

Final Minutes
TRINITY ADAPTIVE MANAGEMENT WORKING GROUP

Monday June 11, 2012
 Trinity Alps Golf Course, Weaverville, CA

Monday June 11, 2012; 9:06 AM

Attending Members

| Member | Representative Seat: |
|-----------------------------|---|
| Elizabeth Hadley | Chair, City of Redding Electric Utility Department |
| Gil Saliba | Vice-chair, Redwood Regional Audubon Society |
| Ed Duggan | Willow Creek Community Services District, Eastern Humboldt County, and small businesses |
| Kelli Gant | Trinity Lake Alliance |
| Richard Lorenz | Trinity County Resident |
| Emelia Berol | Northcoast Environmental Center |
| Joe McCarthy | Commercial Fishing Guide |
| Tom Stokely | California Water Impact Network |
| Paul Hauser | Trinity Public Utilities District |
| Liam Gogan | Trinity River Fishing Guides |
| Carrie Nichols ¹ | Natural Resource Conservation Service |
| Sandy Denn | Glenn-Colusa Irrigation District |

1) Alternate for Tiffany Hayes.

Members that did not attend

| Member: | Representative Seat: |
|-------------------|--|
| Jeffrey Sutton | Tehama-Colusa Canal Authority |
| David Steinhauser | Six Rivers Outfitters and Guides Association |

Designated Federal Officer: Nancy Finley, Fish and Wildlife Service, Arcata, CA.

Notes: Kim Mattson (ENW).

List of Motions Made during the Meeting

Paul Hauser made a motion to accept the agenda.

Ed Duggan seconded the motion.

The motion passed unanimously.

Kelli Gant made a motion to accept the March TAMWG minutes.

Paul Hauser seconded the motion.

The motion passed unanimously.

Action Items Derived during the Meeting

Action item: Nancy Finley will arrange for presentation about FACA issues to the TAMWG.

Action item: TAMWG members should read their charter and be prepared to discuss and approve it at the September meeting.

Action item: Nancy Finley noted a set of policy statements that directed the use of science and she will be forwarding this to the TAMWG.

Action item: Nancy Finley will find the correct persons to contact regarding how the water year determinations are made.

Meeting Minutes by Agenda Item

1. Welcome, Introductions, Approve Agenda

Elizabeth Hadley, Chair of the Trinity Adaptive Management Working Group (TAMWG), opened the meeting. The members and the audience introduced themselves. The agenda was reviewed. The item of how to address public comments was agreed to be discussed at the upcoming joint meeting with the Trinity Management Council (TMC).

Paul Hauser made a motion to accept the agenda.

Ed Duggan seconded the motion.

The motion passed unanimously.

2. Approve Minutes

Elizabeth Hadley opened the discussion for the review of the March minutes.

Kelli Gant made a motion to accept the March TAMWG minutes.

Paul Hauser seconded the motion.

The motion passed unanimously.

3. Public Comment

Dave Wellock landowner along the Trinity River brought up his issues of damage to his property as a result of restoration activities. He cited excess gravel being washed in to a well and excess erosion affecting their water intake. He did not feel he has received satisfactory responses so far. He has had to file a tort claim against the federal government and letters he has received promises that action will follow. He asked that the program halt activities until they address his claim.

His last official correspondence on January 11, 2012 was from the Trinity River Restoration Program (TRRP). Robin Schrock, TRRP Executive Director, said the TRRP has exhausted all available remedies within the law. Once the tort claim was filed, the TRRP's "hands are tied" as this process works itself out.

Brian Person explained the tort process as one requiring demonstration of negligence by the program. Since there did not appear to be negligence, another avenue was being pursued. Person noted that with a changing river, this may not be the last claim.

Emelia Berol asked Wellock about his agriculture practices on his land. He described a small cattle operation on 15 acres that has put 5 kids through college. She stated that she found it “ironic” that the Central Valley Division exists for agriculture “somewhere else” but the same support does not appear available on the Trinity River.

Gail Goodyear, landowner on Reading Creek and on the Trinity River delivered a letter of comment to the TAMWG (Attachment 1). She noted she did not sign the contract for the Reading Creek restoration project due to the “constraints” of the contract. She noted the research described for the project had “limitations” and the project description was unable to explain how the effects would be monitored. She noted that D.J. Bandrowski has agreed to use project designs with hypotheses and will use a scientific approach. Her letter asked that “scientific design” be used in developing projects. She noted that simply collecting data is not the same as scientific designs and the contract she was asked to sign would allow 10-year access to collect data.

Robin Schrock noted the TRRP uses standard letters seeking cooperation. They do not require that landowners participate. Gil Saliba noted that perhaps there is a misconception between “scientific experimentation” and “monitoring” for project effectiveness. Schrock asked everyone to read the Integrated Assessment Plan (IAP) to see what the program feels needs to be done to assess the program. Schrock noted that the Program cannot do all of the assessments they would like. Ernie Clarke noted that there is a data team that deals with how the different projects will report back to the program. Clarke also noted that, from FY2011 onward, there are monitoring plans for all projects; and, from FY2012 onward, all monitoring plans are being reviewed by experts externally.

Elizabeth Hadley thanked Goodyear for the letter and said that they would discuss at the end of the meeting if this issue should be placed on their next agenda. She explained that they could not act on the letter since it was not on the agenda for this meeting today.

Tom Stokely noted the TRRP is a “good program with good people but there are some problems.” The public and TAMWG cannot track all the documents and micro-manage the program. Nevertheless there are internal reports and letters from TAMWG that have suggested reform of the Trinity Management Council (TMC), but the TMC is unable to reform itself. Therefore, he will continue to seek solutions from higher authorities.

Rich Lorenz noted that negative comments seem to be a more “recent thing.” At first Lorenz thought he did not want any government entity on his property. Then as he learned about the program he did allow them on his property. Now, as he had heard more negative comments, he can see that the Program needs to develop their “bed-side manner.”

Robin Schrock noted that they get many people in the office that speak positively for the program. The Program will provide data to those that request it, but it must be quality checked.

Elizabeth Hadley suggested that this be an item discussed at the joint TAMWG/TMC meeting.

4. Designated Federal Officer Items

Nancy Finley, Director of the Arcata Fish and Wildlife Service office, announced that she has been selected as the new, designated Federal Officer. She offered the TAMWG arrangements for future presentations on the Federal Advisory Committee Act (FACA) and the rules that a group such as TAMWG must follow. Several TAMWG members expressed their approval of this idea.

Action item: Nancy Finley will arrange for presentation about FACA issues to the TAMWG.

She noted the slow progress of approval for the remaining TAMWG members and alternates. The TAMWG charter will expire in January. She suggested that the TAMWG members read the charter and present any suggested changes at the September meeting, when the FACA representatives are there.

Action item: TAMWG members should read their charter and be prepared to discuss and approve it at the September meeting.

The issue of TAMWG being a voting member to the TMC was brought up. Finley said that the current procedure is that the TAMWG bring their issues to the TMC through their Designated Federal Officer. Having the Chairperson also on the TMC as a non-voting member is another way to bring issue forward. Tom Stokely asked if it has been considered to make the TMC a FACA group. Finley said this could be discussed when the FACA presentation occurs.

5. Informational Item on the Trinity River Restoration Hatchery Marking System

Robin Schrock noted her staff could not provide a presentation on hatchery operations but she instead passed around a copy of a document, “Tagging, Telemetry, and Marking Measures for Monitoring Fish Populations,” that addressed all the issues of marking fish.

Tom Stokely commented that an “auto fish marking system” is currently being used on the Chinook juveniles prior to release from the Trinity River Hatchery. He asked if the hatchery will adopt this system for all fish released from the Trinity River Hatchery. Don Reck explained it use and said there are efforts to make additional use “a possibility.” There are technical issues of size of the fish. Wade Sinnen gave some more background on fish marking and noted they are behind on their marking because Chinook growth is slightly delayed. They are targeting June 15 to get the Chinook marked. Coho and steelhead are hand marked. Coho needs a maxillary clip and cannot be done automatically. They mark 25 % of all Chinook with the automated fish marker. It is easier on the fish and cost effective. He said the DFG is interested in marking steelhead with the trailer. Brian Person agreed with Sinnen’s comments.

Ed Duggan thought 100 % marking may be important in the future as it may help with management of fishing regulations as sport taking of just marked Chinook may be instituted. Ernie Clarke noted the TRRP pays for marking of Chinook and marking of the other species is paid outside the program. Nancy Finley noted that the region-wide hatchery review report is imminent and her view of the draft suggests that many changes are being recommended. Tom Stokely asked about the TRRP review of just the Trinity Hatchery that had been initiated earlier. Sinnen said that review (of just coho) mostly “fell apart” as they could not reach unanimity. Ed Duggan asked who pays for the monitoring of down-migrating smolts once released. He noted he could not find data he was looking for on the internet. He also asked who pays for creel counting. He noted they may be paying for monitoring creels, but no trespassing rules limits fishing on the Hoopa Reservation. Ernie Clarke said the TRRP pays for outmigrant monitoring. Clarke said he can deliver the most up to date data to Duggan. The TRRP also pays for creel counts. They could not explain the details of the creel counts in the lower river and why it is done or whether it was appropriate. Arnold Whitridge asked if the hatchery review may explain who runs the hatchery and how changes may be made. He thought a letter had been drafted but it is sitting on someone’s desk—can we get a short report on its status? Brian Person noted it had been determined that the DFG runs the hatchery. Gil Saliba asked that the TAMWG put these hatchery

questions on the September agenda. George Kautsky said the hatchery review report should be due out the first week of August.

6. Update from the Trinity Management Council Chair

Brian Person, TMC Chair, gave an oral report on actions and activities of the TMC. He noted his response letter was sent out last Friday. Elizabeth Hadley and Ed Duggan said they were pleased with its timeliness.

Person noted that they are working on an agenda for the group meeting. They are looking for the TAMWG to respond to the Doodle Poll to confirm their availability for the joint meeting.

There is anticipation of the Phase I report. Gil Saliba asked if there was interest in another joint meeting to go over the report. Robin Schrock said this could be done, if the Science Advisory Board (SAB) could be scheduled. Ernie Clarke said a “structured decision making” meeting is also planned to address the SAB recommendations. Schrock explained structure decision making as a formal way to include all stakeholders and policies of multiple interests together with the limitations of the program. She said it worked well in the Columbia River. Clarke also noted that a dialog will be occurring regarding the SAB recommendations at the Science Symposium this January. Elizabeth Hadley thought that they would need to understand the SAB report such as via the joint meeting before the structure decision making meeting should occur.

Person noted the TMC thinking on the Lower Klamath and early fall flow management. He said that the TMC asked the Flow Workgroup to make recommendations on monitoring and triggering. They have a report now. The TMC is examining the proposal for 48,000 acre-feet of preventative and 44,800 acre-feet of emergency flows from the Trinity to prevent another fish die off. Ernie Clarke noted these amounts are tentative. Paul Hauser noted these flows are “non-program water” and, at \$50/acre-feet, this comes to at least \$2.5 million of cost for this water to CVP water and power customers. He was curious whether these costs are being considered. Sandy Denn asked if the issue of releases of water being “false triggers” has been resolved. Don Reck noted that extra water down the Trinity has been suggested to be a “cue” to the fish to move prematurely. But fish movement and cues are not known very well as there are a number of issues that cause fish movement. Wade Sinnen said the flows were primarily intended to “dilute” pathogens and to create more area for fish to avoid crowding. Ed Duggan noted they thought there may have been some mixing of spring and fall Chinook spawning due to releases. Person said they decided not to use ROD water for the releases during a meeting, though it may not be on “legal grounds.” He said it is important that decisions to release must be made on sound science. Duggan sought confirmation that the triggers for releases are contained in the recommendations report as there are some people that do not understand them. Person noted the primary trigger is signs of stress by the fish.

Person said that the TMC discussed the budget development and the science program. The TMC is supportive of science and is pleased to see its development. He noted the work of Ernie Clarke and Robin Schrock in development of the science program.

Action item: Nancy Finley noted a set of policy statements that directed the use of science and she will be forwarding this to the TAMWG.

7. Informational Item on Bureau of Reclamation Process for Banking Water

Brian Person reviewed for new TAMWG members the policy for water banking. The BOR does reschedule their water (e.g., banks water) via San Luis Reservoir. There isn't a “block” of water scheduled for later release that does not have attached to it a set of consequences to power or cold

water. In recent discussions with the BOR Solicitor, he was told authorizing legislation (Sec 3406 B23 directive) did not allow water banking. The ROD was initiated in 2000 which dictates the flow hydrographs. But there is no “lopping off” of water. He understands that to bank water, you would need to amend the ROD and the Solicitor doesn’t recommend they do that.

Rich Lorenz asked why they can release additional water (for preventing fish die-off) but not “bank water.” Person said that releases cannot be made to propagate fish according to the language of the legislation. Tom Stokely noted a “swap” of water with the Metropolitan District from the Feather that was backed up into Shasta somehow and released later. Person said “contractual exchanges” are different than “banking” but may look similar. Ed Duggan asked about cold water management in Trinity Reservoir and asked if an amendment to the ROD was needed. Person said that discretionary action requires NEPA compliance. He said a change in operation of Trinity, if beyond discretion already in place, would require NEPA. Paul Hauser thought the operational issues such as banking could be resolved. Hauser said the bigger issue may be “legal precedent.” Hauser thought it could be couched as an “adaptive management approach.” Tom Stokely thought that if all stakeholders could be brought together, it would be easier to convince the Solicitors of these innovative approaches.

The meeting was ahead of schedule, and they had reached the scheduled lunch break. Hadley suggested the address item 8 and 10 before lunch. The next item covered was Item 10.

8. Update from the Trinity River Restoration Program Executive Director

The TAMWG addressed this item after discussing DJ’s portion of Item 9. Robin Schrock, Executive Director of the Trinity River Restoration Program (TRRP), passed out her written report (Attachment 2). She also highlighted that the 2011 TRRP Annual Report is out and handed out copies to the TAMWG members. Schrock also passed out a page from the Flow Workgroup that describes the decision process for determining the water releases for the year (Attachment 2a). Kelli Gant asked for better information about the source of the data that is used to make the water year determinations. She explained her inability to obtain this information from a variety of sources she had contacted. Emelia Berol commented it is “absurd” that the restoration program does not really know how the number is calculated. Gant said this decision (water year determination) cannot be defended if the method is not explained. Gant noted that Rod Wittler could not find the actual data by which the determinations are made. Ernie Clarke thought Teresa Connor should be able to find the right person. Robin Schrock noted that the water year determination was not made by TRRP, pointing out the document provided to the TAMWG and TMC during the previous meeting, noting the links found in the handout for those seeking more information from NOAA or the DWR.

Action item: Nancy Finley will find the correct persons to contact regarding how the water year determinations are made to make a presentation to TAMWG at their next meeting.

Schrock noted that they had 22 applications for the well grant program. The Bucktail Bridge cost benefit analysis is ongoing. Roger Jaegel had asked for this action.

Ernie Clarke also had a few bullets on the Science program (also contained in Schrock’s written report). He noted Chinook report on habitat use is available on the website. The adult salmonid monitoring review is completed. External peer review is ongoing. The FY2012 workplan is under review by SAB. New work is starting with outside scientists on gravel bars with outside dollars.

The remainder of the presentation of Item 8 was held for after the lunch break.

Lunch

Following lunch break, Robin Schrock continued her Executive Director's report. She referred to her section on Budget Update on her report. She noted the President's budget has \$18 million slated for the TRRP for next year. She reviewed that the President proposes a budget, but then the House and Senate rework it, so one needs to be ready for reductions. If a continuing resolution occurs due to an impasse in Congress, the TRRP is often held to a previous year's budget. She suggested TAMWG members go to appropriations.gov to learn more.

She noted several hyperlinks in her written report regarding the organizational update. The Trinity River Restoration Program Science Symposium that will be held the week of January 7, 2013.

9. Update from the Trinity River Restoration Program Workgroups

The TAMWG addressed this item following Item 7. D.J. Bandrowski announced a public meeting on the 2012 implementation program at 6 PM at the Congregational Church tomorrow.

Bandrowski said they are finalizing the 2012 construction projects over the next few weeks. These projects are significantly changed based on inputs from stakeholders. The revegetation designs for the projects are also being finalized. Their next Design Team meeting is scheduled for July 31 and August 1 and will be considering "structure decision making." Leslie Hubbard is helping with the well grant program and this is ongoing and applicants are encouraged to submit early as the program is funded through September 3. Ed Duggan suggested they advertise this locally, especially for those without computers or web access. D.J. Bandrowski thought it would be a good idea to put out a reminder. Tom Stokely said this could be put on the Trinity list server.

Robin Schrock mentioned that Brandt Gutermuth, Brian Person and she had attended the Shasta Miners and Prospectors Association meeting in May along with BLM representatives, and Brandt presented the Lower Steiner Flat project plan and it was well received.

Liam Gogan asked about the boat ramp at Lower Steiner Flat. Bandrowski said they will keep it open as much as possible and hoped for just a few days of closure. They will be able to present a schedule of closure once the design is finalized. Rich Lorenz asked which landowners are contacted regarding projects. Bandrowski said they are required to notify a set of nearby landowner for riparian projects, they have a list of general contacts for Trinity County.

The discussion moved back to Item 8 and then picked back up here.

Robin Schrock provided a series of verbal updates from the various TRRP workgroups. Ernie Clarke passed out a sheet (Attachment 3) and led the TAMWG on how they can access various written products from the workgroups by navigating the TRRP.net website. Schrock commented that the Physical Workgroup is working on a number of issues including pool scour and woody debris. Wildlife and Riparian Workgroup worked directly with the Flow Workgroup and on Riparian PITAs 1 and 2 (future desired conditions), replanting on private lands, the Indian Creek landowners. The Watershed Workgroup is waiting on the watershed assessment and funding five projects. The Data Team has revised the data utility plan and has completed all of their work.

10. Update on the 2012 Water Year

Rod Wittler described some of the work of the Flow Workgroup and passed out a set of handouts (Attachment 4). He explained the tracking of inflows to Trinity Reservoir and noted that the inflow peaked at 13,000 acre-feet/day and it is now down to 3,000. He referred to the B2 inflow forecast, and noted that the actual inflow is slightly higher than the 50 % probability April forecast. The end of month storage in Trinity Reservoir is about 2,300 thousand acre-feet (2.3

million acre-feet) for May. He showed graphs of hydrograph performance. He showed the temperature target tracking and noted they are meeting their temperature targets. Ernie Clarke noted that a report on the 2012 flow planning will be out by the end of this year. Elizabeth Hadley verified that the TAMWG will be receiving water year updates monthly via email. Ed Duggan asked for more information on temperature as many guides were asking about temperatures in the river and other information on river conditions. Robin Schrock said they could see if Eric Peterson could help with this and update their links on the TRRP website.

11. Information Item on the Bay-Delta Conservation Plan and Delta Flow Criteria

Tom Stokely of the California Water Impact Network presented a Powerpoint information item on the Bay-Delta Conservation Plan (BDCP). He noted a California bill (SB 7x 7) passed in 2009 and related it to a “3-door strategy.” Door 1 is the Bay Delta Stewardship Council whose goal is to provide more water and protect the delta ecosystem. It is a seven-member group that provides guidance to the Bay-Delta Plan. Door 2 is the Bay Delta Conservation Plan being prepared by stakeholders largely as a way to get a Section 10 ESA permit for the operation of the project. He noted that several groups have passed poor judgment on the planning process. The US EPA’s assessment is that the plan’s purpose and need would result in 1 million acre-feet of additional exports of water south of the delta compared to historic exports of about 6.4 MAF. He also noted that exports are creeping upwards and year 2011 saw the largest exports of water south (6.4 million acre-feet). Stokely noted one mitigation proposed is construction of wetlands and the NRC has criticized this as a source of mercury methylization. Stokely next noted that the costs do not appear to add up. He showed a slide with some critical comments on the Effects Analysis by the Bay Institute which indicate the conclusions are not backed by the analyses, or the analyses were incorrectly performed. The fishery agencies have issued a “Red Flag” document expressing concerns that the project will not restore listed species. Based on these types of concerns, a second plan has been proposed “Bay Delta Conservation Plan Plus.” Stokely is worried that the state will seek NEPA, CEQA, ESA and CESA exemptions. Stokely explained Door 3 is the State Water Resources Control Board and its actions to permit the Peripheral Canal or “Chunnel” as well as its Delta Outflow Criteria issued in 2010. Stokely listed a long series of dubious options the State is considering to make BDCP work such as reducing salinity standards in the southern Delta. He described the plans to construct two 33-foot-diameter tunnels that would divert water for up to 45 miles. The State is seeking ways to avoid imposing its own water quality rules.

Consequences for the BDCP may mean more exports out of the Trinity to the Central Valley Project. Stokely recommended they eliminate “paper water” in BOR’s water rights, amend the in-stream minimum flows in the Trinity permits to conform with ROD flows, incorporate temperature objectives, and establish Trinity Lake carryover levels. Stokely described the California Environmental Water Caucus which has proposed an alternative, reduced export plan (see: <http://ewccalifornia.org/>).

There was discussion about what TAMWG could do as a group to protect the Trinity River from the BDCP. Many felt that water concerns north of the delta were at risk.

Stokely said the real issue is that they are looking for a way to pump more water from the delta and currently the Endangered Species Act is stopping them. If they can find a way around that through new legislation, they would not need the tunnels because they would simply use the existing pumps to increase exports. Stokely said he would email a PDF of his presentation to the TAMWG members.

12. Dates and Locations for Next Meetings and Agenda Items

Elizabeth Hadley asked the TAMWG to set their next three meeting dates. Meetings were set for September 10, 2012, December 5, 2012, and April 1, 2013. They will all be in Weaverville.

Agenda items to include in the next meeting were: FACA meeting, the charter, and the hatchery report, and a possible action item on the BDCP. Nancy Finley said she would try to find out the source of the data for the basis of the water year determination and the algorithms used and would ask Teresa Connor to prepare a one page report. The TAMWG members agreed they had interest in knowing this as a group. They discussed a presentation on the Phase I report and a structure decision making workshop when the time was right for these. Emelia Berol suggested they address how to implement hatchery recommendations. Ed Duggan asked that the TAMWG members be allowed to listen in on the TMC telephone conferences.

Tom Stokely asked for an action item on the statewide planning and the effects on the Trinity River. Sandy Denn said that she may not be able to make the September meeting. If the TAMWG were to write a letter in support of the Trinity River regarding the BDCP during the September meeting, she would want to abstain and not be listed on the letter until she had the time to confer with her constituents.

The TAMWG discussed how to address Gail Goodyear's letter. They agreed it would be forwarded to the TMC and "cc" the TRRP office and Gail Goodyear and would ask the TMC to address the issues and to "cc" any letter back to the TAMWG. Emelia Berol asked that they put Goodyear's letter on the September agenda so they can discuss the issues she has raised, and inquire what has been done to address them.

Adjourn 2:40 PM

LIST OF ATTACHMENTS AND OTHER DOCUMENTS

Attachment 1: Letter dated June 11, 2012 from Gail Goodyear to the TAMWG. Handed out by Gail Goodyear.

Attachment 2: TRRP Director's Report to TAMWG, June 11, 2012. Handed out by Robin Schrock.

Attachment 2a: Water Year Type and Restoration Flows Brief. Handed out by Robin Schrock.

Attachment 3: TRRP webpage guide. Handed out by Ernie Clarke.

Attachment 4: Workgroup Flow/Temperature handout. Handed out by Rod Wittler.

Other Documents:

Trinity River Restoration Program 2011 Annual Report, Trinity River Restoration Program, Weaverville, CA, May 2012. <http://www.trrp.net/?p=3876>

Letter from TAMWG to TMC dated March 27, 2012

Letter from TMC to TAMWG dated June 6, 2012