



**TRINITY COUNTY FISH  
AND GAME  
ADVISORY COMMISSION**

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**Minutes – March 27, 2019**

**Chairman**

John Fenley (TCBOS District 5)

**Vice-Chairman**

Commissioner Samantha Chilcote (Wildlife)

**Recreation**

Commissioner Cody Canale -Absent  
Vacant

**Restoration**

Commissioner Donna Rupp – Absent  
Commissioner Mike Dixon - Late

**At Large**

Commissioner Richard Cole  
Commissioner James Lee

**Fisheries**

Commissioner Kyle DeJulio - Late  
Vacant

**Wildlife**

Commissioner Blaine Nicholls

**Secretary**

Tina Duong

**1 CALL TO ORDER: 7:00 P.M.**

- a. Chairman Fenley reported that this meeting was in addition to and replaced the scheduled March 13<sup>th</sup> meeting which was dismissed at the Veteran's Memorial Hall (CD Hall), as posted, due to a lack of a quorum.
- b. Approved the January 9, 2019 and March 13, 2019 Minutes as submitted by the Secretary.

**Motion:** Sam Chilcote      **Second:** Richard Cole **Carried:** 5-0 **Absent:** 4

- c. Accepted the Treasurer's Report with a budget balance of \$19,029.44

**Motion:** Blaine Nicolls      **Second:** James Lee **Carried:** 7-0 **Absent:** 4

- d. Approved the Secretary Fee's for March 13, 2019 and March 27, 2019 for a total of \$300.00.

**Motion:** Richard Cole      **Second:** James Lee **Carried:** 7-0 **Absent:** 4

**2 EVENING PROGRAM - None Scheduled**

**3 ON GOING REPORTS**

- a. Restoration – Commissioner Dixon reported from the Trinity River Program perspective they have recommended a flow hydrograph for this spring which will start ramping up flows by April 15<sup>th</sup>. However, it has not been

approved by the Trinity Management Council. They are also planning on building a restoration project on Chapman Ranch Rd off of Sky Ranch Rd potentially starting in June.

- b. Trinity County Big Game Update, Deer Management Plan – Commissioner Lee reported that the state hired a Big Game Coordinator. He said he hasn't been able to speak with the new person yet. Commissioner Lee was able to speak with Karen Converse who is the Deer Program Lead. She said they have drafted a deer management plan which was submitted to their Branch Chief. She will let us know when it is approved. Chairman Fenley asked Commissioner Lee to see if Karen Converse makes rounds to possibly invite her to our meeting. Commissioner Lee talked about Senate Bill 395 which has just been proposed. It would allow drivers that hit a deer or other animals to retroactively apply for a salvage permit. The Gaines Report had a summary about it and they state that the SB395 would be a better means to document collisions with wildlife. It's being endorsed by UC Davis Road Ecology Institute which is working on quantifying impacts of vehicles to wildlife in California. Commissioner Cole asked if we are supposed to report when we hit wildlife. Commissioner Lee said we only report if you are in an accident with over \$500 worth of damage.

**Action Item:** Agendize SB395 for the next board meeting.

- c. Trinity River Update – Commissioner DeJulio reports there was a meeting at the Fish and Game Office in Redding where input was sought for the emergency closures due to the Spring Chinook Fisheries. The petition was accepted so it's considered a candidate species and under the California Native Species Act it's full protection. There were emergency regulations put into effect but there is a statute that allows for the take of a listed species if it's angled with hook and line. The State Fish and Game Commission requested input from at least three public meetings. The meetings were held in Crescent City, Sacramento and Redding. The State also received letters of support to pursue some level of take this year from Humboldt County, Del Norte County and Siskiyou County. Next month when the California State Fish and Game Commission has its meeting they will be considering public input and possibly instituting a regulation that will allow take of a listed species for the first time. Commissioner DeJulio said he wasn't at the meeting in January and he thought it was agendized. Chairman Fenley and Vice-Chairman Chilcote said they didn't think it was agendized. Commissioner Dixon said it was in the correspondence. Chairman Fenley asked if this was something he would like agendized at the next meeting. Commissioner DeJulio said he didn't think we had time for a meeting to offer a letter of support. He just wanted to bring it to our attention. Chairman Fenley said Chairman Groves was really good at bringing for Fish and Game items or Commissioner DeJulio could send the letter to Chairman Fenley and he would represent the item personally. Commissioner DeJulio thought it would be good for the Board to send a

letter of support since the State received letters from three other counties. Commissioner DeJulio said he was coming to the BOS meeting on Tuesday, April 2<sup>nd</sup> and he could present the item. Chairman Fenley told him to say he was on the Commission but he's not representing the Commission.

- d. Department of Fish & Wildlife Report - None received.
- e. NRA Collaboration Committee Report – Vice-Chairman Chilcote reported that Pete Finnie said they were having the next meeting on Tuesday with the Collaborative. Mike's going to represent the Commission. They weren't meeting for a while because Shasta who runs the NRA didn't have a Ranger but now they do so they will start meeting more often. Commissioner Dixon said they have rebranded themselves as the Collaborative Recreation Committee instead of the NRA Committee. Chairman Fenley asked if the USFS was responsive. Vice-Chairman Chilcote said they were pretty good with the Collaborative. Chairman Fenley said when they hire someone they leave and we get nowhere. Vice-Chairman Chilcote said they had an interim Ranger for a while and now they possibly have a permanent one. She's hoping Mike will be able to report about that at the next meeting.
- f. Fisheries Council –Commissioner Cole said there was a lot of action on this item but nothing definitive yet. He said he contacted four counties – Siskiyou, Del Norte, Humboldt and Mendocino Counties. He said he passed out a copy of an email at the last meeting-non-meeting from Randy Vann who is Chairman of the Mendocino County Fish and Game Commission regarding sharing the cost share of a representative to advise us of current and future fishery concerns. Randy Vann nominated someone for this job, his name is Josh Russo. Their next meeting was in Ukiah on March 12<sup>th</sup>. Del Norte has put this item on their Commission's agenda, the cost share for the public. This is in regard to specific Fisheries Council that determines different topics such as if we are going to fish for Salmon this year, etc. The trouble is they don't meet locally and it's expensive. It covers a very large area including Canada. They will be meeting in the state of Washington this year. He said that the smaller, poorer counties cannot afford to send someone to one of these meetings. So, we had the idea of going to other counties and cost sharing with them. He said he reached out to Del Norte to find out if they voted on this item yet. He hasn't heard back from them. Siskiyou County Fish and Game Advisory Commission Chairman Rich Klug is interested and they have money set aside for this but the problem is that they don't meet until May. He talked to Kenny Priest, Chairman of Humboldt County Fish and Game Advisory Commission today. He said Kenny Priest pointed him to the NorCal Guide and Sportsman Association; they are located in Yuba City. Their President James Stone is on the Fisheries Council. Kenny Priest is also in this group and uses the president of the NorCal Guide and Sportsman Association to update his Commission. He strongly suggested

that members of the Commission join as an individual. He said it costs \$20 per year. The President James Stone will give updates from the Fisheries Council during the NorCal Guide and Sportsman Association meetings. One of the things they are deciding is if we are going to have spring salmon season. The NorCal Guide and Sportsman Association is trying to negotiate something maybe instead of the usual dates it could start on July 1<sup>st</sup>. This is one of the items on the agenda with the Fisheries Council. Commissioner DeJulio said he attended the meeting in Redding and they brought up that the NorCal Guide and Sportsman Association were at the Sacramento meeting. The Crescent City meeting occurred first and they're probably the most impacted by this because they have the most spring Chinook fishery on the lower river and they recommend the July 1<sup>st</sup> date with a one fish bag limit with two in possession. Which means one per day with two in the freezer. He said the NorCal Guides accepted that in Sacramento and it was also the number one recommendation from public participation in Redding. He said that will probably be the recommendation that the council will consider. Commissioner Cole said he didn't know how to proceed. He gave his contact information to Kenny Priest to give to James Stone. There are also all the other counties that are interested in cost sharing. They all realize the importance of the Fisheries Council. They want someone attending the Fisheries Council speaking for us. Commissioner Cole said he could keep on doing what he is doing until he hears back from someone. Chairman Fenley said it would be best if we agendize it so we can take a closer look at it especially if we want to look into spending money or try to. But asked Commissioner Cole what he wanted to do. Commissioner Cole said he would not be the right person for this and recommended Commissioner DeJulio. Commissioner DeJulio said he is willing to attend the meeting but he said we should consider the two options that Commissioner Cole has provided. He said we should agendize it. Option one is continuing down the path we are on with cost sharing and sending our own representative or Option two receiving updates. Commissioner Cole said he thinks the Fisheries Council will meet before our next meeting. Commissioner Cole said in the short term it seems like going through the NorCal Guide and Sportsman Association is the right thing to do. He said since he has given his contact information, he will do that on his own. Commissioner Cole said that hopefully without violating the Brown Act he will send out any information he finds to the Chairman and the Secretary. Chairman Fenley said to agendize it at the next meeting or report out. Commissioner Cole was concerned that the people would want to know before our next meeting. Chairman Fenley said that is how it works. Commissioner DeJulio said that they will come up with the regulations in April then they will go through the cycle again of determining quotas up and down the west coast again in December. Meetings will start again in December. He said our only option this year would be getting an update. Next year in December we could look into spending some money and sending people. We should be able to do that in time. Chairman Fenley wants Commissioner Cole or DeJulio to get the information to Tina so she could agendize it at the next meeting. Probably

two recommendations and which one they prefer. Commissioner Dixon said that Commissioner Cole made tremendous progress. Commissioner Cole said that the Facebook site is coming along. He said it was originally created to communicate with the Fisheries group.

**Action Item:** Agendize two options for the Fisheries Council.

- g. Grant Program – None

#### **4 Old Business**

- a. Discuss literature for deer hunters regarding reporting marijuana grown in the National Forest, sub-committee report – Commissioner Cole reported talking to the Sheriff and said he likes the idea. Sheriff Saxon recommended softening the message so it doesn't sound like everyone is going to die in the forest. Commissioner Cole is working on that and will resubmit it to the CAO and the Sheriff. Chairman Fenley asked if it was something the Sheriff would be interested in taking on. Commissioner Cole said he did not get that feeling. Chairman Fenley said he wasn't sure he could come up with enough votes and told Commissioner Cole to talk to the CAO to see if he will move it forward. Commissioner Cole is working on a more upbeat version and will submit it to the CAO.
- b. Discuss the Deer Management Plan – Remove from old business and address it in on-going reports.
- c. Discuss the letter of support for Justin Alvarez, Hoopa Valley Tribe regarding Brown Trout Management - Commissioner DeJulio reported that this will be on the April 2<sup>nd</sup> Board Meeting. Commissioner DeJulio was asked to prepare a statement as to why the Board of Supervisors should support the letter. He brought copies so he doesn't misrepresent the Commission. Chairman Fenley said it shouldn't be an issue because he met with every Chairman. Commissioner DeJulio said everyone but Chairman Fenley. Chairman Fenley said he is here anyway and understands it and supports it. Chairman Fenley questioned why the BOS's didn't move it forward at the March meeting. He understands that a member of the public questioned it but didn't get why they couldn't move it forward. Commissioner DeJulio said he believed the Board wasn't able to answer the questions that the member of the public had. Chairman Fenley said they could have moved forward and took care of our Business anyway. Commissioner DeJulio agreed and said he wasn't at the March meeting so he didn't understand it either. He was asked to attend the following meeting and to read a Statement. He also provided more back-up material to the Board. Commissioner Cole asked if the Brown Trout, Salmon and Steelhead, is this like a zero something; if we had fewer Brown Trout would we have the same number increase of Salmon and Steelhead? Commissioner DeJulio said that Justin Alvarez' findings in his thesis is pretty compelling that basically, Brown Trout over 20 inches are eating a ton of hatchery fish. Something like 7% of the hatchery releases are consumed by the Brown Trout

annually. He said that's not a non-trivially amount of the hatchery fish. Then about 20% of the natural production. It's a good bid. Now those fish have to migrate out to the Klamath and go to the ocean. Chairman Fenley asked if his statement has been included in the back-up. Commissioner DeJulio said it has not. Chairman Fenley asked if he could read it in three minutes. He said he could, he just wanted to make sure he wasn't misrepresenting the Commission. He wanted to review it with the Commission prior to providing it as back-up. The Chairman and Vice-Chairman thanked Commissioner DeJulio for working on the item and bringing it forward, they know it's been a full-time job for this one item and Chairman Fenley apologized for that.

- d. Discuss the election of chair and co-chair for 2019. Commissioner Cole asked if Chairman Fenley wanted to continue being Chair. He said no, he doesn't have time to do it. He would like to have someone that is passionate about it. He would like to entertain nominations. Commissioner Cole nominated Vice-Chairman Chilcote. Commissioner DeJulio nominated Commissioner Lee. Chairman Fenley said we have to do one motion at a time. He asked if he had a second for Vice-Chairman Chilcote. Vice-Chairman Chilcote asked if she could remain vice-chair.

Commissioner DeJulio nominated Commissioner James Lee as Chair, Commissioner Dixon seconded it to.

**Motion:** Kyle DeJulio Second: Mike Dixon **Carried:** 7-0 **Absent:** 4

Commissioner James Lee nominated Commissioner Sam Chilcote as Vice-Chair, Commissioner Blaine Nichols seconded it.

**Motion:** James Lee Second: Blaine Nichols **Carried:** 7-0 **Absent:** 4

The new positions will begin at the next meeting.

## **5 New Business**

- a. Discuss Cal Trans Intention to use herbicides in Trinity County for fire control. Trinity County Resolution Number 2004-066

Commissioner Lee questioned how we would structure a conversation around this agenda item because it is a county matter. He makes a motion to remove it from the agenda. Chairman Fenley asked if he would be willing to table it instead. Commissioner Lee said that is what he meant. Commissioner DeJulio seconded it for discussion. Commissioner Cole asked if anyone who uses pesticides in the course of their jobs if this would be a conflict for them. Chairman Fenley said they would have to profit from it or not profit from it. Commissioner Nichols said it would be a conflict for him. Commissioner DeJulio asked if the County has a resolution why would we have this before us, we are just an advisory commission. Commissioner Cole wants to make a recommendation to the Board of Supervisor. Chairman Fenley asked him if he didn't have confidence that the Board was already doing this. Vice-Chairman

Chilcote said she has been reviewing our By-Laws and she doesn't believe this is in the purview or scope of the Commission to make a recommendation. She also said that she's not talking about the resolution that Commissioner Cole worked on, she does appreciate the work he did on that. She is talking about is in the scope of the Commission. She recommends if we are going to do this that we do it through the recreational side of it. Commissioner Cole provided a resolution that he would like the Commission to recommend to the Board of Supervisors. Chairman Fenley asked if he was actually requesting to send a resolution that requests them to put aside the existing resolution. Commissioner Cole said no, he wants them to reaffirm it. Chairman Fenley said they have already stood behind it and there is nothing further we need to do. Commissioner Cole said he thinks out of our duty to our hunters, anglers and the general public who might be crossing these strips to say that they are not going to get sick from fish and game that are contaminated with this herbicide because Cal Trans sprayed along the side of the road and it went in the streams or animals or people track it through the woods and therefore contaminated deer, bears and who knows what else will happen. Cal Trans hasn't provided us because they haven't provided us with anything that says this is safe. Chairman Fenley says we really don't know what Cal Trans is doing. Commissioner Dixon shares the concern that they have not provided any information. Commissioner Dixon says there are already extensive areas being treated. Chairman Fenley brought it back to the question, do we want to table this item.

**Motion:** James Lee **Second:** Kyle DeJulio **Carried:** 5-2 **Absent:** 4

- b. Tabled to May 8, 2019: Discuss the use of Travel Expense per the Trinity County Fish and Game By-Laws.
- c. Discussed the application of interest by Scott Dias to the Commission and recommended to the Board of Supervisors that he be appointed as a Recreation Commissioner.

**Motion:** James Lee **Second:** Richard Cole **Carried:** 7-0 **Absent:** 4

- d. Discussed and approved the Lions Club's grant request for Kid's Fishing Day.

**Motion:** Sam Chilcote **Second:** Richard Cole **Carried:** 7-0 **Absent:** 4

- e. Discussed the Bureau of Reclamation - Environmental Assessment titled, Implementation of Klamath Project Operating Procedures 2019-2024. Commissioner Cole put this item on to find out more about it. Commissioner Dixon said he doesn't have a lot to add to it. Reclamation just completed a biological opinion for the operation of the Klamath project which is all of the irrigation diversions from upper and lower Klamath Lake to meet their obligations to endangered suckers and salmon in the Klamath River. The Environmental Assessment is their analysis of the impacts on the human Environment that would result from implementing the biological opinion. The

previous biological opinion was thrown out by the Courts and they were forced to start over from scratch and this is round 47 of trying to stay in compliance. Commissioner DeJulio recused himself since his employer was a litigant in the previous case that was thrown out. Vice-Chairman Chilcote asked if the public comment portion of this was closed. Commissioner Dixon said he's not sure when or if it closed. Commissioner Dixon also recused himself because he works for the Bureau of Reclamation. Commissioner Fenley said that they can discuss the item but they can't vote on it. Commissioner DeJulio said there are important aspects of the biological opinion that will determine disease loads in the lower Klamath by both delusion and scowering flows and the magnitude of those and the triggers by which they reach are very important to mitigating the effects of the Klamath Dams and the disease loads that are below them. Commissioner Dixon said its thought that disease in the Lower Klamath is probably one of the largest factors in Salmon returning to the Trinity River. Commissioner DeJulio said the actions or triggers for those actions on the water management on the Klamath have a lot to do with the survival of fish to the ocean here in Trinity County. The Board of Supervisors would be interested in a protective plan (protective biological opinion) that would conserve fish. There is an interest here from the Board of Supervisors perspective as far as promoting fish and game opportunities here in Trinity County. Vice-Chairman Chilcote said there is two schools of thought, one that says you need flushing flows in the fall to get rid of this disease; there's another one that says we want to hold the water back that we don't want to do these higher flows. Higher flows in the fall wash away the disease and make the fish come back happier and healthier for Trinity County. The other way is that we need that water for humans or other uses. Commissioner DeJulio said it is more complicated than that because the reason they need the water is to keep lake levels high for the summer so you have two endangered species competing. Vice-Chairman Chilcote said that looking at the Trinity County perspective we are looking more at the Salmon because we don't have socio-economic interest. That is where our interest is if they don't release the water our fish get sick as they come back to us. There could be at some point a ask for a letter of support from the County. Commissioner Dixon said the challenge is he didn't know if it was open for public comment. Commissioner Fenley asked how they want to move forward with this in the future. We have different opinions of what is best for Trinity County. Commissioner DeJulio said he didn't think there was a conflict for Trinity County. He thinks Trinity County would be supportive of anything that would improve conditions in the Klamath and they wouldn't be supportive of retaining any water in the lake because the people that irrigate with that water don't reside in Trinity County. Trinity County's interest is clear cut. He's not sure, if this is something the BOS's want to get entangled in. Commissioner Fenley said we have a Chairman that doesn't like confrontation and is concerned that this item would bring a lot of people in front of the Board. Commissioner Fenley asked if the Commission wants to move forward with this item. Commissioner Dixon said the biggest stakeholders in this item is Siskiyou County and Klamath County in Oregon and if we get involved we could irritate them because they have economic interest in it and we don't. The controversy

would come from them more than us. Commissioner Cole was curious as to what it would do to Trinity County. Commissioner DeJulio said we don't know what it will do. It's a rapidly evolving issue.

- f. Discussed Conflict of Interest forms.
- Conflict of Interest forms are due by April 2<sup>nd</sup>. You can also do them online.
  - Tabled to May 8, 2019: Discuss the 2019 Local Agency Biennial Notice and instruct the Secretary to complete the form and return it as requested.
- g. Discussed California Code Section 54954.2 and 54957.5 regarding the new agenda laws. Two agenda samples were provided and voted on. Commissioner Fenley said he has kept the Commission very casual. Commissioner Cole said the code sounds like they are trying to get everyone online. Commissioner Fenley said he added the 3-minute rule but it hasn't been added before. He recommends waiting two or three meetings to implement. He said it's from the Rosenberg Rule. Sample 1 was approved with the following changes: Public Comment was put at the top, removed the Pledge of Allegiance and Correspondence will be included in the backup or links to the Fish and Game Wildlife website will be include if the documents are too big.

**Motion:** Sam Chilcote **Second:** James Lee **Carried:** 7-0 **Absent:** 4

Commissioner Cole said we are not in compliance with the online portion. Secretary Duong said we don't have a program that will allow us implement this. Secretary Duong will check into using Novus Agenda for the Commission. Commissioner Fenley is concerned that the County will charge us for using Novus. Commissioner Cole is concerned if we are in violation then all of the Commissions are in violation.

**Action Item:** Research our options for posting the online agenda.

- h. Discussed the grant request for wood duck nest boxes as requested by Commissioner Lee. Vice-Chairman Chilcote said we don't have an official grant application form. We normally ask for a letter of request. It was felt he should reach out to Trinity High School woodshop or the Boy Scouts to assist him.

## **6 Correspondence**

Discussed the correspondence we received.

## **7 Public Comment**

None received.

## **8 Adjourned 8:29 PM**

**Schedule of meetings for 2019**

May 8

July 10

September 11

November 13