



Trinity River Restoration Program

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DEC 11 2009

Mr. Arnold Whitridge
Chairman
Trinity Adaptive Management Working Group
P.O. Box 128
Douglas City, CA 96024

Subject: Trinity Management Council (TMC) Response to Trinity Adaptive Management Working Group (TAMWG) Recommendations to the TMC

Dear Chairman ~~Whitridge~~: *Arnold*

On behalf of the TMC, I wish to express our appreciation for the commitment and thoughtful consideration the TAMWG has invested toward the effective implementation and continued improvement of the Trinity River Restoration Program (Program). True to its charter, the TAMWG represents the collective interests and concerns of many stakeholders regarding the long-term success of the Program. While serving as effective advisors to the TMC and Program staff, highlighted by your personal efforts, the TAMWG has shown true dedication and worked untold hours on many aspects of restoration of the Trinity River, including support of the Trinity River Flow Evaluation Study, the final Environmental Impact Statement/Environmental Impact Report, and the Record of Decision and Implementation Plan that form the Program cornerstones. The TAMWG has provided invaluable assistance by helping the TMC and Program staff maintain focus on carrying out many of the specific requirements of the aforementioned founding documents and authorities.

Our last formal response was dated March 7, 2008. We acknowledge that this written response is long overdue, as the TAMWG has issued several helpful recommendations over the past few years, renewed in recent letters to the TMC dated June 16 and September 14, 2009. We hope this letter will constitute an important step toward a more effective and responsive relationship between the TMC and the TAMWG.

Trinity Management Council

Shen Person, Chair, Bureau of Reclamation - John Engbring, Vice Chair, US Fish and Wildlife Service
Lina Lagomarsino, National Oceanic & Atmospheric Administration-Fisheries - Sharon Heywood, USDA Forest Service
Mike Crout, Hooda Valley Tribe - Dave Hillemaier, Yurok Tribe - Gary Stacey, California Department of Fish and Game -
Robert Jaseck, Trinity County - Mike Hartman, Executive Director (ex officio)

TAMWG recommendations to the TMC have generally focused on three main areas of stakeholder concerns:

- The TAMWG's assertion that the TMC has not consistently fulfilled a role similar to that of a "Board of Directors" of the Program, often failing to provide effective and timely direction, guidance, and policy for Program implementation. The TAMWG recommends that the TMC invests the time necessary to fully address the recommendations made in the 2004 TMC Subcommittee Report and the 2009 CDR Situation Assessment. TAMWG recommends the expansion of TMC membership, significant modification of the voting protocol, and institution of provisions for minimizing the potential for conflict of interest in TMC decisions.
- The TAMWG is concerned that the TMC has not yet developed the means to objectively implement the AEAM science program through an established proposal-driven process utilizing independent review panels. The TAMWG suggested that the Science Advisory Board be fully utilized as the oversight and guidance body of the science program as envisioned.
- Other TAMWG recommendations fall into the technical and implementation realm where the TAMWG believes the TMC needs to focus attention and support, such as increased efforts in watershed restoration, focus on completion of the mainstem restoration sites, carryover storage for preserving a minimum temperature pool at Trinity Reservoir and active participation in a review of the Trinity River Hatchery practices.

In the past 12 months, the TMC has made significant progress toward addressing some of these concerns. Two major steps have been taken based on the CDR Situation Assessment to improve the effectiveness and focus of the TMC.

First, the two Department of the Interior agencies, the Bureau of Reclamation and the U.S. Fish and Wildlife Service, developed several measures, described as "organizational refinements" focused on improving the coordination and communications between the two funding agencies. The key position of Science Program Coordinator was identified to lead the science program by emphasizing collective involvement of the Program Office, Arcata Field Office, and partner staff. That position is slated for selection in mid-December.

Second, in January 2009, an extensive retreat outlined a number of steps that the TMC must implement to become a more effective and focused governing entity. One of the key elements requires the TMC to maintain focus on the policy and guidance actions necessary to provide clear direction within Program authorities, while leaving administrative and managerial details to the Executive Director.

My view as Chairman is that during the last three meetings, the TMC has made meaningful strides to conform to this dictum, better keeping its actions and

discussions in congruence with approved agendas while focusing on policy and guidance related matters. The TMC is making a concerted effort to "stay out of the weeds" where it is quite often ill-suited to offer effective guidance.

Another key element recognizes the need for TMC members to commit to taking the appropriate time in preparing for TMC quarterly meetings and that monthly conference calls should be held to keep TMC members and the Executive Director in close communication. Since July, the TMC has held monthly conference calls to remain abreast of issues and to plan the agendas for the quarterly meetings. In addition, the Program Office hosted the first annual TMC field meeting to review restoration sites and discuss issues related to Program implementation.

Since becoming our Executive Director just 10 months ago, Mike Hamman has guided us toward impressive progress in a number of key areas. One of the most important of these is his effort toward improving working relationships between the Program Office, Arcata Field Office, and Program partners, while helping to rebuild an environment of trust and optimism throughout the Program. He is methodically taking steps to implement many of the recommendations listed in the 2004 TMC Subcommittee Report, TAMWG letters, and the CDR Situation Assessment. He has outlined these steps in his reports both to the TAMWG and the TMC. In response, I have observed TMC members, individually and collectively, providing Mike strong support.

I directed the staff to prepare an action tracking tool, similar to that used at the Northern California Area Office, to manage our responses to TAMWG recommendations. Admittedly, a review of the initial population of the action tracker demonstrated that we have been less than responsive. Since then, this tool has been helpful in maintaining our focus on necessary progress in advancing the Program. The TAMWG action tracker, illustrating the status of your recommendations, is enclosed. We are using a similar tool to manage overall TMC response actions.

Also identified as an action among the organizational refinements, the Program Office has hired additional contract/procurement staff, which is helping to relieve the Program scientists of their Contracting Officer's Technical Representative duties. This allows them to direct their efforts more comprehensively to the science agenda in concert with our partners. With TMC guidance over the past six months, Mike has developed and is implementing a comprehensive strategy to meet many of the objectives that TAMWG members have expressed is crucial for the success of the Program. Although it has taken some time, I am pleased to see plans that foretell substantial and positive change as we look toward the new year.

Following is a brief explanation of some of the TMC's more specific actions and directions in response to TAMWG recommendations.

TMC Membership and Voting Protocol:

At its June 2008 meeting, the TMC voted unanimously to include the TAMWG Chair as an ex-officio (non-voting) member of the TMC. Two other motions were made to include a Bureau of Land Management (BLM) representative as a new voting member and to change to a simple majority voting protocol for TMC motions. Both motions failed, primarily due to concerns that these two actions may provide the opportunity for the Federal (specifically Department of the Interior) members of TMC to unduly influence decision making. Another motion was made to institute simple majority voting for a trial period to test and observe its merits at temporary risk, but it, too, failed to pass. As you are aware, the TMC bylaws currently require a unanimous vote for adding new members and changing the voting structure. The proposal to add BLM to the TMC is on the December 2009 meeting agenda for discussion, due in part to an inquiry from Congressman Herger's office.

Financial Conflict of Interest:

The TMC has attempted to address this matter through discussions at recent meetings, but continues to defer to a sub-committee established at the TMC retreat to delve further into the issue. The sub-committee met on December 4 and enjoyed a detailed and fruitful discussion. The sub-committee understands that the conflict of interest of most concern to the TAMWG potentially occurs when TMC members vote on budget-related matters that may directly impact funding levels for the entities they represent. Also discussed was the issue that some participating agencies, the two tribal partners in particular, do not share the same advantages that other agencies do in terms of base operating resources to maintain their respective fisheries programs. If this problem is understood and addressed, perhaps through establishment of a base funding mechanism, along with the implementation of a transparent and effective proposal and independent review process for projects, it is possible that most of the perceived or real conflicts may be resolved. Under TMC direction, initiatives currently being pursued by the Executive Director will help address the issue. The base budgeting matter will be taken up through the five-year budget planning process, hopefully leading to negotiations of five-year agreements between the DOI agencies and the tribes. There are acquisition challenges that must first be resolved to fully implement this process, but the agencies involved are committed toward that end.

Technical Budgetary Recommendations:

The relative allocation of annual funding between restoration construction, Science, and Program Administration is being addressed through a five-year budget development process, a concept described to the TAMWG in recent meetings. The budget will reflect the Program's overarching objectives to complete construction in a timely fashion (by 2014) and continue with the

understanding of the natural systems and the related impacts of Program activities on those systems. It is of paramount importance that we are better able to measure progress toward the goal of fisheries recovery.

Trinity River Hatchery Operations:

There has also been marked progress in addressing Trinity River Hatchery practices in recent months, due in part to the concerns raised by the Hoopa Valley Tribe and the TAMWG. Both Reclamation and the Department of Fish and Game (DFG) have been working together to focus on potentially modifying hatchery practices to benefit the natural fishery stocks. The two entities determined that there are neither institutional nor contractual barriers to performing a review and making operational changes as a result. DFG is now leading a multi-agency effort to accomplish the review, with initial efforts slated for discussion at the December TMC and TAMWG meetings and perhaps at the Science Symposium.

River Operations:

Recently, the TMC took action on the operations of the Trinity/Lewiston dam complex to meet both flow and temperature objectives below Lewiston Dam. During its September 2009 meeting, the TMC passed a motion to establish a Trinity River Temperature technical sub-committee, lead by the Program Office. The team has been directed to develop a temperature management plan by February 2010 to be utilized as a tool in determining the flow schedule recommendations and other operational considerations including the evaluation of carryover storage.

Partially in response to TMC recommendations, Reclamation engineers performed a detailed examination of the Auxiliary Outlet Works at Trinity Dam earlier this year. Because the auxiliary intake structure withdraws water from a lower elevation than the main outlet works, making releases from the auxiliary may (relatively) reduce river temperatures under certain conditions. Reclamation determined that the regulating valve and appurtenances are in generally good condition. Though the auxiliary was not expressly designed for sustained use, Reclamation has indicated it will be operated as a temperature control measure for limited periods, after which additional inspections will be performed to monitor any damage.

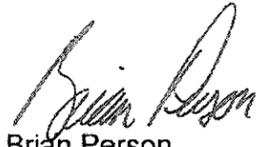
Watershed Management:

The Executive Director was also assigned the review the Program documents and to report back to the TMC on the scope and scale the ROD intended for the treatment of the watersheds tributary to the Trinity River. In addition, the five-year budget plan allocates increased funding to watershed activities (to a minimum of \$500,000 annually as requested by a TAMWG recommendation). In the post-construction period, additional funding is likely to be available for watershed work.

In review of the TMC discussions on this matter, readily apparent is the TMC's expectation that watershed funds allocated through the Program were intended to be leveraged with other resource agency funding to maximize the benefits of all available resources. However, this has only occurred to a limited extent.

In closing, I am cognizant that the TAMWG membership has been frustrated by the TMC's lack of response to its recommendations. I hope that recent actions and this response illustrate the TMC's commitment to address TAMWG concerns and consistently engage with our stakeholders on important Program issues. The TMC and the Program Office value TAMWG member participation on the work groups and encourage the continued investment of the members' valuable time.

Sincerely,


Brian Person
TMC Chairman

Enclosure