APPROVED MINUTES
TRINITY ADAPTIVE MANAGEMENT WORKING GROUP
February 20-21, 2003
Victorian Restaurant
Weaverville, CA
Meeting #1

Thursday February 20, 2003
Meeting open to the public.

9:05 AM Convene

Members present:

Representative Seat	**Member**
Central Valley Project Water Association	Serge Birk
American Forest Resource Council	Jeffery Bryant
Trinity Lake Resort Owners Association	Tim Colvin
Willow Creek Community Services District	Edgar Duggan
City of Redding Electric Utility Department	James Feider
Trinity County Resource Conservation District	Patrick Frost
Miners Alliance	Dan Haycox
Big Bar Community Development Group	Dana Hord
South Fork Trinity River CRMP	William Huber
American Whitewater	Kevin Lewis
California Trout, Inc.	Byron Leydecker
Trinity County Resident	Richard Lorenz
Bureau of Land Management	Charles Schultz
Natural Heritage Institute	Elizabeth Soderstrom
Natural Resource Conservation Service	James Spear
Trinity River Rafting, Inc.	David Steinhauser
Safe Alternatives for Forest Environment	Arnold Whitridge
Designated Federal Representative	**Mary Ellen Mueller**
Trinity River Restoration Program Executive Director	**Douglas Schleusner**

Members not in attendance: Jim Smith - Humboldt County Board of Supervisors, Zeke Grader - Pacific Coast Federation of Fishermen's Associations

Welcome and introduction

Welcome and introduction by **Mary Ellen Mueller**. All members present were introduced. Agenda was briefly reviewed and adopted

(Attachment 1. Meeting Agenda)

Mary Ellen Mueller introduced Doug Schleusner, Trinity River Restoration Program Executive Director. Doug introduced his staff in attendance: Deanna Jackson, Ed Solbos, Rich Miller, Brand Gutermuth, Noelyn Habana, Daryl Peterson (to arrive later), Glen Yoshioka, Bob Sulivan, and Andreus Kraus.

Mary Ellen Mueller - Need to get to know each other very well very quickly. This is key to progress of this group. Need to maintain mutual respect with diverse points of view that members bring to this group.

Mary Ellen Mueller explained that as the designated federal official, she is here to generally direct and maintain order. The group will determine its own rules of order and election of officers later in this meeting.

Administrative History of the Trinity River Restoration Program

Tom Stokely, Senior Planner – Trinity County. Tom presented an administrative history of the Restoration Program. Tom introduced himself and offered to the group membership to serve as an information resource. Notes on Tom's presentation *italicized* below

Background on self: Worked on Trinity issues since 1988. Trinity River Task Force advisory and Technical Coordinating Committee (TCC) participation. Involved in the grant program administered by County. California Environmental Quality Act (CEQA) coordinator for County. Lead for county on Environmental Impact Report (EIR) for the Bridges project.

Stakeholders have had major effect on this program in the past. In the 1930's, the state's water plan included Trinity River Division (TRD), but the great depression prevented its construction. In 1945 the TRD was taken out of state water plan and turned over to the Federal government. Initial plans and studies were conducted in 50's. A 1952 estimate reported 660,000 acre-feet (52%) would be diverted to the Sacramento Basin. In 1957 the figure rose to 69%. There were multiple iterations. The Trinity River Flow Evaluation Study (TRFE) recommended 53% diversion - close to historical recommendation of 1952. Trinity County public perception is that the County was "hoodwinked" by Bureau of Reclamation (BOR) with the TRD. The County's claim of 50,000 acre foot Area of Origin reservation water right has not yet been honored.

In 1954, the Westlands Water District formed a committee to build local support for project. Water was intended to go to three areas of Central Valley Project (CVP), including Westlands. There is a direct relationship between creation of TRD and irrigation of western San Joaquin Valley. In 1963 the project was dedicated by President Kennedy. In the same year water contracts started with Westlands.

In early 70's, the salmon decline was evident. A "Salmon Funeral" held by a local high school called attention to the decline. The Trinity River Task Force formed as result of obvious decline and public awareness of a problem.

Safety of Dams (SOD) criteria was developed in response to a spill in 1974 of 14,500 cubic feet per second (cfs). SOD forces release of water from the dam for safety purposes. SOD can impact Lake interests as well as water and power users.

1980 PL96-335. Trinity River Stream Rectification Act. Allowed for construction of Buckhorn Dam and Hamilton Ponds on Grass Valley Creek.

1980 An EIS from Bureau of Indian Affairs (BIA) and/or U.S. Fish and Wildlife Service (FWS) was generated. In 1981, Secretary of Interior ordered up to 340 thousand acre-feet(TAF) depending on water year. Also authorized undertaking of the Trinity River Flow Evaluation Study (TRFE).

1983 An Environmental Impact Statement (EIS) with an 11-12 point action plan issued.

1984 PL 98 541 TR Basin Fish and Wildlife Management Act. Congress found Trinity had been damaged by TRD with regards to fish and wildlife. Restoration was to restore populations to levels prior to construction. Act mended 1996, 1992. Measure of restoration will include meaningful fishery of commercial, Tribal, and sport fishers.

Trinity River Task Force formed. Amended to include water and power users and the Yurok Tribe.

1996 amendment extended area to include Klamath to the ocean.

1983 identified goals for escapement of hatchery and inriver fish.

1986 Klamath Act formed the Klamath Task Force. Clause inserted to require consensus.

1986 FWS Trinity River Field office opened.

1990 State Board water rights hearing to protect Central Valley fisheries from temperature problems. Amended BOR permits altered to prevent management of Trinity water to meet Sacramento temperature targets to the detriment of Trinity Fish. 1992 temperature targets established in Trinity River.

1992 Central Valley Project Improvement Act (CVPIA). Section included Trinity. Directed completion of TRFE, and directed that if Interior and Hoopa Valley Tribe (HVT) agreed with its recommendations, that they shall be implemented.

1991-92, temperature objectives only applied when BOR diverted for Sacramento temperature requirements. Regional Board approved temperature objectives in 1991. State water board approved later that year. EPA approved later. They are now Clean Water Act standards for the River. Minimum flow of 450 cfs in summer required to meet objectives. Whitewater boat industry exploded in response to higher flows.

Past restoration actions muddied the Trinity River above water quality objectives. No turbidity above 20% of background is allowed. Cease and desist order was implemented.

EIS/R started 1994. The TRFE was not completed by 1996 per original orders. Interim recommendation for increase on Trinity flows were forwarded. Temporary restraining order prevented those.

1999 FES completed. EIS/R completed 2000 with Biological Opinions (BO) from FWS and NOAA Fisheries. Record of Decision (ROD) signed December 2000. Same time as California power crisis.

2001 amidst considerable litigation, the Trinity Management Council (TMC) was formed and Adaptive Environmental Assessment and Management Program (AEAMP) started.

"Many of you are not federal employees and have opportunity to make recommendations that Bureaucrats cannot."

Mary Ellen Mueller explained to the group that there are many viewpoints, and there are certainly some that differ. Many opportunities will exist to present those. To progress we will need to go forward proactively and not let the history prevent working together.

Serge Birk asked that participants avoid naming individuals in past contentious actions and to instead name the agency they represented.

Mary Ellen Mueller recommended the Trinity Video available from Tom Stokely for more historical background.

Serge Birk hopes we can visit the objectives of the Restoration Program, including purpose and need and appropriate restoration targets.

Bill Huber mentioned a white paper from Tom Stokely that he would like to see this group make recommendations to the TMC from.

Mary Ellen Mueller explained that this meeting's agenda focused mainly on introducing to the group to the Trinity River and the Restoration Program because many Members are new to the Trinity Restoration Program. More opportunity to take actions will be available in future when introduction and determination of process does not dominate the group's time.

Break 10:45-11:05

Status of the SEIS and Litigation

Mike Ryan, Bureau of Reclamation. Presentation on status of SEIS and litigation. Notes on Mike's presentation *italicized* below

ROD signed Dec 2000. In spring 2001, water and power interests challenged the ROD. Federal Judge Oliver Wanger ruled that there were flaws in the process with regards to the EIS and Biological Opinions (BO's) issued from U.S. Fish and Wildlife Service and NOAA Fisheries. In December 2002 he issued his decision - a 143 page document. It described problems with the NEPA process, Purpose and Need of the EIS, balance of impacts, impact to hydroelectric production not fully portrayed, operational changes required in the Central Valley Project in the Sacramento System to meet conditions of the FWS BO that did not go through appropriate NEPA review. He gave 120 days to complete the NEPA process for a supplemental EIS that addresses all concerns

Plaintiffs and defendants are currently making decisions on weather or not to appeal the decision. The Department of Interior (DOI) has gone on record to request at least 18 months to complete the process which would make it due in July 2004. The DOI position while waiting on the court's decision on appeal is that it will move forward on the SEIS.

The Judge capped annual volumes pending completion of a SEIS at the "Dry' year level (452.6 TAF).

Current water year conservatively looks like "dry" based on 90% exceedence forecasts. 50% exceedence forecasts looks more like a normal water year.

Decisions regarding appeal are up to Department of Justice (DOJ). DOI can only recommend appeal but final decision rests with DOJ.

Judge's order does allow for implementation of the non-flow measures of the Preferred Alternative of the EIS, and those are being implemented as reflected in the TMC budget this year.

The time frame for appeal is 60 days long, and starts when the order is signed. The 120 day clock started with issuance of decision on Dec 9th.

Serge Birk said that the 120 day limitation is suggested as "not realistic" by DOI.

Mary Ellen Mueller said the Judge has not filed the final order because of cross motions that were being filed.

Serge Birk asked "Is the order to redefine purpose and need being challenged?" **Mike Ryan** answered that the decision has not yet been made.

Pat Frost noted that the supplemental EIS has been under preparation for a while now. It was in the budget last year. Contractors have presumably been working on it. Pat asked "Wasn't at that time the time frame anticipated to be 18 months?" **Mike Ryan** answered that we have been going forward with what we think the final order may be, but there is some uncertainty as to what the final order will be.

Arnold Whitridge said the judge moved the target, so what was envisioned in the original 18 month estimate is different from the Judge's latest order.

Mike Ryan explained that the water forecast for this year is looking like "Normal", but allocation for Trinity will be limited to "Dry" water year allocation per the Judge's order.

FACA Procedures, Rules of the Road

Mary Ellen Mueller provided and introduction to the Federal Advisory Committee Act (FACA). She extended an apology from the Deputy Secretary on how long it took for the Group's charter to materialize. The charter is good for two years. She called attention to a typo

in charter– Trinity River "Diversion" should read Trinity River "Division" instead. Notes on Mary Ellen's presentation *italicized* below:

(Attachment 2. TAMWG Charter)

Mandate for this group is to give recommendations about what we think is best for restoration, not to dispute the past.

This group will meet at least twice a year, but meeting more frequently is entirely OK. Mary Ellen can call a meeting on the Group's request. A quorum is necessary to conduct business. A simple majority of the Members makes a quorum. Members were all selected based on an interest in and commitment to restoration of the Trinity River. Members serve for 3 year term limits.

Reasons for removal are described in the Charter. Missing meetings without good cause 3 consecutive times will result in the individual's membership being terminated.

Ed Dugan found another typo in the Charter: "Waterville" is listed when it should read "Weaverville".

Tim Hayden of the Yurok Tribe noted that representatives of tribal interests are eligible for membership, but no tribal interests are currently represented here. He asked "Is that because of potential conflict of interest?"

Mary Ellen Mueller explained that those in the TMC are not eligible for the TAMWG. Also no tribal entities applied.

Serge Birk explained that the group could benefit from some definitions with regard to FACA. Subgroups could potentially run into public notice or participation requirement problems.

Tom Stokely said he will provide instructions for subscribing to list server Env-Trinity

Doug Schleusner said he hopes to have the Restoration Program web site up and running in a couple of months. He anticipates that this group will be able to make public postings to that web site.

Serge Birk asked that the requirements for public notice of meeting agendas be checked. He noted that newspaper-publish of the agenda and broader announcement of the meetings would be helpful. A larger circulation than the Trinity Journal should be made.

Mary Ellen Mueller said we will make an effort to get this type of information out in broader circulation in the future.

Return to Mary Ellen's presentation:

Mary Ellen called attention to FACA regulations that state the Advisory Committee is to have a clearly defined purpose, the membership is to be fairly balanced in terms of points of view, must have appropriate provisions that the advice and recommendation of the committee will

not be inappropriately influenced by the appointing authority or any special interest. Also noted that the designated Federal official has to be in attendance at all meetings of the group.

Serge Birk hopes to be able to solicit outside presenters and resources. Serge asked "Who does this group deal with for agenda development, meeting schedule, guest presenters?" **Mary Ellen** answered that Doug Schleusner and herself serve that role until a chairman is elected. The agenda is up to the group.

Break for lunch at noon.

Reconvene at 1:30

Doug Schleusner presented letterhead for the group that uses the Restoration Program logo. He proposed that this letterhead serve for the group. It has similar look to other products of the Restoration Program and would be good for consistency.

Roles and Responsibilities of the TAMWG

Doug Schleusner presented the Roles and Responsibilities of the TAMWG. Doug provided a Power point presentation on the Roles/Responsibility of the TAMWG. Notes on Doug's Presentation *italicized* below:

(Attachment 3. TAMWG Roles and Responsibilities PowerPoint)

A Roles and Responsibilities table that Doug generated for a TMC meeting last year was handed out.

Doug called attention to EIS Appendix C organizational structure of program (copies provided to members in binder of materials issued at the meeting).

Tools for effective adaptive management organization: scientific advisory board – currently soliciting nominations for; links between technical advisory committee and Restoration Program staff; implementation aspect; regulatory agencies; contractors; implementing agencies.

Byron Leydecker - Will the adaptive management team have the ability to adjust the flow schedule within a given volume of water? **Doug –** Adjustment of flow schedule can be recommend based on monitoring input.

Byron Leydecker – Considering last year's fish die off, would the program be able to consider flow options to relieve similar conditions if it were to occur again? **Mary Ellen Mueller** answered – "We are still constrained by litigation. We cannot increase volume, but can change timing of releases."

Serge Birk – Is there real-time adaptive management potential? For instance, can the flow be adjusted in real-time scenarios instead of fixed schedules for fixed volumes? **Mary Ellen**

Mueller – The ROD is our current constraint. Adaptive management process was prescribed where changes would be based on monitoring data and evaluation of actions.

Doug Schleusner –We don't have enough information or data to change at this point to manage real-time. If the group has suggestions or interpretations of how flows should be implemented, those are certainly things the group can discuss.

Bill Huber - Does the flow decision take Klamath Project Operations into account? **Mary Ellen Mueller** – No it does not.

There was some discussion among the group of last year's allocation of 469 thousand acre feet to the Trinity River (an extra 100k over the ordered critically dry limit) and how that came about.

David Steinhauser - How did we get 469 TAF when that volume is not in the ROD? **Doug** – The 100TAF was added to the 369TAF "Critically Dry" allocation that does have a prescribed schedule in the ROD.

Doug Schleusner - Litigation currently limits flexibility with regard to flow volumes. The ROD flows and volumes that are allowed are being followed closely now. Need to really show scientific basis for any alterations from ROD flows.

Arnold Whitridge – We are in a situation where dry flows may be prescribed for a year that is not actually "Dry". Can flows be adjusted without years of formal hypothesis testing?

Elizabeth Soderstrom – Real-time management is different than adaptive management. Adaptive management is aimed to reduce uncertainties over time. Is there flexibility to address real-time issues as well as address hypothesis testing?

Mary Ellen Mueller – Let's get the new folks up to speed before we launch into discussions of operational decisions and particular actions this group should take.

Serge Birk – This group does not have the same constraints some of the agency folks have and discussion of real-time vs. adaptive management is important to the roles and responsibilities of this group.

Mary Ellen Mueller – Let the presentations be made so new folks in the group get up to speed and get their introduction to adaptive management. Let's save the operational discussions for later when everyone is brought up to speed.

Return to Doug Schleusner's presentation:

TAMWG has input to the TMC through Doug as the Executive Director. This group has the opportunity to present alternative hypotheses and/or restoration actions to TMC. Group also can review and make recommendations on policy changes.

Technical advisory subcommittee of TAMWG may hold additional meetings to discuss Requests for Proposals, funding priorities, other. TAMWG can nominate candidates for Scientific advisory board

TAMWG can review flow schedules, specific projects or tasks, and discuss technical issues.

Brief overview presented of general budget process. This group can provide policy and management recommendations and RFP input. More detailed budget process to be presented tomorrow.

Types of participation envisioned by Charter and Imp plan were explained

Current administrative policy examples were given. SAB candidate nominations, review of strategic plan, input on RFP process, recommended funding levels for 2004 by budget category, gravel management plan, conceptual restoration site designs, suggest hypothesis to test, etc.

Director's emphasis – Doug want the TAMWG to have meaningful participation in the Restoration Program, effective program support, timely involvement, and no surprises

Elizabeth Soderstrom – Is there a vehicle for participation in implementation and coordinating between implementing agencies? **Doug Schleusner -** Not formalized. Many of the implementing agencies are on the TMC

Pat Frost - It's not shown in the flow chart, but does the charter envision a communication line with the Secretary of Interior? **Mary Ellen Mueller –** Yes. Absolutely

Serge Birk – Is there a direct link between the Scientific Advisory Board (SAB) and this group? **Doug Schleusner –** Not formalized, but there is nothing to prevent communication with SAB.

Serge Birk – It would be valuable for TAMWG to be privy to SAB considerations. **Mary Ellen Mueller –** Those mechanisms have not been fleshed out yet.

Mary Ellen Mueller – Adaptive management is not an extensive focus of our presentation. We may need to have more specific presentation of that subject as some members could probably use more background. Doug will share handouts from a recent presentation he made in another venue. Mary Ellen and Doug will distribute materials for more info on the adaptive management process.

Mary Ellen Mueller – Technical subcommittees have had an important function in the past. Some members of those subcommittees had the technical background necessary to contribute and some did not. Mary Ellen asked the Members "In your experiences, what has worked in other venues and what has not? How does a group like this get information that is meaningful?"

Elizabeth Soderstrom – Has seen success with smaller working groups formed to address sticking points that develop. When things have not worked is when the group is given a vague

task. Issue-specific groups and a finite question/task to tackle are the best. Sub groups are formed as needed to address issues as they arise.

Serge Birk – His experience is where everyone was welcome to participate in the subcommittees regardless of technical abilities. Those with the knowledge have been able to do the heavy lifting. Need frequent meetings to be effective. Standing committees were formed for various disciplines, but the members changed frequently. CALFED much more organized and transparent, more formal, lines of communication more explicit. Tasks can cross technical and policy aspects.

Ed Duggan – Subgroups should be issue driven rather than separated by topic (fish, water, etc)

Jeff Bryant – This discussion may be premature when we have not figured out how we will conduct business yet.

General agreement by the Members.

Mary Ellen Mueller – Let's back up and discuss organization of this Group. Chair, vice chair, voting procedures, etc.

Doug Schleusner – Doug has draft operating procedures for TMC from last year that may be helpful to serve as reference for this group.

Mary Ellen Mueller – The organization is not set in stone. It can be changed by the group later.

Byron Leydecker – Would like to have alternates able to represent members.

Elizabeth Soderstrom – Is there possibility of a conference call?

Ed Duggan – Likes supermajority idea. It works for the Klamath Fishery Management Council and Pacific Fisheries Management Council.

Serge Birk – Consider having co-chairs rather than vice-chair.

Mary Ellen Mueller – Offered idea of a rotating chair.

Dana Hord – Do we want to limit the number of alternates? One? There are specific requirements for selection as a Member. What requirements to be an alternate?

Richard Lorenz – How do we handle a minority that opposes an action. How is that resolved?

Serge Birk – The minority opinion issue needs to be carefully articulated.

Pat Frost – A dilemma arises in the supermajority situation with expressing minority opinions.

Jim Feider – Food for thought. If you allow conference calls, the norm can quickly devolve to conference call participation. Would prefer in-person meeting requirements. The chair also needs to be able to participate as well as manage the meeting.

Mary Ellen Mueller – Meetings can happen in other venues.

Arnold Whitridge – The old TCC had alternates that sometimes did not feel empowered to vote. If we adopt an alternate system, we should have mechanisms to avoid problems with ineffective alternates as was experienced in the past with the TCC.

The Technical Modeling and Analysis Group

Daryl Peterson – Presentation on Technical Modeling and Analysis group. Brief review of the history of science as applied here and role of group in the program. Daryl offered to the group to meet with Members one-on-one. Daryl will provide a glossary of terms. Notes on Daryl's presentation *italicized* below:

(Attachment 4. Technical Modeling and Analysis Group PowerPoint)

Pre dam conditions were subject to occasional 100k cfs events. Both volume and diversity of flows were lost with TRD. Flow Evaluation Study intent was to identify limiting factors. Juvenile rearing habitat determined to be limiting. Berm formation. Channel simplification and reduction in quality. FES recommendation to reintroduce alluvial function. ROD signed Dec 2000 selecting Preferred alternative. Adaptive management – moving forward with restoration while learning as you go.

Ed Dugan – Won't removal of vegetation warm the water too much? Daryl – There are some tradeoffs. What is gained is diversity. And not all the river will be treated, only select locations that are likely to self-maintain.

Technical Modeling and Analysis Group (TMAG) - team of interdisciplinary scientists. Assess condition of the resource. Determine effectiveness of actions. Inform management if objectives are met or not.

Scientific Advisory Board (SAB) - independent review, recommendations, peer review of hypothesis testing and reports, short and long term monitoring plans. Functional review of the entire AEAMP.

Nomination for SAB members are being accepted until the end of 1st week of March.

Technical working groups. Reestablishing these groups to get expert input. Will develop and assess monitoring protocols, research priorities.

Mentioned Flow Release Summary Report from last year

Stream gage review and assessment. Need data quality, availability, timeliness. Hydrologic info is backbone of this program

Re-infusion of sediment. Need to resize bedload to the new river size. Smaller river now less effective at moving the large material frequently moved before TRD.

Riparian and wildlife component underrepresented to date. Baseline info being collected.

Hypothesis that river diversity is low because river is entrenched. Hypothesis is that creation of floodplain will unfetter the river and allow formation of alluvial features.

Elizabeth Soderstrom – How is hypothesis testing related to management objectives?

Serge Birk – The point has been made that the program will try to satisfy some geomorphic needs but there are also biological measures that should be considered. How does the geomorphic relate to habitat?

Evaluate current monitoring program. Develop overall study framework. Organize testable hypothesis into an experimental "Blocking" matrix.

TAMWG participation can come in many forms such as technical sub groups, field trips or design meetings, research and monitoring priorities workshops.

The TAMWG is an annual recipient of the Request for Proposals (RFP). The TAMWG can help set the annual work plan and tackle projects if appropriate.

Byron Leydecker – Regarding pilot project site characterization. If this takes 10 years, and the Rod specifies construction of half in three years, how best to rectify that discrepancy? **Daryl –** We are likely to see some response immediately, at least in how the sites are beginning to respond. Response to flows is expected within two or three flow events. We can't predict when those may or may not come.

Jim Spear – Water is a key ingredient. There are some limitations with that regard. How much can be accomplished with uncertainty of flow resolution? **Daryl –** This is the reason for a shift of priority from upriver sites that may have suffered most impact to downstream where tributary flows have a higher likelihood of self maintaining, even with uncertainty of Lewiston flows.

Serge Birk – Emphasize that this is a prudent policy. It is desirable to spread fish distribution. Put restoration where it has a high chance in the uncertain flow arena.

Arnold Whitridge – Bear in mind, weekly average flows hide much higher instantaneous peaks where much of the geomorphic work is done. Much is obscured by presenting averages.

Elizabeth Soderstrom – How many management objectives and how many hypothesis is the Program pursuing? **Daryl Peterson –** The 10 alluvial features of a healthy river outlined in the Flow Study and EIS are much of what we are aiming for

Mary Ellen Mueller – We can provide background on all the components in materials later.

Elizabeth Soderstrom – Thinking on how to get up to speed on the AEAMP. Can we tackle a particular focus each session? **Mary Ellen Mueller –** We can arrange special sessions for background

Jim Feider – Can we get introduction to the modeling that is used to develop hypothesis? **Doug Schleusner –** A great deal of modeling went into FES and EIS. Different applications will be developed for future. Perhaps evening sessions could be arranged.

Serge Birk – It would be good to review the current state of the models. It would also be good to see how model predictions are rectified against reality.

Doug Schleusner – Pointed out to the Group that the FES and EIS are in the packet of materials handed out to each Member.

Adjourn for the day at 4:42

February 21, 2003

Recommence 8:05

List of Members present is identical to yesterday's meeting:

Mary Ellen Mueller - Recap thoughts for the day:
To do list today: Chair, Alternates, next meeting, how we conduct meetings, next agenda, minutes, subscribing to the list server

Tom Stokely - Alternative to subscribing to the list server is a website to check messages including an archive of all messages of the list server. Tom will provide the link.

Elizabeth Soderstrom - Charter discussion. Uncomfortable that the Group does not have a tribal representative. Does it make sense to recruit a tribal representative and add one more member? **Mary Ellen Mueller –** I encourage the group to do that. It was tried in forming the current group, but the Yurok and Hoopa Valley Tribes felt they were represented on TMC and in legal and other forums. **Ed Duggan -** The tribes want to avoid conflict of interest.

Serge Birk – Regarding conflict of interest. This Group may have its own conflict of interest in replying to RFP's of the Program as was suggested is a possibility yesterday. **Doug Schleusner –** That concern is valid. This group could identify types of work that should occur rather than submitting their own proposal.

Tom Stokely – Suggest Members abstain from voting in conflict of interest issues.

Byron Leydecker – There are conflicts of interest other than funding of specific proposals.
Doug Schleusner – You are all here because you can represent the view of particular interests.

Serge Birk – The primary conflict of interest issues that should be avoided are those that could be for personal gain.

Mary Ellen Mueller - Conflict of interest was a major concern that went into organizational structure. A lot of thought went into avoiding as much of that as possible.

Ed Duggan – Many speakers here are hard to hear. Ask everybody to speak up. **Mary Ellen Mueller –** We will try to provide a sound system next time.

Program Administration

Doug Schleusner – Passed out organizational structure (from Appendix C of the EIS) and biographies for the staff of his office. Passed out handout copies of a PowerPoint presentation on adaptive management that came from Dave Marmorek. Reminder that in the packet handed yesterday to the Members there are CD copies of the EIS, FES and have appendices that describe adaptive management. Handed out agenda for fieldtrip this afternoon. **Doug Schleusner's** presentation *italicized* below:

(Attachment 5. Program Administration PowerPoint)

Budget process. Last year's process obviously did not include participation of this group Call letter

Hopeful budget schedule for 2004 is much accelerated over previous years. Aim to notify successful project applicants of awards by September 1, 2003 with completion of agreements finalized by October 1. Make funding available to the applicant by November-December 2003. The tribes have government-to-government relationship and enter into annual funding agreements/coop agreements so they have a different schedule.

Arnold Whitridge– Contracting procedures in BOR Sacramento have been a problem in the past. Is that bottleneck fixed? **Doug Schleusner** – We have worked with Sacramento to address some of those issues. Also, identified in the implementation plan is a contracts and agreement specialist that we hope to add to our staff.

Serge Birk – Tribal Trust agreements have a unique funding process. For this group to have the best input, will this group be involved in evaluation of elements funded to the tribes? **Doug Schleusner** – Let's consider a more in-depth presentation in the future on the tribal relationship.

Pat Frost – Regarding longer term multi-year planning. Can this group get involved in that multi-year arena? **Doug Schleusner** – The longest term budget development is "embargoed" and not available for review.

Jim Spear – There was difficulty in past with long term projects that had history of ownership and determining how well that money was being spent. Often the TCC could not get the project participant to present and justify the project, the technical merits, etc. Will this body be involved in the process of review/evaluation of project proponent's proposal and performance? **Doug Schleusner** – Independent review by the SAB will be integral part of that review process.

Serge Birk – Institutional ownership was a difficulty in the past. New especially sophisticated efforts should encourage competition.

Back to Doug's presentation:

Budget structure – better tracking now. Outline of the current Program Office structure (admin, rehabilitation group, monitor/analysis group

2003 assumptions. Funding of some key activities last year (FY2002)

Byron Leydecker – Discussion about the lack of funding for tributary work in the past. Is tributary work a consideration of the program now? **Mary Ellen Mueller** – Other funding sources are also available for funding tributary work.

Carryover question – Carryover of funds vs. obligation of funds. Obligated funds are essentially spent. Carryover funds are subject to risk of loss to other Bureau or agency needs. Obligated funds are not.

Serge Birk – Not all monitoring is for adaptive management. How best to reflect the adaptive management component of budget? **Doug Schleusner** – That is difficult to do. There is much crossover in monitoring that meets needs of adaptive as well as resource management.

Break 9:26

Reconvene 9:48

The Rehabilitation and Implementation Group

Ed Solbos – Rehabilitation Implementation Group presentation. Notes on Ed's presentation are *italicized* below:

(Attachment 6. Rehabilitation and Implementation Group PowerPoint)

Roles, staff, and work plan objectives of the Implementation Group

TAMWG opportunities to contribute

Work plan – bridges to pass 11,000 cfs Lewiston release plus tributary input.

Floodplain structures currently limit Lewiston releases to 6,000 cfs

Biggers Road, Poker Bar, Bucktail, Salt Flat

Bridge investigations Subsurface, scour, load test, hydrology, hydraulic models.

Alternatives for bridges:

- *Monitor/maintain – leave the bridges as are*
- *Retrofit – raise the existing bridges*
- *Eliminate the bridge - punch road in from the other side*
- *Construct new bridge up or downstream of the existing bridge*

Anticipated Schedule:

- *Environmental Documents completed April 2003*
- *Final documents and permits June 2003*
- *Construction contract award July 2003*
- *New bridge open to traffic Feb 2004.*

Restoration sites. Actions focus on removing berms, allow river to migrate and scour.

Hocker flat anticipated schedule:

- *Environmental Documents completed May 2003*
- *Final environmental documents and permits by July 2003*
- *Construction contract awarded by July 2003*

Rush Creek Delta – Gravel Dam

Jim Spear – The Rush Creek delta suggests that sedimentation from Rush Creek is a problem. Has the program looked into other options to address sedimentation?

Ed Solbos discussed mercury concerns. Mercury levels are well above background levels in deposits/tailings all over river

Election of Officers

Mary Ellen Mueller – Suggested that the agenda be adjusted to accomplish election of officers, etc before lunch. Unanimous agreement.

Options and vote results

Option	Approve
Co-chair	12
Rotating chair	1
Federal Chair	5
Chair and vice chair	9

Second iteration after short discussion of pros and cons
Vote results

Option	Approve
Co-chair	0
Chair and vice chair	18

Nominations
Arnold Whitridge was the only nominee. He was unanimously accepted as the Group's chair and assumed the chair immediately.

Discussion of vice chair:
Vote results

Nominee	Approve
Serge Birk	12
Ed Dugan	No vote necessary

Discussion of Alternates:
Rich Lorenz – Prefers no alternates. Replace those who are inactive.

Byron Leydecker – Personally have an individual available that could serve as an alternate that is highly knowledgeable. Byron has a long drive and an alternate could be valuable at times. Inclined to think we should meet every month or six weeks and know that will be difficult for some.

Serge Birk – Subcommittees can have alternate representation.

Group agrees to come back to discussion of alternates after voting procedures discussion.

Voting procedures:
Ed Duggan – Proposes simple majority vote if there is a dissenting process that allows a dissenting view to be brought forward when it comes from more than one individual.

The quorum requirement stated in the Charter is currently10. The group will not change that from the Charter. Unanimously agreed

Serge Birk – Minority opinion discussion. There may be more than one minority opinion. Would like to avoid the constraint of "more than one" to hold a minority opinion.

Arnold Whitridge– How about if any strongly held minority opinion would be forwarded as such? Unanimous agreement

Byron Leydecker – Anyone is allowed to present opinions in the public input portion of TMC meetings.

Jeff Bryant – Would like to see a super-majority voting standard. Propose that at least 10 votes are required to pass motions.

Jim Feider – Supports the 10 vote minimum.

Kevin Lewis – Consensus basis has and has not worked in other forums. Supports 10 vote minimum.

Serge Birk – If 19 members are here, then 10 is not a super majority. Discussion of those impacts?

Jeff Bryant – How about 10 or 2/3, whichever is greater? Or ¾ is another option.

Discussion of abstentions and how does that influence the count:
David Steinhauser – Abstentions arise from conflict of interest issues. Make the count for majority purposes from those present *and* able to vote. For purposes of counting votes, abstentions don't count as present.

Mary Ellen Mueller - Will seek legal opinion on how to treat abstentions.

Serge Birk – Concerned that thresholds are too low. 12 of 19 does not indicate strong unity.

Several participants - Abstaining could be considered a "No" vote.

Pat Frost – Strongly thinks we should strive for consensus, but concerned that a minority could impede the group and control outcomes.

Charles Schultz – Also thinks we should strive for consensus. Consensus does not imply that individually you need absolute agreement to accept an action, but that you can accept it. Advocates simple majority, but make it a "consensus seeking" group.

Serge Birk – Would you still consider having a minimum number to avoid situations where only 6 of the 10 quorum could pass something? **Charles Schultz**– Consider raising quorum level.

Bill Huber – If the issue is important you will be here to vote.

Ed Duggan – Raise the quorum to 12 and have a simple majority vote.

No general agreement to raise quorum.

Don Haycox – Require 2/3 of whoever is present to pass motion.

Don Haycox - Motion made to make a minimum floor of 10 votes required to pass, whatever process is adopted.

Elizabeth Soderstrom – Would like the bylaws to state that the Group seeks consensus.

Unanimous agreement that 10 votes are required, full process to be detailed in subsequent discussions

Ed Duggan calls for a vote of simple majority or 2/3.

Jim Feider asks for definition of the 2/3. Need to standardize.

Vote results

Options	Approve
Simple majority	10
2/3 converted to integer numbers (rounded?)	7
At least 10 for up to 15 members and: • 11 of 16 • 12 of 17 • 13 of 18 • 14 of 19	0
At least 10 votes under any circumstance and: • If 17 or more are present it takes 12	0

Elizabeth Soderstrom asks that those who support 2/3 reconsider

Second vote results:

Options	Approve
Simple Majority, 10 minimum required to pass	15
2/3 Majority	2

Minimum of 10 votes will be required to pass

Arnold Whitridge - Can everyone live with proceeding with simple majority for consensus purpose? Unanimous agreement.

Return to discussion of alternates:
Jim Feider – Alternates should be the discretion of the chairman on a case-by-case basis. And we should review the alternate policy after one year. Unapproved alternates are still welcome to attend the meetings but votes do not count. Alternates have to meet same criteria as members.

Ed Duggan – Allow long-term alternates

Elizabeth Soderstrom – Adopt a simplified draft policy that we can revisit in a year. Make it so only one alternate is approved for each member. Still maintain that if you miss three meetings, regardless of having provided an alternate, the member is still replaced.

Byron Leydecker – Thinks it should be up to discretion of chair.

Arnold Whitridge - Would the chair have to interrogate alternates to see if they meet the same requirements as Members? **Ed Duggan** – Mary Ellen Mueller could determine if a person qualifies.

Byron Leydecker would like to vote on Jim's proposal to leave it up to chairman discretion.

Dana Hord – Would like no alternates for first year, and review of alternate policy at end of first year.

Doug Schleusner – suggest that bylaws and other issues will have to be addressed later and maybe this discussion could be moved to then. Develop an interim policy until further discussion can occur later.

Ed Duggan – Likes the idea of no alternates first year

Rich Lorenz – Also likes no alternates.

Jim Spear and **Dave Steinhauser** - Think we should put this off until we decide how often we meet.

Arnold Whitridge – Meetings will occur more that twice a year.

Mary Ellen Mueller – Maybe the frequency of meetings could be issue driven.

Decision was made to go ahead and vote regarding alternates. Results below.
Vote results

Option	Approve
No alternates	11
Chair discretion	1
One individual only approved by chair	6

Byron Leydecker – How long does it take to replace a Member? **Mary Ellen Mueller –** Unknown

Technical work products come through Group. FACA guidelines not stringent for subcommittee.

Jim Feider – Part of his dissenting vote was that there should be option for hard cases with regard to alternates that are up to the chairman's discretion.

Charles Schultz – Anticipates that conflicts will sometimes prevent his attendance, though not enough to be removed. He would call the chair to inform him. Charles likes the idea of one consistent alternate for each member.

Bill Huber – Is a proxy vote on issues possible? This could eliminate some need for an alternate.

Unanimous disagreement

Jeff Bryant – Meeting frequency has a large influence on the impact of alternate question.

Second vote

Option	Approve
No alternatives	6
Alternates are the discretion of chair, but 3 missed meetings still terminates membership regardless of alternate attendance	11

Ed Huber - Seeking consensus. Would dissenters be willing to change their vote?

Doug Schleusner – suggest that all members resolve to make the next meeting and vote on this then.

Arnold Whitridge – We will revisit everything next meeting with regard to by-laws. Can folks live with the majority opinion here with it to sunset when the issues are visited next meeting?

Pat Frost – Alternates could potentially be deciding if alternates will be allowed.

Consensus agreement that alternates will be allowed, limited to one alternate per member. Policy will be reevaluated next meeting.

Scheduling the next meeting

Serge Birk – Next TMC meeting is April 29. Would like to meet once before TMC with our own agenda and wrap up uncertainties with bylaws, alternates, etc.

Unanimous agreement

Arnold Whitridge – What products will be developed by early April for the TMC or other aspects of the Program that could influence this group? **Doug Schleusner –** Early April will be too early for a presentation of budget stuff. Alternate topics could include the gravel management plan, NEPA documents on the bridges, Hocker Flat rehabilitation site design, SAB nominations.

Arnold Whitridge – Could arrange to have draft set of bylaws for review at the next meeting.

Serge Birk - Consider organization, how we operate, how to form some subcommittees, who might be on those, general tributary issues, consultations with regard to ESA and connection to Coho in tributaries, metrics, models and how they are reconciled with real data.

General agreement that it will be a two day meeting next time.

May have to plan around the schedule of Members on the bubble with regards to removal for non-attendance.

Discussion of time required to assure appropriate Federal Register meeting announcement. **Charlie Chamberlain -** Roughly 6 weeks lead time needed.

Serge Birk – Will bring example language for by-laws or distribute to the Members before the next meeting

Pat Frost– Public comment should be part of our agenda as it is in TMC meetings.

Arnold Whitridge – Can I as the Chair, with helpers, develop the agenda for next meeting?

Arnold Whitridge invites by-law subcommittee.

Serge Birk – Can share example of bylaws and mission statement. Will send out email. Is there interest in a workshop on this at the next meeting?

Arnold Whitridge – Would like to have draft bylaws next meeting to start with

Elizabeth Soderstrom – We should also look at TMC bylaws for example. Volunteers to draft something along with anyone else that wants to participate. Serge Birk and Arnold will be on the By-laws subcommittee. Elizabeth Soderstrom will lead. Serge Birk will send an example to the Members and a due-date to return comment. Elizabeth Soderstrom will draft bylaws from the examples and comments and distribute for the next meeting.

Arnold Whitridge asked "Any other subgroups needed at this time?" None. Subgroups may be formed at next meeting.

Byron Leydecker – Would like to see the Group take action today to encourage Interior to appeal all elements of Judge Wanger's decision.

Serge Birk – Not familiar enough with the litigation to be able to take action on it.

Arnold Whitridge - Is there agreement to add it to today's agenda?

Bill Huber - Should put it on the agenda for timeliness.

Discussion of FACA legality of adding to the agenda at this time. **Serge Birk** says not legal, **Mary Ellen Mueller** says it is legal. **Serge Birk** maintains that under Brown Act, late agenda additions are not legal.

Elizabeth Soderstrom - Figure out the next meeting date first. If Byron's issue is added to today's agenda, put a time limit on it.

Next Meeting:
Date: April 22-23. Will meet again in Weaverville.

Discussion returned addition of Byron's earlier suggestion to today's agenda.

Mary Ellen Mueller – The last day for Interior's ability to appeal the Judge's decision will expire before our next meeting.

Jeff Bryant – Does not feel he has enough background to fairly consider the question.

Pat Frost – For purpose of order, he motions to add Byron's idea. **Dana Hord** Seconded.

Discussion:
Elizabeth Soderstrom – Would like to amend the motion to allow a maximum 30 minute discussion time.

Jim Feider's impression is that Interior is down the road on its decision of this issue, that this group is unlikely to impact that decision, and that consensus from this Group is unlikely as well.

Arnold Whitridge - There is a possibility however, that this group could influence Department of Justice (DOJ).

David Steinhauser – This issue has lot of weight and we should consider it.

Jim Feider – Our role is to advise the Secretary of Interior but it is not to advise DOJ. **Mary Ellen Mueller –** It is OK to give input to DOJ.

Serge Birk - When this issue was brought to the TMC they decided it was not applicable to their body. Many TMC members were involved in the litigation.

Vote results

Motion	In Favor	Opposed
Add to today's agenda a discussion of this Group potentially writing a letter to encourage Department of Interior to appeal all aspect of Judge Wanger's decision.	10	5

By simple majority, motion passes.

Arnold Whitridge would like to focus our consensus seeking time on the topic rather than the procedure. We are running into a time constraint if we want to include this afternoon's field trip.

Discussion on who would have to abstain.

Mary Ellen Mueller - Interior does intend to appeal some aspects of Wanger's decision. Some aspects are still being debated.

Byron Leydecker – Essentially Wanger's decision would destroy any hope for restoration of the Trinity, is out of compliance with Secretarial decisions before the Trinity Restoration Act, and others. If the Judge's decision is not appealed then law with regard to Trinity restoration will not be fulfilled. Secretary Norton has said that the Department of Interior stands behind the ROD and would defend it. Wanger vastly expands the scope of the EIS/ SEIS to include other alternatives. DOI has decided to appeal the time frame and ask for 18 months to prepare. Even that is not adequate because the scope has been vastly expanded. 18 years of science went into the ROD and alternative plans have been advanced that have been determined to have no merit. This decision undercuts every element of restoration of restoration of this ecosystem. All elements of this decision should be appealed aggressively. Byron suggests that the chair be authorized to author a letter.

2001 decision not all that difficult to live with. Energy impact shown to be negligible. Delta smelt only appropriate deficiency.

Mary Ellen Mueller - offers that there are inaccuracies in this view. The judge found BO with regards to delta smelt deficient because of major action required that was not disclosed per NEPA. Purpose and need were said by Judge to be too narrow. Judge said the range of alternatives need to be expanded including an integrated management alternative. Judge said that the EIS did not fully disclose impacts to power.

Byron Leydecker – Agreed. Mary Ellen's explanation was very helpful and specific.

Serge Birk – Referenced Jim Monroe's presentation at the last TMC meeting and that Jim identified the issues that the Judge raises as failure to disclose impacts to power, apparent impacts to winter run chinook in Sacramento system, DOI did not do NEPA appropriately, did not adequately address foregone power issues. Some of these issues were brought out during the public comment period, but folks that drafted the document chose not to go into enough detail.

Do not understand how this body can have impact on this process one way or another. Serge doesn't want our first action to be getting involved in litigation.

Ed Duggan – Has a draft letter, doesn't know if body would want to adopt it, but suggests that some individuals might.

Jim Feider – This is a weighty decision for any member of this group. There are differing opinions regarding the validity of the decision. The big question is how much water. This is legally very technical process that will make it difficult to evaluate in half hour. How this is legal process is finalized has a course of law. Decision itself will only be changeable by an act of Congress.

Mary Ellen Mueller - Agree with Jim. The current ROD is in effect and is law. FWS recommendation to Interior can be offered, but Interior decides on its own.

Byron Leydecker – The ROD could be axed for new one.

Serge Birk – Non-flow activities were bought off on and can go forward.

Byron Leydecker – A lot of prospective work to be done is interdependent on known flows. In absence of known volume this could be wasted work. The decision says proceed with everything but a known volume, but much can't.

Mary Ellen Mueller – FWS recommendation was to appeal the idea that the Biological Opinion belongs in public draft. This would just create a never ending loop. The Service did not choose to recommend appeal on the issues related to x2 in the Delta, thought those issues hard to defend. Service did recommend appeal of expansion of the Purpose and Needs statement. The Service feels it is not Judge's authority to change purpose and need. Chose not to challenge impacts on power disclosure. Did suggest appeal of range of alternatives.

Serge Birk – Reiterated that FWS recommend to appeal on 3 counts.

Mary Ellen Mueller – Stated that Bureau of Reclamation suggestion for appeal was similar.

Half hour expired.

Byron Leydecker – Move that chair be authorized to draft letter to be circulated to all members for approval. The letter would be addressed to the deputy attorney general and state that it is the recommendation of this Group to appeal all elements of Judge Wanger's Decision.

Arnold Whitridge - Change motion to authorize chair to send letter urging appeal of all elements of decision.

Elizabeth Soderstrom - Amend motion to request the chair to draft letter urging appeal, but for two elements: Judge's order of purpose and need and; Range of alternatives.

Bill Huber seconded.

Discussion:
Elizabeth Soderstrom made the amendment for potential agreement of group. **Jim Spear** – As a representative of an agency it is helpful to have time to float that issue up and evaluate. Without speaking to my organization I will have to abstain. **Pat Frost** – How did we decide to handle abstentions? **Charlie Chamberlain** – 10 "Yes" votes are required for a motion to pass.

Vote results

Motion	In Favor	Opposed	Abstain
Authorize chair to send letter urging appeal of Judge's decision to order changes to purpose and need to broaden range of alternatives	7	4	6

Motion does not pass.

Pat Frost – If by chance this had passed, under our not yet formed bylaws, would the letter have been required to include minority opinion? **Arnold Whitridge** – Yes.

Serge Birk – Hopes bylaws eventually adopted will address some of those mechanics.

Arnold Whitridge – Will try for two week lead on draft agenda to be shared with group/public.

Agenda topics for next meeting:

- Bylaws
- Identify issues of this group. Talk about mission or emphasis of the group.
- Adaptive management
- Public comment

A thorough discussion of the Rush Creek project was suggested but will be postponed until Jim Spear can make it – he can't make the proposed April meeting.

Meeting adjourned 2:30