

Final Minutes
TRINITY RIVER ADAPTIVE MANAGEMENT WORKING GROUP
 December 7, 2016
 Trinity River Restoration Office, 1313 S. Main, Weaverville, CA

Wednesday December 7, 2016; 9:30 am

Attending Members

Member	Representative Seat
Elizabeth Hadley	Chair, Utility Companies
Tom Stokely	Vice-chair, Commercial Fishing Organizations
Richard Lorenz	Trinity County Residents
Gil Saliba	Environmental Organizations
Ed Duggan	Small Business Owners
Joe McCarthy	Local Landowners
Emelia Berol	Environmental Organizations
Shiloe Braxton	Trinity County Resource Conservation District
Michael Charlton	Recreational Commercial Guides
Travis Michele	Trinity River Fishing Guides
Julie Catanese	Public Utilities
David Steinhauser	Whitewater Outfitters /Guides

Members attending by phone:

Member	Representative Seat
Darren Mierau	Environmental Organizations

Members that did not attend

Member	Representative Seat
Paul Catanese	Local Landowners/Business owners
Kelli Gant	Trinity County Residents
Paul Hauser	Trinity Public Utility District

Designated Federal Officer: Joe Polos, Service (FWS), Arcata, CA.

Other attendees: Dave Wellock, Clark Tuthill, (local residents); Leslie Bryan, (Redding Electric Utility); Vina Frye, (USFWS); Seth Naman (NFMS/TMC); Mike Dixon, Jennifer Norris, Robert Stewart (TRRP); Kyle De Juilio (Yurok Tribe); Mike Orcutt, George Kautsky (Hoopa Valley Tribe); Seth Lawrence (DWR); Tony LaBanca (CDFW).

Others attending by phone: John Heilman, CDFW, and Bill Brock USFS.

Notes: Kim Mattson (Ecosystems Northwest).

List of Motions Made during the Meeting

Rich Lorenz made a motion to approve the agenda.

Tom Stokely seconded the motion.

The motion passed unanimously.

Emelia Berol made a motion to accept the September meeting minutes.

Rich Lorenz seconded the motion.

The motion passed unanimously.

Shiloe Braxton made a motion that the TAMWG request the Program address possible adverse impacts to landowner wells or septic on a case-by-case basis caused by restoration actions, and to contact landowners prior to restoration actions that may affect landowner wells and septic.

Rich Lorenz seconded the motion.

The motion passed unanimously.

Ed Duggan made a motion the TAMWG recommend the TMC investigate a proper method for introducing a Tish Tang Weir and go through the proper procedures for a permit.

Emelia Berol seconded the motion.

The motion passed with six yes votes and five no votes.

Abstaining were Tom Stokely and David Steinhauser.

Action Items Designated during the Meeting

None.

Meeting Minutes by Agenda Item

1. Welcome, Introductions, Approve Agenda and Minutes

Elizabeth Hadley, Trinity Adaptive Management Working Group (TAMWG) Chair opened the meeting and asked the attendees to introduce themselves. She next opened discussion about the agenda.

Rich Lorenz made a motion to approve the agenda.

Tom Stokely seconded the motion.

The motion passed unanimously.

The September meeting minutes were taken up and Emelia Berol offered a correction.

Emelia Berol made a motion to accept the September meeting minutes.

Rich Lorenz seconded the motion.

The motion passed unanimously.

2. Public Comment

Dave Wellock commented that about eight "holes" in the river are now filled in: Deadwood, Old Bridge, Volta-Goose Ranch Road, Cemetery Hole, below Rush Creek, Driskell, above Dirty Bird, Bucktail, Wellock Hole, and below Trinity House Gulch. He opined that these holes are important for fish and noted that he has yet to get an answer to his questions about the filling. He thought they should stop the gravel. Rich Lorenz said they should put gravel on the next agenda. Clark Tuthill said this issue has been raised before but it doesn't "go beyond talk." Gil Saliba said he would like to defend the program and noted that surveys have documented the changes in the river bed. He suggested the public take a look at the data that exists. Tuthill said he would challenge the data. He said he had snorkeled the Poker Bar hole and he took depth measures and it was clear that this hole had filled in. Elizabeth Hadley asked that he bring this data forward at the next meeting. Wellock suggested Program staff to talk to people that have been on the river longer than the staff at the Program. Dave Steinhauer commented on the changes to Poker Bar and noted that the reason for the main-channel pool shallowing is that right side has opened up more.

Ed Duggan said he has received calls from guides regarding the Bucktail project and major changes to the river that has occurred. He noted that during the planning the project grew larger. These changes to the river have created hazards to navigation. He acknowledged the Program has taken steps to make the passage safer.

3. Designated Federal Officer Update

Joe Polos, Designated Federal Officer, commented that the TAMWG Charter has made it through the hoops in Washington DC and it will be published in the Federal Register. Polos noted that TAMWG member, Sandy Denn, who represented the agriculture users, has resigned and her replacement is still being processed at the federal level. Polos clarified that the TAMWG Charter will expire in early 2017.

The TAMWG addressed Item 5 next before taking up Item 4.

4. TMC Chair Update

This item was taken up following Item 5. Seth Naman, Trinity Management Council (TMC) Chair, went over his letter from the TMC to the TAMWG regarding the September TAMWG recommendations for TMC action (Attachment 2).

Regarding the TAMWG recommendation for changes to the TMC Bylaws, Naman said some of these changes would be a challenge to implement and that some of the TMC members would not support them. Naman said the TMC will discuss them again at the December meeting (next week). Elizabeth Hadley asked that Naman ask the TMC to go through each item in the TAMWG recommendations for new Bylaws.

Regarding the TAMWG recommendation that extra Program funds go to the watershed budget, Naman noted that the TMC did this and passed a motion that a surplus of \$189K should go to the watershed effort. Naman said this surplus is conditional that there are no other unidentified budget shortfalls that may use reduce these funds.

Regarding the TAMWG recommendation that the TMC refer letters from the public to TRRP staff, Naman said the TMC agreed with this. He noted the TMC did not feel they needed to respond to letters to the editor of newspapers.

5. Executive Director Report

This item was taken up before Item 4. Mike Dixon, Acting Executive Director of Trinity River Restoration Program (TRRP), walked the TAMWG through his written report (Attachment 1). He noted that Karen Huntt DeCarlo has been hired as the permanent Executive Director. Kevin Held has been hired as the new Realty Specialist. They are working to hire a new Civil Engineer to avoid a possible hiring freeze with the new presidential administration.

Dixon touched on some of the work of the Science workgroups. He noted the Bucktail project is wrapping up and the Tribes held a ribbon cutting event recently. He mentioned NEPA compliance activities such as flood insurance maps and reviews of upcoming projects. The winter base-flow will need a NEPA/CEQA review. They will be re-consulting with Fish and Wildlife (FWS) and National Marine Fisheries (NMFS). Dixon described some landowner issues they have dealt with. One project had some work outside of the scheduled work hours that impacted vacation rentals. Another project involves the Program's use of a private road and possible impacts to a third-party user of the road.

Dixon went over the Technical Workgroup Summary that was part of his attached report. He touched on the Flow Workgroup activities on winter base flow. Jennifer Norris noted the Physical was working on synthesis efforts. Dixon said the IDT is updating the work group process and roles of non-agency partners. Design met to discuss FEMA issues for lower Dutch Creek project. A new change is that they are not allowed to change the 100-year flood plain elevation about any structures. They also talked about how they will be prioritizing future projects. Focus areas will be below the canyon and up to Dutch Creek. Norris said the Fish Workgroup has been focusing on the upcoming FY18 Science Work Plan. She noted that Watershed has a new coordinator and are focusing on compliance.

Rich Lorenz thanked Dixon for the rapid response to his issues raised about Lorenz Gulch. Tony LaBanca also thanked Dixon for serving as Acting Executive Director.

The TAMWG returned to Item 4 next.

6. Wells and Water Supply along the Upper Trinity River

Mike Dixon provided some background on the wells program noting that there has been some interest in reviving it as a way to help river-side landowners near restoration projects whose infiltration galleries are going dry. Several issues remain and these include: the degree to which the Restoration Program or natural changes in the river have caused the issues is not clear, the past participants in the well program had signed agreements to hold the Program harmless for any additional issues, and there are no readily available funds for this program.

Ed Duggan said his understanding was that the Program's increases in the scheduled flows were impacting wells. Dixon said past retrofitting work on wells did not anticipate changes to the river bed and some of the infiltration galleries no longer work. Seth Naman commented that most of the work of the well program was focused on these infiltration galleries and these are more tenuous than an actual well. Tom Stokely opined that, given that contacts releasing government liability were signed, there is no legal obligation to re-open the program. That said, he noted that the Program made a mistake by not addressing the Salt Flat side-channel that caused problems with failed infiltration galleries. Dave Wellock explained how Program-induced changes to the river are causing him problems with his water access due to a newly formed gravel bar. Naman responded that the Program wants to have a dynamic river. Wellock asked that the Program explain this better to landowners. Elizabeth Hadley suggested they let the new outreach coordinator coming on in January take this on before they try to take this up. Gil Saliba agreed that the new outreach coordinator needs to help educate the riverside landowner that the river will naturally change. Rich Lorenz noted that some changes such as at Lorenz Gulch were induced directly by Project changes (decrease in level of the river). Naman asked Stokely whether replacing infiltration galleries with drilled wells would be a good solution for folk such as those on Salt Flat. Stokely said yes. Elizabeth Hadley asked if the TAMWG wanted to do anything about this at this time. Gil Saliba said they need more clarity. He wanted to know what the contract said about loss of access to water. Dixon said he could look into this.

Rich Lorenz began to formalize a motion to recommend that the TMC look at impacts to landowners and notify landowners of potential impacts to seep wells. He suggested these should be taken on as a case-by-case basis. Perhaps they need to offer guarantees for a number of years addressing impacts to water systems to insure no negative consequences.

Shiloe Braxton made a motion that the TAMWG request the Program address possible adverse impacts to landowner wells or septics on a case-by-case basis caused by restoration actions, and to contact landowners prior to restoration actions that may affect landowner wells and septics.

Rich Lorenz seconded the motion.

The motion passed unanimously.

Before the lunch break the TAMWG addressed Item 9.

Lunch

7. WY2017 Flow Management

Andreas Krause presented on an updates on the winter-flow proposals. The winter-flow proposals would introduce a more variable flow regime in winter as opposed to a flat flow. Krause said the Bureau of Reclamation had decided these new flows would need an environmental review and therefore there was no need for a decision today.

Krause reviewed that the winter variable flows would shift 35,000 acre-feet of ROD water to be used to introduce a series of smaller flow peaks of less than 1,500 cfs during the winter. He cited some of the rationale for these flows including benefits to juvenile fish and yellow-legged frogs. Krause presented four variations in the options for designing these small peaks. The Program staff ran these four variations through DSS to see how each would fare. Krause gave some of the schedule on tasks. Krause presented the list of decision criteria and new additions based on input from TAMWG and TMC. Krause said they would present the results for this table this next spring.

Paul Hauser noted they may have to assess the carbon budgets and increased greenhouse gas production as required by CEQA if they lost electric generation from shifting ROD flows. He also noted that one of the generators are in repair and will not be online until April 28, 6 days after the normally scheduled start of spring high releases. He asked if the Program was aware of this and if the scheduled releases are going to address the start of spring releases to best use the water for electric generation. Krause said they always work with CVO to track the hydropower production options.

Krause returned to the results from the DSS models using variable flows. He showed how the block of 35,000 acre-feet normally released in the spring would be shifted back to the winter. He noted this was not a lot of water relative to the annual flow. Under the variable winter flows, the DSS models did not produce vary large differences. For example, no more fish were produced, but the juvenile fish were larger (1.5 vs 1.4 g). They would also get a longer yellow-legged frog breeding season (20 vs 28 days), and the temperature objectives would be more readily met.

Ed Duggan noted unexpected increased releases in winter could produce dangers to wading fisherman. Krause said they would have a number of public outreach steps. Kyle De Juilio noted that most steelhead fisherman fish downriver and the stormflow increases are much larger than those being proposed here (e.g., 8-9 inches of river rise). George Kautsky asked if they should look for an additional block of water in order to avoid "robbing Peter to pay Paul." Krause said they are not looking for additional water above that in the ROD. He characterized this as a regular and annual examination of ways to best use ROD water and he noted that they have shifted water before.

Seth Lawrence of Department of Water Resources gave a short presentation on the ongoing effort to assess potential for recreation impacts under these variable winter flows. Lawrence said they have a good handle on the boat fishing issues from the guides. They will be sending out a questionnaire to the TAMWG about other recreational issues. Krause said the TAMWG should consider more than just winter recreation impacts and they should consider all recreational impacts affected by flow.

8. Tributary Access for Fish in the Upper Trinity River

Robert Stewart gave an update on the letter sent to the fishing guides regarding their observations on tributaries and the access to tributaries by fish. No responses have been received at this time. Michael Charlton, Travis Michele, and Joe McCarthy all noted they had not received any such letter. Ed Duggan had received the letter.

9. Weir at Tish Tang on the Mainstem Trinity River

This item was addressed just before lunch and following Item 6. Danny Jordan of the Hoopa Valley Tribe passed out two attachments (Attachment 3 and 4) as background to his presentation on the rationale for the Hoopa Valley Tribe to operate a fish harvest weir on the Trinity River. He

first provided some background comments and noted the Tribe is not a signatory to the Klamath Restoration Agreement and they are in court over it. He explained that the Trinity River program is to restore fisheries and that this should include delisting of the coho salmon. There is a conflict between natural stock program and the hatchery. There has been a 40 % reduction in coho and 36 % reduction in steelhead at the hatchery. Jordan said these fish are killed at the hatchery whereas they are needed to increased basin populations and this resource could be used by the Tribe. He noted that hatchery production, not restoring habitat, and maximizing CVP water diversions are violations of TRD and tribal trust laws. Jordan said the Tribe has put in a weir to allow selective harvest of fish but they are getting challenges over this.

Tom Stokely asked if the weir is in now. Jordan said it was in for ten days but has been taken out due to high flows and has not been re-installed. Jordan further reviewed that the concept of selective harvest has been agreed to as part of the Tribe's settlement with the federal government, whereas, the culling of fish was agreed to for only 2014. The adoption of the hatchery management plan will institute culling as regular policy. The tribe does not support hatchery culling when they could use these fish. They want to increase the harvest instead of reducing the hatchery production. George Kautsky explained that the fish at the hatchery are not as high value as they are in the lower basin and that some of these fish fail to enter the hatchery and may introgress with natural populations. Jordan stressed they need to develop better plans and reduce these conflicts.

Ed Duggan noted that this year had 1/3 the returns as three years ago. He thought they should get as many fish as possible upriver. Jordan said the low returns are the result of poor restoration of the river and this needs to be addressed. He said a tribal gill net cannot discriminate between hatchery and natural fish but a weir can. He asked why the ocean fishery is allowed to take 50 % of the take but no take is allowed in-river.

Kyle De Julio said the hatchery objectives are not to kill fish but are to lower the egg production. Seth Naman said, in California oceans, there is not a coho fishery but coho are taken only as a by-catch. The ocean takes about 8 % in the Trinity fish and the tribe nets take another 4 %. 80 to 90 % of the coho that return to the Trinity River are hatchery origin. But they cannot easily remove hatchery adults even with a weir given issues such as high water. Also lowering the numbers of adults does not address the releases of high numbers of juveniles in the spring that compete with natural juveniles. He acknowledged that excess adults to the hatchery beyond the needed egg take are culled.

Darren Mierau asked about the actual numbers of fish being killed. Also he asked for any information about the other fish captured at the weir. John Heilman responded that the hatchery has an egg-take allotment of 1.2 million eggs. They have objectives for one-to-one pairing of fish. They try to spawn 482 females. Elizabeth Hadley recommended they do not take hatchery issues up at this meeting as it was not on the agenda. Joe Polos said they could talk in detail about this at the spring meeting as an agendized item.

Ed Duggan began to formulate a motion to have the TMC investigate the weir. Travis Michelle commented that they should also consider impacts on other fish species from this and also impacts from other weirs and nets. He wanted to be sure the weir doesn't impact the other fish that he would like to see make it up river. He recalls seeing many fish carcasses at Lewiston as a youth and he no longer sees these numbers. Elizabeth Hadley said she cannot support the motion as this seemed to be more of a legal issue and not a Program issue. Dave Steinhauser asked if the motion was investigating whether the proper steps were taken, whereas according to Jordan, the proper steps were taken. Jordan confirmed that they were. Joe Polos clarified that the TMC does not

have harvest regulatory authority and if the motion passed, TMC would need to forward this on to the proper agencies.

Ed Duggan made a motion the TAMWG recommend the TMC investigate a proper method for introducing a Tish Tang Weir and go through the proper procedures for a permit.

Emelia Berol seconded the motion.

The motion passed with six yes votes and five no votes.

Abstaining were Tom Stokely and David Steinhauser.

10. TMC Current Issues

Elizabeth Hadley went over the agenda for the upcoming TMC meeting. She noted several business items, a discussion on the house at Junction City, and whether it should be purchased, the budget and any shortfalls, the bylaws, and holding officer elections.

Seth Naman said it is likely that Justin Ly will be the NOAA representative on the TMC. That means he will likely be stepping down from the TMC Chair position.

The next TAMWG meeting will be scheduled around the spring flow scheduling. The TMC has not yet scheduled their spring meeting.

Adjourn 2:00 pm

LIST OF ATTACHMENTS AND OTHER DOCUMENTS

Attachment 1: Memo Executive Director's Report to TMC and TAMWG from Mike Dixon, 12/5/2016.

Attachment 2: Letter to Ms. Elizabeth Hadley, TAMWG Chair from Seth Naman, TMC Chair, 12/5/2016.

Attachment 3: Hoopa Concerns regarding Ongoing Klamath and Trinity Management, passed out by Danny Jordan.

Attachment 4: Public Law 98-541, Trinity River Basin Fish and Wildlife Management Program, handed out by Danny Jordan.

Other Documents

Document 1: Letter to Mr. Wellock from TRRP, October 4, 2016.

Document 2: Letter to TMC from TAMWG, September 28, 2016.

Document 3: Water Year 2017 Flow Management Powerpoint, by Andreas Krause.

Document 4: Recreation Impact.