

**Final Minutes
TRINITY ADAPTIVE MANAGEMENT WORKING GROUP**

Monday September 10, 2012
Trinity County Library, Weaverville, CA

Monday September 10, 2012; 9:10 AM

Attending Members

| Member | Representative Seat: |
|-----------------------------|--|
| Elizabeth Hadley | Chair, City of Redding Electric Utility Department |
| Gil Saliba | Vice-chair, Redwood Regional Audubon Society |
| Ed Duggan | Willow Cr. Comm. Serv. Dist., E. Humboldt Co. and small businesses |
| Kelli Gant | Trinity Lake Revitalization Alliance |
| Richard Lorenz | Trinity County Resident |
| Emelia Berol | Northcoast Environmental Center |
| Joe McCarthy | Commercial Fishing Guide |
| Tom Stokely | California Water Impact Network |
| Liam Gogan | Trinity River Fishing Guides |
| Carrie Nichols ¹ | Natural Resource Conservation Service |
| David Steinhauser | Six Rivers Outfitters and Guides Association |
| Jeffrey Sutton ² | Tehama-Colusa Canal Authority |

- 1) Alternate for Tiffany Hayes.
- 2) Arrived during discussion of Item 4.

Members that did not attend

| Member: | Representative Seat: |
|----------------|-----------------------------------|
| Sandy Denn | Glenn-Colusa Irrigation District |
| Paul Hauser | Trinity Public Utilities District |

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

Notes: Kim Mattson (ENW).

List of Motions Made during the Meeting

Tom Stokely made a motion to accept the June TAMWG minutes as corrected.

Ed Duggan seconded the motion.

The motion passed unanimously.

List of Action Items from the Meeting

Nancy Finley will look into options and constraints for the public to view TAMWG minutes before they are formally accepted and posted to the website.

TAMWG members should review the suggested modifications to their charter and provide comments back to Elizabeth Hadley by September 21.

Nancy Finley will look into ways TAMWG members can be compensated for travel to technical workgroup meetings.

John King and Teresa Connor will develop some ideas about ways to facilitate better snow survey data by October 3 to be discussed at the October 17 TAMWG conference call.

Meeting Minutes by Agenda Item

1. Welcome, Introductions, Approve Agenda and Minutes

Elizabeth Hadley, Chair of the Trinity Adaptive Management Working Group (TAMWG), opened the meeting and asked the members to introduce themselves. Hadley noted that they sent out the meeting packet via email for this meeting as a cost-saving measure. Tom Stokely said he also had sent the packet out to the Trinity List server and noted that he had left off the June TAMWG draft minutes. He suggested that the draft minutes also be included since they are available to the public at the meeting. There was discussion about whether it was appropriate to release the draft minutes before TAMWG approval and whether there was a general policy or FACA rule or whether the TAMWG could decide for itself. There was also a discussion about the requirement for the TAMWG chair to "certify" the minutes and whether they needed a formal policy for this to occur. Nancy Finley agreed to look into this.

Action item: Nancy Finley will look into options and constraints for the public to view TAMWG minutes before they are formally accepted and posted to the website.

Approve Minutes

Elizabeth Hadley opened the discussion for the review of the June minutes. Tom Stokely made three corrections.

Tom Stokely made a motion to accept the June TAMWG minutes as corrected.

Ed Duggan seconded the motion.

The motion passed unanimously.

2. Public Comment

Ed Duggan asked Dave Wellock if he was able to get answers to his questions he raised at the June meeting. Wellock related that he had a meeting with Brian Person and D.J. Bandrowski. He said they may have reached a solution on his irrigation well system but the erosion may need additional attention. Wellock commended Person's extra effort to work with him and other landowners. D.J. Bandrowski commented that funding for Wellock's well system is being finalized and Person is investigating authority.

3. Designated Federal Officer Items

Nancy Finley, designated Federal Officer, noted that the new nominations are still pending and she has no news. The visiting Interior Department Solicitor commented that the vetting office is just down the hall from her office in Washington DC and that office tells her that they are

working on it but does not share specifics with her.

Finley commented on the successful joint meeting between the Trinity Management Council (TMC) and TAMWG. She also noted the need for the stakeholders to bring information back to their groups. She said her office is pressing their staff to get information to the public and not simply put reports on the website. Ed Duggan thought the recent efforts at outreach are beginning to pay off. Kelli Gant and Tom Stokely complimented Finley for the joint meeting and Stokely noted the value of Finley's asking the question, "Why are you here?" Gil Saliba noted the value of finding commonalities and the need to develop common mission statements.

There was more discussion about the nature of the responses from the TMC to TAMWG and how to get the TMC to be more responsive. Elizabeth Hadley suggested that they have the TMC Chair walk through responses during the TMC updates to the TAMWG. She also noted the Trinity County RCD's effort to produce a TMC response matrix. Kelli Gant noted that it took her a year to understand the common response, "we already addressed this..." and that it was difficult to catch up. She acknowledged that the past minutes are on the FWS website, but it was a lot of work to read through 5 years of minutes.

4. Discussion of Charter

Nancy Finley gave an update on the TAMWG Charter and noted that the charter is going to expire and it takes several months to get it approved. She had sent out the charter for review and had received comments from Elizabeth Hadley. While copies were being made of Hadley's edits, the TAMWG moved on to discussion of Item 5.

Upon completion of Item 5, the TAMWG returned to this item. Finley said she wanted to send out the revised charter by the end of September. Hadley went over her changes which were mostly minor edits and clarifications. The most significant proposed change was for the Working Group chair to assist the DFO in setting up meetings/agendas, that the group would meet "at least" twice annually, and that the charter would last 3 years instead of 2. These changes will be sent out to TAMWG members and comments are due back September 21.

Action item: TAMWG members should review the suggested modifications to their charter and provide comments back to Elizabeth Hadley by September 21.

5. Discussion with the Department of the Interior Solicitor

Nancy Finley introduced Jennifer Heindl, an attorney from the Office of the Solicitor for the Interior Department who was visiting from the Washington office. Heindl gave a Powerpoint presentation on FACA background. The Federal Advisory Committee Act (FACA) was passed by Congress in 1972 to regulate groups that provide advice to the Federal Government. It provides procedures and oversight and allowed public participation; it was an attempt to avoid the perception of decisions being made in smoky backrooms. FACA committees must file a charter and submit reports on activities. FACA committees are any groups established or "utilized" for obtaining advice. Utilized has a narrow definition and means "actual management or control" so as to limit what groups are actually FACA groups. Heindl noted that while there have never been criminal penalties for FACA violations, there has been litigation. In one case, when several scientists decided to create a group report instead of individual reports, they inadvertently became a FACA group but were not formally chartered. The requirements of FACA groups are that they are only advisory, must have a charter, maintain balanced membership, and maintain all committee documents for public inspection, have public access, have detailed minutes, and terminate when purpose completed or after 2 years, unless renewed. Two or more FACA members are not supposed to meet without a properly notified announcement but they can meet

for certain purposes such as researching facts or drafting position papers for official meetings.

There was discussion about the excessive length of time required to approve the TAMWG charter. Heindl noted that the charter goes through "many hands" once it leaves the TAMWG. She noted that GSA must approve it, and the GSA is a bureaucracy.

Heindl continued her presentation and noted that FACA subcommittees may include non-committee members. But any reports must go through the FACA committee and cannot be rubber stamped.

Heindl commented on several questions that had been prepared for the Solicitor. One question was about abolishing the TMC and having only the TAMWG as the FACA committee. She said this was a policy question and not a FACA question and she could not answer this. She noted that the TMC is an "operating committee." Brian Person thought that the TMC also has a statutory connection through the Central Valley Project Improvement Act. Another question was whether TMC members could be TAMWG members (if the TMC was abolished). Heindl noted that the Fish and Wildlife Service can modify the roles of the TAMWG.

Tom Stokely noted the current TMC operations committee has "massive conflict of interests." Rich Lorenz agreed and noted the need to discuss this in a "specific way" as opposed to a general lecture on the topic as Heindl was providing.

Another question was about the area of origin of water. Jeff Sutton reviewed some of the history on this topic and noted that it appears that Federal law pre-empts State law and this is not yet sorted out. Rich Lorenz noted that this is important to get clarification and referred to the plan to build the peripheral canal that could lead to "taking their fish water south." Regarding the appeal process for those that disagree with the Solicitor's opinion, it was pointed out that there are avenues for the general public to appeal such as their representatives in Congress. Rich Lorenz asked if the TAMWG could appeal to their congressmen. Heindl said that would be unusual; she thought they could as individuals, however. It was noted that the charter says the group reports to the DFO and he/she reports to the Secretary. Lorenz emphasized that the original charter said the DFO reported directly to the Secretary. Lorenz asked if the TAMWG could write to their congressman. Heindl said she would look into this. It was thought that members could sign such letters as individuals, but not necessarily as a FACA group. Kelli Gant asked if the TAMWG could write to the DFO and then the DFO pass it onto Salazar. Finley said that yes, but it would depend on whether the answer required Salazar's level or if an answer could be developed at the DFO level. George Kautsky asked if a FACA committee should "perfect" or modify their mission or is it defined in the charter. Heindl thought the TAMWG could discuss how they may better provide advice but not change their mission.

There was discussion about how TAMWG members can attend TRRP Technical Workgroup meetings as a member of the public. They wanted to know whether or not the members could be compensated for travel. Ed Duggan noted he spends \$50 of his personal funds for trips to workgroup meetings. Elizabeth Hadley asked Nancy Finley to take another look at this to see if there is some way to compensate and report back at the next TAMWG meeting.

Action item: Nancy Finley will look into ways TAMWG members can be compensated for travel to technical workgroup meetings.

6. Update from the Trinity Management Council Chair

Brian Person gave an update on the TMC activities. He noted his letter of response that was sent out to the TAMWG on August 27 (Attachment 1). The response was to the TAMWG letter of June 18 (Attachment 2). Person also noted that so far, limited disease has been detected in the fall

Chinook. Ed Duggan noted that he monitors the river temperatures in his weekly newsletter and has noted a tremendous difference in temperatures this year versus last year. Duggan thought it was related to the flow pulse. Person said he is relieved to know that Upper Junction City was not affected by the flow pulse.

Person commented that the TMC previously made a motion to fund the watershed assessment project and there was a provisional approval but it required more input. The workgroup put together a scope of work, advertised it, and three responses received. Bureau of Reclamation (BOR) staff in a technical review panel recommended a contractor. The TMC conference call reviewed the process and several members of the TMC wanted to see the proposals themselves, but contracting law does not allow non-Reclamation employees to review the proposal, and thus no decision was made. Gil Saliba asked if this was just a "delay tactic by I don't know who" and serves to prevent progress on watershed work. Person assured him it wasn't a delay tactic but these were legitimate concerns. Tom Stokely noted that the TMC has not necessarily responded adequately, particularly on whether or not watershed restoration should include downstream areas (below the South Fork) and he thinks this deserves more discussion.

Person continued his report and noted he has been to Mr. Wellock's property twice to get a better understanding of Wellock's problems. He explained that Mr. Wellock's well was irrigation and therefore was "outside" the normal TRRP wellhead program. Liam Gogan asked how long it will take to get back to normal flows in the river following the pulse flows. Person estimated it will take 20 hours to drop from 1100 cfs down to 450 cfs.

Lunch

7. Update from the Executive Director

Robin Schrock, Executive Director of the TRRP, gave her update and went over her written report (Attachment 3). She touched on the organizational updates and noted a series of FY2012 accomplishments such as completion of the annual report, scientific reviews, performance measures, public outreach, communication among partners, and temperature studies. She noted several science updates including newly prepared reports and the ongoing studies of riparian, wildlife, and pool change. She noted that external peer reviews are occurring and that the Fiscal 2013 Science Work Plan is currently undergoing external review.

Schrock commented on the budget and noted that it remains unchanged. The TMC's decision to delay the watershed assessment frees up \$250,000 to cover cost over-runs of the in-channel construction caused by pulse flow. Brian Person pointed out the Federal funding is under a continuing resolution for the next 6 months. A budget outline for 2013 was presented based on estimated funding of \$18 million. There were several concerns by TAMWG member that wanted more review of the details. Elizabeth Hadley suggested they hold an October 17th meeting with Webex option at the TRRP office to discuss the budget. Brian Person asked if they need to plan for \$18 million if, by October 1, the continuing resolution makes that moot. The TAMWG agreed (i.e., this would not be necessary).

D.J. Bandrowski gave an update on the implementation projects (Attachment 4). The in-channel construction projects are finishing up with mainly re-vegetation ongoing. He noted planning work. The Phase I review report is due late fall. They are incorporating the Stream Project as an alternative analysis tool. They are re-designing Lorenz Gulch and Douglas City based on collaboration with Science Advisory Board. Tom Stokely asked if they are planning more gravel injections in 2013. Bandrowski said there may be minor injections. Rich Lorenz asked that the TAMWG discuss gravel at the December meeting.

Bandrowski continued his report by noting that the Phase I review should provide their report by late fall. The DWR is working with FEMA on a new 100-year floodplain analysis. Well grant program has 29 applicants. Bucktail Bridge cost benefit analysis is nearly complete. He finally commented that the Indian Creek bank naturalization project did not reach a consensus with the Design Team. Bandrowski will make a presentation to TMC and ask how to proceed on Indian Creek.

8. Update from TRRP Workgroups

Ernie Clarke gave the update on the TRRP workgroup activities (Attachment 5). The Flow Workgroup has prepared a flow implementation report available on the Online Data Portal of the TRRP website. Ed Duggan asked how Eric Wiseman's ideas for modified flows may be used. Clarke said that Wiseman had many ideas and these would be considered as they develop next year's possible water years. The Temperature Workgroup has initiated a special study on ways to use cold water from Trinity Reservoir. The Interdisciplinary Team is holding teleconferences on the Big Questions. The Fish Workgroup primary efforts were performance measures, several subgroups efforts, juvenile outmigration timing, habitat, and fall flow monitoring. Elizabeth Hadley noted that TAMWG members were not on the Workgroup list servers. Ernie Clarke said that meeting materials are posted on the TRRP website and they can view products there. Robin Schrock said that she would email out the Workgroup agendas to the TAMWG. The Physical Workgroup is working on the USGS geomorphic assessment, cross sections, and gravel monitoring. The Wildlife and Riparian Workgroup is working on PITA's 1 and 2.

Ed Duggan complimented Bandrowski and Clarke on these reports and noted that they are very informative and asked for more of them.

9. Update on the 2012 Water Year

Robin Schrock gave the update on the 2012 water year (Attachment 6). She went over a set of graphs showing inflows to Trinity Reservoir, the release hydrograph from Lewiston Dam, temperatures at various points on the river. One main point was that the temperature targets were achieved this year.

10. Presentation on Water Year Forecasting

Teresa Connor introduced several presenters to discuss how the water year supplies are derived. Alan Hayes introduced John King of the California Department of Water Resources who in turn discussed the snow level measurements and how these are used to develop predictions of water delivery. King noted two types of forecasts that are produced: Bulletin 120 and WSI. The Bulletin 120 produces an estimate of runoff for Trinity River in February through May. They need daily precipitation data and get it from 6 stations of which 2 are in the Trinity watershed. They also need snow water content data from snow pillows or from snow courses (field sites collected by surveyors). Lastly they need full natural flow estimates that are calculated by accounting for reservoirs, diversions, evaporation, and accretion. They calculate runoff using linear regression based on past data (i.e., an empirical process). They also attempting to develop a physical model that attempts to model the physical processes.

Kelli Gant asked a series of questions about the sites and how they quality control their data. She was interested in how well their data reflects the conditions in the watershed. There was discussion about why they must use the April 1 forecast. It was noted that this is required in the ROD and early flows are designed to provide for juvenile outmigration. There was discussion of how to get helicopter service to get better snow data. George Kautsky pointed out that even with

a way to get better data and they still are required to produce a forecast by April 1 using a set of linear regressions. He asked King what would help to get a better forecast. King said that given the current conditions, getting better snow survey data would help.

Alan Takamoto, hydrologist with the National Weather Service gave a presentation entitled CNRFC Water Supply Operations. Takamoto said the NWS uses two forecast methods, ensemble streamflow and statistical water supply. Takamoto showed the conceptual model behind the ensemble model. The output is an ensemble trace of streamflow over years. Their website gives instructions on how to create your own trace. Precipitation, temperature, and snow course data are used from sites in and near the Trinity basin. They are starting to graph their streamflow probabilities by month on their website. Roger Jaegel asked how fire history may have affected the model. Takamoto says there are ways to adjust the model for changes. Jaegel said it would be interested in how that has been implemented and would like to get with Takamoto to see how that functions. Elizabeth Hadley asked if the TAMWG wanted to make a recommendation to TMC regarding ways to help get better predictions on water years. Before making a recommendation, the TAMWG members wanted to research possible ways to identify and remove barriers to snow survey collections. John King and Teresa Connor offered to develop a list of things that would be helpful to them by October 3rd for the discussion at the October budget meeting.

Action item: John King and Teresa Connor will develop some ideas about ways to facilitate better snow survey data by October 3 to be discussed at the October 17 TAMWG conference call.

Kelli Gant reiterated that the TAMWG wanted to know how DWR made their calculations since this year's forecast came out right on the line between two years. She said they wanted to know the accuracy of these forecasts.

11. Hatchery Report

Nancy Finley passed out a portion of the California Hatchery Review Project report that contained the recommendations for the Trinity River hatchery (Attachment 7). She also projected a Powerpoint slide show summarizing the 120 recommendations for the 19 programs and the general program wide recommendations. She suggested they look at the specific recommendations for the Trinity Hatchery in the report. If TAMWG had specific questions, she could arrange to have experts come in to respond. Some recommendations for the Trinity Hatchery from the report were: adding natural-origin fish into the hatchery stock periodically, adoption of performance standards, monitoring of the program, development of a health policy, and development of a procedure manual.

12. Plans for Next Meeting

Next meeting will be in December 5-6 in Weaverville. Items to be included: mission statement, matrix by RCD, bylaws, watershed update, Lewiston study, Phase I, gravel pool study, update on outreach, habitat study, and ethics. Tom Stokely requested that the TAMWG agendaize an action item about what mitigation may be appropriate for Trinity River fisheries due to the peripheral tunnel through a recommendation letter to the TMC.

Two items for October 17 conference call are to discuss the budget and a possible motion on how to help get better water forecasts.

Adjourn 4:50 PM

LIST OF ATTACHMENTS AND OTHER DOCUMENTS

Attachment 1: TMC letter of response that was sent out to the TAMWG on August 27. Passed out by Brian Person.

Attachment 2: TAMWG letter to TMC dated June 18. Passed out by Brian Person.

Attachment 3: Report by Executive Director of the TRRP. Passed out by Robin Schrock.

Attachment 4: Update on Implementation Projects. Passed out by D.J. Bandrowski.

Attachment 5: Update on TRRP Workgroups. Passed out by Ernie Clarke.

Attachment 6: Update on the 2012 water year. Passed out by Robin Schrock.

Attachment 7: California Hatchery Review Project. Passed out by Nancy Finley.

Other documents:

DWR CALIFORNIA COOPERATIVE SURVEYS FORECASTING METHODOLOGIES
SNOW SURVEYS. September 10, 2012.

CNRFC WATER SUPPLY OPERATIONS <http://www.cnrfc.noaa.gov>
CALIFORNIA-NEVADA RIVER FORECAST CENTER September 10, 2012