

**Final Minutes
Trinity Adaptive Management Working Group
Victorian Inn, 1709 Main St., Weaverville, CA**

December 14-15, 2009

Start of meeting: 1:00 PM

Attending members:

Member:	Representative Seat:
Arnold Whitridge	Trinity County Resident
Ed Duggan	Willow Creek Community Services District
Tom Weseloh	California Trout, Inc.
Tim Viel	Natural Resources Conservation Service
Pat Frost	Trinity County Resource Conservation District
Richard Lorenz	Trinity County Resident
Joe McCarthy	Commercial Fishing Guide
Dana Hord	Big Bar Community Development Group
Gil Saliba	Redwood Regional Audubon Society
David Steinhauser	Trinity River Rafting, Inc.
Byron Leydecker	Friends of the Trinity River
Emelia Berol ¹	Northcoast Environmental Center
Elizabeth Hadley ²	City of Redding Electric Utility Department

¹ arrived during discussion of item 4 and left during discussion of item 14.

² arrived on day 2 and left during discussion of item 14.

Members that did not attend:

Member:	Representative Seat:
Jeffrey Sutton	Tehama-Colusa Canal Authority
Sandy Denn	Glenn-Colusa Irrigation District
Ann Hayden	Environmental Defense

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

1. **Welcome, Introductions, and Approval of March Minutes**

Arnold Whitridge opened the meeting and asked for a review of the September 2009 meeting minutes.

Rich Lorenz made a motion to accept the September 2009 minutes.

Ed Duggan seconded the motion.

The motion passed unanimously.

Byron Leydecker abstained as he was absent from the September meeting.

2. **Open Forum and Public Comment**

There was no public comment at this time. But a member of the public did address the TAMWG the next day, December 15, following discussion of Item 9. This discussion is presented here.

Gail Goodyear, a member of the public and a property owner in the Douglas City area, addressed the TAMWG. She had trouble finding the meeting location on December 14 and therefore missed the public comment period. She expressed her interest in participating in the process. She noted that she read the entire EIR and commented on it. She noted that she and other land owners were not involved in the original design though they are very interested. She described how they are being asked to accept the proposed channel work that may have significant effects to their property and that they are required to respond in excessively short time frames. She asked that the TRRP answer the questions that she has posed to them. In the past, she has not been given detailed responses or has even been questioned if she really needs an answer. She said there are design issues and requirements that are extremely open-ended. She asked that the questions be answered and in a timely fashion and in appropriate depth and that she be granted appropriate time periods for her responses.

Whitridge asked Mike Hamman what he could do to resolve these issues. Hamman said he would look into it. Elizabeth Hadley asked that Hamman also report back to the TAMWG on his resolution.

3. **Designated Federal Officer Topics**

Randy Brown welcomed the TAMWG members. He noted that the Science Coordinator position will be shared between the Weaverville and Arcata Offices. He noted that a phone conversation will take place with regional offices about the candidate selected. Spreck Rosekrans has expressed interest in re-joining the TAMWG, but Jim Feider has not responded to an invitation to re-join. There is room for another three members in the TAMWG. Brown invited the members to consider yet other possible members and make suggestions.

The Arcata Field Supervisor position is still open and Brown is the acting supervisor. He noted that John Engbring of the Regional Office and Phil Dietrich of the Yreka Office are retiring. Brown did not know who would be replacing Engbring on the TMC in the near term.

4. TMC Chair topics/Executive Director's report

Brian Person mentioned an email response from the TMC to the TAMWG members (Attachment 1) that was just sent last Friday and asked if there were comments. Person also passed out a copy of the Action Tracker (Attachment 2). The email acknowledged slow progress by the TMC in addressing TAMWG recommendations. The response of the TMC is on the December agenda meeting.

Arnold Whitridge noted that this TMC response is a good first step. Leydecker noted that he is not so concerned by a lack of response by the TMC, but rather a lack of action. Person acknowledged this and noted that the conflict of interest is still a "sticking issue." He also mentioned that government-to-government discussions are still ongoing between the Federal agencies and the tribes and this process is sensitive and slow.

Ed Duggan brought up Humboldt County representation on the TMC. Person said this is not addressed in the email sent on Friday. He noted that Humboldt County probably needs to initiate and promote this issue. Leydecker brought up the issue of super-majority voting currently operating for decision-making on the TMC. That combined with the financial inter-relationships on the TMC may make consideration of Humboldt County a moot point. Leydecker went on to point out that these sorts of problems do not appear to be the result of either Person's or Mike Hamman's lack of efforts or unwillingness to push these issues.

Tom Weseloh noted his frustration with things that are "not being addressed" and suggested the TMC should also be "getting mad." He cited specific areas where progress appears to be lagging and that he wants these to be addressed now (TMC membership, voting rules, the hatchery letter, IAP, flow study, issuing of RFPs). Weseloh agreed with Leydecker's response and asked whether the TMC can really effectively to address these issues as long as the TMC decision-making is not changed.

Leydecker noted that RFP's have been continually put off and wondered if they will ever be used. He thought this could be the result of the financial interests of some of the TMC members. Rich Lorenz asked what is actually stopping the RFP.

Person addressed Weseloh's criticisms and cited areas where progress is being made; he noted that the IAP is tied up in the government-to-government negotiation and this is being stalled by disagreement over numeric goals. Perhaps a bigger issue is that the voting structure of the TMC is set in the bylaws and any change has to be by a unanimous vote. Therefore the problem of decision-making is a "self-fulfilling prophesy." Mike Hamman described plans for instituting the RFP and some of the progress and ideas on other issues.

Regarding failure to move forward on the RFP process, the super-majority decision format of the TMC allows two voting members to block this. Weseloh noted that both Person and Hamman's good intentions are blocked and their "hands are tied." Weseloh wondered out

loud why the TAMWG can manage unanimous decisions when the TMC cannot. Person noted that the answer is clear—the TAMWG does not have a financial interest in the program, whereas the TMC does. Weseloh noted that the IAP process has not succeeded because of disagreement at the technical level but decisions are blocked at the steering committee level.

Whitridge commented that good intentions will not produce results. Leydecker noted that Person and Hamman need help. Person noted his surprise at the level of disagreement in the Trinity River program and that this was something that he never expected. Weseloh noted that roadblocks are thrown up by minority groups. Person recounted how difficult it is to bring Dr. Claire Stalnaker to speak to the TMC. He noted that not everyone agrees with Stalnaker's point of view.

Emelia Beroll noted that no one is here to defend the Hoopa and that she would like to add a few comments. The Hoopa have not been receiving their funding for fisheries and tributary work. This may be one of their reasons to be unhappy. She noted that she "feels in her stomach that passive-aggressive feelings are going on" and that something is not being communicated. It may be better for the TAMWG to hear a flat "no" instead of hearing "we are working on it."

Tom Weseloh asked how the issues can "get back on the list." He said he would rather hear a "no" answer than see no action. Whitridge noted that there is a TAMWG item automatically on the TMC agenda. Weseloh wondered if the TAMWG meetings could be scheduled sufficiently early and ahead of the TMC meetings and so that TAMWG issues could be incorporated into the TMC agenda. Hamman suggested a combined meeting of the TAMWG and TMC with a facilitator with the intention of "figuring out a method to engage."

Gil Saliba noted that too much energy is being spent on discussion conflict and this takes away from the good work that is going on in the program. He said he is getting a bad feeling in his stomach too. He suggested that the job is getting done despite the TMC. Tom Weseloh agreed with Whitridge that staff has been very responsive given the limitations of decision-making. Leydecker noted that the powerful forces are paying for the program and they are looking at the resources both financial and water. He noted that we don't want to lose this.

Whitridge thanked Person for his efforts, noting that things would be worse off without Person.

5. Channel rehabilitation program update

Jennifer Faler gave a Powerpoint presentation entitled "What's Working and What's Not." For things that are working, she listed that channel work is ongoing, the channel is changing, and that fish are using the constructed habitat. She showed aerial photos of incipient channel change. She showed maps of multiple spawning redds at various restored sites.

For things that are not working or has required changed thinking, she listed two issues. First, there is a difference of opinion about visions of what a restored river should look like and that the philosophy of restoration has shifted from simply removing the berm to adding in the

actual construction of complex fish habitat. Second, there is integration of engineering/biological/geomorphic thinking in site designs. Integration of ideas is difficult as there are “too many cooks are in the kitchen.”

She listed some solutions such as following through on the CDR recommendations, independent review and development of a channel design guide, use of a consultant to ARRA sites to provide recommendations, and RFPs for site designs in 2012.

She thought that the discussion that occurred earlier about promoting RFPs and promoting progress would help her projects.

6. Watershed rehabilitation program

Bill Brock, Shasta-Trinity National Forest fisheries manager, gave a Powerpoint presentation entitled “Watershed restoration in the Trinity River Basin.” He passed out a set of paperwork that described the funding history of watershed work and a hardcopy of his presentation (Attachments 3 and 3a). His focus is on the South Fork, which is one of the largest undammed, river systems in California. Large areas of anadromous fish habitat in the Trinity River basin is on lands managed by the Shasta-Trinity NF. He set the stage for the problems of roads by providing some facts. Road building took a large increase following World War II. Studies have shown that roads in the Cascades Range on lands in Shasta Trinity increase probability of landslides by at least 30-fold. A typical road in the Pacific Northwest has four culvert-stream-crossings per mile. 1,300 miles of roads have been surveyed in the Shasta-Trinity NF. Early construction of culverts were not sized to 100-year return storms as they are now. This adds up to large problems of undersized and failing culverts on the Shasta-Trinity NF. He showed photos of culvert removal projects and stressed that it is a complicated process. 200 miles of roads have been upgraded, closed, hydrologically defused, or decommissioned since 1997 and at a cost of \$5 million. They are hoping for \$2 million for work in 2010. They have estimated that \$72 million may be needed to restore all roads in the Shasta-Trinity.

The meeting was adjourned for the day.

Start of on Tuesday December 15, 8:30 AM

7. TRRP annual report development

Whitridge asked to have this item covered with Item 14.

8. 2009 Water Year Update/ 2010 Water Year Planning

Mike Hamman passed out a table listing the water inflows and releases from Trinity Reservoir for water years 2006 to 2009 (Attachment 4). He discussed some of the aspects of the reservoir operations and provided some updates on use of the auxiliary bypass as a means to manage temperatures down river.

Rod Wittler referenced the table of water releases (Attachment 4) and pointed out an issue in the water planning. He noted decisions for release are based on information or forecasts made April 1st. This causes problems when the year turns out to be drier than expected. The export of water out of the reservoir ends up being greater than inflow. This has happened recently and the volume of water stored in Trinity Reservoir has shown declines every year since 2006. This year, the reservoir was drawn down to 919,000 acre-feet. Wittler noted that the operations of this system for temperature in the Trinity and in the Sacramento River management are quite complex. He proposed that they adopt a formal plan for decisions about temperature management and he outlined this in a handout (Attachment 5). Wittler recommended that they reconsider using April 1 as the date when water years are forecast. He also recommended multi-year planning, though he acknowledged the difficulty in forecasting beyond a single year. Wittler noted that this planning group will be having a conference call in January and TAMWG members could participate. An email notice will be sent out.

9. **2011-2015 Budget Plan**

Mike Hamman passed out budget tables (Attachment 6) gave a Powerpoint presentation entitled "Proposed Five-Yr Budget Process." He prefaced his presentation by noting that budget deficits may have recently been overcome. Hamman went over the main points of the process and underlying principles for a long-term budgeting process. He showed a table with proposed funding levels ranging between \$13 and \$16 million per year through year 2015. Hamman listed some major policy objectives of the budget: 1) completion of channel work by 2014, 2) core monitoring of progress, 3) capacity development, and 4) review of science.

A member of the public, Gail Goodyear, addressed the TAMWG at this point. The discussion is presented in Item 2, Public Comments.

10. **Hatchery evaluation update**

Wade Sinnen, California Fish and Game fish biologist, gave a Powerpoint presentation entitled "Trinity River Hatchery Evaluation Update." He reviewed the reasons for the evaluation. The Bureau of Reclamation has agreed that there is some room for changes in management. Two review groups have been established—a technical group and a policy group. The technical group reviewed coho data and developed a number of recommendations. Currently the 90 % of the coho run in the Trinity River is of hatchery origin. Return of released yearlings to the hatchery as adults ranges from 1 to 6 %. They are using a model to measure the effects of habitat, harvest, and hatchery on the gene flow between hatchery and natural fish. They are looking for ways to maximize the natural spawning component. Initial recommendations are 1) for the hatchery to reduce production to 200,000 yearlings, 2) to adopt a 1:1 mating protocol, 3) to use unmarked coho, 4) to cull excess hatchery coho (don't put back into river), and 5) adopt genetic analyses. Other recommendations include limits on harvest, habitat management, and research.

Tom Weseloh gave his updates on a meeting of the TAG or technical hatchery group by reviewing a table of releases, returns, smolt-to-adult returns, and % of fish that return to the hatchery. This table suggests that there is a good amount of straying by hatchery fish.

Rich Lorenz expressed concern over the proposed large reduction in the coho releases. Troy Fletcher commented that some sticky issues still remain regarding the need for the hatchery to mitigate the loss of 100 miles of habitat above the reservoir, tribal trusts, and tribal harvests.

Tom Weseloh made a motion that the TAMWG do the following 1) express appreciation for the work of the Ad Hoc committee and the TAG in addressing the hatchery issues, 2) support the ongoing process, 3) support recommendations to known agencies, 4) recommends that the TMC take the same approach, 5) requests a written response to hatchery letter, and 6) recommend that the TMC pursue a response from Bureau of Reclamation on the hatchery issue and the TMC respond to TAMWG in writing.

Byron Leydecker seconded the motion.

The motion passed unanimously.

Rich Lorenz abstained.

11. Preliminary 2009 run size indications

Wade Sinnen gave a Powerpoint entitled "Anadromous fish runs of the Klamath basin, a preliminary update." The forecast for 2009 was 130,200 adult fall chinook to return to the river. Average long-term returns of fall chinook returns are about 121,000. The 2009 forecast now appears to have been an over projection and allowed for a greater harvest allowance. However, harvests did not meet allowances. Adult escapement for 2009 was 36,600 versus 31,000 for 2008. 35,000 is the escapement "floor" or minimum value for management. He gave the schedule for the coming months for the regulatory process and decisions on harvest allocations.

Trinity River fish returns for 2009 compared to 1977-08 averages show that returns were down. Spring chinook returns were down by 2/3, fall chinook were slightly down about 1/3, coho were down 2/3 and steelhead data are not known yet.

Tom Weseloh clarified that actual harvests were poor and this is the reason that the floor was achieved. Had the harvests met the allowances, the floor would not have been met.

12. Harvest allocation process; tribal harvest management

George Kautsky, Hoopa Valley Tribe fish biologist, gave a Powerpoint presentation entitled "Fisheries Management." He covered the concepts of management and how monitoring fits in. He noted that 20 % of the ocean catch is monitored and up to 30 % of the estuary fish harvest is sampled in creel surveys. The use of weir counts and coded wire tags are other important monitoring techniques employed by the Tribe. It is difficult to regulate ocean

harvest of specific stocks. There have been years of over-harvest in the Klamath due to over-estimates of ocean abundance, the floor for rebuilding is 40,700 and this has not been met recently. The historic allocation of fish has been about 35 % for spawning, of the 65 % for harvest; half is allocated to tribal harvest, and the other half to non-tribal. The non-tribal is divided among ocean troll, near-shore recreation and river sport harvest. Historically the ocean troll harvest took most of the non-tribal harvest portion. In 2009 there was no ocean troll harvest, and nearly all of the 30,000 harvest was allocated to in-river sport harvest. In 2009, the Hoopa Tribe harvested about 4,000 fall chinook.

Dave Hillimeier, Yurok Tribe fish biologist, gave his presentation on their tribal harvest management and noted that there is lots of mis-information about the tribal harvests. He cited that 66 % of returning fish or a floor of natural spawners of 35,000 is the goal. He showed a Ricker curve of recruits versus spawners and showed the actual data of recruits versus spawners for natural fall chinook in the Klamath River. Despite substantial scatter in the data, it provided evidence that that higher numbers of spawners can produce fewer recruits. Yurok harvests of fall chinook have ranged from 6,000 to 55,000 over the last 20 years. Hillimeier listed the steps of the Yurok harvest allocation decision process.

Troy Fletcher, of the Yurok Tribe gave a short update on his experiences in monitoring fish on the Klamath River. Their focus has been producing credible data on fish stocks and he is confident their methods are solid. They may not have done as good of job on public relations, but there are fears that this is a no-win situation for the tribe. The tribes are interested in collaborating in forums and efforts to restore the health of the river.

Rich Lorenz asked if there is any more information on the sales of 20,000 pounds of fish in San Francisco. This created bad publicity. Fletcher related that this was a perfectly legal sale. Tom Weseloh noted that the weekly reported catches were "no-where close" to the amount of the sale and this could have created suspicions that these fish were illegally caught. It was noted that this sale may have more likely been a total sales that occurred over a season.

13. Klamath Dam Removal

Troy Fletcher gave the Yurok perspective on Klamath Dam removal and the Klamath Basin Restoration Agreement. He passed out two handouts, one that addressed frequently asked questions about two agreements regarding the dam removal (Attachment 7) and another that addressed Hoopa Valley concerns with the agreements (Attachment 8). He prefaced his talk by noting that there are many perspectives and that there is no silver bullet to resolve all issues. He noted some of the ecological impacts of the dam: blockage, temperature, algae, water use. He went through some of the steps that went into their thinking about dam negotiations and how the settlements were crafted. They proposed a cap on agricultural water use. This would allow the extra water to be able to go to the fish. He talked about the nature of the agreements and some issues that were resolved about funding, past claims, waivers. If everything goes according to plan, there will be a signing ceremony in January. They decided early on not to include the Trinity River into the Klamath agreements so to keep Central Valley issues out of the mix. He noted two websites with information:

edsheets.com or the Yurok tribe website. He noted that differing perspectives can be found by Googling this topic.

Arnold Whitridge asked about the sources of the funding and whether it has been identified. Fletcher expressed his willingness to research this and other questions and asked Whitridge to email him.

Emelia Berol noted that several environmental organizations have elected not to sign the agreement in order to preserve their options to litigate on certain issues they believe should not be parts of the agreement. One issue is farming on the refuges.

14. State of TRRP, TAMWG role, TAMWG recommendations

Mike Hamman passed out his director's report updating the activities in the last quarter (Attachment 9). He passed out a draft of an annual report (Attachment 10) and invited members to participate in its development. Hamman reiterated his efforts towards rebuilding trust within the program and asked that the TAMWG continued to support this effort in their recommendation to the TMC and with discussions with decision-makers in the Department of Interior.

Rich Lorenz commented that he thinks that the TMC is indecisive due to the super-majority. To resolve this issue, the TAMWG needs to get up the "chain of command." Byron Leydecker thought that just going up the chain will not work, because it just gets passed back down. Gil Saliba expressed a contrary view--given that 1) the progress is being made on the TRRP, 2) there is rhetoric supporting tribal trusts, and 3) that the Tribes will not be willing to dilute their voting strength on the TMC, the TAMWG will "shoot themselves in the foot" over this.

There was continued discussion over whether or not to contact the Secretary of the Interior directly. The FACA charter of the TAMWG only allowed the TAMWG to make recommendations to the TMC. However, TAMWG members could write letters to the Secretary of Interior as members of the public and mention that they served on the TAMWG.

Byron Leydecker made a motion that the TAMWG go to the Secretary, and ask that the TMC voting procedures replace super-majority with simple majority and that TMC add representatives of the following organizations: BLM, Humboldt County and TAMWG. The TAMWG would ask that the Secretary direct that DOI will respond to inquiries and that government-to-government issues be resolved.

The motion was seconded by Rich Lorenz.

The motion was amended by Rich Lorenz with consent by Leydecker that the letter be sent without TAMWG letterhead and TAMWG individually member sign it.

The motion passed unanimously with 10 votes.

Gil Saliba abstained.

15. Tentative date and agenda topics for next meeting

There was the suggestion that the meeting be held at least a week before TMC. A joint meeting with the TMC is also being considered.

The meeting was adjourned.

LIST OF MOTIONS

Rich Lorenz made a motion to accept the September 2009 minutes.

Ed Duggan seconded the motion.

The motion passed unanimously.

Byron Leydecker abstained as he was absent from the September meeting.

Tom Weseloh made a motion that the TAMWG do the following 1) express appreciation for the work of the Ad Hoc committee and the TAG in addressing the hatchery issues, 2) support the ongoing process, 3) support recommendations to known agencies, 4) recommends that the TMC take the same approach, 5) requests a written response to hatchery letter, and 6) recommend that the TMC pursue a response from Bureau of Reclamation on the hatchery issue and the TMC respond to TAMWG in writing.

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The motion passed unanimously with 10 votes.

Gil Saliba abstained.

LIST OF ATTACHMENTS

- Attachment 1: Letter to Arnold Whitridge, Chairman of TAMWG. Subject: TMC response to TAMWG recommendations. Handed out by Brian Person.
- Attachment 2: TAMWG Action Tracker Open Issues 12/10/09. Passed out by Brian Person.
- Attachment 3: Watershed Restoration in the Trinity River Basin. March 1982. Passed out by Bill Brock.
- Attachment 3a: Trinity River Basin Fish and Wildlife Management Program. March 1982. Handed out by Bill Brock
- Attachment 4: Table 1: Summary by volume (Acre-Feet) of Trinity Reservoir operations for WY06-09. Passed out by Mike Hamman.
- Attachment 5: Temperature Management of the CVP Northern System, Shasta & Trinity Divisions. Passed out by Rod Wittler.
- Attachment 6: TRRP 5-year budgets. Passed out by Mike Hamman.
- Attachment 7: Klamath Hydroelectric settlement agreement Klamath Basin Restoration Agreement. Frequently Asked Questions. Nov 2, 2009. Passed out by Troy Fletcher.
- Attachment 8: Response to Hoopa Valley Tribe technical concerns with Klamath River flows under Klamath Basin Restoration Agreement (KBRA) flow management. Oct 28, 2009. Passed out by Troy Fletcher.
- Attachment 9: Director's Report, Dec 11, 2009. Passed out by Mike Hamman.
- Attachment 10: Mock up of proposed TRRP annual report. 12/11/09. Passed out by Mike Hamman.

Other Documents

1. Letter from Arnold Whitridge TAMWG Chairman to TMC Chairman. September 14, 2009.
2. Letter from Arnold Whitridge TAMWG Chairman to TMC Chairman. September 24, 2009.