

**Final Minutes**  
**Trinity Adaptive Management Working Group**  
**Trinity County Library, 211 Main St., Weaverville, CA**

Wednesday, June 9, 2010

**Start of meeting: 9:00 AM**

Attending members:

Member:

Arnold Whitridge

Tom Weseloh

Tim Viel

Ed Duggan

Joe McCarthy

Emelia Berol

Gil Saliba

Byron Leydecker

Dana Hord

Richard Lorenz <sup>3</sup>

Elizabeth Hadley <sup>3</sup>

David Steinhauser <sup>1</sup>

Pat Frost <sup>2</sup>

Representative Seat:

Trinity County Resident

California Trout, Inc.

Natural Resources Conservation Service

Willow Creek Community Services District

Commercial Fishing Guide

Northcoast Environmental Center

Redwood Regional Audubon Society

Friends of the Trinity River

Big Bar Community Development Group

Trinity County Resident

City of Redding Electric Utility Department

Six Rivers Outfitters and Guides Association

Trinity County Resource Conservation District

<sup>1</sup> arrived at start of discussion of item 4.

<sup>2</sup> arrived during discussion of item 5.

<sup>3</sup> left during discussion of item 9.

Members that did not attend:

Member:

Ann Hayden

Sandy Denn

Jeffrey Sutton

Representative Seat:

Environmental Defense

Glenn-Colusa Irrigation District

Tehama-Colusa Canal Authority

Designated Federal Officer: Vina Frye, Fish and Wildlife Service, Arcata, CA.

## **1. Welcome, Introductions, Adopt Agenda and Approval of December Minutes**

Arnold Whitridge, chair of the Trinity Adaptive Management Working Group (TAMWG), opened the meeting and noted that several members would be coming in late. He next addressed the meeting minutes from March.

**Byron Leydecker made a motion to accept the March 2010 minutes.**

**Gil Saliba seconded the motion.**

**The motion passed unanimously.**

## **2. Open Forum and Public Comment**

Elizabeth Hadley and Byron Leydecker reported on proposed federal legislation that would transfer greater control of the Trinity River Restoration Program (TRRP) to the Hoopa Valley Tribe. Hadley noted that the Redding Electric Utility has several questions about this and has submitted a letter to Washington. She offered to provide copies of the letter for the TAMWG members to review. She encouraged others to submit a letter by this Friday if they also have concerns. Leydecker opined that, according to his sources, the language that would transfer control of the program to the tribes would be stricken from the bill.

Arnold Whitridge asked how the program would work if the tribes took over the program. He suggested that the Trinity Management Council (TMC) might explore the subject. He noted that "it is potentially scary, but perhaps it could also be better—in any event, it should be discussed."

Tom Weseloh asked if George Kautsky of the Hoopa Tribe could shed any light on this. Kautsky said he was not prepared to comment as it was not on the agenda.

## **3. Designated Federal Officer Topics**

Randy Brown, the Designated Federal Officer, was not able to attend and Vina Frye acted in his stead. Frye noted that the new TAMWG nominations for membership have been forwarded to Washington DC. Brown is working on the TAMWG charter which expires in January 2011. The Fish and Wildlife is planning a one-day tribal trust training class in August and Frye asked if anyone would be interested in attending.

## **4. Trinity Management Council Chair Report**

Brian Person, the Trinity Management Council (TMC) chair, summarized activities of the TMC. He noted the TAMWG Action Tracker and passed out an updated version (Attachment 1). Most of his comments followed the Action Tracker's list and particularly the updates printed in red.

Person commented on progress of the program re-organization. He noted integration of scientists and the new roles of Ernie Clarke and Nancy Finley. The TMC has taken on the issue of conflict of interest by developing the proposal submission process. The program is developing multi-year budgets with both tribes but they also need to keep annual funding

agreements. The concern of temperature and Trinity Operations and minimum pool levels is being discussed and Person has sent a letter out. Another letter has been drafted addressing the Integrated Assessment Program and numeric harvest goals. Weseloh requested that all letters and emails related to the TRRP be copied and/or sent to TAMWG members. Person and acting Executive Director Faler agreed to do so. Person noted the Secretary of Interior's negative response to the TAMWG's request to change the TMC structure and voting. Congressman Herger has issued a third letter requesting the Secretary of Interior to unilaterally make the changes. Humboldt County will be considered for membership at the June TMC meeting.

Person noted that the tribes have been invited to participate in the planning for changes in operations to the Trinity River Hatchery. Several questions were raised by TAMWG members about whether the tribes should be given "veto power" over the decision-making process and why the ad-hoc committee work has been put on hold. Byron Leydecker expressed his frustration with the lack of progress. Person strenuously urged that the members not take on the "debate of the conflict of state trusts versus tribal trusts," as this would take the program backwards. Tom Weseloh stated his appreciation of the tribal trust responsibilities, but also stated that his objection to the Hoopa Valley Tribe holding the hatchery discussions or other program projects such as the IAP and budget items "hostage" to the government-to-government discussions. He contrasted the Yurok Tribe approach of participation and support while preserving their right to exercise government-to-government discussions. Weseloh suggested that the Ad-Hoc and TAG continue with the support of BOR and TMC members. Person was not aware there was more for the Ad-Hoc and TAG to work on and thought they had gone as far as we can go. Ed Duggan noted legislative language that allocated specific levels of basin fish to tribal harvests, but there was no mention of specific levels of Trinity Hatchery fish allocated to tribal harvests. Emelia Berol stated that, while she did not want to sound negative, these discussions amounted to "arranging the deck chairs on the Titanic." She believed the Trinity dams are the primary issue and the real cause of the decline in fisheries, but since their removal is not currently an option, the program must instead focus on secondary solutions. She said, "We should remember that when discussing secondary issues."

Person concluded his report by noting that the selection process for new Executive Director for the TRRP is ongoing.

The TAMWG members thanked Person for his detailed presentation and the clarity of the Action Tracker. Person acknowledged the TAMWG's role and their patience they have shown over some of the slow pace of resolution of many of the issues.

**Tom Weseloh made a motion that the TMC add a TAMWG representative as a voting member.**

**Ed Duggan seconded the motion.**

**The motion passed unanimously.**

**Tom Weseloh made a motion that the TAMWG request the TMC to renew the inquiry of, and demand a response as to, who has authority over hatchery operations.**

**Dana Hord seconded the motion.**

**The motion passed unanimously.**

**Tom Weseloh made a motion that the Ad-hoc and TAG, with the support of the TMC representatives, continue to meet and provide recommendations for hatchery improvements.**

**Byron Leydecker seconded the motion.**

**The motion passed unanimously.**

#### **5. Science Program Proposals and Work Plan**

Joe Polos, Fish and Wildlife Service, gave a presentation on the review of proposals that was initiated this year (Attachment 2). He noted that the independent review was not implemented as planned. He showed a proposal scoring sheet that was used to review proposals internally, gave the schedule of meetings and decisions, and listed some recommendations by the IAP Steering Committee. One recommendation of note was to initiate a competitive RFP process. Polos next went over recommendations the IAP Steering Committee made regarding funding and the budget. He showed either small increases or decreases to various projects and he gave the rationale for the changes.

Tom Weseloh noted that process of budget revisions made a lot of gains in reducing overlap among projects.

**Tom Weseloh made a motion that the TMC build upon and improve the proposal process for FY2011 to include following by 2012:**

- 1. independent review of RFPs,**
- 2. independent review of proposals that respond to the RFP, and**
- 3. the process be in place by Oct 2010 in order to make recommendation for the following spring TAMWG and TMC meetings.**

**Rich Lorenz seconded the motion.**

**The motion passed unanimously.**

**Tom Weseloh made a motion that the SAB review the proposal process and complete their review by October 2010. The review should also do the following:**

- 1. ensure the proposal process is consistent with the ROD,**
- 2. ensure the process is sound, and**
- 3. ensure the proposal process is thorough and independent.**

**Byron Leydecker seconded the motion.**

**The motion passed unanimously.**

#### **6. Proposed TRRP Budget for FY 2011**

Jennifer Faler, acting Executive Director of the TRRP, presented an update on the proposed budget (Attachment 3). The budget total was \$14.8 million compared to funding sources of \$15.0 million. Administration is 3.0 million, Rehabilitation is 6.3 million, and Science is 5.5 million. The proposal process and revisions did not impact the administration amounts but made small adjustments to the science and rehabilitation.

Faler showed detailed changes to the budget in a spreadsheet and promised to email the file to TAMWG members. There was some discussion of footnotes. Faler noted a possible savings of \$121 K from the chinook coded wire tags, and that this savings would be reserved for the Hoopa Valley Tribe if they could use it to accomplish some other program objective as negotiated between the Department of Interior and the Tribe. Tom Weseloh supported the concept to save money, but did not wish to continue to fund expensive projects in order to "avoid political fallout." Byron Leydecker noted that he was not comfortable with this. Rich Lorenz commented he was comfortable if the TRRP staff were involved with the reallocation of these funds. Arnold Whitridge noted that the tribes need to know they have a certain level of funding that would allow them to plan for support for their staff. Whitridge also noted that the TRRP is getting the message of what the TAMWG desires and that, hopefully, they will act accordingly.

Faler continued her presentation of modifications to the budget. The proposal process allocated an additional \$167 K to the science program.

**Tim Viel made a motion that the TRRP should strive to be cost effective and when a TRRP project comes in under-budget, the funds go to the next highest priority item for the program.**

**Byron Leydecker seconded the motion.**

**The motion passed unanimously.**

#### **7. Possible Late Summer Klamath River Flow Augmentation**

Ernie Clarke of the FWS and Science Coordinator for the TRRP presented a recommendation to reserve 35,000 acre-feet of water for the possibility for a fall flow augmentation (Attachment 4). He noted that the estimated fall Chinook run may be higher than average

and the Klamath River flows may be lower than average. They will continue to monitor the flow projections and refine the flow recommendation as needed.

Byron Leydecker asked from where the water would come and asked that ROD water not be used. Brian Person noted that the water could come from the Shasta Reservoir by exchange as that is the "most healthy" reservoir in the area.

Ed Duggan suggested that Clarke review previous TAMWG letters written about releases of water and concerns about use of ROD water and issues of encouraging fish to move upriver too early. These letters would highlight some of the issues that the TAMWG considers important regarding releases.

#### **8. Recreational Lake-level Concerns**

Kelli Gant of the Trinity River Revitalization Alliance gave a presentation to gain support and funding to improve or restore recreational access to the Trinity Reservoir, particularly during periods of low water levels (Attachment 5). Over a dozen supporters of Gant's group attended this portion of the meeting. Gant showed aerial photos of boat ramps on Trinity Reservoir that were dry due to the low water levels. She cited hardships to marina and private campground businesses. She suggested that retrofits to the marina ramps may help to extend them to the lake so boating can take place. She noted that reservoir levels are slightly higher than predicted in May and are currently at an elevation of 2,313 feet. With the predicted reservoir levels for this year, the only ramp that will be functioning this summer will be Minersville. Ms. Grant stated, "Tourism is the lifeblood of our area." and noted lack of boat access to the lake was having a significant adverse impact upon tourism and its related economic benefits to Trinity County. Bernie Berkowitz echoed this sentiment, "The economy of Trinity Center is being crushed."

Kristy Cottini, District Ranger for the Shasta Trinity National Recreation Area, gave the Forest Service perspective on the ramp issue. She explained that the Forest Service is responsible for administering recreational management as the reservoir is on Forest Service lands and, therefore, they manage the boat ramps. There is a common interest in developing low-water recreational opportunities, but costs, physical constraints, late-successional reserves, and archeological sites limit the options. Minersville is the best option for extending a ramp, but the Forest Service was prevented from executing the construction due to a requirement for containment of leakage and spills from vehicles that would park below the high water mark. Still, Minersville is "NEPA-ready." Regarding dredging to allow better access by houseboats to low water ramps, Cottini did not rule this out. She noted that the Forest Service needs to consult with Bureau of Reclamation and the Army Corps of Engineers for removal of sediment and soils below the high water mark of reservoirs. Brian Person noted that the need to contain the dredge material above the high water mark and treat any runoff would create challenges. He emphasized that any decision for actions contemplated below the lake's high water mark would be made by the Army Corps of Engineers.

Rich Lorenz opined that the Alliance deserves the support of the TAMWG. Ed Duggan also voiced his support. Tom Weseloh noted that the need to keep water levels in the reservoir

also match well with the TAMWG's interest in maintaining a minimum cool-water reservoir. It was estimated that a one-million acre-foot volume may be about 2,250-foot elevation.

**Pat Frost made a motion that the TMC investigate whether ROD requires mitigation in the case of lost recreational opportunities in Trinity Reservoir, how any mitigation would integrate with Forest Service management, how mitigation would be funded. He further motioned that the TMC advise the TAMWG at the TAMWG's next meeting**

**Elizabeth Hadley seconded the motion.**

**The motion passed unanimously.**

#### **9. Acting Executive Director's Report**

Jennifer Faler, Acting Director of the TRRP handed out a written report on the recent activities of the TRRP (Attachment 6). Faler also mentioned that consultants have been asked to provide guidance on Phase 2 of the program. These consultants are recommending less berm removal and more side channel creation. They will be presenting some of their ideas to the BOR and Faler will video tape the presentations. Faler reported that the Implementation team is working through designs for Phase 2. This year will have very large in-channel constructions. Gravel augmentations were completed in May.

Faler commented on the reorganization and that it is recognized that a common vision shared by the FWS and BOR is needed. Personnel to fill a Construction Manager and Executive Director are being sought. The budget process was helped with the new proposal process. Faler provided an update on actions taken to address the conflict of interest. She listed ongoing discussions, a 5-year budget process, an RFP process, and multi-year funding agreements. An annual report is being completed. The flow schedule is currently being implemented.

#### **10. TAMWG Involvement in TRRP Work Groups**

Jennifer Faler passed out a list of TAMWG memberships on various work groups and teams (Attachment 7). There was some discussion about editing to update the lists.

#### **Comment by the Hoopa Valley Tribe**

At this time, the public comment period was reopened to allow Mike Orcutt of the Hoopa Valley Tribe to make a comment. He encouraged the TAMWG and TMC to "get on the same page" regarding budget issues. He did not know how to do this. But he also noted a number of problems with water "from outside of the basin" and that "the partners need to band together." He emphasized the need to put their collective energies together on tribal trust responsibilities and full program funding. He lamented the lack of action on certain issues. He recognized that hatchery or IAP issues get elevated to government-to-government discussions. The results of these meetings do not always get back to the TAMWG. Orcutt closed by asking that the partners collaborate on issues.

Arnold Whitridge agreed with Orcutt and noted that a “community effort” was important in getting the ROD established, and that the federal government would not likely have done this on their own.

Tom Weseloh acknowledged what Orcutt was saying but wanted to point out that TAMWG gets ignored too. They have continually asked for full program funding and worked toward legislation such as H.R. 2733. Byron Leydecker asked why Yurok get their government-to-government discussions completed in days while the Hoopa’s take months. Orcutt cited the need for ongoing reviews within the government once the agreements are made and that the Hupas have different philosophies than the Yuroks.

Arnold Whitridge thought that the TAMWG can work together with the Hupa for common good.

#### **11. TAMWG Recommendations**

No recommendations were suggested at this time. But the discussion brought up several issues: scope of projects, which projects are subject to RFP’s, the 50:30:20 budget split, the SAB and the 10-year review, review of recent motions, and the need for special meeting about emergency flow releases. Byron Leydecker asked, “What Adaptive Management is being used?” He also noted that Clair Stalnaker has not been scheduled for his presentation to the TMC.

#### **12. Tentative Date and Agenda Topics for Next Meeting**

Gil Saliba asked about a discussion about design of Phase 2 projects and if adaptive management is being used. Arnold Whitridge thought it may be good to have Ernie Clarke to see what he could come up with regarding how the program has tested hypotheses and what it has learned. Joe Polos offered a lamprey presentation by FWS scientist.

The next meeting date was tentatively set to September 21, 2010.

**The meeting was adjourned.**

## **LIST OF MOTIONS**

**Byron Leydecker made a motion to accept the March 2010 minutes.**

**Gil Saliba seconded the motion.**

**The motion passed unanimously.**

**Tom Weseloh made a motion that the TMC add a TAMWG representative as a voting member.**

**Ed Duggan seconded the motion.**

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**Elizabeth Hadley seconded the motion.**

**The motion passed unanimously.**

## **LIST OF ATTACHMENTS AND OTHER DOCUMENTS**

- Attachment 1: TAMWG Action Tracker, 6/9/2010. Passed out by Brian Person.
- Attachment 2: Trinity River Restoration Program's FY2011 Science Work Plan. Handed out by Joe Polos.
- Attachment 3: FY2011 TRRP Proposed Budget and Work Plan. Handed out by Jennifer Faler.
- Attachment 4: Klamath River Fall Flow Augmentation—Status Update, May 17, 2010. Handed out by Ernie Clarke.
- Attachment 5: Trinity Lake Revitalization Alliance (TLRA) TAMWG Presentation. Handed out by Kelli Gant.
- Attachment 6: Director's Report for Trinity River Restoration Program, June 7, 2010. Handed out by Jennifer Faler.
- Attachment 7: Work group and team membership list for TAMWG. Handed out by Jennifer Faler.
- Other document: Dissent discussion of motion by TAMWG to recommend maintaining Trinity Lake Reservoir level at one million acre feet. Written by Jeff Sutton and Sandy Denn. March 26, 2010.

