

Final Minutes
TRINITY ADAPTIVE MANAGEMENT WORKING GROUP

Thursday, March 22, 2012
 Victorian Inn, Weaverville, CA

Thursday, March 22, 2012; 10:00 AM

Attending Members

Member	Representative Seat:
Elizabeth Hadley	Chair, Utility Companies
Gil Saliba	Vice-chair, Environmental Organizations
Ed Duggan	Small Business Owners
Kelli Gant	Trinity County Residents
Richard Lorenz	Trinity County Residents
David Steinhauser	Whitewater Outfitters and Guides
Emelia Berol	Environmental Organizations
Joe McCarthy	Landowners/Recreational Fishing Guides
Tom Stokely	Environmental Organizations
Paul Hauser	Utility Companies
Liam Gogan	Recreational/Commercial Fishermen
Carrie Nichols	Natural Resource Conservation Service/USDA

1) Alternate for Tiffany Hayes.

Members that did not attend

Member:	Representative Seat:
Jeffrey Sutton	Agricultural Water Users
Sandy Denn	Agricultural Water Users

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

List of Motions Made during the Meeting

Ed Duggan made a motion to accept the December TAMWG minutes with the minor edits by Emelia Berol.

Kelli Gant seconded the motion.

The motion passed unanimously.

Tom Stokely made a motion that the TAMWG recommend that the TMC adopt the flow schedule as recommended by the Flow Workgroup (i.e., recommend ROD flows in the case of a Dry or Critically Dry year).

Ed Duggan seconded the motion.

The motion passed unanimously.

Other Decision Made during the Meeting

Elizabeth Hadley was elected to serve as TAMWG Chair.

Gil Saliba was elected to serve as TAMWG Vice-chair.

Action Items Derived during the Meeting

Ernie Clarke will provide a written document outlining the timeline of the SAB review and Clarke find out if this can be released to the public.

Robin Schrock will investigate the status of the TMC Action Tracker.

Robin Schrock will provide the Workgroup Action Item lists with resolutions to the TAMWG as part of their routine meeting review.

Meeting Minutes by Agenda Item

1. Designated Federal Officer (DFO) Welcome and Introductions; Updates

Nancy Finley opened the Trinity Adaptive Management Working Group (TAMWG) meeting and explained that she is serving as the temporary Designated Federal Officer while one is being selected. She asked the TAMWG and the members of the audience to offer their introductions.

As there were several new members, Finley went over some of the procedural details of the meetings. She noted that Dana Hord and several of the alternate members were not yet approved by the Interior Department. Finley went over a few items of the Charter and Bylaws to help define the duties of the TAMWG. She noted that the TAMWG makes policy and management recommendations, forwards alternative hypothesis, and offers recommendation of management actions. She noted that there are ethical responsibilities placed on the members such as avoiding financial conflict with their advisory roles.

Ed Duggan asked about how TAMWG can participate in the meetings of the Workgroups of the Trinity River Restoration Program (TRRP). The issue was that TAMWG members cannot represent TAMWG at the meetings and cannot be reimbursed for travel costs. Finley explained that TAMWG members can attend Workgroup meetings, but there is a desire to keep Workgroups focused on technical issues and to avoid policy discussions. Ernie Clarke noted that the Executive Director's report contained a two-page description of how information is being handled among the Workgroups (Attachment 1). He also explained that the Workgroup notes are being posted to the TRRP website (<http://www.trrp.net/> choose the Repository ODP or Online Data Portal), and these are available for anyone to review. There was general approval and appreciation from the TAMWG with this new procedure of information availability and exchange.

2. Election – New Chair & Vice Chair

Nancy Finley opened the agenda item of elections. Two members were nominated for Chair and two members were nominated for Vice-chair and a vote was held. Finley suggested they vote by

paper ballot. Before the voting, Ed Duggan noted he was one of the original TAMWG members and recalled that the TAMWG had originally decided that the Chair would rotate. He thought the past chair was highly valuable, but by being continually asked to serve as chair, he was burned out. Duggan suggested they revisit this issue and address the Charter or Bylaws to designate Chair terms.

Rich Lorenz nominated Elizabeth Hadley to serve as Chair of the TAMWG.

Paul Hauser seconded the nomination.

Liam nominated Ed Duggan to serve as Chair.

Joe McCarthy seconded the motion.

Elizabeth Hadley was elected.

Emelia Berol nominated Gil Saliba as the Vice Chair

Dave Steinhauser seconded the nomination.

Rich Lorenz nominated Kelli Gant as Vice Chair

Paul Hauser seconded the nomination.

Gil Saliba was elected.

3. Adopt Agenda: Approve December Minutes

Elizabeth Hadley next took over in her newly appointed role as TAMWG Chair. She reviewed the agenda and added an agenda item for Public Comment.

Ed Duggan made a motion to accept the March Agenda.

Kelli Gant seconded the motion.

The motion passed unanimously.

The TAMWG next addressed the December minutes. Emelia Berol noted several editorial corrections which she would pass on to Kim Mattson.

Ed Duggan made a motion to accept the December TAMWG minutes with the minor edits by Emelia Berol.

Kelli Gant seconded the motion.

The motion passed unanimously.

4. Public Comment

Roger Teuscher a landowner expressed his dissatisfaction with the TRRP. His suggestion was that all the money for the program be used to “pay the partners and ask that they then leave.”

Dave Wellock, landowner at the junction of Grass Valley Creek and the Trinity River voiced his concerns. He expressed his opinion that the TRRP has not been working well with the public. He noted that he has filed a claim against the BOR and the TRRP last October but has not yet received a proper response. He felt that “no one is taking responsibility.” He was afraid that he may lose a levy at his property and the river has moved away from his point of water diversion. He noted that the diversion can now be a navigation hazard to the fishing boats and he may be

liable for boating accidents. He felt that the TRRP is not taking care of these problems. He also complained that the TRRP had entered his property to perform re-vegetation after the close of their contract with him.

Rich Lorenz asked that both Teuscher and Wellock write letters to the TAMWG to make their complaints formal so TAMWG can properly address them and discuss them at their next meeting. Lorenz noted his concern that the landowners appear to be turning against the program and is a concern that must be addressed. Liam Gogan said the Guides Association will not take any legal action against Wellock's diversion pipe.

Emelia Berol added to Rich Lorenz's comments and stated that the TRRP needs to respect and honor the landowner's concerns and these concerns need to be addressed. Ed Duggan noted that he understood that the work on the wells and septic systems offered a compensation package that would be paid after work was finished. He noted that this compensation package was re-opened and he asked if Wellock's well work could be compensation. Wellock said no, as his diversion is for agriculture and not domestic use.

Robin Schrock respectfully said that the TRRP has spent a lot of time with Mr. Wellock's problem. She noted that the claim does take time and that the TRRP has passed the information forward as a tort claim. Brian Person noted that once a tort claim is filed, it takes it out of the local office's hands and can be a slow process. He noted they are working on a revised tort claim process in the Tuolumne River and this improved process may be used here. Schrock noted that the re-vegetation was a surveying error of about 16 feet.

Wellock asked, "What am I supposed to do if my fields dry up during the process?" He said he did not accept the surveyors' error as an excuse. He said the TRRP should notify adjacent landowner when they work along the river.

Steve Reed expressed his concern that he has fished in the river for years and that the Sawmill site used to be one of the best fishing spots in the river; now it is much shallower and one can stand in the middle of the river.

Kelli Gant noted that the public comment and suggested that a policy for responding by the TAMWG's should be added as an agenda item. Rich Lorenz said he did not want to become part of "this bureaucratic process where the land owners concerns are not answered in a timely manner." Nancy Finley said what is being said is "not falling on deaf ears." She asked what action is needed. Lorenz said a letter should be written and not make the owner wait another 6 months. Person asked if they were suggesting a TMC letter to urge the Solicitor's office to move the claim along. Ed Duggan noted that public comment is for items that are not listed on the agenda and that the TAMWG cannot take action if the item is not on the agenda. He reiterated that Wellock write a letter and then the TAMWG write a letter to TMC. Roger Jaegel said they had heard Wellock's complaint in December and January and that the TMC should address this.

Elizabeth Hadley suggested they consider Wellock's issue as well as the process for how the TAMWG and TMC handle public comments. She suggested this be put on the TAMWG agenda for the next meeting.

5. FACA 101

Nancy Finley noted that much of the FACA information had already been covered but that she could take questions. Gene Goodyear asked what FACA stands for. Finley explained the Federal Advisory Committee Act provides guidelines on how non-governmental groups can work effectively with governments and provide guidance on government actions. She noted that the

TAMWG can be really powerful to help manage the river by giving recommendations on how to fix things. Goodyear noted that Arnold Whitridge could not vote on the TMC. Finley noted that this could not be fixed but that Whitridge was very effective on the TMC.

Rich Lorenz noted that he had been critical lately but that he appreciate this new turn of openness.

Ed Duggan noted that the entire group all missed Randy Brown, the former Designated Federal Officer. He said he would like to see this group recommend Joe Polos or Vina Frye be designated as the next FACA Official. Finley said that, unfortunately, the position is not an elected position but a Federal appointment. She noted that a number of names were discussed and the position is important in that it is a connection to upper management.

6. Trinity River Restoration Program Executive Director's Report

Robin Schrock, Executive Director, provided her report on the progress of the TRRP. She first noted that the TRRP has to follow a formalized process in addressing landowner concerns and how they get projects on the ground. Gil Saliba asked about legal implications, given this is Wild and Scenic River and there are concerns from landowners that have private property. He noted that the landowners may not have the legal rights for all their concerns and there are some risks they have to assume living along the river. Schrock said that they can try to do a summary presentation on this subject.

Schrock turned to her report, and referred the members to her hard copy of her report (Attachment 2). She referred the members to the information on the flow schedule and that this information is on the website. She noted that the Fall Flows subgroup has an attachment in her report (Attachment 3 and 3a).

Ernie Clarke next provided an update on the Phase 1 review. A first draft is due on July 1 with a two-week TRRP review, two-week response, and a two-month formal outside expert panel review. Tom Stokely asked if the public can see these draft documents during the review. Schrock said the public will see the document after the last expert review and it would be up to the SAB whether and how the public would be able to review documents earlier.

Ed Duggan stated that at first the TAMWG was expecting the review for this meeting. Later they were told they would not get the review draft, but instead they were supposed to get a preliminary draft by this meeting. Now that there was no product, he voiced his disappointment that the TRRP did not honor their word. Elizabeth Hadley re-read the motion from the December minutes and noted that they were only supposed to get a status update and that she thought that they were getting this now. Ernie Clarke offered to provide more background on the SAB process by noting that a tremendous amount of information has been received by the SAB and it now appears the SAB are doing quite a bit more analysis than originally planned. While it is delayed, they should be getting a much better product. Rich Lorenz asked whether the SAB is addressing the two large issues of woody debris and gravel augmentation. Clarke said the Sab is aware of these issues but he has not seen their work yet. Kelli Gant noted that she was impressed with the SAB, they had traveled so far, and that they had asked very good questions.

Action Item: Ernie Clarke will provide a written document outlining the timeline of the SAB review and Clarke find out if this can be released to the public.

Roger Jaegel said it was important to provide info to the public.

Continuing with her update, Schrock went over the Implementation Schedule and made comments on the channel work, environmental compliance, infrastructure projects, gravel augmentation, and watershed projects. The gravel issues were addressed as an attachment to her report (Attachment

4). Elizabeth Hadley and Liam Gogan noted that the gravel attachment should be made available to the public. Schrock noted that this information should be on the website and Vina Frye noted that Schrock's report with her attachments will be attached to the TAMWG minutes.

Schrock next moved to updates on the Science Updates and commented on the Sediment Monitoring, Adult Salmonid Review, Performance Measures, Data Management, the FY2013 Science Work Plan, Sampling Design Workshop, and Peer Review of documents.

Schrock lastly commented on the budget update and that extra costs were for three assessment judged to be important to aid the Phase I review: USGS Geomorphic Assessment, System-wide Bathymetric Mapping, and Stream Gaging.

Lunch

7. Trinity Management Council Chair's Report

Brian Person, TMC Chair gave an oral report. He said that precipitation has increased during the month of March and the water surface of Shasta Reservoir has risen by 14 feet. (336 thousand acre feet), Trinity Reservoir has gained 40 thousand acre feet. He noted that he has recently given a briefing on the TRRP to his superiors regarding the 2014 budget and that the Department of the Interior views the budget for the TRRP as quite important. He noted the recent TAMWG letter to the TMC on the Lower Steiner site, gravel additions, and other issues. He had responded with a letter back to TAMWG. Regarding outreach, he doesn't understand "the disconnect" between the TRRP objectives and the public's questions about the objectives. He said a restored river will look different and wants to close the gap between the program objectives and the landowner's concerns. He recognized that more dialog is needed. He was encouraged by the recent meetings with the Guides. He commented on the Lower Klamath and the need for proactive and reactive release flows and that the BOR has received comments on this. He acknowledged that the SAB review has grown but he liked the "trade for better information over faster information" as long as it does not go beyond their original purpose. He commented that allowing a TAMWG chair to vote on the TMC would violate the FACA.

Ed Duggan asked that the Action Tracker be used as a review and reporting tool by Person.

Action Item: Robin Schrock will investigate the status of the TMC Action Tracker.

Elizabeth Hadley thanked Person for the TMC's timely response to the TAMWG's last letter.

Duggan also asked if Person to explain more about the control they have on the fine tuning of releases from Lewiston. Person said the radial gates do not allow much finer tuning than 100 cfs.

Rich Lorenz thanked Person for the two- page response letter that addressed their requests.

Tom Stokely thanked Person for suspending the gravel additions this year.

Gil Saliba asked when they may expect the hatchery review. It was thought perhaps by the end of spring and the target for the final may be July 1.

Tom Stokely asked if the current TAMWG Chair being a member of a public utility agency may allow her to vote on the TMC. Finley and Schrock both thought no.

Elizabeth Hadley said she would continue the discussion with Person regarding a joint meeting.

8. Flow Scheduling

Tim Hayden of the Yurok Tribe and Rod Wittler of the TRRP, both members of the TRRP Flow Workgroup, gave a PowerPoint presentation on the how they arrived at their recommendation for flow releases from Lewiston Dam for the 2012 year. Robin Schrock also handed out a technical brief that described the process to arrive at the flow recommendation (Attachment 5). Hayden gave an update on the Flow Workgroup meetings and explained how they make their recommendations. He showed the data on the current conditions for precipitation. Rod Wittler presented the data the Workgroup used to estimate water inflow to the reservoirs. He said that the predictions indicate they are “straddling the fence” between a Dry and Critically Dry water year. Other points made were the issues that the Flow Workgroup considered: temperature, implementation flows, and next year’s water considerations. The Workgroup received some public inputs to flow ideas such as modified flows for spawning and boat navigation but no formal proposals were received from the public. The Auxiliary Outlet is being repaired but should be available for use for emergency releases by August.

Wittler showed the three possible release hydrographs they considered. All three had similar releases by August and differed only in the spring peaks. These three hydrographs were used to model the temperatures out of Lewiston, which were then used to model river temperatures. The modeled temperature at Weitchpec showed that 68 F would be met up through June even under the worst (hottest) air temperature expectations by all three hydrographs. The temperatures at Douglas City would be mostly met too.

Rod Wittler presented their recommendations that the TRRP follow the ROD releases under the Dry and/or Critically Dry Year. The water year is yet to be decided.

Robin Schrock said they will have press releases and announcements on the web sites once the water year is decided. As far as infrastructure, there will be lower peaks under a Dry and Critically Dry year and therefore no threats are anticipated.

Paul Hauser asked if there has been any discussion of banking water (saving water from one year for the next). He said that multiple dry years in a row will deplete the cold water pool in Trinity Reservoir. He asked if they could reduce releases this year and still make temperature targets. Wittler said they asked this in the past but this has not been allowed. Hauser thought that perhaps it should still be pursued in an incremental process. Hayden noted the Temperature Workgroup is evaluating cold water carryover. Hauser asked if they may shift flows for later in the year. Wittler said the flow scheduling process is receptive to these sorts of discussions, but no proposals were submitted this year.

Pursuing the banking option, Rich Lorenz asked if they are on the division between a Dry and Critically Dry, could this provide some management options to release less water and save it for later. Wittler said generally, no, this is not allowed. Tom Stokely asked why not reduce the exports and save that in case they need it. Again, there was no positive response to this.

Tom Stokely made a motion that the TAMWG recommend the flow schedule to the TMC as recommended by the Flow Workgroup (i.e., recommend ROD flows in the case of a Dry or Critically Dry year).

Ed Duggan seconded the motion.

The motion passed unanimously.

Paul Hauser again suggested they discuss how to use adaptive management to adjust flows to better help fish and manage for carryover. They acknowledged the problem of the legal interpretation and how this interpretation severely limits making flow adjustments.

Ed Duggan asked about Eric Wiseman's proposal regarding low-flow management. Hayden said this was going to be addressed in the agenda for the next Flow Workgroup meeting.

9. Wrap Up

As all the agenda items were now finished, Elizabeth Hadley asked for any other items the TAMWG may want to discuss. Kelli Gant noted some items that she was interested in having the TAMWG forward to the TMC: 1) how to better deal with public concerns and perhaps develop or recommend TMC to suggest a protocol on how to address public concerns; 2) work with the land owners regarding legal rights; 3) pursue a joint meeting; 4) discuss alternatives to the current five ROD flow year-types.

Ed Duggan suggested they send a letter to TMC to "agendize" the problem of Mr. Wellock. (It was instead suggested this be used as an example in Gants proposal regarding the development of a protocol to address public concerns.) Duggan next suggested they initiate a review to repair or remedy channel failures after Phase I is publicized. Most members wanted to wait for the Phase I review to see what has failed.

Elizabeth Hadley asked for individual reports from each subcommittee. Robin Schrock suggested they provide Action Items with any resolutions.

Action Item: Robin Schrock will provide the Workgroup Action Item lists with resolutions to the TAMWG as part of their routine meeting review.

Rich Lorenz suggested the following agenda items for the next TAMWG meeting: 1) Presentation on the status on the final design for Steiner Flat and exactly what they are doing there. 2) Presentation on the gravel injections and future plans. 3) Have Claire Stalnaker, if available, to present the SAB report to the TAMWG.

Tom Stokely suggested a presentation by the Bay Delta Conservation Project on management of the Trinity Reservoir dead pool volume.

Hadley noted that she would be asking for additional agenda items as the next meeting approached.

Adjourn 3:00 PM

LIST OF ATTACHMENTS AND OTHER DOCUMENTS

Attachment 1: Description of TRRP Technical Workgroup meeting documents and processes.
Handed out by Robin Schrock.

Attachment 2: TRRP Director's Report to TAMWG, March 22, 2012. Handed out by Robin Schrock.

Attachment 3: TRRP Fall Flow Criteria Evaluation Process 2012. Handed out by Robin Schrock

Attachment 3a: 2010 and 2011 Fall Flow Release Criteria and Evaluation Process. Handed out by Robin Schrock.

Attachment 4: Gravel 101. Handed out by Robin Schrock.

Attachment 5: Technical Brief: Trinity River Restoration Program Restoration Release Recommendations for WY2012. (Shortened Version – 21 March 2012). Handed out by Robin Schrock.

Attachment 6: Collection of websites for current Water year conditions.

Other Documents

1. Letter from TAMWG to TMC December 13, 2011
2. Letter from TMC to TAMWG February 17, 2012