

Hoopa Valley Tribe Signing Considerations

December 11, 2024

More specific conditions for HVT support of “major” alternative flow proposals (including Winter Flow Proposal)

1. Winter flow management is a well-defined AEAM experiment with a timeline informed by the hypotheses that has a hard stop without subsequent administrative processes under the AEAM process in the 2000 Implementation Plan (e.g., NOT permanent at this time)
2. An AEAM Experimental Design document be prepared that summarizes the underlying hypotheses (+/-) and predictive analyses (including DSS), experimental strategy, monitoring and assessment plan (including costs), and decision process over the 2-4 year experiment (some of the existing documents can be used for this). Review by SAB and/or additional external peer review. Prepared by agencies and tribes, agreement by HVT on the AEAM framework and implementation consistent with the 2000 Implementation Plan.
3. Clarify that the Winter Flow AEAM experiment is not considered a permanent action in the new CVP long-term operations plan.
4. Complete the Flow Synthesis Report:
 - Draft by June 2025, conduct peer review (either by SAB and/or additional external peer review), and finalize by December 2025.
 - Flow Synthesis Report would satisfy “best available science” requirement in 1992 CVPIA.
 - Should be the foundation for assessing the entire hydrograph, not just the winter flows. Subcontract this out if needed if we can’t get it done internally by the proposed deadlines.
 - Should also identify additional priority flow AEAM management experiments beyond the Winter Flow experiment.

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5. Funding allocated for implementing a rigorous monitoring and assessment of both the winter portion (positive), but also the potential impacts (negative)
6. Conduct feasibility study for temperature control device on Trinity Dam and/or Lewiston Dam to provide more precise water temperature management for releases to the Trinity River
7. Complete Trinity Lake reservoir temperature model, and evaluate reservoir storage alternatives on cold water pool on dry years, climate change, combine with #5.
8. Complete Limiting Factors Analysis, conduct peer review (either by SAB and/or additional external peer review), prepare response to comments documentation, and finalize report by August 2026.
9. At the conclusion of the 2-4 year experiment, prepare a draft report summarizing Winter Flow AEAM experiment results and recommendations. Conduct peer review (either by SAB and/or additional external peer review), prepare response to comments documentation, and finalize report as was done with TRFEFR.

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10. Compile flow-related documents in preparation for “Eureka Style” meetings, including synthesis reports, Winter Flow experiment report, TCD feasibility study, Limiting Factors Analysis, and reservoir temperature model. “Eureka Style” meetings are meant to discuss science basis for management refinement, resolve conflicts in management actions, address policy issues, and come together on a management decision.
11. Convene Eureka Style meetings with DOI, HVT, YT, and other agencies to discuss current scientific knowledge of the Trinity River and recommendations to change flow management. Develop policy process for adopting or rejecting management recommendations based on the outcome of flow experiments and/or policy issues.
12. If needed based on #10, prepare EA or EIS, and Federal Register notice.
13. If adopted and HVT agrees, HVT would sign EA/EIS for long-term implementation of Winter Flow management, and other flow components agreed to during the Eureka Style meetings. This step would re-establish the HVT-DOI concurrence process.
14. Solicitor confirms in M-Opinion that Hoopa’s delegated sovereignty to require its concurrence in Secretarial decisions with M-Opinion is ongoing and permanent, and withdraws contrary position in pending litigation. *- This item is not agreed upon and needs further discussion.*