



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Klamath River Fishery Resource Office
P.O. Box 1006
Yreka, CA 96097-1006
(916) 842-5763
FAX (916) 842-4517

March 29, 1994

Memorandum

TO: Task Force Members

FROM: Project Leader, Klamath River FRO
Yreka, California

SUBJECT: Minutes from the February 1-2, 1994, Task Force meeting.

Attached, please find the minutes from the most recent Task Force meeting. We will prepare a summary of these minutes for public distribution. To save paper and mailing costs, the full version and summary version will not contain the attachments, but will contain a list of the handouts. If you are interested in any of the handouts from the meeting, please place a check mark by the item you want, place your name and address at the bottom of the page and return the list to this office.

A comprehensive minutes package will be provided to anyone upon request.

Ronald A. Iverson

Attachment

KLAMATH FISHERIES TASK FORCE
Draft Full Minutes
1-2 February 1994
Arcata, CA

Tuesday, February 1

1. Meeting called to order at 10:00 am by Vice Chair Nat Bingham.
Members introduced themselves (Attachment 1).

2. Discussion/adoption of agenda (Attachment 2): Item #10 will be deleted. After the 11:30 adjournment tomorrow, the education subcommittee will meet.

** Motion to approve the agenda as amended (Wilkinson). Seconded (Bulfinch).

***** Consensus.

3. Correction/approval of minutes from October 1993 meeting.

** Motion to approve (Wilkinson). Seconded (Bulfinch).

***** Consensus.

4. Report from Upper Basin ad hoc committee (Thackeray)
It has not been easy to come up with a solution for this task. Klamath Basin Water Users Protective Association (KBWUPA) has sent additional comments on the amendment (Attachment 3) that you should have received. We have not yet met to discuss these comments. Now, I'll ask committee members to provide their specific comments:

Wilkinson: We need to employ the efforts of the Ecosystem Restoration Office (ERO). I lament the fact that without adopting this amendment, we cannot have Upper Basin participation in the form of representation on the Task Force.

Orcutt: The schedule of implementation is slow. I hope that the Task Force can move more quickly in the future.

Crawford: I am hopeful that everyone involved with the amendment has had an opportunity to review the comments by Modoc County, Klamath Tribe, and KBWUPA. The Upper Basin constituency has been disappointed in the reaction of the Task Force to Steve Lewis' proposal at the October meeting. Lewis offered funding to identify projects for recovery and restoration that would benefit everyone. But, the Task Force only reached into files and dusted off downstream files that hadn't had high enough priority and submitted these for funding. This action confirmed the Upper Basin constituency's fears of hidden agendas. \$2.8 million were approved, but the Task Force opportunity for projects in the Upper Basin went by the wayside. I question the assignment given to staff at the October meeting, the response options either said, "strengthen" or "abandon." This wasn't what I feel should be done. The comments from water users speak for themselves. Hopefully these will be perceived as constructive

comment. The long range plan also needs to be dealt with prior to the program review that is scheduled for '95. I agree with Mike, it seems like we are not going forward on this in a timely manner. Perhaps the Upper Basin committee needs to have a new document that lists the issues and the comments in one place.

Miller: Our tribe has been advocating acceptance of the amendment. Our concern is that the amendment is not moving forward fast enough. We need to make a decision to look at the river in its entirety or continue to look at only half the system. The appointments that need to be made could be made prior to adopting the amendment. We need to follow the broad approach of looking at the environment as a whole. It is very important that we look at fish basinwide. When are we going to get on with business?

5. Task Force discussion of policy questions to be resolved in completing the Upper Basin Plan Amendment.

- o There seems to be consensus that the Upper Basin Amendment needs revisions, yet until we adopt it we can't appoint membership.
- o In addition to the water users comments, the Klamath Tribe and the Oregon Natural Resource Council have commented. All groups generally urge completion of the amendment.
- o The entire plan is open to revision in '95. The Task Force is not trying to force the program on the Upper Basin until they have an opportunity to have their say.
- o I'd like to see the Task Force adopt the amendment with wording in it to revise certain parts of it in '95. This would allow seating of Upper Basin representatives who could then sit on the Task Force and be prepared to revise it in '95. Basically, it would be a procedural document.
- o I question the process. I understood that ad hoc group was going to be meeting to put their comments into amendment, I don't believe that I've seen this revision. I have a problem with adopting an amendment that needs amending. I would rather see us taking the time to prepare it then accept it as is.
- o One of the glaring problems is that the ad hoc committee has not been able to meet to prepare a revision. The problem lays with the ad hoc committee. We need to make a further commitment to develop clearer objectives.
- o Miller: Working with the ad hoc committee was important to the Klamath Tribe. We provided comments that we delivered as some of the things that need to be changed. This committee has done its job, it is now time for the Task Force to look at comments received, revise the document and move toward approving it.
- o The amendment is just a statement of interest. Now that we have the ERO, we should flesh out the amendment with the new player at hand and get into a problem solving mode.

o We fully expected some kind of redrafted amendment by now. The Upper Basin ad hoc committee didn't see redrafting as part of their role. We still want to see a redraft and we are confident that good results will still come about (Dave Solem: Klamath County representative on the ad hoc committee).

Bingham: Let's either: 1) send the amendment back to the subcommittee for revision, or 2) adopt it (understanding that it is imperfect) and plan revisions.

Iverson: The Long Range Plan was developed by dividing the Task Force into working groups to address issues on each chapter. Comments were addressed one by one in order to produce the final plan.

Steve Lewis, Supervisor of ERO: My office has staff and expertise. We could facilitate to work on issues.

Iverson: I'm concerned about the policy issues that the Task Force would need to pass judgement on. These decisions have to be made by the Task Force or their subcommittee. Staff cannot make decisions for interest groups. We have already identified policy options as assigned at the last meeting. We suggested a range of ways to deal with these policies -- ranging from dropping the amendment, to the option of providing extensive staff time. The Task Force (or the subcommittee) needs to decide on the options that they prefer.

6. Public Comment

Rod Kucero, President of Klamath County Farm Bureau: Farm Bureau members support the ecosystem restoration effort. Water user's comments want to see the amendment redrafted, then public comment. Farmers have expressed willingness to work with the Task Force to help everyone reach a compromise. I support redrafting the amendment, then a comment period, then the Upper Basin folks can be appointed to the Task Force.

Jacob Kann, aquatic ecologist for the Klamath Tribe: I appreciate the comments on the amendment provided by the water users, except I note that they are on the Long Range Plan and the planning process and are not on specifics of the amendment. I feel it may be better to approve the amendment before adding representatives since it looks like we are headed into another drought year. The Upper Basin provides 20% of the flows in the lower Klamath River.

7. Action:

** Motion (Wilkinson): To expand and accelerate the present ad hoc process by 1) including the ERO (Lewis), 2) investigate, through the Solicitor's office, the seating of the Klamath Tribe, Klamath County and Modoc County representation of Upper Basin prior to the adoption of the amendment -- perhaps anything reached through consensus would be ok with the Solicitor.

7. Action (continued)

Seconded (Farro).

Discussion

- o The subcommittee could present a "do-pass" alternative at the next Task Force meeting. This alternative would include recommendations on the policy questions brought up by staff and include incorporation of comments received.

Break for caucus.

Reconvened at 11:45.

Discussion

Q: Does the motion imply that there will be another round of public comment on the amendment?

A: No, but seating on the Task Force should remain as it is laid out in the legislation.

Lewis: Staff expertise at the ERO and KRFRD is available. Facilities are also available. We are willing to help facilitate a meeting to attempt to resolve the issues between now and the next Task Force meeting.

Orcutt: I have reservations with going outside the process by including members on the Task Force until after the amendment is adopted. I oppose the motion.

Wilkinson: The intent of the motion is to expand and accelerate the ad hoc committee process. Since the ad hoc committee wants to present a consensus recommendation to the Task Force, we want to have Upper Basin representatives on the committee.

Iverson: We can commit to a schedule of technical support, but we can't promise an "accelerated Solicitor's opinion."

Hillman: The history regarding adding a Karuk seat had similar congressional action as is laid out for Upper Basin participation. The Upper Basin Amendment time frame for implementation was put in as a trigger. If the Task Force was to continue to delay adopting this amendment then I understand that the opportunity to seat people would be closed.

* Call for question:

Motion fails. (Objection: Orcutt)

Lane: On a separate issue, I have two items for the Task Force to

7. Action (continued)

consider: 1) a request for a letter of support from this group on the pending reauthorization of the Trinity Restoration Program and 2) the publication on the background of restoration of the Trinity mainstem.

Bingham: This issue will be discussed later as a new agenda item.

lunch

** Motion (Orcutt): Pursuant to Section 4(j) of the Klamath Act, "...the Task Force hereby extends area to include the area upstream of Iron Gate..." So, by the amended law, seats are added to the Task Force to enable looking at the amendment, incorporating comments, giving representatives an opportunity to offer expertise and also giving them an opportunity to veto the amendment.

Seconded (Wilkinson).

Discussion

Joe Mimbrino, legal counsel: We looked at the statute that authorized two more seats -- it became apparent that maybe we were trying to develop recommendations to the plan prior to adding seats to the Task Force. The statute calls for acknowledging that "area" includes the upper Klamath area. The amendment does not call for commitment to plan prior to adding members. The two new members will be seated, then amendment will be discussed and possibly revised and incorporated.

Q: Haven't we already incorporated the Upper Basin into the process?

A: Yes.

The President's plan calls for recognition of the entire basin as one unit.

Public Comment

Ronnie Pierce: If new members have the ability to veto the amendment, then wouldn't they also veto their seats at the same time?

Bingham: My understanding is that a vetoed amendment would not remove their seats.

Mimbrino: We need to pay attention to the definition of "conservation area" versus "program." The amended act calls for expansion of the program to a larger area. The question of veto is more aptly described by consensus blocking.

John Crawford: Under this motion, are the policies in the Long Range Plan applicable to the Upper Basin without the amendment?

Higgins: The Long Range Plan policies apply only to the original area. The two new members would only look at amendments to the

7. Action (continued)

original plan, but all the policies are revisable.

Q: If the proposed motion is approved, does it mean that all the policies in the Long Range Plan would apply to the Upper Basin?

Orcutt: No, that wasn't the intent. By having Upper Basin representatives at the table at the next meeting, they could bring up issues, etc.

Q: Does the Long Range Plan become immediately effective in the Upper Basin if we approve your motion (Thackeray)?

A: The motion asks the Task Force to make decisions prior to hearing the specifics of amendment (Wilkinson).

Hillman: The policies in the plan that reference the Upper Basin are few. My impression is that those policies stand alone irregardless of adoption of the Upper Basin Amendment. The misunderstanding can be clarified if the area definition (as described by the Solicitor) is reviewed. The Solicitor said that there is one area. The point to be discussed is expanding the restoration program to the Upper Basin. This is reflected in the amendment to the law. The policies in the plan already apply to the Upper Basin.

Thackeray: When we adopted the Upper Basin area into our area, we had a scoping meeting in Klamath Falls and an opportunity for written comment.

Mimbrino: If there can't be an understanding of what this Task Force has done, then we can't move forward. There needs to be some understanding of what the Task Force wants its process to do.

Wilkinson: The legislation created two new positions that would take effect when the amendment was adopted. This is the same document that the committee has/is trying to move on. The motion on the table proposes action prior to a recommendation from the ad hoc committee.

Bingham: HR 5809 says that when the program is expanded, membership should be added.

* Call for question:

Motion fails. (Objections: Elliot, Holder, Thackeray and Wilkinson.)

Bingham: If we don't come to consensus on any new actions, then the ad hoc committee will proceed as usual. I want to ask the Task Force to consider this issue tonight and see if we can come up with compromises to review tomorrow.

8. Report of the Technical Work Group (TWG) including: status of projects submitted to the National Biological Survey, FY1995 Request for Proposals, and a proposal to utilize \$16,000 of TWG funding for retaining an individual to provide assistance to the TWG (Rohde).

I've handed out a copy of the TWG report (Attachment 4) that you can use for further information on our activities.

a) National Biological Survey (NBS) attended the last TWG meeting. We were told that \$500,000 existed for the Klamath-Trinity system. The TWG recommended five projects to NBS. Their response didn't specify that work could begin soon, so we have only identified research opportunities for '95. Now, NBS says that the funding is no longer in their budget.

b) Regarding the FY1995 Request for Proposals (RFP): Last year, the TWG was unhappy with the proposals received, so we developed a completely revised format that specified the priorities we felt were important. This year, we would only like to propose a minor revision to get closer to getting proposals for the specifics of what we want to see get done. One of the TWG members felt that we could change the ranking criteria to guide the proposers, so we did a phone survey of TWG members and we feel pretty comfortable that TWG members would go along with the proposed criteria: change wording from "compatibility with other elements of the Restoration Program" to "Conforms to sub-basin objectives." Now we need Task Force approval of this revision.

c) Regarding \$16,000 funding to retain an individual to help TWG: At the last Task Force meeting, I reported that we wanted the funding to develop maps. Now we say that we want the money to hire a person to do the computerized mapping. I haven't talked to all the TWG members about this idea, but the ones I did talk to felt it was a good idea. The ERO and HSU are working together so I came up with additional funds to hire a graduate student (to work with HSU and ERO and Rohde) to pull together the GIS layers and assemble them into a final product.

Q: Wilkinson: It looks like the wording in the original criteria is more acceptable than "conforms to sub-basin objectives." Why do you want to change it?

A: The TWG member who was concerned doesn't feel that the language is strong enough to get proposers to look at objectives.

Wilkinson: As chair of the Education Subcommittee, I note that the \$16,000 looks like the same money that disappeared from the education program.

Q: Where did the \$500,000 with NBS come from and is there anything else we could do to get the funding?

A: The letter from NBS is attached to the TWG notes. Note that Task Force chair asked NBS for a contact person. I later heard that Dr Buffington was to be the liaison. He should be able to tell us what happened with the funding.

Q: Holder: I'm glad to see coordination with the new ERO. I have a question regarding watershed analysis, how will this person fit in with that program?

A: Ron Garrett from the ERO is meeting with people who are developing the forest ecosystem plan and watershed analysis process. Both Dr. Larry Carlson and Dr. Steve Fox of Humbolt State University are involved. The individual who is hired will be working under the guidance of Fox, Carlson and I.

Q: Holder: How will this person's work utilize the products produced as part of the watershed analysis process (available in the next few months)?

** Motion (Farro): I move that we amend the request for proposal language.

Seconded (Orcutt).

Discussion:

If the larger basins have objectives for them, how will smaller basins without objectives be handled?

Q: Iverson: About a year ago, I pointed out that we had a long and elaborate public review process for the Long Range Plan, but these sub-basin objectives never had public review. When Dave Mackett (NMFS) helped this group with its planning process a long time ago, he suggested that public review be an integral part of the objective setting process.

***** Consensus (abstention: Wilkinson).

Discussion on technical work group resource assistant.

Wilkinson: I'm opposed.

Rohde: This money was available to the TWG before proposals were ranked.

Iverson: Funding is for a FY93 project that carried over.

** Motion to approve proposal for a resource assistant (Hillman).

Seconded (Holder).

Discussion

o There hasn't been a change in terms of priority. This proposal doesn't differ from the original intent of where the TWG wants to go with this money. People who are involved with the TWG are familiar with the frustrations that the group feels by having a lack of tools. Originally, the proposal didn't call for hiring a person but the objective is still the same.

***** Consensus (Oregon abstains).

New agenda item: request for support of Trinity Restoration Program
(Lane)

Farro: If this request is for support of the Trinity Program's reauthorization with its current configuration, then I would probably be opposed. The public is also concerned about revising the program.

Orcutt: I am a member of the Technical Coordinating Committee of the Trinity Task Force. I feel that is a worthwhile program, even if it has had bad publicity lately. Perhaps, we should ask to see a write up of the issues in order to lay out the options more clearly.

Lane: The reauthorization is not in the Secretary of Interior's office yet. We expect it will get there soon.

Iverson: Perhaps it would be useful to have a letter of endorsement from this group that would provide support for the concept with some proposed changes. We could provide specific types of comments for revisions.

Farro: I agree that the program has had some successes. I could support a letter in support of reauthorization and proposing changes for improvement.

Iverson: I will volunteer to draft such a letter with Lane for this group to look at tomorrow.

9. Long term needs list update (Iverson).
A revised long term needs list has been provided by CDFG (Attachment 5). I propose we carry this item over and discuss it later.
10. Report of the ad hoc committee on elements of the long range plan for which progress is lacking (Holder).
Item postponed to the April meeting.
11. Report on the interagency work group on instream flow needs assessment

Iverson: The instream flow issue dates back to the inception of the restoration program. It was identified in the Long Range Plan as a needed item, then proposed for funding. The proposal needed refining so a group has been set up to do that. In November, the group met and decided that a first phase of the flow study should be from Iron Gate Dam to the confluence with the Trinity (highest priority). The flow study branch at our Sacramento office put together a proposal that is attached to the minutes of the meeting (Attachment 6). We hope that you will review and comment. One of the issues that has postponed implementation of this flow study is deciding who ought to pay for it. Bureau of Reclamation has committed to \$25,000 and PP & L will also commit an equivalent level of funding. Both entities are looking for a commitment from the Task Force for the upcoming year. We need to find out how much is available and from who. We also need to know if the draft plan of study is still acceptable.

Jeff Thomas, Sacramento Flow Study Team: In Oct '92 we submitted a draft plan of study for the Klamath River below Iron Gate Dam. Since then, this initial effort spawned a new proposal which is more detailed and thought out. It contains all the key elements as discussed at the work group meeting. I know that the budget looks expensive, but this is a reasonable estimate. We need to know how much other parties are willing to help out.

Questions

Franklin: Jeff has explained to you his perspective on what went on at the meetings. Jeff knows the IFIM methodology quite well. The Hoopa Tribe has suggested revisions to the study approach because IFIM concerns itself with a handful of aquatic species, what we are looking at is addressing itself to an ecosystem approach. The flows identified using IFIM do not necessarily restore an ecosystem but an aquatic environment. It is our challenge to approach the flow study package to contain IFIM but to also contain very much more than just IFIM. Perhaps instead of having the FWS manage this, we could have it be more cooperatively managed and have the ecosystem perspective with the flow needs perspective incorporated.

break.

12. Task Force discussion

- o We need to find out what would it cost to actually implement something like this.

13. Public comment

Bill Trush, Professor at HSU: I am an advocate of the instream flow issue, although I urge a more process oriented look at the scope of the flows (e.g., habitat availability as a result of flow, or a study based on low flow numbers is not the minimum that a river needs). IFIM is inaccurate as an overall model of the needs of the river. All the other processes need to be looked at as well. I urge the Task Force to look at more than just minimum needs of fish.

Iverson: The place to discuss these technical issues is not here, it was in November at the scoping meeting.

14. Action: Task Force decisions and assignments on how to proceed with recommendations of the work groups and ad hoc committee.

Bingham: I will exercise the prerogative of the chair and put the flow study issue back to the work group. The proposal will go back for peer review (i.e. Trush's comments).

15. Report on the coho petition (McInnis)

National Marine Fisheries Service (NMFS) published the decision on the petition submitted by Pacific Rivers Council (PRC) on coastwide listing of coho as "substantive." Emergency listing is not warranted, though this puts us on a schedule that the decision is due nine months from this week. The earliest petition on coho in the Santa Cruz area

was received in March 1993. The Oregon Trout petition for Oregon coastal stream coho was received in July 93. The decision is expected by July 94.

When a petition is submitted, NMFS has three months to decide if they want to make a complete review. If yes, then we have a total of twelve months to make a decision.

Q: How will short run coho from Santa Barbara or Santa Cruz be differentiated? Will the listing of one affect all?

A: Winter chinook management measures are confined to specific areas. It is hard to know if a listing south of San Francisco will trigger management implications north of San Francisco.

Q: What efforts have been taken to determine if those fish represent specific stocks?

A: First, NMFS establishes if a stock composes an evolutionarily significant unit then it will be considered as part of the coastwide petition.

16. Report on the Forest Plan process (Holder)

Four forests in Northern California have been working on their Forest Plans (Shasta-Trinity, Mendocino, Klamath, and Six Rivers).

These plans are required to incorporate the President's Option 9. Now, the comment periods for all four Forest Plans plus the President's plan have ended. A record of decision and final decision will come out on the President's plan prior to the same information becoming available on the Forest Plans. The final plans should be out this fall. They include a major emphasis on fisheries protection.

Q: What is the status of the provincial plans?

A: The interagency ecosystem office in Portland calls for BLM plans being replaced by provincial plans that would be on ecosystem boundaries. This would need Congressional action because it would revise the current boundaries and agency delineations.

17. Report on the Northwest Economic Adjustment Initiative

This agenda item will be presented tomorrow, as originally planned.

18. Report on farmer/fisherman/logger negotiations (Bingham)

Since the middle of last summer these three groups have been involved in a series of talks. We picked up where we left off a few years ago by trying to get better habitat for fish. We have established a forum, a TWG, and we are about to announce that a process is underway. Issues are being addressed one at a time. People are being driven to be serious by the coho listing. Trying to work within the window of opportunity.

Q: Nat, is your focus statewide?

A: The area of concern is coastal coho salmon habitat.

19. Task Force discussion

Farro: This process is being driven by the coho listing petitions. Dr. Moyle sits on the technical committee. The hopes are that we will come out of this with more buy-in towards restoration. I'm cautiously optimistic.

I also have a new agenda item: Could the Task Force send a letter commending Del Norte CCC on their efforts? Could we also send a participant to represent us at their upcoming event?

** Action: Mitch will draft a letter of support to the Del Norte CCC and represent the Task Force at their event.

20. Public comment

[Unnamed] As a senior citizen I find it difficult to sleep at night because when I turned on KGO radio I was upset to hear that production agriculture wouldn't cooperate and that we were greedy, selfish, and unwilling to share. If you are going to be on a public broadcast, perhaps you could be nice and avoid the name calling next time.

Wednesday, February 2

The meeting was convened by Vice Chair Bingham at 8:10 am. Two agenda items remain from yesterday.

17. Report on the Northwest Economic Adjustment Initiative (NWEAI)
(Holder)

In the papers I handed out (Attachment 7), you can see that under the President's plan for the Pacific Northwest, there are province level boundaries. There are also organizational charts showing interagency heads who are implementing at the regional level. Provincial committees are of the most interest right now.

Jack West will now explain more of the details of the process.

On January 21 we received directions on how to structure the province teams - this structure is being quickly put in place now.

In the Pacific Region range of the spotted owl -- Washington, Oregon, and Northern California, there is \$27 million marked for expenditure for ecosystem management and analysis. Forests in Northern California will get \$5.3 million. This money is reprogrammed salvage sale dollars for investment into watershed analysis to prepare for fy 95-96 and the future. The second funding source is the reprogramming of timber road construction money into watershed reconstruction money. These two sources of money will now go towards the "jobs in the woods" program for contracts etc. Of the \$20 million total, the Pacific Northwest will receive \$4 million.

The third funding source is the USFS funding match of 50% of our watershed, fish, wildlife and associated budgets. On Klamath National Forest, \$4 million will be used during future years.

The process that will be used to implement this program this year is: the Local Interagency Interdisciplinary Team (LIIT) will be convened, two watersheds will be identified for critical level implementation, a watershed analysis on these restoration watersheds will be performed by the LIIT, the LIIT will present projects to the Provincial Interagency Interdisciplinary Team (PIIT), NEPA analysis, contract/cooperative agreement preparations, then funds awarded by October 1, 1994.

Overall it is a complex process and a new way of operating. We will soon get used to being involved in a joint venture.

Thackeray: This is a very technical process, my part is getting down to the local community level.

The Multi-Agency Command (MAC) in Portland oversees the program. The Regional Economic Revitalization Team (R-CERT) has representatives from three states. The state CERT consists of representatives from each involved county, state and federal agencies. Also within this group are county community action groups -- the folks within the county who submitted proposals for funding (e.g. Humboldt 193, Shasta 50, Siskiyou 102).

The philosophy of the NWEAI is that Northwestern states and part of California will receive funds to support and augment projects that render strong community development and economic diversity and stability. These funds will be used for grants, developing new jobs, and assisting with loans. The financial commitments total \$263 million -- no new dollars, just redirected dollars.

Q: Stokely: It appears that most of this funding is going to either federal people or public lands. Do you know if any of it is for private lands?

A: Proposals for private lands would go through the county process, (county cert to state cert) then still make it up to the province level funding agencies. More projects might be considered for future proposal requests. The next deadline is April 5.

Holder: In summary, this act has caused a major change in the way we do business, it is a lot to do in a short time frame.

New agenda item: Review of draft letter in support of Trinity Restoration Program reauthorization

- o Issues to be considered in revising the Trinity Program include: public involvement (for scoping and input on what the actual legislation would look like), broader representation, and lead agency.
- o Since the new direction of the federal government is to have a

provincial/interagency focus, it doesn't make a lot of sense to have two agencies in the same watershed working on the same project at two different basin levels.

- o There are distinct divisions between how the Klamath and Trinity do business.

** Action: Task Force subcommittee (Orcutt, Farro, Stokely) will work on it and bring a redraft back to the next meeting.

Upcoming agenda item: The Trinity Technical Coordinating Committee needs to be on the agenda for the next meeting to update this group on the types of programs underway.

6. Public comment on Upper Basin Amendment (continued)

Jim Welter, KMZ Fisheries Coalition: The Upper Basin is part of the watershed, so it needs to be included in the planning area.

Elwood Miller, Klamath Tribe: I don't believe that the problem lays with the amendment. I feel that more of the concern deals directly with the Long Range Plan -- it brings up issues that need to be dealt with by the full Task Force, not an ad hoc committee. Anadromous fish need to be part of the ecosystem riverwide. We want anadromous fish back in the Upper Basin when its applicable. I think that this Task Force needs to demand a product by the next meeting. I think that we need to all sit at the table and either get on with it or not.

Rod Kucero, President of Farm Bureau: The farm community in Klamath County is very active in restoration projects. We want to use the ecosystem approach. I'm concerned that if a representative is added to the Task Force without redrafting the amendment first, then nothing will get done. I recommend that the ad hoc group continue to work to redraft the amendment. In the interim, progress will be made by continuing projects that are already underway.

Marshall Staunton, President of Tule Lake Growers: Last night several of us got together and agreed that "we can't agree to disagree." Therefore, we have proposed a quit date.

Public testimony closed.

7. **Action on Upper Basin Amendment (continued)

** Motion (Wilkinson): I move that we accelerate the present Upper Basin Amendment process by: 1) asking the ad hoc subcommittee to give us a progress report at the next Task Force meeting in '94 (April 19-20, Brookings) and 2) request a Solicitor's opinion regarding new seats on the Task Force (i.e., Does Section 4(j) include Modoc County?).

Seconded (Farro).

Discussion

Q: What do you want to ask the Solicitor?

A: To examine the seating of the two new representatives and give us an opinion on "if we could not by consensus, appoint a member from Modoc County". Consensus was to shorten the time frame too. Solicitor will probably not be able to meet this schedule.

Hillman: The specific language names two seats. If we are going to move towards getting some movement on this issue, then seating people prior to adopting the amendment becomes a moot point.

Lara: I feel that the Solicitor's opinion is not necessary if we have a product that we can vote on at the next meeting. Nothing else matters except getting a product from the ad hoc committee at the next meeting.

Wilkinson: The product of the ad hoc committee may or not be acted upon at the next meeting. Problems may be presented by the ad hoc committee too. We may need to go through another amendment process. We recognize that there were oversights in the representation by not naming Modoc County in the amendment. Arguments have also been heard for Lake County, Eastern Jackson County, Oregon coastal counties, etc.

Bingham: If we don't have the Solicitor's opinion, we could still move forward at the next meeting.

Q: Could the two issues contained in this motion be considered as two motions?

A: No, because the motion is the product of a lengthy consensus process. They could not be separated out without more discussion of last night's group.

Call for question:

Motion fails (Objection: Hillman).

** Motion (Bulfinch): The Upper Basin Amendment will be revised by ERO and KRFRO staff for comments received from water users, tribe etc. The revised document will be forwarded to the ad hoc committee who could then refer it to the Task Force by January 95. The Task Force would have the final determination.

Seconded.

Iverson: I disagree that this method would solve the problem. The problems are not technical, the problems are disagreements over policy that we technicians can't resolve. All we could do is set the policy issues forth for the Task Force to resolve. The charge to the ad hoc committee is to resolve policy questions. Those policies have yet to be resolved. It is more effective to do that at the beginning of the process, then turn it over to technicians.

Bingham: These serious unresolved policy issues will need to

resolved. The ad hoc committee will simulate the Task Force by having representation of Upper Basin folks. The ad hoc committee will have the burden.

Orcutt: The problems are more at the policy level and need to be worked on at the Task Force level. A revision to the motion that Keith put on the table could be better.

Farro: The motion is redundant. We are stuck on dead center. Some aspects of the amendment we agree on, others first need more research, and technical defining prior to having a decision made by this group.

Motion fails.

** Motion (Wilkinson): Accelerate the present ad hoc process to report on their progress at the April and June meetings. A package from the ad hoc committee to the Task Force will be forwarded for approval by the Task Force (package may include flagged issues that the committee forwards to the full Task Force for consideration).

Seconded.

**** Motion carries.

Break

22. New business: Army Corps of Engineers 404 Permits as an impediment to fisheries and watershed restoration (Stokely)

The Salmonid Restoration Federation sent a letter to Hamburg with attachments that included Section 404 of the Clean Water Act. The letter refers to Corps of Engineers jurisdictions that have recently been expanded to include dredging activities. The process is to send in an application, then wait 3-12 months to see if a permit is required. This is too long to wait. Bingham, Caldon, Dept of Park n' Recreation and Redwood Community Action Agency sent letters in to ask for a shorter time period. The application is going in now and we are hoping to get a response by May for this summer's work. Fish and wildlife restoration work doesn't feel like it is above the law, but the length of the process is so long that it may hold up restoration efforts. I recommend that the Klamath program apply for renewal of their permit approximately two years before they need it. I don't need a letter of support from this group now, because I'll wait to see what happens with all the Option 9 activities. This topic could be an agenda item for the April meeting. On private land, getting cooperation to perform restoration work is critical. These kind of holdups can frustrate landowners and cause us to miss the window of opportunity to keep their cooperation.

24. Next meeting agenda items:

Progress report from Upper Basin ad hoc subcommittee (Thackeray).

Review of Trinity Restoration Program reauthorization support letter (Lane).

Report from Pacific Power and Light (Bruce Eddy).

Report of the ad hoc committee on elements of the long range plan for which progress is lacking (Holder).

Progress report on NWEAI (Holder, Thackeray).

Report from Bureau of Reclamation on water outlook (Ryan).

Report on timber harvest/anadromous fish assessments in the Klamath basin by the Center for the Study of the Environment (Mark Meleason).

By June, the Technical Work Group and the Budget subcommittee will have met to give us their recommendations. We will then meet to develop the annual workplan. The meeting will be June 22-23 in Yreka, CA.

Meeting adjourned.

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEETING
February 1 - 2, 1994
Arcata, California

Klamath River Basin Fisheries Task Force members present:

Nathaniel Bingham	Calif. Commercial Salmon Fishing Industry
Kent Bulfinch	Calif. In-River Sport Fisheries
Don DeVol	Del Norte County
Rich Elliott	Calif. Dept. of Fish & Game
Mitch Farro	Humboldt County
Leaf Hillman	Karuk Tribe
Barbara Holder	U. S. Dept. of Agriculture
Ron Iverson	U. S. Dept. of Interior
(for Bill Shake)	
Walter Lara	Yurok Tribe
Rod McInnis	National Marine Fisheries Service
Michael Orcutt	Hoopla Indian Tribe
Tom Stokely	Trinity County
George Thackeray	Siskiyou County
Keith Wilkinson	Oregon Dept. of Fish and Wildlife

Attendees

L. Ayr	U. S. Forest Service - Orleans
Rober Barnhart	NBS
Dave Bitts	HFMA/PCFFA
Peter Brucker	Salmon River Restoration Council
Randy Brown	U. S. Fish and Wildlife Service
Bernie Bush	STOO
John "Chip" Bruss	Bureau of Reclamation
Bob Byrne	Klamath Basin Water Users
John Crawford	Modoc County
Scott Cressey	WESCO
Debra Crisp	Tulelake Growers Assn.
Judy Cunningham	United Anglers KFMZ Coalition
Bob Davis	U. S. Bureau of Reclamation
Dan Ferreira	Calif. Conservation Corps
Jud Ellinwood	Salmon Restoration Federation
Robert Jones	KFMZ Coalition
Bruce Halstead	U. S. Fish and Wildlife
Tony Herrera	Confederated Modoc & Paiute Tribes
Pat Higgins	Kier Assoc.
Dave Hoopaugh	Calif. Dept. of Fish & Game
Paul Hubbell	Calif. Dept. of Fish & Game
Jacob Kann	Klamath Tribe
Ted Kepple	Herald & News
Rod Kucera	Klamath County Farm Bureau
Chuck Lane	U. S. Fish and Wildlife Service
M. Lay	Calif. Dept. of Fish & Game
Steve Lewis	U. S. Fish and Wildlife Service - ERO
Michael Maahs	Klamath River Technical Advisory Team

Susan Masten
Plinye McCovey
Joseph Membrino
Doug Miglaw
Elwood Miller
Ken Neel
Tricia Parker
Ronnie Pierce
Joan Riker
Michael Rode
Mike Ryan
Fred Schutt
Russell Smith
David Solem
Marshall Stanton
Monte Seus
Mary Taylor
Bev Wesemann
Jim S. Welter
Tom Weseloh
Desma Williams
John Wilson
William Winchester
John Wooley
David Zeponi

Yurok Tribe
Hoopa Tribe
Hoopa Valley Tribe
Fruit Growers Supply Co.
Klamath Tribes
Hidden Creek RV
U.S. Fish and Wildlife Service
Yurok Tribe
Water Users Klamath Consulting
Calif. Dept. of Fish & Game
U. S. Bureau of Reclamation
KFMZ Coalition
U. S. Bureau of Reclamation
Klamath County
Tulelake Growers
KBWRAC

U.S. Fish and Wildlife Service
KFMZ Coalition
Calif. Trout Inc.
BIA
Klamath River Technical Advisory Team
North Coast Reg. Water Quality Control Board
Northern Calif. Indian Develop. Council
Klamath Basin Water Users Protective Association

FINAL AGENDA
Klamath Task Force
1-2 February 1994
Mad River Saloon and Eatery, Banquet Room
Arcata, CA

FEBRUARY 1

- 10:00 1. Convene meeting: opening remarks, introductions
- 10:15 2. Discussion/adoption of agenda
- 10:30 3. Correction/approval of minutes from October, 1993, meeting
- 10:45 4. Report from upper basin ad hoc committee (Thackeray)
- 11:15 5. Task Force discussion of policy questions to be resolved in completing the Upper Basin Amendment.
- 11:45 6. Public comment
- 12:15 Lunch
- 1:15 7. Action: Task Force decision on how to proceed with the Upper Basin Amendment.
- 1:45 8. Report of the Technical Work Group (TWG) including: status of projects submitted to the National Biological Survey, FY1995 Request for Proposals, and a proposal to utilize \$16,000 of TWG funding for retaining an individual to provide assistance to the TWG (Rohde).
- 2:20 9. Long term needs list update (Iverson) [p5 joint notes]
- 2:30 10. Report of the ad hoc committee on elements of the long range plan for which progress is lacking (Holder) [p14-15 Oct TF notes]
- 2:45 11. Report of the interagency work group on instream flow needs assessment (Shake, Jeff Thomas)
- 3:15 Break
- 3:30 12. Task Force discussion, agenda items 8-10.
- 4:00 13. Public comment
- 4:15 14. Action: Task Force decisions and assignments on how to proceed with recommendations of the work groups and ad hoc committee.
- 4:45 Recess.

Klamath Task Force agenda (continued)

FEBRUARY 2

- 8:00 15. Report on the coho petition (McInnis)
- 8:15 16. Report on the Forest Plan process (Holder)
- 8:30 17. Report on the Northwest Economic Adjustment Initiative ("jobs in the woods") (Steve Lewis, Holder, Thackeray)
- 9:00 18. Report on fisherman/farmer/logger negotiations (Bingham)
- 9:15 19. Task Force discussion, agenda items 14-17.
- 9:30 20. Public comment.
- 9:45 21. Task Force decisions, assignments arising from agenda items 14-18.
- 10:30 Break
- 10:45 22. New business.
- Army Corp of Engineers 404 Permits as an impediment to fisheries and watershed restoration (Stokely).
- 11:00 23. Review assignments, set date and location for summer meeting.
- 11:15 24. Next meeting agenda items:
- o Report on timber harvest/anadromous fish assessments in the Klamath Basin by the Center for the Study of the Environment (Mark Meleason).
- 11:30 Adjourn Task Force meeting.

February 1 & 2, 1994

TASK FORCE HANDOUTS

Agenda

- Agenda #5 Comments by the Klamath Basin Water Users Protective Association, Klamath and Modoc Counties, on the draft Upper Klamath River Basin Amendment to the Long Range Plan for the Klamath River Basin Conservation Area Fishery Restoration Program and the Long Range Plan
- Agenda #5 Klamath Tribes' Comments on the Proposed Upper Basin Amendment to the Long Range Plan for the Klamath River Basin Conservation Area
- Agenda #5 Letter from Oregon Natural Resources Council
- Agenda #5 Draft Primary Issues Raised in Public Comment on the Upper Basin Amendment to the Long Range Plan
- Agenda #8 Klamath River Basin Fisheries Task Force Technical Work Group Report - February 1, 1994
- Agenda #9 Letter from Forrest Reynolds, Calif. Dept. of Fish and Game to William Shake regarding Suggested Projects for Inclusion in Klamath River Basin Fisheries Task Force Long-Term Needs List.
- Agenda #10 Draft - Klamath River Fishery Restoration Program Evaluation Report for Fiscal Year 1993 - Discussion of Policies and Degree of Implementation for the Long-Range Klamath River Fishery Restoration Plan (September 1993)
- Agenda #11 Minutes from the Flow Meeting of November 3 & 4, 1994.
- Agenda #11A Letter from the Hoopa Valley Tribal Council to Fish and Wildlife Service regarding the flow meeting minutes.
- Agenda #11 Letter from Calif. Regional Water Quality Control Board to U.S. Fish and Wildlife Service regarding Klamath Flow Needs Assessment.
- Agenda #17 Organization Chart for Implementing NWEAI, from Barbara Holder, U. S. Forest Service
- Agenda #17 Financial Comments to NWEAI - Forest Service