accepted as a nonfederal match. They have agreed to do so. Some of the others I have asked to write letters are the Shasta Coordinated Resource Management Planners and the Siskiyou Resource Conservation District (RCD). It is incumbent upon all members of the TF to either request or encourage similar submissions for a nonfederal match.

Wilkinson: We have discussed this in the past and Kent is absolutely correct. We need to develop a strategy to quantify what these funds are and capture them. I agree with what Mike is attempting to do here.

Fletcher: I believe Bill Kier and Associates will be contacting everyone. It would be good to identify what some of the tribal contributions are, certainly in terms of harvest management.

Rode: I would like to see this process formalized and some sort of accounting system set up at the FWS Yreka office. If this will eventually be handled through the Mid Program Review (MPR), perhaps that is good enough. We are missing a lot and there is immense value in having a complete accounting of what is going on in the basin regardless of matching funds.

Orcutt: Nobody has brought a clear interpretation of the original Act in terms of what the purpose of the State match was. I would like to hear some historical background behind that. We need to look at what our intent is here. Is it just to make that match on paper, feel better, and move on, or is it to really research and/or address problem areas that we know exist out there?

Bingham: The issue here is whether we would look at it on just the projects that we funded. Is the direction that Mike has indicated in his paper appropriate considering we are, in a sense, matching up programs or do we take the narrower view that we have matched those funds that are actually provided for projects? Maybe we could concur on which of those two broad areas we would like staff to flesh this out for us.

Orcutt: You may want to look at the Oregon component. There may be Oregon Department Fish and Wildlife sources in the upper basin.

Bulfinch: What qualifies should be any activity conducted with nonfederal sources that meet or fall within one of the activities described in the LRP within the basin and for TF action.

Fletcher: The utility of this exercise is to show that we do not have sufficient amounts of funding to do the job at hand. When we have funding opportunities, if we have all that information in front of us, it makes it easier to pursue those opportunities. There is a potential right now with the reauthorization of the Trinity to ask for funding.

Bingham: Does Kent's suggestion seem acceptable to the members of the TF? I see a lot of heads nodding. Why don't we take that as some guidance to give to staff?

Iverson: Before we take that on, I would like to hear from Kier and Associates or from the MPR committee members regarding how much of this is anticipated to be done as part of MPR.

Kier: Task four of the MPR work plan specifically requires us to do a roundup of nonfederally funded restoration including that leveraged by the TF expenditures. We will certainly take a first cut at precisely what you have called for here this morning. Beyond that it will be in the province of the TF itself.

Rode: Included in that roundup will be a recommendation on how the TF should handle, track or utilize all that other nonfederal match that is out there?

Kier: That is beyond the scope of the task. The task is simply to capture the information.

Fletcher: One of the issues is how do you consider harvest management related contributions. The CDFG and the tribes have contributed significantly in this arena. Your staff, in their effort, probably won't pick that up unless we put harvest management expenses on as one of the questions.

Kier: Are you talking about out of basin activities? Coded Wire Tag (CWT) reading?

Fletcher: If you see what Mike is offering up as in-kind contributions for CDFG, there is a significant amount of offsite CWT evaluation for Iron Gate fish. That is prudent to include because we need to know that is happening with those stocks.

Kier: We will find out from Mike what he would like to put out there as match. We are submitting draft products to the KRFWO and to Troy as we go along. We are getting feedback and so we will put out there the whole enchilada for your review. Then you can react to it and tell us to trim it for the final report.

Orcutt: One of the things is in-kind contributions. We have clarified what meets the criteria for in-kind contributions in the past.

Kier: This is in-kind match for TF grant-funded projects?

Orcutt: That is where it fits in.

Kier: Ron and John, I will talk with you about this guidance as to what is a fair match.

Orcutt: We have researched that to tribal 638 agreements, for example, in the past so there is guidance.

Bingham: Is the TF prepared to accept Mike Rode's report and move us forward along the path that has been suggested by Kier and Associates and we will get this back at a future meeting?

****Motion** (Bulfinch): I move to accept the report as written with understanding that we will further investigate nonfederal funding sources and issues at a future date.**

Rode: I don't know what you mean by "accept it." Mike offered it up to us for us to read and come back later.

****Motion withdrawn****

Bingham: A motion not appropriate at this time. I will bring it up tomorrow. The action is to read over the Mike Rode report and then move on it tomorrow for acceptance.

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

A. Letter to Schafer.

Rode: Director Schafer would like to thank the TF for inviting her to this meeting. Regrettably she is not able to attend due to conflicts in her schedule.

B. Response from BOR.

Hamilton: We wrote the letter at the last TF meeting in June to Director Schafer. We also wrote a letter to the BOR requesting some additional information that would be applicable to the water quantity model and they responded (Handout B). That information was passed on to the TWG and to Marshall Flug from U.S. Geological Survey.

C. Memo from Payne regarding LIAM.

Hamilton: In your packet, you will also find a memo from Tom Payne (Handout C) regarding the Legal and Institutional Analysis Model (LIAM). He is saying how strongly he feels that the group should go through with the LIAM exercise. In conversations with Tom, he has expressed his opinion that it should be done sooner rather than later. You may want to hold off discussion on that. There is a LIAM agenda item later on.

D. Letter to USGS from TF.

Hamilton: And finally there is a draft letter to USGS from the TF to Dennis Fenn to request that USGS stay active in the Klamath beyond FY98.

****Motion** (Fletcher): We approve sending the USGS letter out.**

Barry: I will add that the FWS is going to be sending out a similar letter very soon, so I support that very much.

****Second** (Barry)**

****Motion Carried****

Bingham: Motion made, seconded, no objections, the letter (Handout D) is on it's way.

4. Update on Klamath Basin ecosystem restoration issues before Congress (Senators Wyden, Smith, Boxer, and Feinstein, Representatives Smith and Herger)

Bingham: We have a letter from Representative Herger's office stating they will be unable to attend (Handout E). This presentation is more informational than anything else because I would remind the TF that we as a Federal advisory committee really cannot attempt to influence Congress but we have had considerable discussion at prior meetings. This year for the first time, some of our nonfederal members that are on the TF have attempted to move something forward. There has already been some discussion this morning about getting something into the Trinity Act.

Public Comment

Felice Pace: Klamath Forest Alliance (KFA) circulated a letter that got a lot of support from sports fishing groups and other private interests for an additional \$1 million appropriation that would be specifically earmarked for projects. This was done in recognition of the fact that the tremendous planning efforts that have been undertaken by this TF have eaten up a portion of the original appropriation. The KFA will be working on a Klamath River Initiative for FY99. The first public hearing is in Washington, D.C. We will try to coordinate private groups going back in support of an initiative in February or March. I talked with Senator Boxer's staff. I was very disappointed that they did not give us more support in the Appropriations Committee. We need to really intensify our effort next year and get more support (hopefully the support of the Farm Bureaus in both states). We will be exploring identification of priority areas throughout the basin for marsh restoration with the potential for water quality. We would like to see FWS develop and submit to Congress a multi-year willing seller acquisition plan for marsh restoration quality that ties into the TMDLs that are necessary for the Klamath River to bring it into compliance. We will also be working to get provisions to instruct the Department of Interior (DOI) solicitor and/or the BOR to investigate and report on the Talent Irrigation District (TID) and other federal projects in terms of their potential impact on water quality, temperature, and water availability. It is our feeling that the Klamath Project has gotten a lot of attention. Other federal projects that deal with water need similar attention.

Fletcher: We need to mobilize to solidify an initiative in the up coming year.

Bingham: Our function is to advise the DOI. It is entirely appropriate for us to ask the DOI whether they will consider the concept. If we are all working together on this and the FWS is behind us, we will be successful next year. I would direct a question to the FWS, where would you be on such an effort?

Barry: We need to be aware of what you want us to forward. It is a little bit too late now for FY99 but for FY2000, tell us what you want us to forward as an initiative.

Bingham: What would be the timeline for us to have a proposal ready for the year 2000?

Barry: It would be January or February.

Bingham: In view of the fact that we have a February meeting scheduled, if we had something on the table for the February meeting, would that be too late?

Barry: This particular initiative would come up through our Klamath Basin offices as a high priority initiative. If I hear from Arcata, Klamath Falls and Yreka that this is a high priority initiative of theirs, it would certainly rank high in my priority.

Bulfinch: By that time our MPR should note certain vital activities which we have not been able to address because of lack of funding. Building on that is a reminder that the original estimate for the project was \$72 million versus the \$40 million which we actually achieved.

Fletcher: Maybe we can offer some recommendations to the BOR also, not just FWS.

Bingham: So these will be agenda items for the February meeting. There are three strands to this. First, the add on process for FY99 which is basically a constituent process working Congress. Second, the effort to look at the budget request process within the BOR, the FWS, and possibly even Congress. The third strand is potentially a piece of legislation or language in the Trinity Bill which amends our authorization levels.

Fletcher: Your last suggestion hasn't been discussed. One of the things talked about at the KFMC was the opportunity to request in the Trinity Restoration Reauthorization some language that would allow for monitoring needs in the Klamath to be met. Trinity fish are managed with the Klamath fish so it makes sense that we would go after appropriate funding levels.

Russell: I would like to see how this TF gets involved in securing funding as Felice has outlined. We have to consider that as it relates to the TID. I just need to know a little bit more about that litigation if we are supporting funding which includes litigation.

Pace: My organization is not contemplating litigation in relationship to the TID. We have been saying to the BOR that they need to look at all their activities in the basin. As a federal project, TID is part of the mix of things. What I was suggesting is that if we can agree that there is \$1 million dollars for projects we want to seek together, we can pursue that with the broadest possible coalition.

Fletcher: Don, we need to get as much money as we can for restoration. Issues like litigation are going to be potentially addressed in the LIAM. There are going to be contentious issues that are going to be swirling around our own process and hopefully we can recognize them but still move forward together with our restoration goals. That takes more money.

Bingham: That covers it on the federal side. On the State program, we have successfully moved a piece of legislation through the process. There is a copy of the Bill before you in the packet, Agendum 4, (Handouts F & G) SB760. Basically, it is very good news for us. This is the successor to the Prop 70 program but instead of a ballot initiative to create a bond from the source of revenue from the general fund, we have secured tidelands oil revenue. The upside of

that is that it is not an obligation on the taxpayers. The downside of that is we will have to go through the annual State appropriations process in order to keep this funding flowing. Next year, we are in pretty good shape because Senator Thompson (who was the author of this legislation) will be still a State Senator. We will need a broad level of support from all the constituents to keep that appropriation going. This year's appropriation has been set at \$3 million. The program is very tightly focused on making sure that the restoration dollars actually hit the ground. There is an Advisory Committee created which includes representation from the Salmon and Steelhead advisory committee plus representation from the agricultural and forestry sectors, and representation from the scientific community. We think it will be a good process. There is a particular focus on up slope erosion problems in watersheds and a specific allocation to make sure that the money gets spent that way. Now we see a process which will be a done deal by June so we at the TWG level can look at that and tailor our program to fill in the gaps. The scope is essentially focused on those areas including the Klamath Basin which are not specifically within the Cal Fed Project area.

Jim Steele (CDFG): The Request for Proposals (RFP) that we used last year has just been revised and is completed. It is going out today and will be well circulated. We are going to request proposals back by December 19th. We are also looking for the Advisory Committee to be appointed by then and we will know who those members are. There is 87.5% of the budget is fundable for projects and 12.5% for staffing. Of the 87.5%, 35% is for instream and 65% for up slope and then of the 65%, some of that will be for education, grants, that sort of thing.

Fletcher: Proposers need to identify what funding sources they have applied to get. I am glad to see your process is starting a little bit earlier so that we will be able to tailor our needs to what is already happening.

Steele: I really like the watershed planning feature of this bill. If we had a watershed plan in place and projects prioritized ahead of time, proposals will only be looked at one time. You cannot have someone come in and hide the fact that they have requested funds for the same project from several sources.

Bulfinch: CDFG published a steelhead restoration plan 1 ½ years ago. In this \$43 million, is that to be used at least in part for the implementation of this plan or are they going to start a new plan?

Bingham: My understanding is that it is implementation funding. A lot of that funding is intended to be directed towards planning and process.

Bulfinch: Would this be considered as matching to our general restoration efforts?

Bingham: The State process is going to happen ahead of ours each year. In the new process, the deadline is in mid December and my understanding is that the CDFG intends to keep it there in mid December. That would mean that by the time we sit down for our process, we would be looking at a completed work plan for the year from the State.

Orcutt: With other State funding sources, will those deadlines remain the same?

Bingham: My understanding was they were going to bring the other sources forward to December, too.

Steele: I do not know; I have heard it both ways. I can get the answer back up to you.

Bingham: Let's get that question answered as it is relative to Salmon Stamp funding.

Steele: I will call before I leave today and make sure that is clarified.

Orcutt: On steelhead marking, I was just reading that Bob Sierro at Pacific Coast Anglers is presenting something to the CFGC in terms of marking recapture selective fisheries. Maybe we should forward our letter to him stating the TF is on record in support of marking. It would add to his presentation.

Bulfinch: Glad to do that, Mike.

5. Coho Initiatives

A. Report on NMFS and Siskiyou County regarding Five Counties Coho Initiative and Plan (Bill Hoy/Don Reck)

Reck: Different Counties have approached the National Marine Fisheries Service (NMFS) about putting together plans that could lead to HCP support. Initially they were envisioning these types of plans could cover forestry, fishery concerns, gravel and agricultural activities. Since then, we recognize that probably the County plans alone may not be able to address all those issues. They just don't have the jurisdiction. Also there is a question of implementation money and how these County plans may be funded. Once again, we do support the Counties coming up with County specific conservation plans. Later on as things gel a little bit, they may indeed become in substance an HCP.

Smith: I would like to introduce Chairman of the Board of Supervisors for Siskiyou County, Bill Hoy, who has the lead on this issue.

Hoy: We went through all the coastal salmon initiatives. There were a lot of good ideas brought forth. The Tribal issues were addressed. The small timber owners, agricultural - all these issues were addressed. There are lots of bits and pieces and lots of good ideas floating around, but we don't have a skeleton to attach to. At a meeting in Eureka, all five Counties were represented, we talked things over, and said maybe we can provide skeleton. The Resource Agency said they have \$100,000 to help us get started if we go through the proper procedures to receive the grant. What we want is to revise our land use plans. There are other issues in the Coho Salmon Initiative that need to be addressed, like our roads. As we progress, it is our intent to draw in more organizations such as NMFS, USFWS, Tribal entities, and environmental groups. We are

patterning our five County coalition similar to Oregon, except that we are going to this at a local level. We thought if we addressed the whole watershed, rather than one species, or two species, we would be a whole lot better.

Fletcher: I am glad the Counties have agreed to do this. The big issue is that it is a landowner rights issue versus the merits of the Endangered Species Act (ESA). How do you placate both concerns and get something that is meaningful?

Hoy: In Siskiyou County that is one area where we are light years ahead of the rest of the State of California. Siskiyou County has a great RCD and a couple outstanding Coordinated Resource Management Plan (CRMP) organizations, namely Scott Valley, French Creek, and the Shasta River CRMP. At this time, Scott Valley and Shasta Valley CRMPs have been nominated for awards through the Governor's Watershed Initiative. The French Creek CRMP last year received a national award for their outstanding work. There was County government involved; mainly the work we did was on our own roads to stop the sedimentation. Small timber owners, the National Forest, landowners, and the environmental community and put together probably one of the most beautiful programs you'd ever want to see. The Shasta Valley CRMP has worked the last four or five years on a voluntary basis in the spring to flush the young salmon back into the system. The first year of the flush when those adults came back, there was 1,300. The following year, there was almost 13,000.

Fletcher: Those are good activities. But from our perspective, are there going to be any efforts to try to increase current flows or identify instream flow minimums?

Hoy: At the present time, there are studies being conducted by the North Coast Regional Water Quality Control Board (NCRWQCB). I believe CDFG is doing the same thing. Perhaps one of the biggest threats we have to minimum flows at the present time is the CalFed project because they are looking for 500,000 acre feet of water. Where is it coming from? That will be coming to a head in the next 6 months.

Orcutt: Counties have authority for managing which private lands?

Hoy: Basically, we have jurisdiction over all private lands as far as land use. We have AB3030 that does give us some leverage as far as what happens on State and Federal lands. We can't tell them what to do, but we have the option to reject what they have proposed and ask them to see if they can come back with a better plan. Hopefully, there are enough teeth in AB3030 that we can force the issue. In Siskiyou County, 60% of it is owned by Federal or State agencies. So the upper reaches of the watershed are either federally or state controlled. By the time the water gets down to the private landowners, a lot of the problems follow it down. With this five County coalition, we are working with the private landowners down low, try to help us out up higher in the watershed where we need help.

Bingham: This process is tremendously valuable. Here on the TF, we will do everything we can to work with you and support you. As you know, we have been longstanding supporters of the

sub basin planning efforts and the CRMPs. We feel a little sense of pride that we have nurtured those processes over the years and have seen them go forward.

Hoy: To put together this five County coalition it has been quite an effort to get cooperation out of 25 elected officials on such a sensitive issue. We feel that we are making giant steps toward putting together this skeleton. As far as state and federal agencies, the tribal interests, and environmental concerns, when we get this skeleton together, then we will start asking other interest groups, other agencies to come join with us.

B. California Watershed Initiative (CWI).

Steele: CWI is a work in progress. It takes awhile to get governmental machinery moving in the right direction. An Executive order came from the Governor establishing the Watershed Protection Restoration Council. The working group for that is the directors, the departments that are involved in protecting salmon and steelhead in the state. So the NCRWQCB, the CDFG, and the rest of the directors are on this working group, a high level of attention to the issue. The staffs are now writing a report of what the issues are, what the needs are, and it will turn into an item for the Legislature to look. The Director of CDFG wanted to move a little faster perhaps than what the Council is anticipating. She is trying to put together the funding that she has already available in the Department in a more focused way. In addition funding was made available this year by the Thompson Bill (this eventually became SB271). This year's \$3 million was a little short of what we had hoped for. We hoped for the whole \$8 million the first year; it didn't happen. We are looking at some new expertise on the staff. We are going to try to get folks that can help and support watershed groups, assist with the analysis of watersheds, and the Counties effort. By next year we hope to have a full 10 new people that are spread up and down the coast that are watershed experts or that can help coordinate the groups.

6. Status report on 1997 annual operations plan and EIS on BOR Klamath Project (BOR, Wirkus)

Wirkus: To update the 1997 water year that just ended October 1st, the total runoff from the upper basin was somewhere in the neighborhood of 1.8 million acre feet. The real period of interest from our standpoint is the April to September period. We worked from a National Resource Conservation Service (NRCS) forecast. The 50% exceedance forecast on April 1 was somewhere in the neighborhood of 560,000 acre feet. The actual runoff for that period was about 510,000 acre feet. The way the inflow pattern came to us, from May 1 to July 1, the net inflow was from below to well below the 70% exceedance level. From the first two weeks of July, it was right between the 70% and 50% exceedance level. For the last two weeks in July and then through August and September, it was very nearly at or exceeded the 50% exceedance level. The total diversions for the project ended up being about 104% of what we had forecast. The forecast was 363,000 acre feet and the total diversion was about 377,000 acre feet. In Upper Klamath Lake, we had targeted as our ending elevation 4140.2. The elevation at the end of the water year was 4140.17. The river today is at 1500 cfs or just slightly above at Iron Gate.

As far as planning, we are just in the final throes of completing documentation of updates to our planning model. We have incorporated '97 water year data and also used some of the results from work that was done last spring. We made a couple of enhancements to the model that seemed to be better as far as predictive capabilities. We will be coming out with that documentation of the model results and as we said in the '97 plan, we are working toward issuing a draft '98 plan December 1st. Obviously, because we will only be two months into the water year at that time, we will look at alternatives based on a rough forecast. We anticipate issuing the final plan as soon as we receive the final NRCS April 1 forecast. The fortunate thing about making a commitment to do the plan on December 1 is that we will look at a wider range of alternatives because we don't really know what kind of a water year faces us. So in form, it will partially resemble what the longer term EIS needs to consider. One of the things we won't be able to do is to consider constructed type options that we need to consider in a longer range look at things (like the water supply initiative that Alice Kilham and Bill Bennett will talk about). As far as the interim plan schedule goes, we anticipate publishing a notice of intent in the Federal Register hopefully within the next couple of weeks. Then we will begin formulation of teams to work on preparation of that document. The schedule for completion is April of '99.

Rohde: How did preparations for '97 planning occur? Could you lead us through how that process evolved and how the decisions for the '97 water year were made?

Wirkus: As you know, we had the technical meeting in Arcata. We were given presentations on three flow scenarios. We had a similar meeting in Klamath Falls concerning biology associated with the endangered species in Upper Klamath Lake as well as Clear Lake and Gerber Reservoirs. We took all info that was available, used the model, and applied the model to potential water supplies. As we saw the water year shaping up, we discussed flows and lake levels that might be available to us depending upon variation. We confirmed with discussions with federal biologists that lake levels and river flows in the plan would be protective of the species and that we would be, at least at low end of the range, able to deliver to full AG and refuge supplies. We were prepared in the event that runoff did not meet that lower end of minimum values to take mitigative measures.

Rohde: What was taking place at the time were some very high level discussions from the regional heads of NMFS, BOR, and a Washington Rep of BIA. What transpired was there were scientific meetings in Klamath Falls with regards to what the water levels were that were needed to meet tribal trust and endangered species needs. The Yurok Tribe had clearly articulated to the BOR what the downriver flows needed to be to meet their tribal trust and the Karuk Tribe had added additional flows to that in the summer months. There was general support for those levels. However, what appeared to happen was that as you were making your model runs, you saw that there were going to be shortages to agriculture and as a result, the Assistant Secretary of Water and Science appeared to change her focus from the scientific approach to readjusting the approach that would be made. Can you help clarify that for me?

Wirkus: If you were given the opportunity to say this is what I need absolutely, then what would you say this year? That question was asked in that scientific forum and it was asked all the way

around. If we knew absolutely what was needed in the river and could clearly articulate that then there would be no need to continue with the instream flow studies. It is not as simple as might appear on the outside. The legal questions of what is sustainable from a decision standpoint are better left to the attorneys.

Fletcher: It is important that everyone understands the way the '97 plan was developed. The political compromises that were made at the expense of fish and science are important to highlight here. The Tribes have a Memorandum of Understanding (MOU) with all the Federal agencies in the basin. We are supposed to participate in all discussions, decisions, etc. involving the flow management by the BOR. We need to learn a lesson from '97 and that lesson is that we don't want to go into any litigation, we want to do an EA and come up with a draft '98 plan by December. How is that information going to be presented and utilized?

Wirkus: I do differ with you from the standpoint that all the science that is out there and considered. All of the available information is utilized. The process as I see it is working together in applying all of the information that is available to the water supply, see what the outcome is, and see what we can sustain in the big picture.

Fletcher: I want to hear how the science will be used. We went through a process for three years now. We come to real specific flows that have been identified. Where are those flows being compromised? Is it after the Federal teams and the Tribes meet? My perspective is that the Solicitor gives clear direction how to apply KPOPSIM.

Wirkus: On ESA, we work with FWS and NMFS in assuring the responsibility to conserve those species is met. From the standpoint of incorporating the Trihey flows, we haven't adopted the minimum flow standard from a Federal standpoint. We will continue to consider them.

Fletcher: We want to make sure that best science is not ignored. It is my understanding that the Federal team came up with specific flows. Those flows were ignored. We have a MOU from FWS basically supporting Trihey flows. Where is the process failing us?

Wirkus: You need to consider the legal framework, too. It is a big picture.

Bingham: This TF has no regulatory authority in this area. We are certainly willing and happy to be a forum for people to put their process concerns on the table. The questions I have heard are: Who makes that decision? How does that decision get made? Who is at the table while that decision is being made? Is the best possible science being used to support that decision? At some point, I want the parties to those questions to get answers to those questions. The Klamath Compact has a role to play there.

Rode: Are your plans to maintain that 1500 cfs flow during the rest of the incubation season?

Wirkus: In our discussions with PacifiCorp on raising the flows, all of us repeated the mantra that once you go up, and spawning starts and incubation is underway, you don't want to go down.

Rode: The decision was made to lower flows during the month of September from 1300 cfs which is the Federal Energy Regulatory Commission minimum down to 1000 cfs. It appears that might have stretched storage capacity in the system and may have resulted in the decision to raise the flows at this point to 1500 cfs. Do you concur with that reasoning?

Wirkus: The August, September, and early October precipitation events are more responsible for the water supply available now and the decision to carry the flows at 1000 through September.

Smith: Troy, do you feel the tribes have suffered some? I get really nervous when you talk about agriculture because I represent an agricultural based economy. I was not under the understanding that there was a problem with the flow issue.

Fletcher: The BOR has a responsibility to make sure they protect ESA issues, Tribal Trust issues, and fish by applying the best scientific information available. Three years have been spent with the BOR to determine what is the best scientific information and how to apply it. Last year some clear understandings were arrived at with the BOR, NMFS, BIA, and FWS. Those understandings were thrown out the window once it became apparent that there wasn't enough water to go around and meet all needs. The science was compromised. In our opinion, our agreement was violated last year.

Russell: Troy, are you saying that the Trihey report is the best available science in regard to flows?

Fletcher: It is best along with a lot of other information that has been collected through various instream flow meetings over the past three years. We had meetings and put other flow scenarios up on the board. We went through the exercise of deciding what are the best available flows for the river. The Federal group decided to do something else because it didn't meet everybody's needs.

Russell: I don't feel that agriculture is a favorite child in the family. As an individual, I wouldn't consider Trihey the best available science and I want to go on record as saying that. There has got to be other science there that supports those flow regimes. Maybe this IFIM will determine those needs below Iron Gate.

Fletcher: That does not alleviate us from utilizing the best science we have. We came up with a process last year; Klamath County was a participant, others were participants. That information was kicked to the curb and then Carl and his biologists or whoever the Federal biologists were, came up with something different.

Reck: Over the last few years, it has become painfully apparent how many information gaps there are with regard to river flows. Setting that aside, this year there was a dramatic fish kill in the mainstem river and we now have some data about dissolved oxygen and nutrients. These data point out there is a big problem in the river at times. In '98, there is the opportunity to do

some experiments in terms of low flows versus water quality. In the long term the IFIM will probably address that, but I am frustrated with every year being in the same position in terms of what we have to hang our hat on.

Wirkus: As a matter of response, I would say the BOR is absolutely willing to participate in a monitoring/adaptive process to see what we can learn physically. Modelling is helpful but measuring is better yet. I would challenge the TF to take a lead or someone to take a lead in making recommendations for how we might approach that.

Bulfinch: Don Reck brought up an important point. The TWG did write two or three years ago to Pacific Corps and refer to temperature and dissolved oxygen requirements from releases at Irongate Dam. Pacific Corps does not have the hardware option, at the present time, to manage such releases. Quantity is not the only basis in this. The temperature and oxygen coming down from Oregon are beyond the control and purview of the BOR in that their only control is over releases from Link River in quantity. Quality within Iron Gate and Copco Dams is extremely suspect and the flexibility to release some of the suitable temperature water is not conveniently addressed at this point because Pacific Power Company has a valid contract through the year 2006 to operate the way they are. They do have an opportunity to enter into discussion in 2001. The USGS studies have confirmed some of the things that we have suspected but not measured. I think it is pointless to go on with the discussion of what BOR can do with simply quantity when it may be a matter of 'how much hot water do you want'? We should make preliminary inquiries into how to improve the quality at any release.

Orcutt: How long do you expect the Section 7 consultation to take and what potential conditions and/or constraints may be a part of that consultation?

Reck: Regulations say after a written request for consultation and a sufficient biological assessment are received by the regional administrator, the NMFS then has 135 days to render a biological opinion.

Orcutt: When do we expect a letter to go out?

Wirkus: Somewhere in the December 1st to January 1st timeframe.

Rohde: The BOR has developed a model which illustrates what would happen if certain water levels in the lake and downriver flows were met. I would like to make a specific request that the BOR make two runs this year. The first run would be with the specified lake levels that we identified through the scientific process this last year and the Yurok tribal trust flow level. That second run would be the lake level with the Karuk modified Yurok stream flow levels. I request the results of those model runs be presented to the TF in public forum so that we can see what would happen this year based on the water year that you will be projecting in December. I request that this be presented back to us in February at our next meeting and that you discuss the bearing the results of those runs had on your decision for the December '98 water advisory.

Fletcher: The Interim EIS that you have talked about, Carl, that needs to be coordinated with the TWG and their flow study scoping efforts. After all, they should go hand in hand. There needs to be some dialogue between the TWG and the BOR specific to that. When we talk about TWG scoping process, I will be asking that a letter be sent to you requesting the BOR stay involved with the TWG.

Bulfinch: The request that Bob just made, appears to be a request to meet tribal trust responsibilities directly for the fishery in the Klamath. It does not imply that TF has accepted the Trihey Report as being the best available science. I would say that the tribal representative should request these models, rather than willy-nilly putting the TF in behind this whole thing.

Bingham: A member of TF has made a request for two model runs. A determination whether the best science was used or not is clearly beyond the scope of our group. We all know what peer review and the process is and we don't want to wade into that.

Fletcher: There are other forums that we have taken this to. We have taken it to all the Federal agencies and we went through an intensive peer review process. If you want to put this on a future agenda, we will be more than happy to speak to it.

Bingham: Does the TF want a fuller display of this process at the next meeting? Yes, so it will be an agenda item.

7. Coordination between DOI programs in the Klamath (Sullivan)

Bernice Sullivan: The coordinator position was established with reauthorization of the Trinity and it basically is to coordinate activities between the two TF's and the Council. I also do some advisory work for the FWS, the BOR, and the DOI and keep them involved in all the issues. I am also continuing to be the project manager on the Trinity EIS until the draft goes out. I have also recently been given an extra job as a Native American Coordinator representing the BOR in the mid Pacific Region.

Bulfinch: The Hatfield legislation calls for a coordination agreement and group. They don't mention the department, the BOR in that coordination but we now have an Irish stew of organizations all doing restoration. I have drafted a letter to ask the Secretary of the Interior to get on with that cooperative agreement.

Sullivan: This position is actually a DOI position. It is managed through the BOR and with cooperation with the FWS in the mid Pacific Region.

Kilham: The Klamath Watershed Coordinating Group is formed. The members are Bernice Sullivan, Chuck Schultz, Mike Orcutt, Mike Rode, Tim Carpenter, and Troy Fletcher. We have met several times. If you have suggestions of what we need to get on with, we would like to hear that.

Fletcher : We need to define what specific agency responsibilities are going to be with regard to restoration, monitoring needs, etc. There needs to be a clear identification of how all the various agencies, tribes, different jurisdictions do operate in the Klamath basin. I would not be surprised if there is quite a bit of overlap.

8. Klamath Compact Commission - water supply initiative and options to increase storage in the Klamath (Kilham)

Kilham: The water supply initiative can help resolve some of the issues. If we come together and understand what we need to do to manage for the water resource which is so important for all of us, that we have more in common than you would think. I hope you will make it to the Compact meeting tonight. We have a preliminary draft report to hand out (Handout H).

9. Mid-Program review update

Kier: The work plan that we are pursuing is summarized in this schedule of deliverables (Handout I). One of first tasks was to determine how much of your investment program was directed toward TF entities. This was a good task to start with because it tested the position of the KRFWO if they had a good complete and current administrative data base. There seems to be a movement toward funding more and more on the ground projects involving the communities, and especially so in Siskiyou County on the Shasta and Scott River through the CRMPs. We have had a suggestion from the Klamath River Office in Yreka that since representatives of the CRMPs actually participated in the discussion of proposals, that they should be lumped in with you all and I haven't concluded anything on that recommendation yet. This is a kind of the practical problem we are running into. On the task involving the evaluation of the efficacy of the projects themselves which is task five we have a crew that has been in the field for two substantial tours, looking at on the ground projects. We have pretty good view of how this will shape into a draft deliverable by the first of the year. We have had some feedback on the two products we have gotten into you already.

Over the years we have been developing the information system that is also called for in the Klamath LRP and that system is known as Klamath Resource Information System (KRIS). We are now being deluged with requests for KRIS program copies which we will send out on CDS. We are checking to see what the cost would be to get them produced commercially. I will be getting back to Ron Iverson with a quote for the cost. We also did a brochure on KRIS.

Orcutt: Looking at task two, all of the anadromous fish in the Klamath basin are either listed or proposed for listing including the chinook stock. That is the grim reality we are facing. I would hope that in the recommendation section, you look at how we change the course of action. I would hope the report would evaluate this element as well as coordination.

Kier: In the performance of tasks two, three and six, Dr. Tuttle and I have decided to interview all of you. It turns out that this is more daunting and interesting than anticipated. We have sent out a letter with a packet notifying you that we will be knocking on your door. Members do have

a lot to say. They are saying that they hope this program evaluation is more than just bean counting. The answer is that you bet it will be. When you get a draft next spring there may be some issues that give you some heartburn.

10. Progress report on TWG sub basin planning (Rohde)

A. Guidance to Budget Committee

Rohde: I don't know what guidance for budget committee means, do you, John?

Hamilton: In the revision of the RFP process which the TF adopted, one of the things that is supposed to happen at the October meeting is guidance given to the Budget Committee in terms of priorities for spending next year.

Rohde: I am currently chairman of a subcommittee of the TWG for sub basin planning. I took over for Jud Ellinwood who spent a great deal of time trying to come up with a standardized format for sub basin action plans. If you turn page (Handout J), you will see that I am picking up where he left off. I felt the need to bring in the CRMP coordinators and see what they had to say about this general guideline. We have met three times. This is our current outline. The CRMP coordinators wanted to know what exactly do we need to know about watershed condition. So we got very specific and articulated, with their assistance, exactly the kind of information that would be included. Currently this outline is going back to the CRMPs for their review. This is a preliminary presentation; this has yet to go to the TWG. Also, as a function of the sub basin planning, the TF has directed the TWG to look into strategic planning. That works to have both the up and down feedback loop with the sub basin action plan that goes out with the RFP. That matrix is outdated. We are attempting to revise that matrix within the subcommittee. We are hoping that we will be able to come up with some recommendations as to how strategic restoration efforts could occur in the basin. We would feed that back up through the TWG in hopes to get it to you at your next meeting.

Bingham: Are we looking for any changes on the basic budget categories?

Rohde: Yes, what we are currently doing to the matrix is we have divided it into those categories. We are trying to figure out a way to weight the different types of activities that occur within those categories as they relate to each sub basin. We don't anticipate a change in the categories.

Wilkinson: Are you coordinating your sub basin planning and your strategic planning and your sub basin objectives with the Klamath Province Provincial Advisory Committee (PAC)? [No.] Wouldn't that be a good thing because they are going to have some abilities to help you on some of those issues?

Rohde: Right now I am working under a subcommittee under the TWG. We need some guidance as to how to make that coordination work.

Wilkinson: That was addressed in the Five Chairs meeting so maybe we should wait and hear what that was. It looks like an opportune time to coordinate some of these energies rather than a duplicate them.

Olson: That is a good point. When I was looking over that list of components that would be used to describe watershed conditions, it is pretty encompassing as it should be. With fire for example, The PAC has spent a lot of time with the forest health issue and looking at how we can reduce the risk of catastrophic fire which feeds right into the watershed and fisheries health issue. Because there is a group chartered within the provinces just dealing with that issue because it is so complex, not to integrate them into some of this would be problematic. It is really a large job. But because so much of the basin is in public ownership, if we don't integrate some of these other ongoing tasks, there is a real likelihood that we could run at cross purposes pretty fast or at the very least not organize our efforts so that they are most useful.

Rohde: This is pretty much where we are at. If you can help us understand where these other specific products are from that end of it, maybe we can interact with them better.

Olson: There probably is a need as you progress to try to integrate some of your subcommittee folks with the PAC subcommittees. I am sure they would welcome that. I am not sure how TF wants to really take that larger issue on.

Smith: We need to do some coordination, it is a really big job. The PAC has been in effect now three years in August and we have been wrestling with this issue. We would appreciate working together.

Olson: With respect to the question of the agenda and how the guidance on the budget subcommittee question came up, I was just thinking the way that relates was that there is only so much money in that category to deal with CRMPs and sub basin planning. Some of the requests have actually been proposed by the CRMPs or sub basin planning groups to actually fund sub basin plans and some are more overall coordination of the plans. In your sub basin planning committee do you treat those as separate items? Are they separate issues or are they tied together?

Rohde: We had hoped to have some draft sub basin action plans drafted by now. The CRMP coordinator is basically saying our job is really to coordinate, that is a big enough job let alone try to write these things. We have postponed a first draft until after this fall season is over. CDFG has been very helpful with the Shasta, for example, pulling together some of the sub basin action planning stuff because the coordinator just can't seem to do it on his own. It seems like the CRMP coordination still needs to take place but so how do we get the plans done and still keep the CRMPs going at the same time?

Fletcher: Certainly if you are going to fund a planning effort, you should probably get a plan out of it.

Olson: It is important that we already have something in place that is agreed upon rather than wrangling about that in the budget forum because we don't have the time to devote to that when we are talking about priorities and projects.

Rohde: It is complicated. The TF learned early on that \$1 million was not enough to do the restoration. That spawned the TF's desire to fund the community sub basin planning effort. The category two is no longer large enough now that we have sub basin planning efforts going on in the lower and the mid Klamath now as well.

Olson: Is that something we want to delegate so that when we get to budget allocation for next year that we have something in place that we can agree upon?

Orcutt: The purpose of the sub basin planning and the vehicle we have used is the CRMPs. There was an initial intent to develop a plan to guide this and, then aside from that, there is a coordinator role that is there. There are two separate things going on there aside from the budget question.

Fletcher: We need to start requiring some progress in the form of plans. I have spent time with the Shasta CRMP and, to tell you the truth, the CRMP coordinator seems to have an awful lot of time to focus on my fishery harvest. I would like to see them develop a plan.

Smith: They are working on a plan. The Scott River also has a plan. I don't know about the other CRMPs. Do they have a plan?

Fletcher: Yes, we are working on a plan right now.

Russell: We need to focus on restoration. I would be careful how much we assign to TWG because it just subtracts out of our effort to get really on the ground productive things done over the long haul.

Bingham: The Charter says we cannot professionalize the TWG. The TWG is involved in a tremendously complex process which is becoming very costly to support. The reality is we are very soon going to have an agency only TWG. If you are all comfortable with that, so be it.

Olson: I was focused on how we could basically avoid getting rolled up next time we get together with respect to funding. I mention the TWG and I realize the work that they have done. That was the only mechanism to get that work done. I will pay my penitence by volunteering to help get some kind of proposal to the table so that we can have some of Troy's concerns addressed as well as some kind of mechanism to address the planning versus the coordination issue.

Bulfinch: Looking at the CDFG 1985 assessment of the spawning escapement, over 70 percent of the spawning production applies in the three upriver CRMPs. We cannot afford to give up that percent of our productive capacity without giving it some support.

Bingham: Is the TF now ready to adopt the work product that is before us and recommend it to the CRMPs, and sub basin groups, as an outline format to build their sub basin plans around?

Bulfinch: Being familiar with the Shasta CRMP plan with some intimacy, at least by reading their plan, I do not see how this can be objected to since it covers the elements which these CRMPs already have.

****Motion** (Bulfinch) That we offer this Sub Basin Action Plan outline to the CRMPs for their consideration and comment.**

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

Smith: I want to reiterate that we need to work in a coordinated effort with the PAC.

****Motion Amended** And to provide the outlined Sub Basin Action Plan to watershed planning groups, CRMPs, and to the Klamath PAC as a TF approved recommended outline for sub basin planning.**

****Second accepts****

****Motion carries.****

Bingham: We are open to considered changes for categories and shifts in emphasis. My suggestion would be to not to throw numbers at it but just kind of suggest areas of priority.

Fletcher: I would like to see the TWG come up with some real brief language that will help guide the CRMP basic planning efforts to: 1) come up with a plan; 2) wean themselves off of TF funding.

Smith: I do have a problem with that. I think if we are going to do some wording, I think we should do it at this level. If the TWG is going to do it, I would like to see it come back to us for approval.

Bingham: That goes without saying. Any action the TWG takes, comes to us first.

Smith: I have a real problem with this and agree with Mr. Bulfinch. With 70-80% of the spawning covered by the up river CRMPs, I think we are being premature to wean them.

Fletcher: I am not saying exclude any CRMPs. All I am saying is provide them some guidance such as 1) we would like a plan, and 2) we would like to see an aggressive pursuit of outside funding.

Olson: We need a clarification on that because unless we make more money or we give CRMPs less, we will run into this prioritization; the proposals are ranked and that brings us into this

dilemma. The other issue I think that you are referring to, Troy, is whether coordination is something we intend to start and then phase out through some point in time. What might those criteria look like if we are going to do that?

Rohde: Given that there is more coordination and planning going on than there appears to be money, what would be the policy decision that this body would make in order to prioritize how that money would be used?

Rode: Troy mentioned that let's use the upper two most CRMPs, the Shasta and the Scott CRMPs. They have received seed money over a number of years. That seed money has led to their success in obtaining other money. Therefore they have got a stream of money coming in and because of that, they don't need that support from the TF any more. I find some fault in that because the kind of money that they are generating, won't provide for coordination. It is on the ground type of money. We have actually created a situation here that we set out to create in the first place. We want to maximize the amount of dollars that we can parlay with the little bit of money that we put out and we should not penalize those people that have been doing a good job. The Scott especially has been adept at that. The Department has publicly told the CRMPs that we would support their efforts in every way so I would be hard put to vote in favor of withdrawing CRMP support. The real problem is we have really overloaded the TWG and the TWG has even beyond that taken it upon themselves to become very deeply and specifically involved in just about all the issues they work in. Why can't we shift a major portion of that work load regarding sub basin and strategic planning towards the Thompson funding? I see that the action of reducing or withdrawing those funds from CRMPs is going to break down the goodwill and cooperation that we have seen thus far.

Smith: I agree with Mike. I have another concern. The TWG has been really immersed in these issues. It almost would appear to me like it is micro management. It is our duty from my point of view to handle certain things. When it gets very technical, then we refer it to our TWG. The TWG then, would then look at the situation and, as it pertains to things like the IFIM, they decide with our approval what the scope of work would be. Then they give that work to the scientist to do, not micromanage the project. I think that a lot of money goes into the TWG. I am going to look in to what the budget is for the TWG and whether it is a drain on the other efforts.

Fletcher: I never said let's cut the planning efforts off tomorrow or anything, but I recognize a funding shortage here and all I ask is that we look at the potential of other funding sources.

Olson: My concern is with the existing ceiling and the potential of leaving somebody high and dry by having four or three CRMPs funded when we have five out there. That happened last year. Is that the message we wanted to send?

Bulfinch: We have to point out to CRMPs that our funds are limited and becoming more limited as the program progresses. There are other sources of funding available with mechanisms to reach them. In the packet is a list of 26 funding sources (informational handout) which we have

yet to tap. The TF should assist the CRMPs, guide them to sources where they can find the specific funding for the projects they have in mind to take them toward their goals.

Bingham: We have spent most of our budget category discussion time focused on Category Two which is specifically designed to support watershed sub basin planning and coordination such as the CRMPs or other entities on the lower river. What I am hearing today as Chair of the Budget Committee is we need to put a few more dollars in that category to get us through the next year.

Wilkinson: *There could be an effective savings of energy and monies by seeing where the PAC is, where USFS and BLM are on these issues and either share with them our information, or arbitrarily adopt what they are using.*

Rode: The Thompson Bill decision point is going to be early next year. If all the CRMPs could be encouraged to apply for funding for that, and if their application packets contained a letter of support from the TF on their behalf, I think they might stand a good chance of being funded.

Russell: The concern is for the overall budget of the TF but I also look at the overwhelming success that these CRMPs have had and that is a positive thing where we did something really productive.

Bingham: There is also a serious shortfall in harvest management monitoring in the basin. That is something we have been grappling with for quite a while. When the Klamath Fisheries Management Council (KFMC) met we spent a considerable amount of time discussing why it was that this TF hasn't chosen to support that. I would say that the Budget Committee has a lot on its plate.

Orcutt: On nongovernmental agencies not being paid to participate in the TWG, I would question the guidance the Basin Charter provides. I think that can be addressed. I would like to look at what an estimate of the cost is.

Barry: Earlier when we discussed the needs are growing and the needs for budget initiatives, certainly, you have hit on an issue that has support. It could be justified as a budget initiative and with the need to fund at more than \$1 million/year. In that context, if we do get more money, let's fund more of those types of activities to allow TWG participation to not fall off.

Bingham: If we were to write the Secretary, we could point out that we are losing our nonagency participants because we are professionalizing our TF and our TWG is being asked to do more and more, including work scoping for the IFIM. How many days per year are you meeting?

Barry: They met 19 times in last year. The additional cost could be \$20,000 just for real costs. This is good fodder for budget initiatives.

Orcutt: This could include costs nongovernmental agencies are paying for the travel and expenditures.

Bingham: We have been through this compensation of non-governmental agencies before relative to TF members asking for compensation. We sent a request to the Secretary. They looked into it and got back to us and said we have only done that once and we are sorry we did it that time.

11. Status of restoration in the lower basin (Jim Bond, Yurok Tribe)

Bond: Originally, before I came on, the first part of the assessment in McGarvey Creek was already started. Pacific Watershed Associates were hired as trainers to train tribal members to do primarily watershed assessment in their style. Their style in watershed assessment assumes that there are a lot of problems in the watershed but if we are going to look at upslope sediment sources, the main things that you can treat are the roads. So it is primarily a road inventory, emphasizing stream crossings and landings. We prioritized those on their ability and amount of sediment to be delivered to any stream channel.

Fletcher: Our approach has been systematic. We are going to work out a Memorandum of Agreement (MOA) with Simpson.

Bond: What we look for as part of our assessment is roads to decommission and culverts we can pull out. We try to storm proof those for 50 years, or at least stop surface erosion.

Wilkinson: How has ESA listing rearranged your priorities?

Bond: Not a whole lot. My main goal was stream restoration overall. Obviously a few of the watersheds that might have or are know to have coho will fall into a higher priority, but really we are after anadromous fish in general.

Russell: McGarvey Creek; is that Simpson Timber Company land or is that public land?

Bond: It is about 95% Simpson Timber, the rest is Tribal Trust.

Russell: What kind of environmental hoops have you had to jump through?

Bond: A lot of those details we are still working out. So far, we have been under Tribal Trust and under the Tribes Program, so some of those things haven't applied yet. We haven't really done on the ground work per say.

Bingham: NMFS as part of the listing take prohibition has a broad gauge 4d rule in place to cover restoration activities and so there is a permitting process that is under development as we speak. I want to commend you guys. The restoration costs you put up today are very consistent with what we have discovered in our work with the salmon stamp committee working with Pacific Lumber Company on some of their ownerships in Fresh Water Creek.

Bond: In McGarvey Creek about half the stream crossings were Humboldt crossings. So we have a high number of these crossings which are very expensive to remove.

Fletcher: The Tribe is working on relationships with NMFS and Army Corp of Engineers (COE) to solidify and clarify how we are going to interact with those agencies.

Bingham: Troy, we have been getting a 50/50 match from the landowner, are you guys getting a similar contribution?

Fletcher: We are in negotiations for an MOU right now. We had to go through the process of proving to the landowner that had a quality control aspect to our assessments and that we were doing a legitimate creditable job. We have done that and now, the next tier is, we ask them to prove they are serious about this effort.

Bingham: It is daunting the scale of what we are faced with here and the amount that it costs just to deal with one small watershed. McGarvey Creek watershed is only about nine square miles. This is the true cost of restoration.

12. American Heritage Rivers report (Halstead)

Halstead: President Clinton brought this up in his State of the Union initiative. In doing this he made a charge to his cabinet to design it. Only backup was in the State of the Union. This is not a regulatory tool. Cabinet members got busy and with help of staff, developed six qualifying criteria for American Heritage Rivers.

****Motion** (Fletcher) The Klamath River TF support the nomination of the Klamath River under the American Heritage River Program.**

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

Bingham: What exactly happens when a river is designated as a Heritage River?

Halstead: From what I understand, once it is selected, there is a person, that would be termed as the Navigator for that river and that person would be given some kind of broad powers to pull all the Federal agencies and communities together to get things done. They would help the communities develop a plan for the river. The communities develop this plan, submit it back to the Cabinet level folks, they approve it and they are off and running.

Russell: Point of order. I believe there are several Senate obstacles in this. It is not a done deal, there are several unanswered questions about the influence powers, and potential takings. I wonder if we should defer any action until we see what is in the plan. There have been some objections to this effort (Handouts K & L).

Halstead: If the Klamath was selected, you would develop how the Klamath would be administered under the American Heritage Rivers initiative. There would be just these broad guidelines.

Russell: There are some lingering questions as to those five or six steps that you named. Those have not been answered. I would be reluctant to take any action until some of those questions have been answered by a high level staff under the President.

Halstead: Essentially the President isn't seeking any funding under this thing. He is saying it will be done within the available budget. Really there is no law that says there is going to be an American Heritage Rivers Initiative and there is no funding involved. Congress has to find a way how to get in there with the President and say what it wants to say.

Wilkinson (to Fletcher): I have a follow up question. As to our range of TF responsibilities, I am assuming you are including the whole system in your motion?

Bulfinch: All but about 15 miles of the Klamath is now in the Wild and Scenic designation. Is this another star on a distinguished service cross by putting it also as American Heritage? Does it supersede the Wild and Scenic category? I would be extremely loath to support any request to do something until we find out what the heck we are doing and how much of the river is involved, what it involves, and how it impacts what we are already doing.

Fletcher: I don't see it as an affront to local or any other types of jurisdictional issues that are going to come into play. I see it as another tool to us to try to focus the attributes that are unique to the Klamath River on a national level.

Smith: In order to be consistent with my fellow Board members, I cannot support this.

Barry: Why?

Smith: There is concern about takings of private property, use of private property, other issues that the Board did not feel were covered.

Barry: Bruce, does the Executive Order state any time frame by which submissions must be forwarded to the President on this or is it something that is open ended?

Halstead: Hopefully, I will have that tomorrow.

Barry: I suspect if there has been a Senate hearing on this that there will be answers submitted for the record that we can review because that is typically what happens. What agency is administering this program?

Halstead: Council on Environmental Quality.

Barry: I don't think that a particular senator is going to sit still for a no comment response. They will ask after-the-fact hearing questions for the record which will be responded to. Then you can see what the answers are and we can perhaps at a later date come to some judgement about it.

Fletcher: I want to make this push knowing that there is a January deadline. There are provisions in the Executive Order that call for the protection of private property rights. If it is not going to pass, I will withdraw the motion. If it resurfaces somewhere else, than that is fine, with the permission of the second.

****Withdraw motion****

****Second concurs****

Halstead: Anybody can nominate a river, which wouldn't keep the Yurok tribe from nominating the Klamath. Of course, it would help if Siskiyou County were behind you.

13. Summary of Five Chairs meeting

Iverson: Here is a summary of the Five Chairs meeting (Handout M). A couple of issues that came up have had some consequences and follow up. As Keith mentioned earlier, the Five Chairs was attended by a representative of the Klamath PAC and there was an agreement by the Five Chairs that the chair of the Klamath PAC would be invited to future Five Chairs meetings, so it will be a Six Chairs group now, with Barbara Holder attending as Designated Federal Official (DFO) of the Klamath PAC. Another item on which there was some follow up is the concern about some actions of CFGC related to harvest management. This is an action they took on allocation of fall chinook salmon that was at odds with other harvest management agencies and a perceived lack of scientific support available to the CFGC. The Five Chairs elected to send a letter to the CFGC executive director and suggest that there be a presentation to the commission by scientists who are involved in salmon harvest management to help CFGC with their decisions. I understand from the CDFG that there is a positive response that will invite the technical folks to attend the November CFGC meeting. The last follow up item on the Five Chairs is that much of the meeting dealt with concerns over the lack of funding for fishery monitoring activities in the basin especially on the Klamath side. The KFMC took action in response to that discussion. They drafted a letter that would go to Congressman Riggs suggesting that funding for monitoring (including monitoring on the Klamath side of the basin) be included in the Trinity Program reauthorization. It has to be in his hands tomorrow because he is having a public hearing in Eureka so it has gone to all the Council members at this table. The message from the Chairman of the KFMC is, this is an up or down deal. If everybody endorses the language that Dr. McIsaac has in that letter, we will send the letter. If somebody objects to any of it, there won't be any letter. So let me know at the break or when we are finished here you feelings on this.

Fletcher: The main theme that came out through the Five Chairs is that there just is not enough money to do the things that we need to do; whether it is the KFMC, the TF, whoever it is.

Smith: In that vein, the PAC has problems getting funding for things that we want to do with our restoration projects as well. The Counties are under a tremendous budget crisis right now.

Rode: Ron referred to the list of five items that were impossible for us to fund on the Klamath side for the Klamath Project. Bernice Sullivan, using her unique talents, immediately hustled about and came up with \$20k to take care of Bogus Creek Weir operation (W/O).

Bingham: The numbers of adults that get back into the system, juveniles and their outmigration, that kind of information is not only essential to the fisheries management process, we cannot do our job unless we get that information. We cannot really do our job of restoring the fish on this TF either unless we get some monitoring feedback on how the system is performing. So when we come to the budget committee meeting, maybe we will make some special recommendations to you.

Orcutt: At the KFMC meeting, it was suggested that the \$20k that Bernice had provided for the Bogus Creek Component was actually BOR money. At the time, Ron alluded that it was BIA money. If it was BIA money, the tribes surely would want to have known about that. I think it was Native American Affairs money that was a program monies in the BOR project.

Iverson: Bob McAllister, who covered the subject, identified it as BIA money. One last thing, the next meeting of the Five Chairs will be January 15, 1998. Bernice tells me that it will be coupled with a 1/2 day meeting of the Trinity TF in Redding. If there are any agenda items that the TF would like to see brought to the Five Chairs, maybe you could identify those tomorrow. One agendum that is going to be ongoing is the funding crisis and looking at opportunities for the five or six committees involved there to share resources.

BREAK

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

Belchik: Since the last TF meeting, the main focus of TWG has been dedicated to IFIM scoping. At the last TF meeting, Craig Bienz reported to you that we were nearly finished with scoping and that by this meeting, we would be done. I think it is fair to say that most of the TWG agreed with him on that point. The process that we had at that time was we would name studies, and that if we named enough of them, and then we evaluated the already ongoing efforts, we would have everything covered. We soon found out that is not a real good way to scope the flow study. We attempted to focus on the micro habitat issue, for example, to further refine our scoping on that issue and we were not able to do that. We were not able to agree on how the micro habitat portion of the flow study should be structured and what the geographic scope of it should be. All of that inability was due to the fact that we did not know how it would fit in with other studies. We had not identified biological factors that we were intending to address with the flow study so we were forced to deal with those issues.

At the July 30th meeting in Ashland, we took a different tack. We first of all defined a purpose of the flow study: to determine the influence of water management activities on the Klamath River ecosystem as directly relates to anadromous fish. We then identified a process and sought outside expertise (like Tom Hardy, Tom Payne, and the USGS) to help on flow study scoping and combine it with the TWG's technical knowledge of the biological issues that come into play on the Klamath River. We set about at that point to acquire the background knowledge necessary to really begin a process that was based on biological factors and causative factors rather than being based on naming studies and hoping that you have covered everything. We did not go back to the beginning because we drew very much on previous efforts. What we did was identify causative factors that are influenced by water management and that affect anadromous fish, describe the characteristics of these causative factors that affect anadromous fish, and create a list of study elements. After we have named all the causative factors, we will start to name studies that would address our questions. That was something that was never done before.

We were able to subdivide our study area into sub basins and identify causative factors in the sub basins. After that we create a list of study elements that will allow us to investigate the effects of water management on the causative factors. Then we will determine the status of study elements that we named. For example, studies already ongoing and information that is available but needs analysis. In other words, we are going to be naming studies but we fully recognize that there are already many ongoing. We listed over 25 studies that are already ongoing and could be called flow related. After that, we would develop and prioritize a list of anadromous fish species for the Klamath River and prioritize sub basins according to their potential to contribute to the restoration of the Klamath River's anadromous productivity. Using that prioritization, we would prioritize the complete list of study elements. This process enables us to look at the full range of issues that affect fish. However, it will allow some issues to be identified as priority. So right now, we have identified a process that will be causative factor based and that will be technical in the science aspects of the biology of the fish and we are going in to the process. I couldn't believe how many times scoping has been addressed by the TWG but I believe right now that we are going down a road that is going to lead to a very fully scoped comprehensive flow study plan.

Early on in our scoping, the question of geographic scope came up. The specific question was, do we include the tributaries in our scope? There was a lot of discussion about what the TF meant when it passes this motion. As chairman, I said let's address this issue from a technical standpoint; given the goal of the Klamath TF to restore the anadromous fisheries, let's take a look at it from that angle and then render a scientific opinion. Based on that scientific opinion, we included these sub basins: the Klamath River mainstem from IGD to the Hwy 101 bridge, the estuary from 101 bridge to the mouth of the river, the Shasta, the Scott, the Salmon, the Trinity, and the other tributaries (lumped into one sub basin). The TWG expects to continue the scoping process until we have a comprehensive flow study plan. I am hopeful that we can be at least nearly complete by February. We have an ambitious schedule and this gets to some of the work load issues that we talked about. We have set meetings in November, December, and in January. Hopefully, we can have scoping most of the way finished then. My goal as Chairman is that we will be finished enough to guide the RFP process and the ranking of the proposals by February.

Fletcher: I would like to stress the importance of participants to attend scoping meetings because these are going to form the backbone of any future study efforts that we have in the basin. That means there has got to be adequate representation there to make sure your issues are identified and brought forward to the group. I would like to request either the chairman or the TWG send a letter to all representatives to make sure they participate in these various forums. Can the Chair send a letter reiterating the need to have all representatives participate in the meetings?

Belchik: Right from the start, we made an effort to include even PacifiCorp and BOR. They have participated throughout this process and given meaningful input.

Bingham: Yes, this would be to the TF? I will also tell the TF that I intend to address the issue before Pacific Coast Federation of Fisherman's Association Board of Directors relative to our participation and plead with them to find somebody.

Russell: I am working on getting a representative to the scoping meetings with the Commissioners and with our folks and it is hard to solve.

Belchik: I would be happy to come and make a presentation to the County Commissioners to explain to them what IFIM is and what we are doing if that would help.

Russell: Let's talk after the meeting.

Barry: I hope that by your absence you are not going to express your objection at the end.

Russell: I do not think so, but again the focus is from IGD to the Pacific at this time which has a great deal to do more with Joan than it does specifically with us in the upper basin. If there are objections, we will try to identify those early on and get something done.

Fletcher: It has a lot of effect on the area above IGD because we are going to be asking BOR to recognize some of those flow studies. Look at the debate we had with Carl this morning. If he had a flow study that was real solid, and everybody was a participant, and the results said that X amount needs to be delivered out of IGD, that would be a pretty strong information for him.

Bingham: In April, when we had the special meeting related to the flow study, as Chair, I put everyone on notice that we were going through this process once. No one was to say later that they didn't understand that this was it. I am saying it again.

Barry: Dale Hall would strongly support this and so do I.

Iverson: There is a budget shortfall that has occurred as a result of this increased TWG meeting frequency and the TF needs to be aware of that. I am hopeful that you will give some latitude to the budget committee to deal with that and pick up those additional costs in our budgeting.

Bingham: Would you be able at that time to lay on the table the amount of money that is still left in our sock?

Iverson: On the order of about \$20k.

Belchik: I think there is a way that we as a TWG can look to save on costs.

Hamilton: It costs about \$1500-1600 per meeting for 2-3 day meetings for the lodging and for the meeting place without a facilitator.

Russell: As far as the tributaries are concerned, is there any existing data on the tributaries that you can utilize that would help in this process, rather than recreate the wheel?

Belchik: Yes, and one of the things that we plan to do is go to the CRMPs and ask them what issues are. There is no intention that the TWG will dictate to groups on those. We will be fully coordinating with the CRMPs.

Smith: I thought in April when we were in Eureka, that we were going to stick to from IGD to the mouth of the river?

Bingham: That is correct. That was my understanding of the action we took too.

Belchik: I will reiterate what I said before and the rationale for what happened. The TF gave us a directive to provide you a flow study plan for anadromous species at various life stages from IGD to the mouth of the Klamath River in increments upon TF direction. Very early on, the question came up, does that include the tributaries, specifically those water managed tributaries? We discussed it on the purely scientific basis rather than trying to get into the mind of the TF when this direction was given. Based on science we decided to go ahead and include those in the scoping.

Smith: We discussed for well over an hour what the scope of this would be over in Eureka. In order to get agreement, we decided that we would study from IGD to the mouth of the river. If you are talking about talking to the CRMPs and getting their information, I don't have any problem with that. If you are talking about extending the study up into the tributaries, yes, I have a problem with that. That wasn't what we agreed on.

Fletcher: There is already work up in the tributaries right now so what we are faced with is looking at a complete picture or looking at incomplete parts of the picture. I view the TWG as saying we need to look at the whole picture. If you go back to the original motion where we all jumped into this flow study IFIM scoping boat in June of 1994, we made it clear. The scoping was to scope basin issues.

Smith: It was in April of 1996 was when we all signed onto this agreement that I am talking about.

Fletcher: That is why I am raising my concern that the TWG be allowed to do a thorough technical scoping of the issues. If we as a policy group want to get in and muddle with the technical issues, then we are crossing a boundary.

Rode: Differentiating between the scoping process and what we considered the hard core flow study might be appropriate. They need to do an overall scoping to understand the context of what is going in the Klamath River. As far as authorizing specific studies, the TF said the work would be done from Iron Gate down to Seiad. That essentially is Phase I. That is where the micro habitat work is centering and most of the modeling efforts we discussed in April.

Rohde: I am alternate for the Karuk tribe but I am also the TWG member so as part of Keith Wilkinson's motion, I cannot vote as a TF member. I am telling you that because I am going to put on my TWG hat now. You have a TWG member who should have gone over this issue several times in detail. We expected you to be aware of this before coming to the TF meeting. We are doing from Iron Gate to the mouth. But when we came together as scientists, we also understood that our responsibility was to restore the anadromous fisheries of the Klamath River basin. When we looked at flow related issues, we could not ignore the fact that there were flow related issues beyond. So as scientists we have to look out for the fish and from our best available professional judgement, we have to look at the other sub basins in the context of the mainstem and present our opinions to you so that you can see the mainstem in its appropriate context.

Smith: My representative on the TWG did express a concern about this. Another concern is a budgeting factor. I do realize that when we talked about this in April, we were looking at a limited amount of money to do a big job. If we are talking about increasing the job, I don't think that we have a limitless budget to accomplish that. Do we?

Barry: It will just take a longer time to do.

Rohde: When you put the tributaries in the context of the mainstem, as we get down the causative factors for each sub basin, eventually we will be able to come up with a prioritization process where we identify what are the most important types of studies that are needed and in what sequence.

Smith: In April we decided that the most important thing to do was the mainstem of the river while we had the funding. That is what the TF decided.

Belchik: The TWG is not making any recommendations right now. This is informational. I was trying to inform the TF of the progress that has been made on our scoping and of our decision to include the tributaries in our scoping.

Bingham: I am concerned. I sit on both the TF and the PFMC. The fishery was dramatically reduced this year to protect Klamath stocks so the charge really rests on the TF to identify the causative factors for the decline of the fishery, then recommend or take correct measures to begin

to restore the fisheries. We are 10 years into the job and the report card that is coming back from the monitoring program is saying you guys aren't doing very well. The fish are in trouble.

Science is all about trying to identify causative factors. I am not speaking as your chairman now except to say that representing the fish is what we should be concerned about. We had better be real sure in our best conscience that we are directing that inquiry in the right direction by narrowing it down. We will have this back tomorrow morning. This is probably the most important decision we will have to make in this meeting. What we have next is some financial matters, work plan follow up. The news here is that Prop 70 committee funded three projects so we have a modest budget surplus. We also have lots more things than we can possibly do with that surplus.

15. Work plan follow up and USGS gauge funding crisis.

Hamilton: (Handout N thru O) At the last meeting, there was a lot of discussion about the rule that we follow when we have excess or when we are short in a category. In front of you is the rule that was adopted at the June '96 meeting and it was adopted again at the February '97 meeting. The background regarding how the work plan ended up where it did at the last meeting is provided here as is clarification on Mitch Farro's motion. CDFG did pick up three projects. So you end up with an excess of about \$48,615. The decision that is before you today is what might be done with that.

Bingham: Mitch's motion essentially assigns that excess funding to the next highest ranked proposal regardless of category?

Hamilton: Right.

Bingham: TF, the issue before us is do we just move on down until we have expended or do we want to set aside for special needs such as stream gauges?

16. TF Discussion.

Fletcher: I would like to speak in favor of keeping some gauges going; those are going to be critical to our flow scoping efforts. What if we asked the TWG about the importance of the stream gauges?

Belchik: Our hydrologist, Barry Heckt says, "If you don't know the flow, you don't know nothing." Flow gauges are some of the most important things for flow study.

Russell: Are all those stream gauges critical; if you had to pick two what would they be?

Belchik: The top three in my mind are critical. Indian Creek watershed is a medium sized tributary in the middle part of the Klamath that doesn't have water management activities on it. I would probably say that one is lower priority than the other three.

Barry: If we divide this up amongst so many parties, perhaps we can find some funding somewhere at the beginning of the fiscal year that we can set aside to do this. I don't want to leave one gauge off, I want to do all of them. It is an important issue and I am looking around the table for partners to help the FWS pay for this important effort.

Olson: The USFS made an agreement with USGS just to fund the Salmon River gauge this year. We will do so presumably into the foreseeable future.

Barry: Who funded these particular gauges last year?

Orcutt: The letter says BOR, USFS and the TF.

Rohde: The Karuk tribe would be more than interested in helping but we do not have much of a land base. We think that there would be a possibility of getting some assistance from the Environmental Protection Agency (EPA) if you would be willing to write a letter with us to try to get some funding from them. We have seen the BOR provide funding for monitoring related issues and they are directly implicated in the flow issue. I think there are possibilities there.

Barry: Would the State be able to cost share on this any?

Rode: If we are proposing to do what I think we are going to do, it would be more appropriate to modify the arrangement we have for how we allocate funds because we are going to be violating our procedures again.

Bingham: In defense of where we are, I would offer that we did hold to our procedure through our normal budget procedure. What we are looking at now is overage and while we do have an agreed on procedure for overage, too, we also have an emergency situation. It is up to you all to decide the way you want to handle this.

17. Public comment.

Bruce Halstead: Just keep in mind as you talk about these gauges that our crews are the ones that are out there on the river pulling out the transects and taking the measurements. We are operating from IGD to Seiad right now and if those gauges are gone you don't know anything. We will be floundering out there if there are no stream gauges to use for calibration.

Kier: I think you are getting jacked around on this one. If I were in your shoes, I would ask the question, who is it that is pulling out of a gauge for a reason other than this State retreat in 1993 and why? Is it because you guys seem to be the biggest patsies on the block?

18. TF Decision on surplus and USGS gauging crisis.

****Motion** (Fletcher): We suspend our normal operating criteria relative to overages or surplus funds and that we fund FP06 which is the CDFG proposal for recovery of CWT.**

The remaining surplus funds will be devoted to the gauges with the priorities as follows: The Shasta, Scott and Klamath River near Seiad receive the priority for funding and if there are funds left over, it can go to the Indian Creek near Happy Camp gauge.

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

Bingham: To the maker of the motion, can you tell me what the total of three gauges and FP06 would be?

Fletcher: It is \$50,373 total.

Barry: I think we need to have a long term solution on funding these gauges in the future. I appreciate the fact that the TF is going to take this one. FWS will commit to funding the balance as needed to do this and then we will work on a solution for the long term. I am suggesting that we might be able to handle it outside Klamath TF money. USFS says that they fully fund some gauges, we ought to be able to fully fund these gauges within the agencies that are responsible.

Bingham: Dale Hall used to do this pretty routinely. We would get in this hard point and then Dale would say, I can find the money.

Barry: I will come through. We will find a solution for the four that are on this list that are unfunded for next year. Into the future, we don't want to make this an annual event.

Orcutt: USGS and other DOI agencies have an obligation. We do not have to bail them out. This should have been foreseen. We should have gone through the procedure process. I feel strongly enough to object to motion.

Fletcher: In light of what Cindy just offered, I am going to withdraw my motion because you offered to find the money to fund that.

Barry: Not this year, in the future. This year the motion is on the table.

****Motion withdrawn****

****Motion** (Fletcher): That we fund FP06 in its entirety and that the additional funds be devoted to the scoping and other requirements that the TWG will need to complete an IFIM scoping, and develop a study plan.**

****Second** (Orcutt): Seconded**

Fletcher: To clarify, we just had a discussion about some of the additional costs that the TWG will have to come to bear to do an adequate scoping. I recognize that we are not going to get consensus on the gauges, so to me the next best thing would be to put it where there really is a need and a priority. I look at some of these other projects and even though they are all important

in the scope of things, I would view the TWG scoping effort as significant and I also recognize the CWT.

Olson: So we are going to have roughly \$40,000 more per scoping or whatever it is.

Bingham: My understanding of the need is about \$20,000. I would think, Mike, you would object for the same reason. We are kind of revisiting our priority scheme again and I would object from that stand point. I would remind the TF of something else, right now. If we take no action this evening, then the policy that we have already established with the Farro motion in place is we just move on the down the ranks.

Belchik: Given the choice between being funded to continue scoping or have additional gauges, I would certainly choose the gauges.

****Motion withdrawn****

Barry: I am going to work very hard to keep those gauges. If the TF in its wisdom doesn't want to spend some of its money on it, then I am going to see a way to get it funded so that those gauges do not stop. [subsequent to the meeting, both Barry and Barbara Holder, KNF, wrote to USGS--(Handouts S & T)].

****Motion** (Russell): That the TF amend the necessary procedures to allow us to fund the first two gauges on the list plus FPO6 and HPO5, and that we retain that minor surplus out of our monies (around \$3,000) and that FWS fund the other two gauges.**

Barry: I can't second that, I can't turn it down. The TF can't direct the Service to fund anything, right?

****Motion fails****

Orcutt: Maybe I was wrong in looking at the BOR. I think Carl needs to provide further input.

Bingham: So with that, I'll call us in recess until 8 AM.

October 16

Present: Barry, Bingham, Bulfinch, Wilkinson, Smith, Russell, Olson, Iverson, Rode (no quorum)

19. Private landowner award (Bulfinch)

Bulfinch: As of last year, we established a landowner award in which we gave an award to the individual and to the agency/organization contributing most toward the restoration project. Don Meamber of Montague was recipient of the individual award and French Creek Watershed

Advisory Group received the organizational award. We gave plaques to them and we gave certificates to approximately 24 people out of 40 some odd names that were nominated. The TF generously allocated \$500 for the award program and I am pleased to report that we had a net cost of \$68, so we returned \$432 to the kitty. We have the call for nominations drafted which will be the same as last year and I would propose that we follow the same award procedure. I would like to ask for the authority to have \$100 as opposed to \$500 allocated for the production of the plaques. If the TF sees fit, I will proceed and we will try to get the call for nominations. We normally gave the award in Yreka which was convenient for the proximity of the award recipients. I would like to hold discussing that in abeyance because we don't know who is going to get the award.

20. TF Discussion

Bingham: Any TF comments?

Wilkinson: I am not opposed to the expenditure of the money, but my question is, would that require TF action and do we have a quorum of voters?

Bingham: Right now we are one short. I hardly think anyone on the TF would have objection to this very worthy program. We all really appreciate your efforts in putting this together and taking all the trouble to make it happen.

21. Public Comment

None

22. TF. Discussion on private landowners award

Smith: Don Meamber is very proud of having won the award last year. He shows off both the award and the project work to everyone. It is a worthwhile program.

Bingham: I agree. Hearing no objections, you have the money.

23. LIAM - Legal Institutional Analysis Methodology.

Bingham: Bring the memo from Thomas Payne which is in your packet from Agenda #3 forward to #23. As the TF will recall, we have had several discussions about this matter and this memo is urging us to move forward. As you may recall we had a presentation from Dr. Lamb.

24. TF Discussion.

Russell: I have read the letter, however I still will go back to the question on Agendum #23, "is now the time?" In view of all that is transpiring, it is not the time.

Belchik: Don, could you expound on why you think it is not the time.

Russell: In view of the Upper Basin Amendment (UBA), and the adjudication process, I am uncomfortable at this time with going through that whole process. I am not saying that it is not needed at some point, but I believe we are a little bit early.

Belchik: The way I understand the IFIM, this forms one of the foundations and actually helps with the scoping of the flow study. When we come forward with recommendations and we combine that with the LIAM, we can better prioritize. At the beginning is the time to do it, not when we are half way through. LIAM discusses the needs and concerns of the different groups.

Bingham: As I understand it, it is an attempt to identify and perhaps to some degree quantify what the perceptions of the various interests are regarding flows. In other words, regarding the different places where the different parties are on the issue. It then feeds into the study in terms of giving the people that are conducting the study a sense of what it is that the various players at the table are looking to achieve by going through the process.

Rode: It does even more. It identifies stakeholder positions, where people are coming from, what their needs and fears are. A lot of the dialogue problems that we have right here in the TF now evolve from a lack of understanding of all those needs and relationships. If you can't resolve that up front, you are going to have problems all the way down. We should either do it now, or not do it because later on will be too late.

Belchik: I initially shared many of the concerns that you had. But in conversations with Tom Payne and others who have done instream flows studies, they have convinced me that if you don't do this up front, then there is a possibility that you could do a lot of studies for nothing.

Russell: I appreciate that. I hadn't had the privilege of that discussion. I would like to have a better explanation from an individual such as Mr. Payne if that is possible?

Bingham: I am wondering whether we can delay this to the next meeting and still be on track or would we really miss the opportunity by then to have instituted the process?

Belchik: What the LIAM attempts to do is to show the people what their concerns are and what a possible resolution to the problem might be, what form that might take. Whether it is an arbitrated or a negotiated decision, and what the decision process ultimately will be, have a profound effect on what types of studies you do. In basins, for example, where there is not very much controversy, you may be able to get away with a pretty good estimate of what flows are. In other basins, where litigation is expected or an inevitable outcome, then that affects what kind of studies you do and how much money you spend on studies right up front. The TWG can scope what technical studies should be done, what we think should be done but what the TF ultimately decides to approve in a large part is affected by the interest of the parties, the desires of the parties for an outcome. It is not an attempt to box anyone in a corner or anything, it is an attempt to get things out first to avoid conflict later.

Smith: Is Dr. Lamb the only expert in the field? Is there someone else that other people might feel more comfortable with?

Bingham: As a direct result of our interaction with Dr. Lamb, we decided to have our own workshop which we held in April. This yielded a result about the geographic scope of the study which now appears to be somewhat debatable. So clearly, we need to do more work to further improve our understanding of where we are trying to go with the instream flow analysis. So I think LIAM does have value.

Russell: If we do not approve the LIAM, will that stop the IFIM process?

Bingham: LIAM gives you guidance into what will be studied based on the legal and political situation that exists in that basin.

Smith: If we are going to formulate trust, the basis of that is working with a professional in whom we have the trust to begin with. Is there another professional in the field that can come and talk to us?

Russell: Have we or are we contemplating appropriating funds for this process? Have we budgeted that?

Bulfinch: No.

Hamilton: If you have Dr. Lamb do it, USGS will pay his fees. If you have someone from outside, it is going to be more expensive. We have had two estimates from USGS. We were quoted \$2,400 for his travel alone. Including his staff and facilities, we estimated about \$12,000. So it is somewhere in between if Dr. Lamb does it.

Bingham: It looks like we are not going to make quorum and if we follow the rule about TWG member representation not counting for a quorum, we are one short. We are not in decisional mode here and even if we were, I would be hesitant to undertake major policy decisions absent several key members of the TF here at the table. I want to express a few thoughts about that. I am very concerned when we can't turn out a quorum and we invest staff time, restoration dollars for a hotel, and we have a meeting full of reports. I don't want to focus blame on anyone, it is not our fault that Congressman Riggs chose to hold a hearing on the same day as the second day of our meeting. That Congressional hearing, however, has been calendared for at least two weeks. Two weeks is our time limit for notification in writing that you will be represented by an alternate and I must indicate concern from the Chair that these arrangements were not made. Because they were not, we are precluded from doing the business that is before us. I want the record to show that we have wasted some money here today. I want to commend everyone who is here, particularly the staff. I feel like they work real long and hard to put these meetings on and if we can't show up and do business, we are not keeping up our side. That said, how do we deal with the rest of the agenda? My proposal would be that we discuss the items on it, and try

to advance our mutual understandings of the issues. If anyone in the public would like to comment, let's hear that.

Barry: Since I am a newcomer here, has this ever happened before?

Bingham: We have always made quorum. This is not normal behavior for the TF and I am not going to chastise the absent members, I am simply going to remind them that we do have a rule that with two weeks notice in writing, a member may nominate an alternate. That is our procedure and it has always worked smoothly in the past.

Russell: In view of your feelings which I support, you also have the clear authority to move the items that you need to on this agenda to the February meeting and limit the February items because of these items carried forward. We have work to do and we should do it.

Bingham: That is what we will do. Specifically to any direction relative to scoping on the instream flow study, things are as they stand; we go forward with the direction established in April.

Smith: On IFIM, perhaps a compromise to what we discussed yesterday is that if any work did need to be done on tributaries, that we assign that work to the CRMPs. They have a lot of that information. The CRMPs can provide the information to the TWG and we can still go forward.

Bingham: Sounds reasonable to me. What do you think about that, Mr. Chairman?

Belchik: I would have to think about the logistics. The CRMPs would need to be educated on the scoping process and this was something that we had to educate ourselves on. So now we are faced with the prospect of educating them. In principle, however, it doesn't sound like a bad idea.

Bingham: Would you be willing to meet with the CRMPs to share some ideas with them on that?

Belchik: Not only willing, but planning to do it.

Bulfinch: If we had a quorum, I was going to move that the recovery plans and water augmentation plans that have been developed by the CRMPs be submitted to the TWG for review. From then on, the TWG would offer assistance to such elements of the local plan as need technical massaging but focus their main attempts on the mainstem for which they were given a mandate in the June meeting. If we can have an understanding to that effect, I agree with Joan's suggestion.

Wroble: The TWG has been working hard to reach out to the CRMPs and the CRMPs have been participating already in the scoping process and are continuing with that process. Representatives from the CRMPs have been there. I think that we are trying to move out into

each of the basins. We did have an IFIM meeting in Fort Jones. That is a very important aspect that the TWG has considered and feels is important.

Bingham: There is no action on this but the TWG should be getting a suggestion from the TF to continue the interaction with the CRMPs, attend some of their meetings, and try to coordinate scoping input through the TWG to the IFIM process from the CRMPs. Without a quorum, I am hesitant to take any further formal action. We will open the record as we go through these discussions. I am proposing discussion to be informal since there aren't many people here. If someone wants to put their hand up as the discussion is going along, we will hear you.

Belchik: I am going to relay your concern to Troy and I will make a commitment on his behalf that there will be an alternate designated next time. I am concerned that major decisions such as LIAM, amending the LRP, and the UBA are all going to be put over until next February, that is a long time. Is there any way to schedule another meeting to take care of unfinished business before then?

Bingham: That is a possibility and that had occurred to me, too. Recognize that if we do it, there are real serious budgetary implications. There is also the question of hotel reservations. It is hard to get these big blocks of rooms and meeting rooms on short notice.

25. Public comment

Frank Shrier, Pacific Corp: Having been through several instream studies myself with Pacific Corp and having done some sort of an LIAM process, it certainly helps in the direction of your studies. It makes sure that you address certain issues during the process. In contrasting a LIAM with an EIS, the EIS looks at the concerns and issues at the end of the process, often too late to be addressed by studies or existing information..

Smith: I am glad that you came forward because you have been through this process before. Perhaps you could help us with ideas, names of people that could help us with this LIAM process should we decide to go in that direction.

Shrier: Dr. Lamb is the only person I am aware of that does this. He wrote the LIAM. I am not sure what all the issues are with Dr. Lamb except for the way he presented his material originally. Perhaps it was a little too negative. Personally, I think he is good person to work with. I don't know of anybody else that understands the model any better than he does.

26. TF Decision on LIAM.

Bingham: We are getting a sense that LIAM is the direction we want to be looking at and, had we a quorum, we might be ready to act.

Halstead: It is my understanding that the LIAM identifies exactly what the BOR could do, what the irrigators could do legally with their contracts, and what the FWS could do so that these

limitations will be known ahead of time. It could help lead how we do studies because we will know what results are useful and what are not.

Bingham: Any other member of the public who would like to comment?

[None]

27. Upper Basin Amendment (Wilkinson)

Wilkinson: As chairman of the subcommittee of the UBA. I see no harm in extending a decision until the next regular meeting nor any particular incentive to try to do it before then. There is work in progress; it is not completed. That is the report that I would have given.

Bingham: I still propose, Keith, that after the break we are going to take that up and discuss the UBA so that everybody can get informed. I propose that we try to use the time somewhat usefully. We are obligated to hear from the public on each issue as it comes up.

Wilkinson: I am very uncomfortable with conducting the meeting in this manner. We have public here; we have media here, and there could be a perception that we have been doing some sort of business or decision making even though you have been very careful to avoid that. I think that we have been extremely patient in waiting for a quorum to arrive. That apparently is not going to happen. My degree of comfort could be significantly elevated if we adjourned.

Now if we want to stay informally, and discuss issues the rest of the day, I am prepared to do that. But I want to make very certain that we are clear that we failed to make a quorum so we adjourned. If staff have to stay on site the rest of the day to respond to public who have come here, so be it.

Bingham: Let me suggest a parliamentary procedure that might address your issue. I would suggest that what would be in order would be a motion to adjourn which we could then open the record on, and as part of the discussion we could update the members on where we are situationally regarding a couple of actions. There was an action that was almost completed last night relative to the unexpended funds and I think an update on where we are with that is appropriate, but if that is your desire as a TF member, then a motion to adjourn is the appropriate thing for you to do.

****Motion** (Wilkinson): Move to adjourn**

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

Bingham: It has been moved and seconded that we adjourn with the understanding that we will open the record to the public. Any members who wish to remain after adjournment to conduct off the record discussions may do so.

Bingham: With the motion to adjourn on the table then, we did not have any other motion left yesterday. We got close but the motion failed. That means that we move down the ranked list of priorities as per a motion by Mitch Farro. Al, you want to update us on where that takes us relative to proposals?

Olson: I sat down with John this morning. When we continued to fund in the rank order that would take us down through HPO3 with approximately \$8,000 unexpended. The next three we pick up would include FP06 (processing CWT's recovered from the CDFG during the 1997 Klamath River basin), HP05 (irrigation tailwater measuring devices), and HP03 (Salmon River sub basin restoration strategies). The next proposal was a request for radio telemetry at \$26,000, there is only \$8,000 on the table left at that point.

Bingham: We can't partially do that so we leave \$8,000 on the table. We have a few other things that we have been thinking about at this meeting such as funding LIAM for \$10,000. \$8,000 gets us nearly there.

Barry: There is funding more of TWG meeting costs.

Belchik: Part of this issue yesterday was the concern about what we did with the gauges and Cynthia has come up with a proposal for the folks to consider that would resolve that situation at least for one year.

Barry: The USFS and the FWS will split the cost of those gauges and see that there isn't any disruption of operation of those gauges for this year. We have agreed to convene a meeting sometime early after the first of the year to come up with a long term plan and get some certainty in the future how those gauges are going to be funded. We are not saying at this time that we are willing to take on the cost. We might propose to put it into the RFP to be considered by from the KTF. That is certainly open at this time.

Belchik: It might be good to take into account the overall needs of the basin not just those four gauges. There are other gauges that have similar long term needs that aren't being met. For example, the gauge at the mouth of the river right now is being funded through the Trinity TF but that is not going to last forever.

Bingham: Relative to the adjournment, it is also appropriate to discuss scheduling. Put down Wednesday the 10th of December for the budget committee meeting in Yreka. The other calendar issue is a meeting of the TF for February 19th and 20th in Brookings. Ron, how do you propose we manage this challenge of additional workload for the Brookings meeting?

Iverson: Don Russell's comment was to move the uncompleted items from this meeting ahead and sort of bulldoze a lot of what would be done in February out of the way. However, the parts that relate to the budget cycle and the parts that relate to the flow study we really can't delay. So I would recommend adding another day on there.

Bingham: Let's add the 18th with a 1:00 PM start at the Best Western in Brookings.

Iverson: Regarding the decision on expending funds that was made last June. Are we just going to proceed with forming cooperative agreements?

Bingham: Yes, and you are going to go down until you have a fully funded project. You are not going to try fund that last project with \$8,000. That \$8,000 is going to be held in reserve.

Iverson: The last question I have is regarding the flow study related meeting expenditures. Mike, please don't get me wrong, I am not criticizing the TWG for doing the hard work that you are doing on the flow study, I think the intensity of your effort is very appropriate and I am very glad to see it. We just want to make sure that our fiscal '98 budget is realistic in terms of what is going to be drawn from it for these meetings. There wasn't any resolution of that issue here. I assume you are going to go ahead with your scheduled meetings, but you could run us out of money.

Bingham: Ron, we do have an \$8,000 balance we just agreed was there. We can't direct you on that because we are not in that mode. We will certainly look at that problem when we sit down as a budget committee for the year to come. Mike, it would help if you could provide Ron with an estimate of what your schedule is going to be so that we can estimate those costs.

Belchik: We have the TWG meetings planned through next January right now but it would be pretty hard to tell you what is going to happen after that.

Bingham: We are asking you to try.

Iverson: Maybe at the February TF meeting it would be possible to take another look at it. If we have a cushion of \$8,000, we would be in a better position through February. However, these costs can roll up fast if we bring people out here from Colorado.

Public Comment.

Bingham: The record is open on any of the business that we have transacted. After we adjourn, some of the members are going to stay here. We will have an informal discussion of the issues that remained on the agenda that are being put over now until the next meeting. I would like to thank the members of the public for their patience for putting up with all of this. We appreciate your presence. Seeing and hearing no public comment, I will close public comment.

****Motion to adjourn carries****

S:\TF10-15.MIN

COPY GOES TO BOTH GLENN SPAIN AND NAT BINGHAM;

HANDOUTS GO TO TF AND TWG ONLY

Put out revised agenda on Klamath List Server once Ron signs

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING
October 15-16, 1997

Klamath River Basin Fisheries Task Force Members Present:

Cynthia Barry*	US Fish and Wildlife Service
Kent Bulfinch*	California In-River Sport Fishing Community
Al Olson*	U.S. Forest Service
Mike Orcutt	Hoopla Indian Tribe
Nat Bingham*	California Commercial Salmon Fishing Industry
Keith Wilkinson*	Oregon Department of Fish and Wildlife
Joan Smith*	Siskiyou County
Ron Iverson*	US Fish and Wildlife Service
Mike Rode*	California Department of Fish and Game
Troy Fletcher	Yurok Tribe
Don Reck	National Marine Fisheries Service
Don Russell*	Klamath County

Attendees:

Bernice Sullivan	Bureau of Reclamation
Mike Belchik*	Yurok Tribe
Bill Bennett	CA DWR, KRCC
Doug Tedrick	Bureau of Indian Affairs
Frank Shrier*	PacifiCorp
Karl Wirkus	US Bureau of Reclamation
Alice Kilham	Compact Commission
Debra Crisp*	Tulelake Growers Association
Juanita Quijada*	US Fish and Wildlife Service
Darla Eastman*	US Fish and Wildlife Service
John Hamilton*	US Fish and Wildlife Service
James Wroble*	Hoopla Tribe
Earl Danosky	Tulelake Irrigation District
Felice Pace	Klamath Falls Alliance
Bill Hoy	Siskiyou County Board of Supervisors
Jim Waldvogel	TF TWG
David Burnson	TerraWave Systems, Inc.
Kelly Helstrom	Northern California Indian Development Counsel
Jim Bond	Yurok Tribe
Jim Carpenter	UKBWG
Gary DeSalvatore	TWG

Andrea Tuttle
Richard Ford
Chuck Schultz
Bill Kier
Bruce Halstead*

Kier Associates
U.S. Forest Service
Bureau of Land Management
Kier Associates
U.S. Fish and Wildlife Services

*attended both days

FINAL AGENDA FOR THE KLAMATH TASK FORCE MEETING
 October 15-16, 1997
 Windmill's Ashland Hills Inn
 Ashland, Oregon

October 15, 1997

- 9:00 AM 1. Convene and opening remarks.
- 9:15 2. Business
 A. Adoption of agenda
 B. Adoption of minutes from the June 26-27, 1997 meeting
 C. Report on non-federal funding sources (Rode, CDFG)
- 9:45 3. Brief review of last meeting actions/general correspondence
 A. Letter to Schafer
 B. Response from BOR
 C. Memo from Payne re LIAM
 D. Letter to USGS from TF
- 10:00 4. Update on Klamath Basin ecosystem restoration issues before Congress (Senators Wyden, Smith, Boxer, and Feinstein, Representatives Smith and Herger)
 A. Action (?) on request from Klamath Forest Alliance additional \$1 million for Klamath Restoration for
 B. Other efforts (Farro/Bingham)
- 10:20 5. Coho Initiatives
 A. Report on NMFS and Siskiyou County regarding Five Counties coho initiative and plan (Bill Hoy/Don Reck)
 B. California Watershed Initiative (Jim Steele, CDFG)
- 10:40 6. Status report on 1997 annual operations plan and EIS on BOR Klamath Project (BOR, Wirkus)
- 11:00 7. Coordination between DOI programs in the Klamath (Sullivan)
- 11:20 8. Klamath Compact Commission - water supply initiative and options to increase storage in the Klamath (Kilham)
- 11:40 9. Mid-Program review update (Fletcher)
- 12:00 PM LUNCH
- 1:00 10. Progress report on TWG subbasin planning (Rohde)
 A. Guidance to Budget Committee
- 1:20 11. Status of restoration in the lower basin (Fletcher or Gale)
- 1:40 12. American Heritage Rivers report (Halstead)
- 2:00 13. Summary of Five Chairs meeting (Iverson)
- 2:20 14. Report from the TWG on IFIM scoping (Belchik)
- 2:40 15. Workplan follow up and USGS gage funding crisis
 A. CDFG funding and KRBFTF projects picked up
 B. USGS gage funding crisis
 C. Request for \$10k for January flow study review
 D. Funding for LIAM

3:00 16. TF discussion
3:20 17. Public comment
3:40 18. TF decision on surplus and USGS gaging crisis
4:00 19. Private landowner award (Bulfinch)
4:10 20. TF discussion
4:15 21. Public comment
4:20 22. TF decision on private landowner award
5:00 Recess

[NOTE: The Klamath Compact Commission will meet to discuss Klamath Basin Water Supply Initiative Draft Options and Criteria from 7:00 - 9:00PM in this same room]

October 16, 1997

8:00 AM Reconvene
8:15 23. LIAM - Is now the time?
10:30 24. TF discussion
8:45 25. Public comment
9:00 26. TF decision on LIAM
9:30 27. Upper Basin Amendment (Wilkinson)
10:30 28. TF Discussion
11:00 29. Public comment
12:00 PM LUNCH
1:00 30. TF decision and assignments related to Upper Basin Amendment
2:00 31. Process to amend the LRP (Bingham)
2:20 32. TF discussion
2:40 33. Public comment
3:00 34. TF decision on process to amend the LRP
3:30 35. Development of a strategy to pursue adequate funding
3:45 36. TF discussion
4:00 37. Public comment
4:15 38. TF decision on strategy to pursue adequate funding
4:45 39. Identify additional agendum items for the next meeting

February 19-20, 1998 in Brookings. Set the date and location for the meeting after next.

5:00 Adjourn

Handouts as of September 25, 1997

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| Agendum 3 Handout | Response from BOR, July 8, 1997 |
| Agendum 4 Handout | California S.B. 760/271 authorizing \$3 million in FY98 and \$8 million annually for the next five years |
| Agendum 13 Handout | Draft Summary of Five Chairs Meeting of July 23, 1997 |
| Agendum 15 Handout | CDFG funded projects and surplus dollars for KRBFTF (when letter from CDFG is available) |
| Agendum 15 Handout | Memo from USGS regarding gage funding crisis |

Information Handouts:

- Letter from BOR to Mike Belchik dated July 28, 1997
- Letter from Cynthia Barry to Mike Belchik dated August 1, 1997
- Response from Robert Rohde to BOR dated July 28, 1997
- Charter, Klamath River Basin Fisheries Task Force - signed June 26, 1997
- List of grant funding foundations
- The Sunday Oregonian article (July 27, 1997) on declining Columbia Salmon runs

**Klamath River Basin Fisheries Task Force Meeting Handouts
October 15-16, 1997**

Agendum 2 Handout A	Report on non-Federal funding sources
Agendum 3 Handout B	Response from BOR, July 8, 1997
Agendum 3 Handout C	Memo from Thomas R. Payne & Associates dated October 8, 1997
Agendum 3 Handout D	Letter from Nat Bingham to Dennis Fenn of USGS dated October 15, 1997
Agendum 4 Handout E	Letter from Herger to Iverson, dated October 7, 1997
Agendum 4 Handout F	California S.B. 760/271 authorizing \$3 million in FY98 and \$8 million annually for the next five years
Agendum 4 Handout G	Memo to KRBFTF Staff from Mich Farro dated Aug. 28, 1997
Agendum 8 Handout H	Klamath Basin Water Supply Initiative Draft Options Report
Agendum 9 Handout I	Milestones for completion of Five-year evaluation
Agendum 10 Handout J	Subbasin Action Plan Outline
Agendum 12 Handout K	KARE letter to KRFWO dated October 3, 1997
Agendum 12 Handout L	Letter from Herger to McGinty dated October 1, 1997
Agendum 13 Handout M	Draft Summary of Five Chairs Meeting of July 23, 1997
Agendum 15 Handout N	CDFG funded projects and surplus dollars for KRBFTF (when letter from CDFG is available)
Agendum 15 Handout O	Handout on surplus funds (Hamilton)
Agendum 3 Handout P	Memo from USGS regarding gage funding crisis
Agendum 15 Handout Q	Letter from USGS dated September 26, 1997
Agendum 15 Handout R	Pacific Corps letter dated July 15, 1997

Agendum 15 Handout S Letter from Barry to Shulters dated November 4, 1997

Agendum 15 Handout T Letter from Holder to Shulters dated November 13, 1997

Information Handouts:

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Wildlife Biologue Series on Pacific Salmon