

Final Minutes
Trinity Adaptive Management Working Group
Victorian Inn, 1709 Main Street, Weaverville, CA
August 25 and 26, 2008

Monday August 25, 2008

The meeting was open to the public.

Start of meeting: 1:10 PM.

Attending members:

Member:	Representative Seat:
Arnold Whitridge (Chairman)	Safe Alternatives for Forest Environment
Ed Duggan	Willow Creek Community Service District
Richard Lorenz	Trinity County Resident
Byron Leydecker	Friends of Trinity River
Tom Weseloh	California Trout, Inc
James Feider	City of Redding Electric Utility Department
Tim Viel	Natural Resources Conservation Service
Spreck Rosekrans	Environmental Defense
Pat Frost ¹	Trinity County Resource Conservation District
Dana Hord ²	Big Bar Community Development Group

¹ Arrived on beginning of day August 26.

² Arrived August 26 following discussion of item 7.

Members that did not attend:

Member:	Representative Seat:
Dan Haycox	Miners Alliance
David Steinhauser	Six Rivers Outfitter and Guide Association

Designated Federal Officer: Randy Brown, Fish and Wildlife Service, Arcata, CA.

1. Adopt agenda and approval of minutes

Arnold Whitridge, chairman of the Trinity Adaptive Management Working Group (TAMWG), called the meeting to order and reviewed agenda. It was noted that the June

meeting minutes were being distributed today during the meeting and the minutes would be reviewed tomorrow.

Changes to June minutes made on August 26.

Jim Feider made a correction to the minutes concerning water deliveries of the California Water Project.

Byron Leydecker made a motion to accept the June minutes as edited.

The motion was seconded by Ed Duggan.

The motion passed unanimously.

2. Open forum, public comment

No comments were made at this time.

3. Designated Federal Officer topics

Randy Brown apologetically reported that adequate progress is not being made on the renewal of TAMWG memberships and the renewal of the TAMWG charter. He noted that all memberships in TAMWG expire by September 9, 2008 and that a Federal Advisory Committee Act (FACA) committee cannot continue to meet with members whose positions have expired. Brown is continuing dialogue with the FACA representative in Washington DC regarding charter package. At this time, there is no idea when the renewal of existing members and appointments of new members might be made.

Tom Weseloh asked if the Trinity Management Council (TMC) "weighed in" on behalf of the TAMWG to expedite the process. Brown replied that he did not know of any efforts being made by the TMC. Brown said he would be headed back to Washington DC to promote this process. Responding to other questions, Brown noted that he thinks there is not "anything else going on" and that this delay is just the federal government's way of proceeding. He said that that all nominations are going forward.

Tom Weseloh made a motion that the TAMWG chairman write to TMC to seek ways to expedite the process of renewing the TAMWG memberships and TAMWG charter renewal.

Byron Leydecker seconded the motion.

The motion passed unanimously.

Douglas Schleusner suggested this request for help with expedition could also be made through Mike Long to the regional director of the Fish and Wildlife and through Brian Person to the Bureau of Reclamation, since they will be attending this TAMWG meeting.

4. TRRP Budget

Douglas Schleusner handed out a summarization of the budget process for the Trinity River Restoration Program (TRRP) that identified issues and highlights of the budget process for this year (Attachment 1). He also handed out a copy of the FY2009 TMC approved budget (Attachment 2). He noted that not all grants and cooperative agreements may be obligated this year. Schleusner noted that the TRRP had received approval to carryover up to \$2.3 million to the next two years. These budget issues suggest that the Remaining 8 channel rehab projects may be best implemented over two construction seasons.

Tom Weseloh stated while he was at the last Phase 1 meeting of the rotary screw trap effort, it was becoming apparent that data being gathered for steelhead and coho salmon was "marginal to non-useful." This issue plus the delay in receiving Phase 1 report prompted him to ask why about the rationale of funding this work if the Phase 1 report and a determination of its usefulness are not available. Schleusner reported that the funding process must be started early or "it may not be available when you need it." Leydecker noted that the Hoopa Valley Tribe and Fish and Wildlife "just want to keep on doing what they have been doing for the last 15 years." Whitridge noted that these sorts of questions can be directed toward Mike Long and Brian Person who will be presenting the next item of this meeting. Richard Lorenz wondered if the TAMWG or the TRRP is losing control of the funding; he expressed concern that the Fish and Wildlife Service is spending funds without input from the TRRP and that two separate programs are evolving. Schleusner responded that separate spending by the two agencies has been the mode for some time, and that recently, there was a greater degree of "fund exchange" to help with problems of late arriving funds. Leydecker argued that the intent of the program was to fund at \$15 million per year by FWS, BOR and Central Valley program, and that the funding would go into a "single pot." He noted that the program has "changed dramatically from what it was." Jim Feider expressed his interest to pick up on that topic. Feider noted that the Congressional intent was to fund a single program with reimbursable funds, if two programs are emerging, then "the question of reimbursability would need to be revisited."

Schleusner continued his briefing on the 2009 budget. He noted that it appears that no Congressional action will be made on a budget and that a Continuing Resolution will be operating. The funding level is expected to be similar to past years (\$7 million in Water and Related and \$1 million in from the Restoration Fund). Jim Feider opined that, under continuing resolution, the amount from the Restoration Fund should be \$4 million.

Schleusner continued his briefing by noting that because it was expected that the TMC would not be able to approve a budget, Brian Person and Mike Long prepared a DOI recommended budget before release to the TAMWG or TMC. This is the budget being handed out at this meeting (Attachment 2).

As for the FY2009 budget, Schleusner noted that the budget is not too different from that originally proposed. The total budget is projected to be \$13.2 million. This year there are separate columns for what is being funded by BOR and FWS. He noted that the Remaining 8 construction projects will be funded over two seasons.

Arnold Whitridge noted that the budgeted amounts under program administration and share to the tribes may increase under a concept of "technical assistance from the federal

government.” This increase funding would likely come out of other areas of the budget. Weseloh asked how the decisions of allocating funding would be made under a bifurcated program. It was decided that this question could be addressed during the next item presentation.

5. Follow-up to CDR Report; TRRP Decision-making

The regional representatives, Mike Long from the Fish and Wildlife Service (FWS) and Brian Person from the Bureau of Reclamation (BOR), gave a briefing on the CDR Associates report and rationale for separate control of funds from each agency. Arnold Whitridge introduced the discussion of this item by listing some of the issues of the TAMWG. He noted that the TAMWG is “going out of business” by September 9, 2008, that decision-making on the budget did not allow TAMWG input, there is now an apparent bifurcation of the program, and questions of how will TMC respond to the CDR report.

Mike Long started out by acknowledging that there have been problems over the past four years. The CDR report on conflicts within TMC has “had an effect,” and he hopes to now describe a single program that is more responsive. He described a new “mission alignment” that included division of labor between the Fish and Wildlife Service (FWS) and Bureau of Reclamation (BOR) but also noted that the two agencies will collaborate toward the restoration effort. He noted each agency will have control over their respective budgets. He noted that this approach shows promise for success since the FY2009 budget passed with a 6 to 1 vote. He noted that the next step is a retreat for all TMC members now that the roles and responsibilities are worked out. He finally acknowledged that change is very hard but they have learned that change is necessary.

Brian Person first started out by asking how the BOR might help with the process of getting the TAMWG charter and membership renewed. He next noted that the TAMWG is not diminished given this new “mission alignment.” He also described how the division of lines will be somewhat “blurred” between the two agencies as a demonstration that the two agencies will be working together for the restoration program. Person also addressed the issue of replacing the “irreplaceable” executive director Douglas Schleusner, who has announced his retirement for January 9, 2009. The application and review process is underway.

Byron Leydecker asked Long about their plans for independent review. Long expressed support and listed a number processes. Tom Weseloh noted that the tribes may be opposed to RFP review whereas Weseloh thought a decision had already been made to adopt RFP with review panels. He wanted to know how FWS will fund peer review. Leydecker wanted to know how independent review is helping the rotary screw trap process. Long agreed that it is not working well and said that basic questions are being addressed. Weseloh noted that the traps only address chinook juveniles and cannot address steelhead and coho. Why spend so much if two of the three species of interest are not being addressed and how would the TAMWG speak to the Fish and Wildlife about this? He noted that he did not expect a precise answer, but that the two agencies need to be considering this issue.

Person replied that while BOR may fund the physical components and FWS was funding the biological component, this would be done in an "integrated" fashion. This meant that BOR personnel would have information about rotary screw trap data and could comment on them.

Arnold Whitridge asked if there was a written proposal for this "mission alignment concept" and expressed the value of the TAMWG having it to review. Whitridge also noted his concern for "lack of a deliberation" over decisions such as budgeting under the new mission alignment. He specifically cited the budget decision for FY2009. Will this proposal leave room for an effective TAMWG or TMC?

Person talked how he and Long would work together to begin working out something the two can "live with" and it would be "presented in steps." Long noted that folks will "still be involved" during the discussions.

Leydecker opined that the old way of TAMWG weighing in on specifics of budgets is now "wiped out." Jim Feider wanted to know how the issue of reimbursability may be affected. Spreck Rosekrans reiterated that it appears that this proposal reflects an admission that the TMC "doesn't work very well" and that they (the two agencies) are "handling the issues themselves." He asked why not present the budget as an DOI proposal instead of two agencies and he asked whether they have thought about legal consequences and discussed it with the Solicitor? Whitridge asked about how budget adjustments might be accomplished. Richard Lorenz opined this was "taking away authority from the Executive Director, the TAMWG and the TMC and is the start of the decline of the Trinity River Restoration Program." He also opined, but admitted he had no information to support it, that this is likely a major reason that the executive director is resigning.

Long responded again that the budget had passed more easily this year and the proposal is an effort to make the program "more efficient." The TMC is "not a good decision-making group."

Weseloh asked if the workgroups might be divided along the biological and physical lines of FWS and BOR? Long thought he would like to see the workgroups to continue. Weseloh thought he was not certain this solution solves the long-term problems even though they passed a budget. How do you design a program that is truly collaborative? It is important to examine how this proposal relates to specific interactions—for example what level of fisheries would occur out of the TRRP office?

Richard Lorenz suggested that the TAMWG ask to see something in writing before they take any action on this proposal.

Person asked, since there is such resistance from the TAMWG, what would be a workable alternative? The CDR process seemed to make it clear that a division of labor is about the only "workable solution." Leydecker noted that Mike Thompson's bill sought funding through a single agency and perhaps that would be one thing to pursue. Jim Feider asked if the division in scientific approach is really the problem or is it a euphemism for "something else." Long admitted it is more than simply a division in science—there was the issue of decision-making. Weseloh noted that the problems are presented in the CDR report, but he questioned whether this was the only workable

solution from the CDR report. He challenged that perhaps a division is not the answer. Person noted that were it not for major divisions in science, this issue would likely not have occurred. "If there were agreement on the rotary screw traps, use of weirs and harvest, this situation would not have occurred." Rosekrans asked if this is legal with the Record of Decision and what is the Solicitor's opinion. Long replied that the Solicitor had opined informally several years ago that, "short of dismantling the TMC, it is legal."

Lorenz opined that the science is not dividing the program but it is the money that is dividing the program. "The scientists are fighting over the money." And to solve, he suggested that the TMC needs to go to "simple majority vote" and the executive director needs to have authority to solve these issues. Long refuted Lorenz's assertion and said "the divisions are not about the money."

There was consensus among the TAMWG that movement forward on this concept without more discussion would create more angst. There was expressed serious reservations about the re-alignment concept and that the TAMWG instead supported an "integrated program."

It was suggested that this issue be considered further and be taken up tomorrow.

The next day, August 26, the following motion was made.

Spreck Rosekrans made a motion that the TAMWG send a specific letter (Attachment 4) to Brian Person and Mike Long, with copies to the TMC members, TRRP executive director, and regional directors. The letter addresses the proposed "mission alignment" as described by Mike Long and Brian Person on August 25.

The motion was seconded by Byron Leydecker.

The motion passed unanimously.

6. Hatchery Production Issues

Tom Weseloh gave a brief update on his activities to create dialogue about the hatchery program and its effects on wild fish in the Trinity River. What are the opportunities for positive change in hatchery operations and how can TRRP participate in the discussions? There is evidence that hatchery activities can impact wild fish and this should be examined but there was no clear process of how this should be examined. It seems apparent that the Department of Fish and Game will be seeking public input on this issue.

Ed Duggan noted that there is hearsay occurring on the river and much confusion about this issue.

Leydecker said he had a discussion with personnel related to steelhead management in the State of Washington. They had success with moving a hatchery downstream so that hatchery fish did not use spawning gravels.

The meeting adjourned for the day.

The meeting was resumed Tuesday, August 26 at 8:00 AM

7. TRRP Construction Program

Jennifer Faler, a newly hired engineer with the TRRP gave a briefing on her background and on the status of the rehabilitation site constructions. She passed out a copy of her Powerpoint presentation (Attachment 3). She showed a map showing sites of gravel additions and the "Remaining 8 rehab" sites (eight projects where construction activities are planned to rehabilitate the channel). Four sites are being planned for this year and four for the following year.

Byron Leydecker asked how adaptive management works in this new planning of projects. Faler cited the working group meetings that are occurring. She also noted as the environmental review process is getting more streamlined, more time will be spent on analysis of past projects such as Hocker Flats, so new ideas can be incorporated. Leydecker also asked how they arrived at the estimate of 10 to 15 thousand cubic yards of total gravel to be added to the river. Tom Stokely cited the EIR/EIS was one source. Rod Wittler pointed out there were actually three studies that bound the estimates--the Flow Study analyzed how much gravel would be delivered if the dam wasn't there, a second study considered flood flows, and the IAP considered what gravel was needed for a mobile bed. Dave Gaeuman came up with volumes under a mobile bed scenario.

Continuing her presentation, Faler showed slides of construction and noted that construction can only occur during a two-month window during the summer. She noted that the TMC directed the TRRP to do a feasibility study on an alternative project that was developed. The alternative plan was developed due to concerns raised by the private landowners along a section of the river. The last four sites of the Remaining 8 should be completed by 2011. Phase 2 rehabilitation sites will be ongoing after that. She reviewed the assistance program operating to help private wells and sewage be modified to prevent future damage from fish flows. The recipients of financial assistance sign a release of liability to the TRRP.

8. Integrated Assessment Plan update

Robert Franklin Hoopa Valley Tribe hydrologist presented an update on the Integrated Assessment Plan (IAP). The IAP is the science roadmap for the TRRP. The product has taken different shapes over time. Chapters 1-4 provide the fundamentals and are now scheduled for completion by December 2008. He acknowledged that "time is running out" and there are "unresolved roles and responsibilities." He is certain that Chapters 1-4 (e.g., "the what") will be completed by December. Part 2 is more "the why" and may not be completed. Franklin referred to the "politicized nature of the TMC" as a "challenge" to the IAP task. He cited it as being "problematic" that they are now waiting a facilitator to help them in their next meeting.

Tom Weseloh made a motion that the TAMWG recommend the TMC to "agendize" a discussion of a the identified IAP issues for the their September meeting; and that the TMC decide the policy and the degree that these issue should be included in the IAP. The issues of concern include:

- numeric harvest goals,
- roles of tribes in monitoring,
- request for proposal process,
- carryover storage,
- roles and responsibilities,
- channel design strategy and timelines,
- funding.

The motion was seconded by Byron Leydecker.

The motion passed unanimously.

9. Science Briefs--Selected Modern Developments in Fish Understanding, Gravel Study, and IIMS

Nina Hemphill and Andreas Krause, both of the TRRP, gave presentations. Hemphill first described an ongoing study of coho smolt survival in the Trinity River. The purpose was twofold: to compare Trinity River coho survival to Klamath River coho survival and to see if there were differential survival in areas of the Trinity River. Nearly 200 hatchery coho smolts were radio tagged and released at the Trinity River hatchery during the spring of 2008. A similar number was released from Iron Gate hatchery on the Klamath River. Some findings she noted were that coho moved out much faster in May during the high flow releases. Snorkeling surveys show that young-of-the-year (0+) wild coho use side channels such as that at Cemetery Side Channel during the summer. The older, 1+ wild coho are not seen very often and they disappear as hatchery coho begin migrating down river in the spring. Thirty six percent of the tagged coho make it to the Klamath River. The 1+ hatchery coho being released are typically much bigger than the 1+ wild coho. There are questions as to whether releases of hatchery coho are beneficial or harmful to wild coho.

Andreas Kraus described the IIMS database as a three-year project that has one more year to go. A public version was released on the web about a month ago. The database has river flow and temperature and is adding modules for cross section and fish data. They are contemplating hiring a data manager. Tom Stokely had asked that \$20,000 of the IIMS be used to facilitate transfer of Trinity River materials from the Trinity County library of the to the University of California Water database.

Kraus next described the gravel study that examines how much gravel to add and how well it works to build fish habitat. They do not know yet whether the added gravel is actually building the bars as desired. He cited that certain things are known about gravel movement but that bar formation has not been studied well in field conditions. He noted that he had recently returned from Johns Hopkins University and a year of coursework to increase his knowledge of these questions.

10. Executive Director's Report

This item was covered as part of item 4, presentation of the budget.

11. Tentative date and agenda topics for next meeting

The next meeting was tentatively set for December 9 and 10, 2008. Suggested agenda items included: response to TAMWG motions, letters and recommendations; carryover storage; hatchery letter response from TMC/BOR; coho study results; RST Phase I and II update discussion; and gravel presentation.

The meeting was adjourned.

LIST OF MOTIONS

Byron Leydecker made a motion to accept the June minutes as edited.

The motion was seconded by Ed Duggan.

The motion passed unanimously.

Tom Weseloh made a motion that the TAMWG chairman write to TMC to seek ways to expedite the process of renewing the TAMWG memberships and TAMWG charter renewal.

Byron Leydecker seconded the motion.

The motion passed unanimously.

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The motion was seconded by Byron Leydecker.

The motion passed unanimously.

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- numeric harvest goals,
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- request for proposal process,
- carryover storage,
- roles and responsibilities,
- channel design strategy and timelines,
- funding.

The motion was seconded by Byron Leydecker.

The motion passed unanimously.

LIST OF ATTACHMENTS

Attachment 1: Trinity River Restoration Program, Budget Summary for the Trinity Adaptive Management Working Group. Monday August 25, 2008. Prepared by Douglas Schleusner.

Attachment 2: Copy of memo regarding: FY2009 TMC approved budget. From Douglas Schleusner to TAMWG, TMC. 8/1/2008.

Attachment 3: Copy of Powerpoint presentation "TRRP Construction Program, TAMWG meeting August 26, 2008." Passed out by Jennifer Faler.

Attachment 3a and 3b: Maps showing construction sites and fine sediment management sites.

Attachment 4: Draft letter to be send as part of a motion made by Spreck Rosekrans.

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Dear Mike and Brian:

The TAMWG is concerned that the joint USBR/FWS proposal that would substantially change the management process for the Trinity River Restoration Program has the potential to cause serious harm to the program's ability to accomplish its objectives. During the discussion that followed oral presentation of the concept to the TAMWG on August 25, it was evident that many of the proposal's consequences had not been considered. The TRRP needs to be a strong, unified, and individual program. Therefore, any proposal for significant change should include broad input from agencies and stakeholders. We believe the proposal to bifurcate the budget would bifurcate the program as well.

The TAMWG recommends that the USBR and FWS defer any decisions to the alter the decision-making process until a comprehensive written plan can be reviewed by the TAMWG and TMC. We also recommend that the proposal be submitted for review to the Regional Solicitor to ensure that it adheres to the legal requirements of the Record of Decision. Please also consider related recommendations made in previous letters dated June 2007 and 2008 (attached).

Thank you for considering these recommendations.

Sincerely,

Arnold Whitridge, Chairman

CC: Don Glasser
Insert name of FWS regional director
TMC members
Douglas Schleusner