



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

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In Reply Refer To:  
AFWO

December 5, 2013

### Memorandum

To: Trinity River Adaptive Management Working Group

From: Joe Polos, TAMWG Designated Federal Official

Subject: Questions on public information for TRRP meetings/information submitted by Tom Stokely.

On October 29, 2013, TAMWG member Tom Stokely provide eight questions via email (copy attached) concerning status of information provided at Trinity River Restoration Program (TRRP) meetings in the context of this being public information. The following are responses developed by U.S. Fish and Wildlife and Bureau of Reclamation staff.

1. Are work group meetings open to the public? If not, who is allowed? Can anybody get on a list to be notified of work group meetings?

Response: Yes, workgroup meetings are open to the public. The public can check the [www.trrp.net](http://www.trrp.net) calendar for the dates and locations of the quarterly meetings, and sign up to receive the monthly coordination emails by sending Deanna Jackson, [djackson@usbr.gov](mailto:djackson@usbr.gov) their email address. The monthly TRRP Activities Announcement email lists all planned quarterly activities that are scheduled in advance.

Public participants may provide technical input on WG agenda items and actions items. Decisions on technical approaches and recommendations are made by consensus, with that determination limited to core work group members or their alternates, in the case of their absence.

2. What is the criteria, if any, for not allowing participation in meetings due to conflict of interest?

Response: There are no criteria for not allowing participation except that active participation in meetings is limited to technical input and discussions based on the needs of the TRRP, as directed by the Executive Director, Science Coordinator and Implementation Branch Chief, and the actions items and agenda items developed by the particular work group.

3. Are regular TMC meetings open to the public?

Response: Yes

4. Are monthly TMC conference calls open to the public? If not, who is allowed and can TAMWG members listen in?

Response: Monthly TMC conference calls are administrative updates and are not open to the public. The current protocol is that the TAMWG chair or vice-chair, as a non-voting member of the TMC, participates in these calls. The primary purpose of these calls is to facilitate coordination among the partners and provide updates to TMC members between quarterly meetings. Seldom are motions passed or other significant decisions made during the conference calls unless it is a time sensitive matter.

5. Are TAMWG meetings open to the public? Does that mean the public can call into them- including conference calls?

Response: The regular TAMWG meetings are open to the public and the public is permitted to call into these meetings when we have the ability to host conference calls. The public cannot participate in the TAMWG conference call meetings as these were established to facilitate coordination among TAMWG members between their regular meetings. Since these conference call meetings are not official TAMWG meetings that follow FACA protocols, the TAMWG does not conduct official business/activities, including taking public input.

6. If something is presented at a meeting such as a work group, TAMWG, Science Symposium, TMC, is it then public information or not? If not, what is the criteria? For instance if various flow options are presented at TMC and TAMWG meetings, aren't they public information? What about the TAMWG presentation by Dave Gaeuman on pool depths?

Response: Any information presented at an official TAMWG meeting is public information. Additionally, information that is presented at TMC meetings is public information as these meetings have usually been open to the public. TMC meeting materials are posted on the TRRP website as soon as all presenters have provided them. There have only been a couple of instances where the TMC has held an executive session where the meeting was not open to the

public. Concerning Science symposia and workgroup meetings, these meeting have typically been open to the public and information presented at these open meeting are public information, although some of the information presented is at times preliminary. In some cases, preliminary information on a particular topic is presented to the TMC or TAMWG with the proviso that it is under development and not yet appropriate for public dissemination. The intent is not to withhold information from the public, but rather to provide them a more refined version of the information that is sometimes presented in draft form to the TAMWG and TMC.

Concerning the question on flow options, yes they are public information but they remain preliminary flow options until the work group makes a recommendation to the TMC, the TMC supports the recommendation and the Regional Directors approve the final restoration flow hydrograph.

Concerning the question about the pool depth presentation, Dave Gaeuman's presentation was described as still in draft form and had not undergone peer review. Because the TRRP is a DOI program administered by Reclamation and the Service, program scientific products undergo internal and external peer review to ensure scientific integrity of analyses before being released to the public through posting on the TRRP online data portal.

7. Draft TAMWG minutes can be made available to the public. Are draft TMC minutes available to the public?

Response: Draft TMC minutes are not available to the public. The draft minutes are recorded by a contracted third party and while the note taking has typically been impressively accurate, TMC members are given the opportunity to make corrections prior to TMC approval and posting on the TRRP website. Issuing the draft minutes to the public would be a disservice to the public by providing them with inaccurate information.

8. I believe that the kind of information mentioned in item 6 and 7 above are subject to release under the Freedom of Information Act. If the Trinity River Restoration Program is not willing to provide that information except through FOIA, what kind of message does that send to the public regarding accountability and transparency? Is there something to hide?

Response: There is nothing to hide. Such a request is unnecessary; as the responses to Questions 6 and 7 indicate, that accurate information is made available to the public. Whether the information would be released under a FOIA request depends on the nature of the information and if one of the FOIA exemptions would apply.



Polos, Joe &lt;joe\_polos@fws.gov&gt;

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## Questions on public information for TRRP meetings/information

1 message

Tom Stokely &lt;tstokely@att.net&gt;

Tue, Oct 29, 2013 at 11:29 AM

Reply-To: Tom Stokely &lt;tstokely@att.net&gt;

To: "joe\_polos@fws.gov" &lt;joe\_polos@fws.gov&gt;

Cc: "ehadley@ci.redding.ca.us" <ehadley@ci.redding.ca.us>, "Vina\_Frye@fws.gov" <Vina\_Frye@fws.gov>, "carrie.nicolls@ca.usda.gov" <carrie.nicolls@ca.usda.gov>, "phauser@trinitypud.com" <phauser@trinitypud.com>, Emelia Berol <ema.berol@yahoo.com>, "joewmccarthy@comcast.net" <joewmccarthy@comcast.net>, "gilsaliba@aol.com" <gilsaliba@aol.com>, "snowgoose@pulsarco.com" <snowgoose@pulsarco.com>, "rlorenz@snowcrest.net" <rlorenz@snowcrest.net>, "yen2fish@netzero.net" <yen2fish@netzero.net>, "splash@trinityriverrafting.com" <splash@trinityriverrafting.com>, "krista@trinityriveroutfitters.com" <krista@trinityriveroutfitters.com>, "sweettrinity@live.com" <sweettrinity@live.com>, Darren Mierau <Darren@mcbaintrush.com>, "trla@northtrinitylake.com" <trla@northtrinitylake.com>, "jsutton@tccanal.com" <jsutton@tccanal.com>, "jday@ci.redding.ca.us" <jday@ci.redding.ca.us>

Joe,

Per the discussion on the TAMWG phone call today, I'd like the following questions answered regarding what aspects of the Trinity River Restoration Program are public and what are not during our next TAMWG meeting.

I am strongly motivated to ensure that the public is well-informed and has every opportunity to get involved in all aspects of the Trinity River Restoration Program.

However, I am confused about what is public information. The parameters of what is public information and what is not remains unclear to me.

### Questions

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I would appreciate any additional questions from TAMWG members. I look forward to hearing back on this at our next TAMWG meeting under the DFO report.

Thank you!

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