

Final Minutes
TRINITY ADAPTIVE MANAGEMENT WORKING GROUP

Tuesday, December 14, 2010
Redding City Library, 1100 Parkview, Redding, CA

Tuesday December 14, 2010

Start of meeting: 9:35 AM

Attending members:

Member:	Representative Seat:
Arnold Whitridge	Trinity County Resident
Sandy Denn	Glenn-Colusa Irrigation District
Ed Duggan	Willow Creek Community Services District
Emelia Berol	Northcoast Environmental Center
Gil Saliba	Redwood Regional Audubon Society
Byron Leydecker	Friends of the Trinity River
Dana Hord	Big Bar Community Development Group
Richard Lorenz ²	Trinity County Resident
Pat Frost	Trinity County Resource Conservation District
Jeffrey Sutton ¹	Tehama-Colusa Canal Authority
Joe McCarthy	Commercial Fishing Guide
Elizabeth Hadley	City of Redding Electric Utility Department

¹ Departed near the end of discussion of Item 5

² Departed near the end of discussion of Item 10

Members that did not attend:

Member:	Representative Seat:
Tim Viel	Natural Resources Conservation Service
Ann Hayden	Environmental Defense
David Steinhauser	Six Rivers Outfitters and Guides Association
Tom Weseloh	California Trout

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

1. Welcome, Introductions, Adopt Agenda and Approval of September Minutes

Chair Arnold Whitridge called the Trinity Adaptive Management Working Group (TAMWG) meeting to order. He noted the changing of membership. He also noted the loss of alumnus Serge Birk who recently passed away. They reviewed the agenda. Whitridge next addressed the meeting minutes from June. No corrections were offered.

Byron Leydecker made a motion to accept the September 2010 minutes.

Ed Duggan seconded the motion.

The motion passed unanimously.

2. Open Forum and Public Comment

Ed Duggan asked to read an email sent to the Trinity River Guides Association from an individual member of the Guides Association. Duggan apologized that he did not have permission to identify the sender. The email asked if the projects being performed by the Trinity River Restoration Program are working and opined that the results are unknown. The email questioned the wisdom of continuing the construction projects without assessments of success. It claimed that changes to the program have been made without evaluation of results. Duggan added his opinion that a formal assessment of the program is lacking. Duggan said he would ask the individual to bring up these issues directly to the TAMWG.

Arnold Whitridge thought the presenters on channel rehabilitation and science program should touch on these subjects today.

Sandy Denn thought this was an important topic and asked that such evaluation be put on the agenda.

Byron Leydecker noted that since 1984, \$200 million has been spent but little progress has been made to bring back fish.

Gil Saliba noted that at the last Trinity Management Council meeting, the Hoopa Valley Tribe also brought up the issue of lack of evaluation reports.

Tom Stokely introduced himself and described his past involvement with the Trinity River and its restoration. He now works with the California Water Impact Network. He noted the loss of former TAMWG member Serge Birk. He also noted the recent resignation of Tom Weseloh who has accepted a new job and commented that Weseloh was a "gifted" member. Stokely next made a series of comments regarding the Trinity River Restoration Program (TRRP). 1) The TRRP has veered from its original mission and he hopes it gets back on track. He cited a loss of direct connection to the office of the Secretary and a need to address fine sediment introductions from tributaries. The Record of Decision called for \$2 million to be spent on tributaries but spending has been much below this. 3) There has been a switch in perceived "ownership" of the program transferring from the stakeholders to the Federal agencies. 4) There has been a lack of scientific review of the program. He noted that the SAB did not support the expenditures on the migrant screw trap program. 5) There is a need to spend more money for on-the-ground programs and less on overhead or studies. 6) The Bureau of Reclamation is diverting more than the 53 % of inflow to the Trinity Reservoir.

He cited the written refusal of the BOR to amend their request to the State Water Resources Control Board for renewal of their Trinity Water Permits to conform exports as set forth in the ROD.

Bill Brock of the Shasta Trinity National Forest introduced Samantha Chilcote and Andrea Collins as new Forest Service biologists working in the basin.

Travis Michel, a fishing guide, basin resident, member of the Trinity River Guide Association, and concerned citizen commented on his perceptions of the TRRP. He noted the lack of proof that the program is working. He noted the program has many good results, but he thought it could be better. He thought the new projects are disgusting. He noted the filling of deep holes in the river that provide adult holding water. These are being transformed to shallow juvenile habitats. He noted that, now, there are only two holes left in the Lewiston area. These are important summer holding areas for summer salmon. He asked if the Guides Association could come back and speak longer at a future meeting. He expressed that the guides feel left out of this program and noted they would like to become a member of the TAMWG.

Arnold Whitridge invited and encouraged the Guides Association to request to have an item placed on a future agenda. Emelia Berol expressed her appreciation for the concerns of the guides.

Elizabeth Hadley welcomed the TAMWG members to Redding and noted several features of the "environmentally green" library.

3. Trinity Management Council Chair Report

Brian Person, the Trinity Management Council (TMC) chair, summarized activities of the TMC. He first noted his sadness of Serge Birk's passing. He noted Tom Weseloh's moving on to a new career. He noted that the Sacramento River releases are now in flood control operation.

Person next offered a few "numbers" as response to Tom Stokely's comments. This year they have had a perfect fill of the Shasta Reservoir and as a result, most water will be drawn from the Shasta and only 24 % will be drawn from Trinity.

Byron Leydecker interjected that over the last five years, the Bureau of Reclamation (BOR) has exported 57 %. Emelia Berol did not understand or accept the concept of averaging out the exports.

Person comment that the overhead costs for years 2006-11 (and 2012-14 projections) average about 18-19 %.

He commented on the interviewing process for the new TRRP Executive Director, and explained that they interviewed two candidates and a decision was made to re-advertise the position in trade journals.

Ed Duggan interjected that Jennifer Faler is the most competent director they have had and further searching is not needed.

When asked about the composition of the selection panel for the Executive Director, Person responded that every TMC member except for Trinity County and NOAA fisheries are on the selection panel.

Person next commented on the lack of responsiveness of the TMC to TAMWG concerns. He had hoped to be able to deliver a response at least a week earlier, but in order to be more thorough, he prepared an 11-page letter to be delivered today. He passed out the letter as a “draft” to which the TAMWG could pass comments back to Whitridge (Attachment 1). He noted that in some cases, the TAMWG may not be satisfied. One such example is addressing Bureau of Land Management for TMC membership. He noted that the TMC has taken this up three times, but the decisions went against it.

Arnold Whitridge suggested the TAMWG have an initial round of email responses from individual TAMWG members as to whether they agree with Persons responses or whether there are items that are mischaracterized. After that, they would consider setting up a conference call to discuss.

Byron Leydecker commented that the TRRP was established as a unique program within Interior and that the Executive Director and TMC were to report directly to the office of the Secretary of Interior. That was where any disagreements were to be resolved. But three years after the program started, a new “line” was drawn on the Organization Chart below the Interior Secretary that inserted the regional Bureau and Fish & Wildlife manager/director and then recently, in September, another “line” was drawn beneath the regional manager/director with the Bureau and Fish & Wildlife members of TMC inserted in the line of authority creating at least two intervening levels between the Executive Director and TMC and the Office of the Interior Secretary. He wanted to know by whose authority this “breach” of the ROD was initiated. He next commented that TAMWG members are being marginalized in their participation in the TRRP and workgroups—only one member can participate in each workgroup, they cannot vote, and they cannot receive any travel reimbursement for attending a meeting.

Person responded to Leydecker’s first question about lines by saying he did not know, but presumed the first “line” was a decision of the Secretary of Interior. He opined that the second “line” wasn’t really created and that there was no real change in communication. He went on to note the extent of time being spent by the regional directors of the Fish and Wildlife and BOR. Regarding the membership of TAMWG on workgroups, Person cited certain restrictions placed on Federal Advisory Committee Act (FACA) members. The TAMWG is a FACA committee and is advisory to a Federal program and falls under a variety of constraints and restrictions.

Rich Lorenz commented that projects are being awarded to entities related to members of the TMC. He noted that projects go to the Tribes or Federal entities. He noted an acquaintance, a female Native American, which was not a member of the Tribes and was not able to get work. He cited the need to prevent the perception that the projects are going to “insiders.”

Person noted that much channel work has gone to a contractor, Eric Ammon, an 8A, minority-owned, small business. But Lorenz noted Ammon is also from the Hoopa Tribe.

Travis Michel asked about the tributary accretion to Lewiston Reservoir and whether Trinity County gets this water. It was not known, but Whitridge said they would ask the people that should know.

4. Channel Rehabilitation Program

Jennifer Faler noted that Andreas Krause is temporarily serving as Rehabilitation and Implementation Group (RIG) leader of the TRRP. However, Faler noted she wanted to introduce this topic as there is much interest and many questions. She noted that she has not received very many positive comments from the public on their strategy of moving to larger site designs over the past three years. They generally hear more concerns about these projects.

She noted some changes that have occurred. First, each design team now has a scientist on board. She noted that Clair Stalnaker recommended that the design should be done by geomorphologists and that it had been dominated by engineers. In order to attempt greater "outside review," they hired consultants to review the upcoming designs. A video-tape was made of the consultant's presentation. One new recommendation was to look at sites first for what they are already offering. They recommended more woody debris. They recommended prioritizing projects within a design. She noted the need to still gain greater support from TAMWG and the public. She identified the need to have more scientific input. They need to put better information out to the public. They need to get "buy in" on the Phase 2 strategy.

Travis Michel interjected that the Guides Association really desire to be on the design team. Emelia Berol supported the idea that the Guides Association be brought in to review the Phase 2 sites.

Andreas Krause gave an update on the upcoming sites. He noted that the 2010 sites were the end of the Phase 1 sites and they are just now entering Phase 2. There are four sites that have been designed and were planned for construction this year. The Federal budget is operating under a continuing resolution and this may mean a reduction in their funding. This may mean that only two sites will be constructed. This slow down, could provide an opportunity for review. He cited some turbidity problems that have affected fishing. These incidents have occurred recently due to unplanned releases from the dam or rains.

Krause showed slides on some design sites. He showed Steiner Flat with the new ideas of side channel design. He noted that former constructed side channels tended to fill in, but they provide up to 10-fold higher utilization by juveniles. He showed the plans to redesign new side channels.

Rich Lorenz interjected that he is quite familiar with the Steiner Flat section of the river and its past side channel failures. He expressed his fears these new side channels may also not work and that they should be reviewed carefully. There was more discussion about whether the side channels will be self-maintaining, and whether and when the river may be able to build its own side channels. There is concern about how well the designers can provide for the building of self-maintaining side channels that provide beneficial habitat and that do not cause unintended consequences in other places (e.g., filling of pools).

Limekiln Gulch was shown with the functioning side channels and planned new side channels. Travis Michel asked why they want to build new side channels, if it currently has side channels that are functioning. He also noted that there is important adult holding water in this section. Arnold Whitridge explained that a major hypothesis is that the wild fish production is limited by juvenile rearing habitat. Also, Krause explained that each design has a strategy written about it and this could be consulted. Lastly, Jennifer Faler noted that of all the designs, only Sven Olbertson has achieved their goal of a 4-fold increase in juvenile

habitat following construction. So, there is a lot of attention being paid to increasing juvenile habitat.

Jennifer Faler noted the need for more geomorphologist input in the designs and the need to better craft the designs to the site. They have contracted the firms Entrix, CH2MHill, and Phillip Williams to do the designs. The costs have risen from about \$45,000 per site to \$90,000 per site. Elizabeth Hadley expressed her concern with the rising costs per site.

Andreas Krause closed his presentation with some explanation of the Phase 2 strategies. He noted the need to document the changes in design trends such as increased side channels and wood. The discussion focused on review of project designs and the need to keep public support positive.

Byron Leydecker made a motion that TAMWG recommended that henceforth, starting with 2011 projects, prior to implementation, every proposed channel manipulation project be evaluated by a completely independent scientific review panel. And should that evaluation lead to suggested design changes in proposed projects, TAMWG recommends that those changes be addressed.

Rich Lorenz seconded the motion.

The motion passed unanimously.

Break for lunch.

5. Central Valley Project Operations

Paul Fujitani of the Central Valley Operations (CVO) of the Bureau of Reclamation (BOR) gave a presentation on reservoir management and on the interactions between the CVO and the TRRP. Fujitani passed out a handout on water report (Attachment 2). This handout showed that the year was developing to be very wet with accumulated inflows to Trinity at 189 % of the 15-year average.

Fujitani reviewed flow requirements of the CVO and cited regulations 90-5 that provided these requirements. He read the requirement for temperature management in the Trinity River and the Sacramento River. He said that they could not pull cold water out of the Trinity River so as to exceed temperature limits to meet requirements at the Sacramento. He noted that Trinity water helps to meet Clear Creek temperature requirements. They try to operate flows to keep Trinity Reservoir above a minimum of 600,000 acre feet. Shasta Reservoir has a temperature control device that allows water to be drawn from specific levels. Trinity has no device. They try to build reservoir volume in the Trinity in the winter and withdraw more in the spring. Without water coming through the Carr Diversion in spring and summer, Whiskeytown Reservoir would get too warm and impact their ability to meet temperature objectives in Clear Creek and Sacramento River. Holding off exports during the summer to maintain higher reservoir levels in Trinity would result in warming of Whiskeytown Reservoir. He described their operations as basically a balancing act of attempting to meet a variety of objectives.

Ed Duggan asked if they measure temperatures in Whiskeytown to see if less flow could be used. Jim Smith of the Fish and Wildlife, Red Bluff Office, said that temperatures do rise at the Carr Diversion under reduced summer diversions, so he was pretty confident Whiskeytown would warm with reduced diversion.

The idea of a tunnel in the bottom of Lewiston to convey cold water to the Carr Diversion was raised. But no such tunnel has been considered for Whiskeytown.

Byron Leydecker noted that the levels of Trinity Reservoir are not only important as a recreation issue, but as a significant economic element of Trinity County. He asked how the BOR could request the renewal of existing water delivery contracts for the next 20 years when these volumes violate the provisions of the ROD. Fujitani said the BOR's position is they are operating within the ROD. He noted the BOR views 53 % diversion of Trinity water as a long-term average. He cited that last year, Shasta had more water and Trinity had less, in years like this they want to build up Trinity's storage. Leydecker cited that the lowering of Trinity Reservoir will result in an inability to meet temperature downstream and this will result in fish kills. Fujitani said the operations of the Trinity are looked at as a part of a larger system.

Arnold Whitridge noted that Trinity Lake has been dropping. There was discussion about the problems of how to best guess how to release water—whether to hold back water – carryover water storage from the river's allocation in certain years, or release all of it every year.

Ed Duggan asked why they do not use annual water budgets. Over allocating water in a particular year causes problems. Fujitani agreed it can be hard to do proper allocation. Yearly and monthly variation in inflow causes problems to predict the proper amounts. Emelia Berol expressed her dismay with the lack of consideration given to the needs of Trinity County and the basins “west of Whiskeytown.” She said, speaking for herself, she would not agree to the CVP now. She said they are asking for a minimum reservoir level and it is within the BOR's power to guarantee this. Fujitani responded that the BOR needs to consider tradeoffs and there are multiple standards to meet. Berol asked if water was diverted to maintain temperature in the Upper Sacramento or to replace water downstream. Fujitani said that, if less water were diverted, more pressure would be placed on the Feather and other rivers. Sandy Denn said the system is integrated and this appears to be the only way to for the operation to balance needs in light of unpredictable rains.

Emelia Berol asked how the Sacramento River fared before the dams and diversion and whether the diversions of water south of the delta is not the reason for the extra pressure for diversions and use of water north of the delta. She asked whether “we are spreading ourselves too thin” by trying to resolve all aspects. Fujitani said that there are rules and regulations they need to operate within.

Arnold Whitridge asked if Fujitani would be opposed to maintaining minimum pools levels. Fujitani said that this may limit their ability to meet other objectives, but they are thinking about it.

Brian Person noted that post-ROD that the diversion has been very close to 50 %. Rod Wittler pointed out that the ROD stipulates a volume of flow per water year type and that using expected water year types, it comes to about 52 or 53 % of expected inflow to the reservoir, but the ROD does not stipulate these percentages.

Leydecker pointed out that over the past approximate five years, a total of 57 percent of the Trinity's water has been diverted with as much as 83 percent in one year, while there was a low of 44 percent in one year. However, the 57 percent exceeds the ROD's mandate.

6. Science Program Report

This item was skipped for lack of time. But Ernie Clarke passed out a report (Attachment 3).

7. Fish and Wildlife Service California Hatchery Scientific Review

Jim Smith Fish and Wildlife Service, Red Bluff Office, made a presentation on the California Hatchery Scientific Review. Congress directed the FWS to perform the review of Klamath, North Coast and Central Valley anadromous hatcheries, similar to the ones done in Oregon, Washington, and Idaho. He described three groups associated with the process: a steering committee, a science group, and a facilitation group. The steering committee is composed of Federal and State fish management agencies plus the Hoopa and Yurok Tribes. The committee picks the nine review scientists. The science team will conduct regional workshops to do fact finding, assembly of data, and making of recommendations. They will examine populations and fisheries affected by hatcheries. The facilitation group will help with the assembly of data and reports. Region 1 includes the Klamath and Trinity and is scheduled for completion by March 2011. The Sacramento will be completed by October 2011. The North Coast is not yet funded.

Byron Leydecker asked about the recommendations of the Ad-hoc hatchery review. Smith said he was not familiar with that review. Leydecker remarked that was "unfortunate." Smith could not answer questions about how this new review will address issues of the ROD.

There were questions about the goals of individual hatcheries and how the reports will address these. Smith admitted that policy can get in the way of science.

8. Acting Executive Director's Report

This item was initially skipped for lack of time. Jennifer Faler passed out her report (Attachment 4) and gave a shortened set of comments after discussion of Item 10. Her main comment was that the expected budget for FY 2011 of \$15 million may be cut back to \$10 million due to the continuing resolution budget condition in the Congress. She also noted her report contained an information document on roles and responsibilities.

Elizabeth Hadley made a motion that the TAMWG support the Acting Director's recommended 2011 budget changes with the caveat if funding for implementation is not found, the 2011 budget be reassessed to ensure split of 50:30:20 split be maintained

The motion was seconded by Pat Frost

The motion passed unanimously.

9. Designated Federal Officer's Report

Randy Brown clarified the changes to the working groups as well as reimbursements. He noted that all members have been given a binder of information about FACA membership. He clarified that TAMWG members attend TAMWG meetings as TAMWG members under FACA. If TAMWG members attend workgroups of the TRRP, they cannot represent the TAMWG, a FACA organization. They can attend as a member of their respective stakeholder group, and this group should be the one to reimburse the travel costs. Ed Duggan asked how to participate in workgroups to provide feedback to TAMWG if they cannot afford to cover costs out of pocket. Elizabeth Hadley noted the availability of conference calls that are being instituted. But it was conceded that this was the law and little could be done.

Brown reported that new memberships and the charter renewal are still hung up in the regional office. The charter is scheduled to expire in January and the next TAMWG meeting is scheduled for March.

Brown finally noted his sadness of the passing of Serge Birk and said he thought very highly of Birk.

10. TAMWG Involvement in TRRP Work Groups

Jennifer Faler commented on the work groups. She noted that the workgroup meetings are not currently organized as public meetings. There have been lawsuits that have stopped programs for not properly advertising and running public meetings. The issue is whether to declare the work groups as public and to run them as such, or to declare the work group meetings as private and run the risk of alienating the public. It is necessary to be open to the public, but it takes more work to make all meetings public. The work groups have just recently been reconstituted with new rules. Introducing the public would be an added burden.

Rich Lorenz commented that the TAMWG appears as if it is "becoming more marginalized." He noted that the ROD intended that the TAMWG work alongside government workers and to actively participate in the process. He noted that the community is "not so supportive" of the program. If TAMWG members are not allowed to attend meetings and make input, they may not be able to garner public support. There was no resolution of this issue at this time.

11. TAMWG Recommendations

Pat Frost made a motion that the TAMWG support the development of Phase 2 implementation plan in concept, and include a robust process for public input.

The motion was seconded by Elizabeth Hadley.

The motion passed unanimously.

Byron Leydecker made a motion to appoint Pat Frost as vice chairman of TAMWG.

The motion was seconded by Elizabeth Hadley.

The motion passed unanimously.

12. Tentative Date and Agenda Topics for Next Meeting

No discussion at this time.

The meeting was adjourned.

LIST OF MOTIONS

Byron Leydecker made a motion to accept the September 2010 minutes.

Ed Duggan seconded the motion.

The motion passed unanimously.

Byron Leydecker made a motion that TAMWG recommended that henceforth, starting with 2011 projects, prior to implementation, every proposed channel manipulation project be evaluated by a completely independent scientific review panel. And should that evaluation lead to suggested design changes in proposed projects, TAMWG recommends that those changes be addressed.

Rich Lorenz seconded the motion.

The motion passed unanimously.

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The motion passed unanimously.

Byron Leydecker made a motion to appoint Pat Frost as vice chairman of TAMWG.

The motion was seconded by Elizabeth Hadley.

The motion passed unanimously.

LIST OF ATTACHMENTS AND OTHER DOCUMENTS

Attachment 1: Letter to TAMWG from TMC on responses to TAMWG concerns. Passed out by Brian Person.

Attachment 2: Daily CVP Water Supply Report. December 13, 2010. Handed out by Paul Fujitani, Bureau of Reclamation.

Attachment 3: Memorandum to TAMWG from Ernie Clarke regarding the Science Program Report. Passed out by Ernie Clarke.

Attachment 4: Memorandum to TAMWG from Jennifer Faler regarding the Director's Report. December 14, 2010. Passed out by Jennifer Faler.

Other documents:

Letter from TAMWG to TMC September 26, 2010.