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Proposal to Address Refinements of the Trinity River Restoration Program

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The Trinity River Flow Evaluation Study (TRFE) and Record of Decision (ROD) represent a commitment and concurrence between the Department of Interior (DOI) and Hoopa Valley Tribe under Public Law 102-575 section 3406(b)(23) regarding the criteria and objectives for Trinity River Restoration. The TRFE and ROD also provides a framework for federal responsibilities to the Hoopa Valley Tribe and Yurok Tribe (tribes) under federal reclamation law and the federal trust responsibilities to restore the Trinity River and its fishery resources. Federal and State law established priority for use of Central Valley Project (CVP) Trinity River Division (TRD) water supplies for the preservation and propagation of Trinity River fish and wildlife resources. Decades of excessive diversions of TRD water to the Central Valley severely degraded Trinity River fish and wildlife resources. The TRFE and ROD are intended to restore fish and wildlife resources and maintain them as the law originally required, while still allowing the other purposes of the TRD (diversions, power generation) to continue in a more balanced way. To achieve this intended balance, the TRFE and ROD must be fully and properly implemented. Implementation of the TRFE and ROD is assigned to the Trinity River Restoration Program (TRRP) (USFWS et. al 2000, Appendix C).

The TRRP has been successful in several areas such as: meeting water temperature objectives in most years; implementation of ROD flow regimes including science based adaptive management revisions to improve riparian establishment; completing mandated infrastructure improvement to accommodate increased flows; producing habitat gains at specific restoration sites; and development of new restoration techniques and strategies not envisioned in the ROD. While the TRRP has met some of the essential program goals, responsibilities, and processes, the program has fallen short in other areas, particularly the adaptive management component of the program. For example, an integrated analysis across multiple disciplines evaluating program success, which feeds back into management decisions, is lacking. Several reviews of the TRRP have been conducted over the past 11 years(Trinity Management Council (TMC) Subcommittee 2004, CDR Associates 2008, DOI 2009, Science Advisory Board 2014), which have identified successes, but also shortcomings of the program like a clearly defined adaptive management framework. In response the Trinity Management Council implemented an organizational and functional refinement in 2009 (DOI 2009) but many of the core issues remain.

The tribes request that a senior scientist/manager be assigned to review the goals and mandates of the TRFE and ROD, identify refinements to the TRRP's management and functions that will better serve those goals and mandates, and assist the DOI in implementing refinements. There are a number of interim actions that have been identified that will continue to be pursued by the TRRP. This senior scientist/manager should be selected from a pool of qualified individuals (ideally from DOI, but not mandatory) with substantial experience in managing ecosystem restoration programs, have appropriate directive and autonomy from DOI, have adequate time and resources, have ability to get assistance from other topical experts, and have experience with tribal co-management.

The tribes propose that a small "Coordination Team" composed of representatives from the Trinity Management Council familiar with the mandates of the ROD be formed to work with DOI

to develop a list of qualified candidates, evaluate their availability, and recommend a qualified individual to lead this effort. The Coordination Team would coordinate and facilitate the efforts of the senior scientist/manager, including gathering information, answering questions, logistics, and their responsible agency/stakeholder managers. The senior scientist/manager with expertise in adaptive management, leading a team would be detailed or hired by DOI with concurrence by the tribes, The senior scientist/manager would have the latitude to assemble a small team of relevant experts to help in the review and provide recommendations and take the following actions over a period of approximately six months:

1. Review the Trinity River Flow Evaluation Study (USFWS and HVT 1999), Trinity River Restoration Record of Decision (DOI 2000), Native American Policy (USFWS 1994), intended organizational structure and process of the Trinity River Restoration Program as described in Appendix C of USFW Set. al (2000), and Executive Order 13175 and Secretarial Order 3335.
2. Review previous situation reports, Phase 1 Program review, and stakeholder recommendations, and summarize priority TRFE and ROD implementation successes and shortcomings (largely drawing from TMC Subcommittee 2004, CDR Associates 2008, DOI 2009, Science Advisory Board 2014, Trinity Adaptive Management Work Group (TAMWG) recommendations, TMC's52 issues, etc.).
3. Review and summarize the strengths and weaknesses of the entire organizational structure, roles and responsibilities, and administrative/technical work flow, planning, and decision making processes and products. Summarize the strengths and weaknesses of the structure and process of similar restoration programs in the United States (e.g., Platte River, San Joaquin River, Colorado River, and others as appropriate), while considering their potential application to the Trinity River.
4. Work with the Coordination Team to coordinate actions 1-3, and to facilitate interaction and suggestions from TMC and TAMWG participants on potential solutions to improve TRRP implementation of the ROD.
5. Prepare an internal draft report summarizing specific actionable recommendations and deliver to the Coordination Team for initial input.
6. Submit, present, and discuss revised draft report in February 2016 to the Trinity Management Council, TAMWG and Reclamation, USFWS and NOAA directors. The revised draft report may include recommendations for improvements to the TRRP's organizational structure, science and decision-making processes, strategic planning and budgeting processes, information flow processes, performance, and other actions needed to achieve the goals of the TRFE and ROD. The revised draft report must also ensure consistency with the ROD and Public Law 102-575 section 3406(b)(23).
7. Address comments from the Trinity Management Council and TAMWG, and present, discuss, and complete a final report by March 2016 for consideration and implementation by the Reclamation, USFWS and NOAA directors (with concurrence by the tribes).
8. Remain available on a part-time basis through April 2018 to assist the TMC, TAMWG, and Secretary of Interior with oversight and implementation of recommendations. Task would include quarterly status reviews and two annual meetings with the TRRP (spring 2017 and spring 2018) to review TRRP implementation, and recommend adjustments if needed.

There is precedent for this type of request. On The Trinity River in the late 1990s, the DOI appointed Dr. Terry Rees of the USGS to work directly with Reclamation, USFWS, the Hoopa and Yurok Tribes, and California Resources Agency to collaboratively complete the Trinity River Flow

U.S. Fish and Wildlife Service (USFWS). 1994. The Native American Policy of the U.S. Fish and Wildlife Service.

U.S. Fish and Wildlife Service (USFWS) and Hoopa Valley Tribe (HVT). 1999. Trinity River Flow Evaluation Final Report, report to the Secretary of Interior.

U.S. Fish and Wildlife Service (USFWS), U.S. Bureau of Reclamation (USBR), Hoopa Valley Tribe (HVT), and Trinity County. 2000. Trinity River Mainstem Fishery Restoration Environmental Impact Statement/Environmental Impact Report.