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Via FedEx

March 21, 2011

The Honorable Kenneth Salazar, Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Re: Trinity River Restoration Program

Dear Secretary Salazar:

We write to you on behalf of very involved organizations and individuals - some of whom serve on the Trinity Adaptive Management Working Group, the Program's (TRRP or Program) stakeholder entity - to inform you of the ways in which the Program has strayed from provisions of the Trinity Record of Decision (ROD) that we believe cast serious doubt upon the Program's ultimate success. Some of us have been involved in Trinity River restoration efforts for more than 20 years.

Set forth here is some of the history and the original vision, organization structure and implementing processes of the Program as prescribed by the ROD. We also will set forth some of the major variances in the Program from what was intended in the ROD. Additionally, attached is a binder (a complete CD is inside the binder) that contains specific information related to problems within the Program, most of which continue unresolved – many some years later.

The original vision of the Program was that it was to be unique within the Interior Department, an opportunity to become a national model of a restored river basin ecosystem below a federal dam. For that reason, the ROD provides for the Trinity Management Council (TMC), the Program's policy/decision making entity, and the Executive Director to report directly to the Office of the Secretary of the Interior.

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That responsibility has been shunted down to the Commissioner of Reclamation, then down to the regional director of the Mid-Pac Division of the Bureau of Reclamation (BOR) and the regional manager of the CA/NV U.S. Fish & Wildlife Service (USFWS), and then further down to the BOR and USFWS representatives serving on the TMC. The ladder goes no lower, so when conflicts within the TMC arise or it cannot make decisions because of super majority voting provisions in its By-Laws, essentially final decisions for the TRRP reside with the lowest level BOR and USFWS representatives. This is straying far from what was envisioned and what was set forth in the ROD.

Personnel turnover on the TMC has been significant and essentially does not consist of agency representatives who can speak for - commit - their entities as was intended. Initially, some senior agency representatives were members, but as changes have occurred, lower level personnel have become their entity's representatives on the TMC and unfortunately there are some who have little familiarity with the Program.

The organization has been changed in other significant ways. The TRRP has a science function and an implementing function. The head of the science function no longer reports to the TRRP's Executive Director, the person accountable for ultimate Program results, but rather to the Field Supervisor of the Arcata office of USFWS. This change in organizational structure from the ROD resulted from and evolved out of a need for a "solution" to the Arcata office retaining USFWS funds appropriated for the Program that it received. USFWS funding appropriated by the Congress for the TRRP now go to the Program except for \$500 thousand retained in Washington, D.C. and about \$700 thousand, presumably to pay the costs of Arcata USFWS staff involved in TRRP issues.

Channel manipulation projects to "unhand-cuff" the river from years of extremely low flows because of water diversions were intended to remove encroachment of riparian growth that had channelized the upper river, and then to "let the river do its own thing." Channel manipulation projects constructed in Phase 1 appear to be far greater in scale than was intended by the ROD. Additionally, while some three side channel projects were intended for the 47 channel manipulation projects set forth in the ROD, already 12 have been constructed in just the first phase of project construction. Apparently, more are planned in phase two construction projects.

The ROD acknowledged that its recommendations then were based upon the best available science at the time and they could change as a result of later scientific review and analysis. Analyses of planned projects and of completed projects were to be undertaken and reviewed by Independent Scientific Review Panels. No pre-project reviews have been undertaken until recently, and the resulting suggestions from those reviews by the Independent Review Panel have not been incorporated in proposed

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projects at this point. The Science Advisory Board, intended to review overall Program activities, rarely has been used.

This Program was intended to be scientifically based using “Adaptive Management” with input from groups of scientists that comprised Independent Review Panels. It has not been. It is important now that further channel construction be paused – as provided in the ROD – for a period determined by the independent scientific reviewers that provides them with adequate time to review and to evaluate existing projects and to provide any needed guidance for construction of future projects. That, in fact, would be employing the “Adaptive Management” process reflected in the ROD. We ask that your Office oversee the process of pausing construction and obtaining the independent science input as reflected above.

One of the principal objectives of the Program was a return of about 60 percent of pre-dam populations of wild anadromous fish. Between this Program and its predecessor Program, now about a quarter of a billion dollars has been spent to achieve this result, this objective. Roughly, one can count on a couple of hands figuratively the increase in wild fish.

One of the several reasons for this is the over-production of hatchery fish. With increases in river flows, hatchery fish numbers have increased significantly. It’s clear that hatchery practices must be changed. An Ad-Hoc group within the Program, consisting of knowledgeable people led by the California Department of Fish and Game provided suggestions for changes in Coho Salmon hatchery production as a first step. The group’s recommendations were not adopted by the TMC because of objections by two members.

A TMC request for guidance on Hatchery related issues from the Interior Department has not received a written response after three years, though a response is periodically described as “forthcoming,” and the issue of hatchery management authority has disappeared into Government-to-Government discussions that apparently cannot be brought to a conclusion without higher-level DOI participation.

The ROD made watershed rehabilitation a central component of the Trinity Program, and it estimated that \$2 million a year for at least 30 years would need to be allocated to rehabilitation of watersheds and tributaries – the latter the principal spawning grounds of Coho and Steelhead. Watershed degradation is the cause of virtually all mainstem sediment. These sediment contributors need to be stopped/controlled in order for the Program to succeed.

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The Program never has allocated more than \$500,000 for watershed and tributary rehabilitation even when “full program funding” has been available, and it never has spent more than half that amount. Other programs and sources have not filled the need.

Now, 10 years after the signing of the ROD, the TMC still has not been able to develop (let alone implement) effective policies and strategies for watershed and tributary rehabilitation. Here, as elsewhere, leadership and guidance from the Office of the Secretary is needed, as set forth in the ROD.

Personnel turnover in the Program’s staff has been significant. Currently, nine years into the Program, a third Executive Director is being sought, although the Acting Executive Director is performing in an exemplary manner.

Some of the reasons for this turnover are the competing objectives and blatant financial conflicts of some of the TMC member entities. Unlike most government and non-government organizations, never does a TMC member recuse himself or herself from a vote in which it has a financial interest. This puts the Executive Director along with other staff members in a nearly untenable position to act in the interests of the Program given the various sources with differing objectives exerting pressures on them. This is a major detriment to the Program. A solution to this would be to have the Executive Director accountable to the Office of the Secretary as provided in the ROD. This best would be achieved by having the Executive Director appointed by and thereby accountable to the Secretary, not to one of the department’s agencies, in this case the BOR.

The Integrated Assessment Plan, intended to provide a basis for evaluation and review of Program achievements against objectives, still has not been adopted nine years after it was to be completed and adopted. It has been completed and some of its provisions are being implemented, but it remains unapproved and not adopted by the TMC because of the objections of one member. It is intended to provide the basis for “Adaptive Management,” based upon independent scientific review of Program actions.

We believe and recommend strongly that the Program operate as originally intended – specifically, that the Executive Director and TMC report to the Office of the Secretary. As the Executive Director position now exists within the organization, it basically is intractable.

We ask that you respond personally to this letter, and that you take action to have the Program report to someone in your office, as specified in the ROD, and that person be given ultimate authority to make decisions when conflicts or personal interests preclude the TMC from doing so. Again, this is as intended by the ROD. The TRRP was and is a unique Program and clearly was not and should not be a joint low level BOR and

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USFWS program. It was and should be as intended: a Program reporting to the Office of the Secretary.

Yours very truly,



Carolee Krieger, President
California Water Impact Network



Richard Lorenz, TAMWG Member



Arnold Whitridge, TAMWG Member



Dana Hord, TAMWG Member



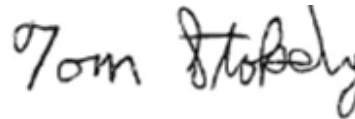
Byron Leydecker, Chair
Friends of Trinity River



Joseph McCarthy, TAMWG Member



David Steinhauser, TAMWG Member



Thomas Stokely, California Advisory
Committee on Salmon and Steelhead



Emelia Berol, TAMWG Member

cc: The Honorable Dianne Feinstein
The Honorable Barbara Boxer
The Honorable George Miller
The Honorable Mike Thompson