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April 2, 2024

Mr. Don Bader  
Chair, Trinity Management Council  
1313 S. Main Street  
Weaverville, CA 96093

Subject: Department of the Interior Approval of Trinity River Restoration Program (TRRP) Document

Dear Mr. Bader:

This memo conveys our formal approval the Program Document which defines the governance structure of the TRRP. This document was adopted by the Trinity Management Council on June 7, 2023 and submitted to the Office of the Solicitor for review. The edits suggested by our counsel have been incorporated into this final version of the Program Document.

We understand that this document was the product of several years of effort during the TRRP Refinements process. Please extend our appreciation to the members of the TMC and their staffs for their hard work on this.

Sincerely,

**KARL  
STOCK**

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Karl Stock  
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## **TRINITY RIVER RESTORATION PROGRAM (TRRP -or- Program)**

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**Adopted by the Trinity Management Council (TMC) on  
June 7, 2023**

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## Program Document – Glossary

**NOTE:** *This is a partial list as of June 2023. Additional terms and definitions may be added, at the discretion of the TMC, throughout the course of Phase 3 as needed by the TRRP.*

**Management action** – The individual implementation activities of the Program. Primary management actions during Phase 3 will be annual flow releases, channel rehabilitation projects, and sediment augmentation, consistent with their specification in the current ROD.

**Program science** – Scientific and technical information relevant to implementation and evaluation of the Program. This includes both information developed by the Program and information developed outside of the Program that can be used to evaluate Program science, implementation, and progress toward meeting the Program Goals.

**Program Staff** – Includes U.S. Bureau of Reclamation personnel (Executive Director, Science Coordinator, Implementation Branch Chief, technical support staff, and administrative staff) and Tribal employees working under Memoranda of Understanding (MOUs).



## Trinity River Restoration Program Program Document – Main Document

June 7, 2023

### I. PREAMBLE

On December 19, 2000, the U.S. Department of the Interior (DOI) issued the Trinity River Mainstem Fishery Restoration Record of Decision (ROD), a decision in which the Hoopa Valley Tribe concurred. The ROD formally adopted recommendations to implement a set of actions determined to be necessary and appropriate to restore and maintain the anadromous fishery resources of the Trinity River and created the Trinity River Restoration Program (TRRP or Program). As stated in the ROD:

*“Statutory requirements since 1955, based in large part upon the federal government’s trust obligations to the Hoopa Valley and Yurok Tribes, require the restoration and maintenance of the Trinity River anadromous fishery resources to pre-dam levels. It is clear that restoration must provide for a meaningful fishery, not only for the Tribes, but also for commercial, sport, and recreational fishermen. These important resources represent both tribal trust and public treasures from which all should benefit - to restore the faith of our tribal beneficiaries and to improve the economic well-being of the Trinity Basin and North Coast as a whole.”*

The ROD also called for the establishment of an Adaptive Environmental Assessment and Management program (AEAM; now commonly referred to as “adaptive management” or “AM”) to ensure the successful implementation of each of the five management actions based on the best available scientific information and analysis. The necessity for the actions adopted by the ROD result from various statutory obligations, as well as federal trust responsibilities to the Hoopa Valley and Yurok Indian Tribes. This Program Document details certain activities that will be implemented through the Trinity River Restoration Program, as described below. Representatives of federal, state, local, and Tribal governments, and stakeholders in Trinity River restoration will participate in the implementation of the Program through the Trinity Management Council (TMC), the Interdisciplinary Team (IDT), and the TRRP Stakeholder Advisory Committee (TSAC) as described in this document.

This Program Document presents unified and negotiated foundational guidance for implementing Phase 3 of the TRRP. The Program Document is the culmination of the Refinements process initiated by the TRRP in 2017 to improve upon the implementation of AM and resolve organizational structure, function, and process challenges within the Program. **Attachment 1** identifies TRRP Refinements priorities and how the Program Document addresses those issues.

### II. STATEMENT OF ROLES, INTERESTS, AND OBLIGATIONS

The following set of principles will guide TRRP implementation during Phase 3 and are reflected in the structural, process, and implementation details contained throughout the remainder of this Program Document:

1. The Trinity River fishery resource is integral to the way of life for the Yurok and Hoopa Valley Tribes, as part of their culture, religion, sustenance, and commerce. The Trinity River Division (TRD) has had substantial negative impacts to the Trinity River ecosystem and associated fishery resource that the Tribes depend upon. Therefore, the Tribes have a strong interest in the recovery of the fishery. This



interest includes meaningful participation in recovery efforts, including at the policy, management, and implementation levels. In recognition of the relationship between the Tribes and their fishery resource, the TRRP has assisted the Tribes with development of technical capacity in all aspects of the TRRP. The Tribes are co-managers in the conservation, restoration, and management of the basin's fish populations (including harvest).

2. The National Marine Fisheries Service (NMFS) has statutory responsibilities to manage ocean harvest and restore threatened and endangered anadromous fish species. The State of California (Department of Water Resources and Department of Fish and Wildlife) manages the trust resources of the rivers and state waters of California on behalf of its people. The U.S. Forest Service manages a significant majority of the Trinity River's watershed. The primary TRRP management area is entirely within Trinity County and Trinity County has both economic and philosophical incentives to ensure the success of the TRRP and the restoration of the Trinity River fishery. Each of these entities brings unique capacity to the TRRP for meaningful participation in recovery efforts, including at the policy, management, and implementation levels.
3. As directed in the ROD, the U.S. Bureau of Reclamation (Reclamation) and U.S. Fish and Wildlife Service (Service) share responsibility for successfully implementing the TRRP and the ROD on behalf of the Department of the Interior (DOI). Both agencies are responsible for representing the Department's interests in restoration of the Trinity River and its dependent fisheries via participation in the TMC. Reclamation administers the day-to-day operations of the Program, in addition to leading a collaborative approach to planning annual ROD flow hydrographs and in the development, implementation, and oversight of construction at restoration sites, consistent with Reclamation's mission. The Service will continue to provide technical and leadership expertise to the Program by working in close collaboration with Reclamation. Consistent with its mission, the Service is focused on coordination with the Interdisciplinary Team, the development of peer-reviewed science, and adaptive management.
4. As directed in the ROD, the TMC guides overall implementation of the management actions of the TRRP, while the Secretary of the Interior retains ultimate authority over the TRRP. The TMC provides guidance and recommendations to DOI regarding the establishment and implementation of adaptive management; physical and biological monitoring results from TRRP implementation; the refinement of the annual flow schedule; and other activities as described in the ROD, Implementation Plan, and Science Plan (as adopted in March 2023) until restoration of the Trinity River anadromous fishery is achieved. Members of the TMC will attempt to resolve matters of dispute during TMC meetings with the understanding that any recommendations made to DOI as a result of a TMC vote can be disputed with DOI outside of the TMC process. The TMC is an advisory board and as such does not hold the authority to implement certain decisions where the authority lies with DOI.
5. TRRP funding largely comes through annual U.S. Bureau of Reclamation (USBR) appropriations. During the period 1996-2006 the U. S. Fish and Wildlife Service also received an annual appropriation of funds that were earmarked for implementing the ROD. However, this directed funding allocation was terminated at the end of fiscal year 2006 with the expiration of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss et seq.). Beginning in 2007, the Service has relied on its office base funding to continue to fund its participation in the TRRP and, in part, the Hoopa Valley and Yurok Tribes' participation in specific collaborative monitoring/survey



projects (e.g., channel rehabilitation effectiveness, juvenile salmonid outmigration, and spawning distribution studies).

### III. PROGRAM PURPOSE

The purpose of this Program is to mitigate impacts of the Trinity River Division (TRD) of the Central Valley Project on anadromous fish populations in the Trinity River by successfully implementing the 2000 ROD and achieving Congressionally mandated restoration goals.<sup>1</sup>

### IV. PROGRAM GOALS

The long-term goals of the Program are to 1) restore the form and function of the Trinity River, primarily the initial 40 miles below Lewiston Dam; 2) restore and maintain fish populations in the Trinity River to levels that existed prior to construction of the TRD; and 3) to facilitate full participation by dependent tribal, commercial, and sport fisheries through enhanced harvest opportunities.

### V. PROGRAM COMPONENTS

**A. Phases.** The TRRP is being implemented in the following phased time increments:

**Phase 1** = This phase describes the period from the date of signing of the ROD (December 19, 2000) through the year 2011. This period includes all restoration projects completed on the ground through 2011 and culminated with the Science Advisory Board's (SAB) Phase 1 review.<sup>2</sup>

**Phase 2** = This phase describes the period from 2012 through the year 2022. This period includes additional restoration projects completed on the ground after 2011 and will culminate in the Phase 2 Channel Rehabilitation Review anticipated to be completed in 2023.

**Phase 3** = This phase describes the period that begins January 1, 2024 and continues until the TMC adopts a revised Program Document and Science Plan for Phase 4 (approximately 10 years), subject to appropriations at current funding levels or new policy decisions. TRRP activities during this period will focus on the Implementation Priorities and Science Priorities identified below.

**Phase 4** = This phase will begin upon completion of Phase 3 (as determined by the TMC) and an updated Program Document and Science Plan that identifies appropriate Implementation Priorities and Science Priorities. The TMC will negotiate these details for Phase 4 in time for implementation beginning on January 1 of the year following the end of Phase 3, subject to appropriations or subsequent policy decisions.

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<sup>1</sup> Congressionally mandated restoration goals = **Trinity River Basin Fish and Wildlife Management Act** (1984, re-authorized in 1996, now expired but incorporated by reference in the CVPIA [see below]) – “to restore the basin’s fish and wildlife populations to those that existed prior to construction of the TRD and implement measures to restore fish and wildlife habitat in the Trinity River, as measured by returning adult anadromous fish spawners and the ability of dependent tribal, commercial, and sport fishers to enjoy the benefits of restoration through a harvestable fishery resource.”; **Central Valley Project Improvement Act** (CVPIA, 1992) – Section 3406(b)(23): “In order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to meet the fishery restoration goals of the Act of October 24, 1984, Pub. L. 98-541, provide through the Trinity River Division, for water years 1992 through 1996, an instream release of water to the Trinity River of not less than 340,000 acre-feet per year for the purposes of fishery restoration, propagation, and maintenance and, by September 30, 1996, the Secretary, after consultation with the Hoopa Valley Tribe, shall complete the Trinity River Flow Evaluation Study currently being conducted by the U.S. Fish and Wildlife Service under the mandate of the Secretarial Decision of January 14, 1981, in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.”

<sup>2</sup> TRRP Science Advisory Board (SAB), April 2014. Review of the Trinity River Restoration Program Following Phase 1, with Emphasis on the Program’s Channel Rehabilitation Strategy.



- B. Implementation Priorities.** Pursuant to the Program Goals in Section IV, the TMC commits to the following Implementation Priorities during Phase 3. These Implementation Priorities are aligned with key management actions specified in the current ROD:
- 1. By way of recommendations to the Secretary of the Interior, provide water to the Trinity River via **annual flow releases** from Lewiston Dam consistent with the ROD and based on the overall Program Goal and the best available Program science.*
    - TRRP water management decisions will be made within infrastructure and policy constraints and will be informed by science, environmental conditions, and human considerations.
    - Human considerations that may factor into TMC recommendation-making relative to annual flow releases include accounting for public comment and input on the impacts of flow releases, public safety, liability, encroachment, land issues, and other factors as addressed through NEPA or other reviews for consideration of human impacts.
    - Flow releases may be modified in magnitude, timing, duration, frequency, and rate of change per recommendations based upon learning from implementation of the Science Plan, other Program science activities, and relevant science from outside the Trinity River, subject to any required environmental compliance.
    - The 2000 ROD defines annual water volumes for which the TMC develops annual hydrograph recommendations, and the ROD also provides for adaptive management through TMC recommendations that allow for flexibility in making management decisions about other aspects of Program implementation.
  - 2. Implement priority **channel rehabilitation projects** based on the best available Program science and availability of Program funds.*
    - Consistent with the ROD and the TRRP's commitment to embrace adaptive management, the TRRP conducted an independent Phase 2 Channel Rehabilitation Review which was completed in 2023. The Phase 2 Channel Rehabilitation Review will inform how the Program changes its approach to future channel rehabilitation site prioritization and implementation during Phase 3.
    - During Phase 3, the TRRP will complete all remaining Phase 2 channel rehabilitation sites and implement appropriate maintenance/enhancement actions for existing sites while considering the recommendations of the Phase 2 review upon its completion in the development/implementation of Phase 3 sites.
  - 3. **Sediment management** in the Trinity River based on prioritized recommendations consistent with the best available Program science.*
    - Sediment type; augmentation rates, timing, and amounts; and a plan for assessing the impacts of augmentation will be developed as part of implementation of the Science Plan. This implementation will include a plan for communicating the learning priorities for and results of sediment management to the TMC.
  - 4. Prioritize and implement **watershed restoration** in Trinity River tributaries consistent with the Program Goal, based on an assessment of limiting factors that if addressed will increase salmonid production.*
    - The identification of limiting factors is a critical step in determining how the TRRP can help prioritize and fund watershed assessments and subsequent watershed restoration activities.
    - Along with current and future Trinity River basin watershed assessments and limiting factors analyses, the recently completed Klamath Basin Integrated Fisheries Restoration and



Monitoring Plan (IFRMP) provides a prioritized list of watershed restoration projects to implement.

- Watershed restoration activities will be implemented based on Watershed Restoration funds that are currently administered by the National Fish and Wildlife Foundation (NFWF). The TRRP will need to specify the contributions of funding, staff time, management actions, and science actions that will help to successfully complete restoration activities, and assessments of such activities, to increase natural fish production in the Trinity River Basin.

C. **Science Priorities.** Pursuant to the Program Goals in Section IV and the Implementation Priorities in Section V(B), the TMC commits to the following Science Priorities during Phase 3. The Science Priorities are aligned with management actions specified in the current ROD and include a combination of **Key Uncertainties** and **Core Activities** related to three critical attributes of the Trinity River that are reflected in the statement of Program Goals:

- The fluvial landscape of the Trinity River Valley and its distribution of alluvial sediments and vegetation, referred to as 'Form'. (Refer to Goal Statement 1).
- The flux of energy, wood, water, and sediment which interact with the form of the Trinity River providing conditions for reproduction and maturation of fish and wildlife, referred to as 'Function'. (Refer to Goal Statement 1).
- Naturally produced populations of anadromous fish and lawful harvest by fisheries which they support, referred to as 'Fish'. (Refer to Goal Statements 2 and 3).

#### *Key Uncertainties*

**Key Uncertainties** associated with the ability to achieve the Program Goals through management actions provide the framework for adaptive management (AM) experimentation, modeling, and learning during Phase 3. Monitoring, modeling, research, and reporting funded to address key uncertainties will be revisited on an annual cycle. The Key Uncertainties identified for Phase 3 are listed below:

- 1) Wetted width<sup>3</sup> – *Can adjusting site rehabilitation and flow management strategies result in increased rates of wetted width expansion over a range of discharges? [GOAL 1: Form]*
- 2) Nutrient flux – *Can changing management actions result in greater transfer of energy through trophic levels? [GOAL 1: Function]*
- 3) Temperature regime – *Can we manage temperatures to benefit multiple life stages of salmonids while meeting other species needs? [GOAL 1: Function]*
- 4) Fish production – *At what life stage and/or what habitat resource do bottlenecks to production occur? [GOALS 2 & 3: Fish]*
- 5) ROD effectiveness - *Can we achieve the Program Goals with the tools and decision space provided by the ROD? [GOAL 1 Form and Function; GOALS 2 & 3: Fish]*

#### *Core Activities*

**Core Activities** include monitoring, modeling, or analysis activities required (1) for direct assessment of progress toward the Program Goals; (2) to inform ongoing management decisions; or (3) to support evaluation of the Key Uncertainties. The list below represents a critical set of activities which should be prioritized for funding throughout Phase 3.<sup>4</sup> Other monitoring or investigations may occur as needed, but they should be vetted through the annual science planning process.

<sup>3</sup> Wetted width refers to the interaction of flows with channel form to provide seasonally appropriate habitat.

<sup>4</sup> While these activities are expected to remain constant through Phase 3, the specific approaches or level of effort may be revisited at the Program scientist's discretion as new information or technologies emerge.



	Core Activities	Rationale
<b>Form</b>	<ul style="list-style-type: none"> <li>5-year physical assessment of the 40-mile reach</li> <li>Aerial imagery – annual</li> <li>As built surveys – post construction</li> </ul>	<ul style="list-style-type: none"> <li>Informs Key Uncertainties 1, 4, 5</li> </ul>
<b>Function</b>	<ul style="list-style-type: none"> <li>Maintain gage data (i.e., flow and temperature) – annual</li> <li>Large wood surveys – annual</li> </ul>	<ul style="list-style-type: none"> <li>Informs annual flow management decisions</li> <li>Informs Key Uncertainties 2, 3, 4, 5</li> </ul>
<b>Fish</b>	<ul style="list-style-type: none"> <li>Adult and juvenile Chinook population monitoring – annual</li> </ul>	<ul style="list-style-type: none"> <li>Informs Key Uncertainties 4, 5</li> </ul>

*Path Forward*

The Science Plan identifies the following **Path Forward** to address the Key Uncertainties during Phase 3:

- 1) **Implement Active AM flow experiment** (Key Uncertainties 1-3) – flow is the best opportunity for Phase 3 AM.
- 2) **Complete a limiting factors assessment** (Key Uncertainty 4) – to re-examine the original assumption of limited physical juvenile rearing habitat in the upper Trinity River as being the bottleneck to production.
- 3) **Implement Core Activities** (monitoring, modeling, analysis) (Key Uncertainties 1-5) – provide the fundamental knowledge base for assessing effectiveness of management actions individually and collectively.
- 4) **Review Phase 2 channel rehabilitation sites** (Key Uncertainty 1) – the Program’s treatment of channel rehabilitation sites is an example of passive AM; will help to resolve disagreement about the approach to rehabilitation sites and also provide guidance in terms of what site maintenance is required and where / when it should occur.
- 5) **Review long-term monitoring activities** (Key Uncertainties 1-5) – a formal assessment of the relative importance and need for each activity toward informing Program Goals; a thorough evaluation of all long-term monitoring activities for their relevance to management, with particular attention to methods employed, frequency of surveys, and spatial scope; find and maintain an appropriate balance between “need to know” and “nice to know” long-term data streams and research to address Key Uncertainties.
- 6) **Complete a Phase 3 review to determine whether ROD actions are sufficient to achieve Program Goals** (Key Uncertainty 5) – The Program will be over 30 years old at the end of Phase 3. ROD management actions should be evaluated to determine whether they are sufficient to achieve Program Goals and over what time period desired results could be expected. This exercise involves a combination of data analysis (using Core Activities) to determine whether actions are leading to positive changes as predicted and modeling to assess the likelihood of future gains (e.g., maximum habitat possible with footprint of channel rehabilitation sites). If at the end of Phase 3 the data demonstrate the TRRP is unlikely to achieve the Program Goals over an acceptable amount of time through the tools and decision space provided by the ROD, then ROD management actions should be revisited to account for the current context and factors outside of TRRP control.

Anticipated sequencing and expected duration of these Path Forward tasks (the darker shade of grey indicates greater uncertainty) during Phase 3:



Task	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Implement Active AM of flows											
Limiting factors assessment											
Implement core activities (monitoring, modeling, analysis)											
Review of Phase 2 channel rehabilitation sites											
Review of long-term monitoring activities											
New tasks emerging from SP process											
Program review to determine whether ROD actions are sufficient to achieve goals											

**VI. FLEXIBILITY AND CHANGE DURING PHASED IMPLEMENTATION**

1. The TMC will guide the TRRP during Phase 3 using a flexible and incremental approach. Changes to TRRP activities and evaluation criteria may be justified by new information, including: 1) information learned as the result of implementation of the TRRP Science Plan and adaptive management (AM); 2) information from other sources including relevant data from non-TRRP sources; and 3) practical considerations such as water and land availability, budget and time constraints, and the ability or inability, notwithstanding the good faith efforts of TRRP participants, to achieve predicted outcomes of Program management actions. The TMC may change the Implementation Priorities and Science Priorities, provided such changes are consistent with the ROD and the TRRP Purpose and Goals as stated in this Program Document.
2. Annual TMC evaluations will: 1) assess whether Program implementation suggests positive, negative, or static trends in outcomes from achieving the Phase 3 Implementation Priorities and Science Priorities and track progress toward achieving the overall Program Goals, recognizing it may take a few years to see meaningful/significant trends; 2) recommend modifications in Program activities justified by new information and AM; 3) determine the best uses for Program resources; and 4) develop alternative Program activities and evaluation criteria in accordance with this Program Document and the Science Plan. TMC evaluations will include consideration of past observation, new information, and the results of Program monitoring and/or research and implementation of AM. Science Advisory Board (SAB) advice and independent peer reviews will be compiled, summarized, and considered as part of the evaluation.
3. Day-to-Day Flexibility – TRRP implementation documents provide the flexibility for day-to-day management by the Executive Director and staff. This type of management will typically not require TMC approval unless the management entails a change in TRRP policy, substantial modifications to the TRRP budget within a budget year (i.e., a cumulative increase or re-direction greater than 1% of the annual TRRP budget) or impacts the ability of the TRRP to meet its Phase 3 Implementation and Science Priorities.

**VII. EVALUATION OF TRRP PHASE 3 AND DEVELOPMENT OF SUBSEQUENT PHASES**

1. Evaluation of Effectiveness of TRRP Phase 3 and Review of Goals, Priorities, Overall TRRP Function, and Management Actions.

The Executive Director (ED) will report annually to the TMC on progress toward the Phase 3 Implementation Priorities and Science Priorities and recommend actions, as needed, to ensure progress toward achieving the Program Goals. With input from the ED and after adequate time has passed to



evaluate, the TMC will also annually assess the effectiveness of the TRRP organizational structure and function and identify recommendations for improvement, if needed. At least three (3) years before the end of Phase 3, the TMC will develop a process and timeframe for evaluating Phase 3 and developing Implementation Priorities and Science Priorities for Phase 4.

## 2. Decision to Enter Into Phase 4.

At least three (3) years before the expiration of Phase 3, the TMC will recommend whether a Phase 4 Program Document and Science Plan will be developed, and if so, the process that will be followed to develop these documents. The SAB and independent internal and external peer review will be used as appropriate to review the role of management actions such as flow releases and channel rehabilitation projects during the next phase, the pertinent science related to the development of Implementation Priorities and Science Priorities, and modifications to the Science Plan that may be appropriate.

## VIII. TRRP FUNDING

**Attachment 4** provides structural and process guidance for Phase 3 budgeting. It is imperative to note that all work spelled out in this document is subject to appropriations.

## IX. CONSISTENCY WITH APPLICABLE LAW

This Program Document is subject to and is intended to be consistent with all applicable federal and state laws. Nothing in this Program Document or any attached documents shall in any way be construed as an abrogation of or waiver by any TMC entities of rights under such laws. It is the intent of the TMC and the guidance provided by this Program Document to resolve issues related to the implementation and management of the TRRP through the normal course of business but nothing in this Program Document modifies the right of TMC entities to seek Government-to-Government consultation with the Department of the Interior.

## X. CONSISTENCY OF DOCUMENTS

It is the intent for this Program Document to be consistent with the ROD and the documents that tier to or succeed the ROD. The TMC shall work collaboratively to resolve any perceived inconsistencies between the ROD and this Program Document. The TMC recognizes there may be different interpretations of the ROD, and TMC parties reserve the right to seek legal review to reconcile these interpretations.



## TRINITY RIVER RESTORATION PROGRAM (TRRP -or- Program) Attachment #1 – Addressing TRRP Refinements Report Key Findings

**Attachment 1** will serve as a living “tracking tool” for key findings from the final TRRP Refinements Report (Headwaters Corp., November 2018) to be addressed to help with TRRP success in the long term. This Program Document (PD) and the Science Plan (SP) were key recommendations in that final report to help the TMC, as the TRRP advisory body, articulate how the Program intends to try to resolve organizational, structural, and functional challenges within the TRRP and to specify how the Program will focus its science and implementation work moving forward. **Attachment 1** will be updated periodically by the TMC as a way to check in on TRRP progress, identify changes in approach if necessary, and note success when a Refinements challenge has been addressed.

**Refinements Report Key Finding on TRRP Goals/Objectives** – *The TRRP lacks clarity on the overall Program goal and more measurable objectives for the Program to evaluate in attempting to achieve the Program goal.*

### How addressed:

- The PD includes a clear, agreed-upon statement of goals (form/function, fish, harvest) for the TRRP developed by the TMC.
- The PD includes a set of Implementation Priorities for Phase 3 (roughly the next 10 years) tied to key management actions in the current Record of Decision (ROD).
- The PD and SP include a set of Science Priorities for Phase 3 that focus on Key Uncertainties, Core Activities, and a Path Forward that identifies sequential mission-critical tasks for Phase 3.

**Refinements Report Key Finding on Overall Organizational Structure** – *General organizational weaknesses within the TRRP; structure never well-understood or adapted to function according to the needs of the TRRP, leading to issues with transparency, purpose, redundancies, and breakdowns in communication within the TRRP and between the TRRP and outside interests.*

-and-

**Refinements Report Key Finding on Role of Program Staff** – *Program implementation is staffed by a mix of Reclamation employees and employees of other TRRP entities. Work at the technical level of the TRRP and on-the-ground projects involve different groups of people from multiple agencies and entities making coordinated oversight of the TRRP difficult.*

### How addressed:

- The PD does not include major changes to the TRRP organizational structure.
- Since the Refinements process began in 2017, the TRRP initiated its own structural revamp by pulling all senior Program staff under the wing of the Bureau of Reclamation. This includes the Executive Director, Science Coordinator, and Implementation Branch Chief all housed in the TRRP office in Weaverville, CA.
- The PD emphasizes the relationship between the TMC, ED/Program staff, and the Interdisciplinary Team (IDT). Similarly, the SP lays out a refined Annual Science Planning Process that elevates the role of the IDT in developing annual science priorities and making recommendations for how to implement those science projects and who should do the work (i.e., developing Requests for Proposals (RFPs) to widen the net cast for potential contractors).



This relationship is an acknowledgment that the entities making recommendations for the TRRP as part of the TMC also have established scientific and technical expertise and capacity to help implement the TRRP in partnership with the ED and Program staff through the IDT.

- The PD includes a Charter for the Science Advisory Board (SAB). The Charter is to be used as a tool to help re-build the SAB and better integrate independent scientific advice into the science work of the TRRP.
- The PD does include shared decision-making in the sense that the entities comprising the TMC are responsible together for making TRRP recommendations per the ROD, including reviewing and approving the annual Program work plan and budget.
- In reviewing other similar restoration programs, the TRRP is not unique in terms of the decision-making entities being involved in both decision-making and implementation. But the TRRP is unique in the depth and richness of involvement of Tribes (Hoopa Valley and Yurok) in all aspects of the Program.
- The PD does not include shared decision-making in the sense that “stakeholders” beyond the TRRP entities do not participate in TMC recommendation-making. Adding seats to the TMC for stakeholders would require converting the TMC into a Federal Advisory Committee Act (FACA) committee. That conversion would add numerous processes and inflexibilities that would significantly hinder TMC’s ability to function (and quickly schedule or change meetings, as needed) to move forward on implementation, science, and budget recommendations.
- The PD does establish a Charter for a new Trinity River Restoration Program Stakeholder Advisory Committee (TSAC). The TSAC would be a new Federal Advisory Committee Act (FACA) stakeholder group intended to replace the former Trinity Adaptive Management Working Group (TAMWG). The TSAC would engage directly with the TMC on overall implementation and policy recommendations. The TSAC Charter specifies specific stakeholder categories comprising seats on the Committee. The TSAC would have to be vetted, approved, and seated by the Department of the Interior, a process that would likely take at least one (1) year.
- TMC quarterly meetings now include public engagement and input for each agenda topic instead of only at the beginning and end of each meeting day.

**Refinements Report Key Finding on Conflict of Interest** – *General organizational weaknesses within the TRRP; structure never well-understood or adapted to function according to the needs of the TRRP, leading to issues with transparency, purpose, redundancies, and breakdowns in communication within the TRRP and between the TRRP and outside interests.*

**How addressed:**

- Multiple Conflict of Interest nodes were identified and discussed during development of the PD: TMC recommendation-makers are also involved in TRRP implementation; TMC entity staff are involved in TRRP science and implementation (for example, IDT membership) but are not directly answerable to or supervised by the TRRP Executive Director; TMC members make recommendations (approve contracts, vote on proposals rankings, etc.) on projects for which their entities do the work or are attempting to win the work; TRRP money from the Bureau of Reclamation is distributed in various ways to TRRP member entities; restoration and monitoring projects are funded each year without an approved multi-year strategic plan or a set of TRRP Science Priorities, which facilitates TMC members advocating and voting for their entity’s or entities’ projects; while many of the TMC entity’s or entities’ projects are critical to support the Program Goals, the Conflict of Interest becomes more pronounced when TMC members advocate and vote for projects that provide minimal benefits to the TRRP; IDT members rank



restoration and monitoring proposals, including their own; the use of independent reviewers to review and rank proposals has been minimal.

- The PD does not resolve all of these Conflict of Interest nodes. This is largely due to many TMC member entities having the capacity (expertise, experience, equipment, personnel, and proximity) that makes it advantageous from a financial, feasibility, and technical perspective to fund. It is an overall advantage for the TRRP to recognize and utilize this capacity to its advantage. In addition, some proposals have multiple TMC member entities involved, and having TMC members abstaining from voting may result in only a small number of TMC members left to vote (e.g., may not meet minimum voting requirements to pass).
- The PD does now discuss (in **Attachment #4**) how restoration project and science proposal reviews will exclude applicants from being reviewers and will use independent, technical reviewers to form ranking recommendations to TMC. In addition, the Implementation and Science Priorities specified in the PD will guide TMC's funding recommendations so that Program Goals and Objectives are prioritized.
- The PD includes budgeting guidance for the TRRP that identifies different categories of funding and how that funding is to be awarded or directed based on issues like work being considered a Core Activity, a New Science or Implementation Activity, or Base Funding for the Tribes. The intent is to provide high-level guidance that will interject more transparency into the process of awarding TRRP funding and to ensure that funding is applied only to Implementation and Science Priorities that are agreed-upon by the TMC and that clearly further progress toward achieving the Program Goals.
- The SP includes a revised Annual Science Planning Process intended to engage more TRRP entities in the process of identifying and prioritizing annual science work, getting more independent scientific advice from the SAB, and making recommendations on how to seek proposals for work (i.e., via RFPs when appropriate).
- The TRRP's Watershed Restoration funds are now administered by the National Fish and Wildlife Foundation (NFWF), which will ensure that proposal reviewers are independent and do not have any financial interests in the funding of proposals.

**Refinements Report Key Finding on Adaptive Management Plan** – *The TRRP was established as an “AEAM program” (Adaptive Environmental Assessment and Management, or adaptive management [AM]) but there is no agreed-upon AM Plan, the Integrated Assessment Plan (IAP) was never adopted by the TMC, and there is not clear set of science priorities that are matched to the overall TRRP goal and key objectives.*

**How addressed:**

- The PD includes as an Attachment the newly developed Science Plan, adopted by the TMC in March 2023. The SP includes Key Uncertainties and Core Activities; identifies a Path Forward for critical activities in Phase 3; and specifies a revised Annual Science Planning Process. This includes the ED reporting annually to the TMC on the results of Science Plan implementation and informing the TMC of management decisions that will be part adaptive management (AM) and what elements will be included in that TMC recommendation so members are best situated to make informed recommendations in the AM process.
- Under the Annual Science Planning Process, the ED will report annually to the TMC on the results of Science Plan implementation to inform the TMC of management decisions that will be part of AM and what elements will be included in those recommendations so TMC members are best situated to make informed recommendations as part of the AM process.



- The Science Priorities are specified in both the SP and the PD and are directly linked to Program management actions as specified in the ROD.
- The SP defines adaptive management (AM) for the TRRP and includes flow releases as the primary opportunity for active AM during Phase 3.



## TRINITY RIVER RESTORATION PROGRAM (TRRP -or- Program) Attachment #2 – TRRP Foundational Documents

### 1. Purpose.

This Attachment describes the various foundational documents that underlie the TRRP, including select laws, court decisions, Departmental opinions, and other foundational and guidance documents that govern Trinity River management. The laws, decisions, and documents described below represent a selection of relevant materials, but not an exclusive listing, and the descriptions below are for informational purposes only; the various laws, decisions, and documents themselves are the best evidence of their language and intent.

### 2. Background

Initial plans to divert Trinity River water to the Sacramento River were developed in the 1930s. Congress concluded in the 1950s based on various reports that water “surplus” to the present and future water needs of the Trinity and Klamath Basins—then estimated at 700,000 acre-feet (af) and considered “wasting to the Pacific Ocean” – could be diverted to the Central Valley “without detrimental effect to the fishery resources.” (H.R. Rep. No. 602, 84th Cong., 1st Sess. 4-5 (1955); S. Rep. No. 1154, 84 Cong., 1st Sess. 5 (1955)). Congress passed legislation authorizing the Trinity River Division (TRD) of the Central Valley Project on August 12, 1955 (Pub. L. No. 84-386) (1955 Act).

Within a decade of the TRD’s construction, however, salmon and steelhead populations declined significantly. Various efforts (including the formation of a task force of federal, state, tribal, and local agencies) began evaluating the effects on the Trinity River’s fishery resources and the causes for these declines. The U.S. Fish and Wildlife Service (USFWS) completed an EIS in 1980 which estimated fish population reductions of 60 to 80 percent since completion of the TRD.

In 1992, Congress enacted the Central Valley Project Improvement Act (P.L. 102-575) (CVPIA). One purpose of the CVPIA was to protect, restore, and enhance fish, wildlife, and associated habitats in the Trinity River Basin, California. In particular, Section 3406(b)(23) of the CVPIA directed the Secretary of the Interior to finish the Trinity River Flow Evaluation Study (TRFES), initiated by the Department in the 1980s, and to develop recommendations “based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.” The CVPIA recognized the importance of protecting and restoring the Trinity River fishery--the cornerstone of the Hoopa Valley and Yurok Tribes’ culture, religion, and economy since time immemorial--in order to meet the federal government’s trust responsibility and specifically provided for the Secretary to consult with the Hoopa Valley Tribe on the TRFES and, upon concurrence, to implement its recommendations accordingly.

The USFWS and Hoopa Valley Tribe released the TRFES Final Report in June 1999, providing recommendations to the Secretary designed to fulfill the mandates of the 1955 Act, the 1981 Secretarial Decision, 1984 Act, 1991 Secretarial Decision, 1992 CVPIA, and the federal trust responsibility to restore and maintain the Trinity River fishery resources. Prepared in consultation with the U.S. Geological Survey (USGS), the U.S. Bureau of Reclamation (Reclamation), the National Marine Fisheries Service (NMFS), the Yurok Tribe, and the California Department of Fish and Game (CDFW), the TRFES recommended annual flow releases, sediment management, channel rehabilitation, and operational criteria and procedures (OCAP) for the TRD as required by the CVPIA. The USFWS, Reclamation, Hoopa Valley Tribe, and Trinity County then jointly prepared the underlying environmental review documents,



which led to the issuance of the December 19, 2000, U.S. Department of the Interior (DOI) Trinity River Mainstem Fishery Restoration Environmental Impact Statement/Impact Report (EIS/EIR) Record of Decision (ROD).

The ROD directs implementation of the actions determined to be necessary and appropriate to restore and maintain the anadromous fishery resources of the Trinity River while continuing to provide water supplies for beneficial uses and power generation as a function of Reclamation's Central Valley Project. The ROD formalized adoption of these actions (described as the "Preferred Alternative" in the EIS/EIR) and initiated the Trinity River Restoration Program (TRRP -or- Program).

The CVPIA provided that, if the Secretary and the Hoopa Valley Tribe concurred in the recommendations developed through the TRFES process, then the Secretary would implement them accordingly. The Secretary traveled to Hoopa to execute the ROD jointly with Hoopa's Chairman at Ta 'k' imil-ding, the spiritual center of the world for the Hupa people near the Trinity River.

### **3. Foundational Laws, Decisions, Documents, etc.**

The section below lists various representative laws, decisions, and other foundational documents--presented in chronological order--that underlie the TRRP. The listing below is non-exclusive, the brief synopses of these materials are meant only to provide general descriptions of these documents, and nothing herein alters or modifies the actual documents themselves:

**Yurok Reservation (1855, 1891, 1988)** – Based on an 1853 Act of Congress (10 Stat. 226, 238), President Pierce set aside the Klamath River Reservation (inhabited primarily by Yurok Indians) by executive order dated November 12, 1855. I CHARLES J. KAPPLER, INDIAN AFFAIRS: LAWS AND TREATIES 816-17 (1904) (KAPPLER). The reservation extended 20 miles up the Klamath River from the Pacific Ocean and included lands one mile in width on either side of the river. Because of confusion regarding the status of the original Klamath River Reservation after establishment of the Hoopa Valley Reservation (see below), President Harrison issued an executive order in 1891 forming the "Joint" Hoopa Valley Reservation, encompassing, the Klamath River Reservation, the original Hoopa Reservation, and an additional strip of land along the Klamath River that connected the two reservations. I KAPPLER at 815; *see also* S. Rep. No. 564, 100<sup>th</sup> Cong., 2d Sess. at 4-7 (1988) (Senate Report for 1988 Act). Section 2 of the 1988 Hoopa-Yurok Settlement Act (Pub. L. No. 100-580, 102 Stat. 2924) (1988 Act) partitioned the Joint Hoopa Valley Reservation between the Hoopa Valley and Yurok Tribes, establishing the original Klamath River Reservation and connecting strip as the Yurok Reservation.

**Hoopa Valley Reservation (1864, 1876, 1891, 1912, 1988, 1997)** – Based on an 1864 Act of Congress (Act of April 8, 1864 (13 Stat. 39, 40)) and an April 1864 proclamation by the Department, President Grant set aside the original Hoopa Valley Reservation (inhabited primarily by Hupa Indians) by executive order dated June 23, 1876. I KAPPLER at 815. The reservation encompassed a 12-mile square bisected by the Trinity River and extending upstream from the Klamath-Trinity River confluence. As noted above, an 1891 executive order established the Joint Hoopa Valley Reservation, and the 1988 Act partitioned the "Joint" reservation and re-established the original Hoopa reservation as the Hoopa Valley Reservation. Pursuant to an Executive Order dated February 17, 1912, and a 1997 Act of Congress (Pub. L. No. 105-79, 111 Stat. 1527), additional lands were added to the reservation.

**Trinity River Division, Central Valley Project Act**, Pub. L. No. 84-386, 69 Stat. 719 (1955 Act) -- authorized TRD to increase water supplies for irrigation and other beneficial uses in the Central Valley



subject to two provisos: ensuring the preservation and propagation of Trinity Basin fish and wildlife through the adoption of appropriate measures, including certain minimum flows, and specifying that "not less than 50,000 acre-feet shall be released annually from the Trinity Reservoir and made available to Humboldt County and downstream water users."

**Trinity Dam and Lewiston Dam (1963)** – both dams completed, and full TRD operation began in 1964.

**DOI Memorandum from the Solicitor to the Assistant Secretary – Land and Water Resources, Proposed Contract with Grasslands Water District (December 7, 1979) (1979 Krulitz Opinion)** – concluded both provisos of the 1955 Act provided a limitation on the integration of the TRD with the CVP and that "in-basin flows (in excess of a statutory prescribed minimum) determined by the Secretary to be necessary to meet in-basin needs take precedence over needs to be served by out-of-basin diversion" of Trinity River water to the Central Valley.

**DOI Secretarial Issue Document, Trinity River Fishery Mitigation (January 14, 1981) (1981 SID)** – directed increased instream flows in the Trinity River and also directed the Department's agencies to perform a twelve-year scientific evaluation to determine appropriate instream flows and other measures to restore the Trinity River's fishery, recognizing that Hoopa and Yurok fishing and water rights "are tribal assets which the Secretary, as trustee, has an obligation to manage for the benefit of the tribes" and that the federal trust responsibility, combined with applicable laws, required the "restoration of the river's salmon and steelhead resources to pre-project levels."

**Trinity River Basin Fish and Wildlife Management Act**, Pub. L. No. 98-541, 98 Stat. 2721 (1984 Act) -- recognized that TRD operations substantially reduced instream flows in the Trinity River, resulting in degraded fish habitat and a drastic reduction in anadromous fish populations. The 1984 Act directed the Secretary to develop a management program to restore fish and wildlife populations in the Basin to levels approximating those that existed immediately before TRD construction began, including measures to rehabilitate fish habitats in the mainstem Trinity River and its tributaries below Lewiston Dam, increase the effectiveness of the Trinity River Fish Hatchery, monitor fish and wildlife populations and the effectiveness of rehabilitation efforts, and include any other activities necessary to achieve the restoration goals. See also the 1996 Act.

**DOI: U. S. Bureau of Indian Affairs, Environmental Impacts Statement for a Proposal to Modify the Indian Fishing Regulations to Authorize Commercial Harvesting of Anadromous Fish, Hoopa Valley Indian Reservation, California (1985)** – estimating that prior to non-Indian settlement along California's north coast, Indians in the Klamath River basin "consumed in excess of 2 million pounds . . . of salmon annually from runs estimated to have exceeded 500,000 fish."

**United States v. Eberhardt, 789 F.2d 1354 (9<sup>th</sup> Cir. 1986)** -- elaborated upon the Hoopa Valley and Yurok Tribes' fishing rights, concluding that those rights include "fishing for ceremonial, subsistence, and commercial purposes." See also *Blake v. Arnett*, 663 F.2d 906, 909 (9<sup>th</sup> Cir. 1981) (noting salmon fishery was "not much less necessary to the existence of the Indians than the atmosphere they breathed").

**DOI: Memorandum re Trinity River Flows (May 8, 1991) (1991 Secretarial Decision)** – in response to an administrative appeal by Hoopa Valley Tribe, supplemented the 1981 SID and set the annual minimum volume TRD release to be at least 340,000 acre-feet for the remainder of the TRFES process to ensure its integrity because five of the first six years of the study period had been dry water years.



**Central Valley Project Improvement Act, Pub. L. No. 102-575 , 106 Stat. 4720 (1992 Act or CVPIA)** -- CVPIA listed among its purposes the need “to protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley and Trinity River Basins” and the need “to address impacts of the Central Valley Project on fish, wildlife, and associated habitats.” Pending completion of the TRFES and implementation of its recommendations, Section 3406(b)(23) of the CVPIA set the minimum flow volume in the Trinity River at not less than 340,000 af based on the 1991 Secretarial Decision, directed the completion of the TRFES “in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and [TRD] operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.” Upon concurrence of the Secretary and the Hoopa Valley Tribe in those recommendations, the CVPIA directs the Secretary to implement them accordingly. Section 3406(b)(23) of the CVPIA specifically intended to meet federal trust responsibilities to protect the fishery resources as well as the fishery restoration goals of the 1984 Act (amended by the 1996 Act).

**DOI: M-36979, Memorandum from Solicitor to Secretary, Fishing Rights of the Yurok and Hoopa Valley Tribes (October 4, 1993) (1993 Leshy Opinion)** – confirmed that the establishment of the reservations for the Hoopa Valley and Yurok Tribes in the 1800s also reserved fishing rights and concluded that the Tribes have a “right to harvest quantities of fish on their reservations sufficient to support a moderate standard of living. . . . limited to fifty percent of the harvest in any given year unless varied by agreement of the parties.”

**Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California, 58 Fed. Reg. 68063 (December 23, 1993)** – implemented the 1993 Leshy Opinion, recognizing that the “reserved fishing rights of the Yurok and Hoopa Valley Tribes, as described and quantified in the Solicitor’s Opinion, are applicable law for purposes of the Magnuson [Fishery Conservation and Management] Act,” and regulating ocean fishing harvest in order to protect the Tribes’ in-river trust fishery under 50 CFR part 661 consistent with the 1993 Leshy Opinion.

**Parravano v. Babbitt, 837 F. Supp. 1034 and 861 F. Supp. 914 (N.D. Calif. 1994), aff’d, 70 F. 3d 539 (9th Cir. 1995), cert. denied, 518 U.S. 1016 (1996)** -- upheld Commerce’s off-reservation regulation in support of the Tribes’ on-reservation fishing rights, citing the 1993 Leshy Opinion with approval in determining that the Tribes’ reserved fishing rights constitute “other applicable law” under the fishery management provisions of the Magnuson Act.

**Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995 (Pub. L. No. 104-143, 110 Stat. 1338) (May 15, 1996) (1996 Act)** -- amended the 1984 Act to redefine its goals so that the fishery restoration would be measured not only by returning anadromous fish spawners, but also by the ability of dependent tribal, sport, and commercial fishers to participate fully in the benefits of restoration through meaningful in-river and ocean harvest opportunities. The amendments also expanded the scope of the habitat restoration efforts beyond Weitchpec and the immediate Trinity River Basin to include the lower Klamath River downstream of its confluence with the Trinity River and clarified that the fish hatchery portion of the management program required by the 1984 Act be undertaken “so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin.”



**DOI Solicitor Memorandum on the Trinity River Flow Evaluation Study (May 22, 1998)** – to the Secretary of the Interior; concluded that there was sufficient authority under the Central Valley Project Improvement Act to implement Trinity River restoration in the absence of further reauthorization of the Trinity River Basin Fish and Wildlife Management Reauthorization Act.

**TRRP Foundational Document: U.S. Fish and Wildlife Service and the Hoopa Valley Tribe, Trinity River Flow Evaluation Final Report (1999)** (Flow Study or TRFE) -- culminated 20 years of studies on the Trinity River and its fishery resources; concluded that the flow “alternatives” identified for study in the 1981 SID could not meet the biological and geomorphic habitat requirements necessary to restore naturally produced salmonid populations in the mainstem Trinity River, and recommended specific annual flow releases, sediment management, and channel rehabilitation to create and sustain a dynamic alluvial channel that will provide the necessary habitat.

**TRRP Foundational Document: Trinity River Mainstem Fishery Restoration Environmental Impact Statement/Report (November 2000)** (Trinity EIS/EIR) –completed jointly by the U.S. Fish and Wildlife Service (NEPA lead agency), U.S. Bureau of Reclamation, Hoopa Valley Tribe, and Trinity County (CEQA responsible agency); identified a range of reasonable alternatives, based on public input, scientific information, and professional judgment; examined the affected environment and the environmental consequences for numerous alternatives; and adopted the TRFES recommendation as the Preferred Alternative, including increased variable annual instream flow releases from Lewiston Dam, a coarse sediment introduction program, 47 new channel projects (mechanical channel rehabilitation), and implementation of an adaptive management program.

**TRRP Foundational Document: DOI - Trinity River Mainstem Fishery Restoration Record of Decision (December 2000) (2000 ROD)** –directed the Department’s agencies, through the established Trinity Management Council, to implement the Trinity EIS/EIR Preferred Alternative plus a watershed restoration program (identified in a separate alternative) and to implement the reasonable and prudent measures described in the associated NMFS and FWS Biological Opinions; included the following components: (1) increased TRD releases that vary based on annual basin hydrology, ranging from 369,000af in critically dry years to 815,000af in extremely wet years; (2) 47 river channel rehabilitation sites; (3) sediment management; (4) watershed restoration; (5) infrastructure modifications (including bridge and structure removal or replacement); and (6) an adaptive management program; and executed by the Secretary with the Hoopa’s concurrence through Tribal Resolution as required by the CVPIA.

**Westlands Water Dist. v. Dep 't of the Interior, 376 F.3d 853, 878 (9th Cir 2004)** -- rejected Central Valley water and power users’ challenge of the 2000 ROD and affirmed the ROD, noting that restoration of the Trinity River was "unlawfully long overdue"; rejected Plaintiffs' complaint that the Department impermissibly constrained the action's geographic scope to the Trinity River mainstem, recognizing that "the federal agencies were within their discretion in focusing the EIS on mainstem rehabilitation as a part of promoting fishery basin-wide."

**Conceptual Models and Hypotheses for the TRRP (2004-2009)** – A document tiered to the Integrated Assessment Plan (IAP) that consolidates scientific understanding of the Trinity River relevant to its restoration.



**DOI: Bureau of Reclamation, Trinity River Restoration Program, Weaverville, Notice and Correction regarding implementation of program, 87 Fed. Reg. 26560 (May 5, 2006)** – corrected discrepancy regarding FEIS incorrect reference to use a 90% exceedance forecast in determining classes for the current water year and confirmed that use of the 50% exceedance forecast more accurately reflects the occurrence of water year types identified the TRFES and analyzed by the Trinity EIS/EIR.

**Integrated Assessment Plan (2009)** – IAP identifies the scope of research needed to evaluate restoration on the Trinity River and its fisheries; never adopted by the TMC; provides building blocks for TRRP Science Plan (under development, 2021).

**Trinity River Channel Design Guide (2011)** – documents the science and engineering behind the Program’s channel rehabilitation actions.

**Phase I Review (2014)** – review by the TRRP Science Advisory Board (SAB) of the Program’s restoration actions through Phase I channel rehabilitation sites.

**DOI: M-37030, Memorandum from Solicitor to Secretary, Trinity River Division Authorization’s 50,000 Acre-Foot Proviso and the 1959 Contract between the Bureau of Reclamation and Humboldt County (December 23, 2014) (2014 Tompkins Opinion)** – followed 1979 Krulitz Opinion and concluded that the 1955 Act contained two separate and independent limitations on TRD’s integration with, and thus diversion of water to, the CVP: Proviso 1 regarding the Secretary’s authority to adopt appropriate measures to preserve and protect fish and wildlife, and Proviso 2 regarding the provision of not less than 50,000af to Humboldt County and other downstream users; also concluded that Proviso 2 could be employed for any beneficial use, including instream flows for fish if not addressed by other means.

***San Luis & Delta Water Authority v. Haugrud***, 848 F.3d 1216 (9<sup>th</sup> Cir. 2017) -- after series of challenges by the Authority and Westlands Water District regarding late-season TRD “flow augmentation releases” (FARs) that exceeded ROD flows to protect in-migrating salmon in August and September in the lower Klamath River, Ninth Circuit found that the plain language of the 1955 Act and Proviso 1 provided the Secretary authority for such releases.

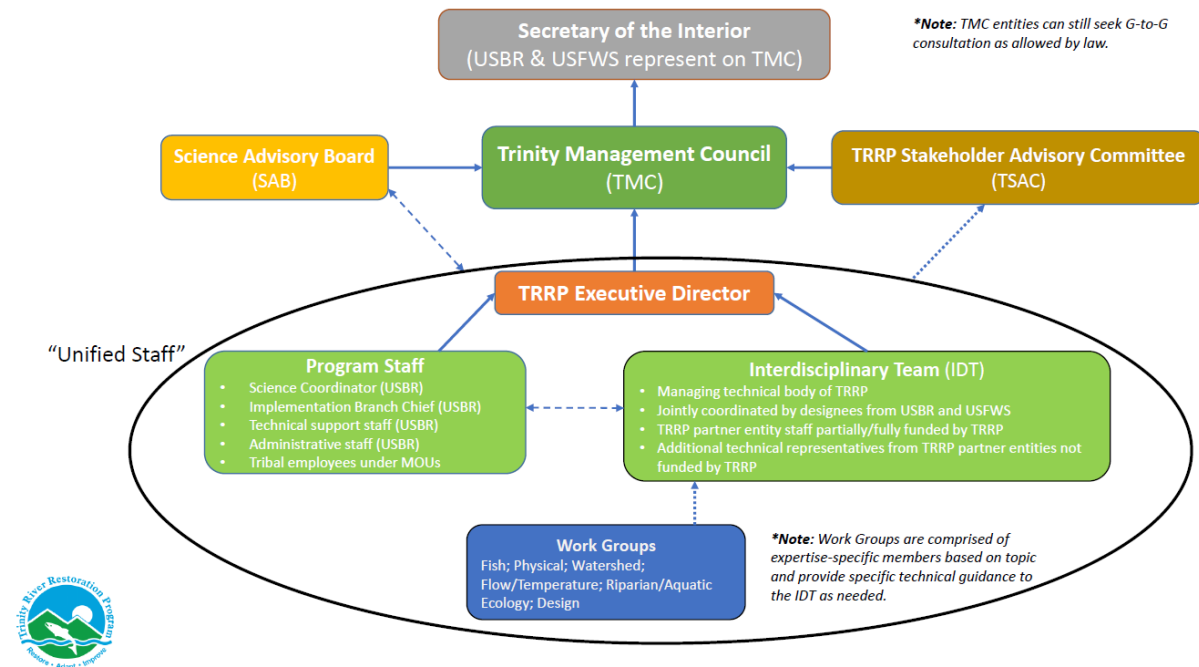
**DOI: Long-Term Plan to Protect Adult Salmon in the Lower Klamath River Final Environmental Impact Statement Record of Decision (April 2017) (2017 ROD)** -- Reclamation’s Mid-Pacific Region released the 2017 ROD regarding lower Klamath River FARs, stating that FARs will continue as necessary consistent with the authority provided by the 1955 Act.



**TRINITY RIVER RESTORATION PROGRAM (TRRP -or- Program)**  
**Attachment #3 – TRRP Organizational Structure and Process Guidance**

**I. PURPOSE**

The purpose of this document is to describe the organizational structure (Figure 1) for making decisions and conducting activities related to the TRRP, implemented pursuant to this Program Document. This document also identifies the responsibilities and authorities of each component of that structure. This document is not intended to abrogate any TMC entity’s nondelegable statutory responsibilities.



**Figure 1. TRRP Organizational Structure for Phase 3.**

**II. TRINITY MANAGEMENT COUNCIL**

The Trinity Management Council (TMC) will guide overall implementation of the Program in accordance with the ROD. The TMC will recommend decisions according to the approved bylaws (**Appendix A**).

**A. The membership of the TMC is as follows:**

1. One (1) representative from the United States Bureau of Reclamation (BOR).
2. One (1) representative from the United States Fish and Wildlife Service (FWS).
3. One (1) representative from the National Marine Fisheries Service (NMFS).
4. One (1) representative from the United States Forest Service (USFS).
5. One (1) representative from the Hoopa Valley Tribe.
6. One (1) representative from the Yurok Tribe.
7. One (1) representative from the State of California (Natural Resources Agency).
8. One (1) representative from Trinity County (California).



The Secretary of the Interior will select the representatives and alternates for BOR and the FWS. The Secretary of Commerce will select the representative and alternate for the NMFS. The Secretary of Agriculture will select the representative and alternate for the USFS. Representatives and alternates for the Hoopa Valley Tribe and Yurok Tribe will be selected by their respective Tribal Councils. The Governor of California will select the State's representative and alternate. The Trinity County Board of Supervisors will select the County's representative and alternate. More than one alternate may be designated as long as the order among them is clear for serving in the absent representative's place.

- B. The TMC's responsibilities include, but are not necessarily limited to, the following:
1. Consistent with current bylaws, meet on a quarterly basis and have monthly conference calls. Additional special meetings can be held with appropriate approvals listed in bylaws.
  2. Elect a Chair and Vice Chair every two (2) years.
  3. Adopt rules (bylaws) for fulfilling its responsibilities.
  4. Seek to make recommendations on a consensus basis and follow formal voting procedures as outlined in the TMC bylaws.
  5. An informal panel of TMC members will make a recommendation to a Federal selection panel regarding selection of the Executive Director, Science Coordinator, and Implementation Branch Chief.
  6. Approve annual budgets and request funds or financing for Program purposes, which would be provided pursuant to applicable federal and state procedures and subject to the availability of appropriated funds.
  7. Approve Program activities and evaluation criteria after considering recommendations from the Executive Director, the IDT, and the SAB.
  8. Review accomplishments annually, including progress toward achieving the Program Goals.
  9. Implement measures to correct shortfalls if needed.
  10. Approve Implementation Priorities and Science Priorities for and recommend the duration of future phases as appropriate, to ensure the Program continues to make progress toward meeting the Program Goals.
  11. Help resolve challenges that impede attainment of the TRRP's goal and objectives. Examples of such challenges may include, but are not limited to, regulatory, financial, public relations, and land or water management practices.
- C. The Chair shall provide reasonable and adequate notice of all TMC meetings to allow for appropriate review and independent consultation prior to TMC meetings. A proposed detailed agenda will be developed in consultation with the ED and TMC. The final agenda will be submitted to all members through their representatives and alternates. The TMC will seek consensus (meaning = all TMC parties agree) on all recommendations with the intent of securing the affirmation of all eight (8) TMC member entities for setting Program policy, approving Program budgets, and generally making recommendations for the Program. If consensus cannot be reached, votes on official TMC motions may be taken when appropriate and will follow formal voting guidelines outlined in the TMC bylaws.

### III. EXECUTIVE DIRECTOR

The Executive Director (ED) is responsible for implementation of the day-to-day activities of the Program.

- A. The Executive Director's responsibilities include, but are not necessarily limited to, the following:
1. Implement day-to-day activities of the Program.



2. Facilitate day-to-day communication among Program participants.
  3. Coordinate Program activities with the IDT by regularly collaborating with the IDT on activities for which it has advisory responsibilities.
  4. Provide staff support for the Program, the IDT, and the SAB.
  5. Communicate with local governments, the public, media, Tribal governments, and federal and state agencies.
  6. Prepare budgets for review and approval by the TMC.
  7. Prepare contractor selection procedures, in accordance with Federal procurement policies, for review and approval by the TMC.
  8. Prepare and provide outreach and public education materials/activities for the Program.
  9. Prepare contracts and amendments in accordance with Federal contracting policies.
  10. Review invoices for accuracy and consistency with work accomplishments and compliance with contracts and amendments. Submit approved invoices for payment.
  11. Prepare quarterly expenditure reports and submit them to the TMC for review.
  12. Maintain the Program office in Weaverville, CA and manage Program staff.
  13. Coordinate with TMC members in advance of meetings to address any questions or misunderstandings of agenda material. Work with the TMC Chair to develop the meeting agenda and related materials. Provide a review of Program tasks and periodically report on the status and progress of each task to the TMC.
  14. Report annually to the TMC on the results of Science Plan implementation and adaptive management (AM) opportunities and progress.
  15. Perform such other functions as requested by the TMC.
- B. The Executive Director will oversee Program staff based in the Weaverville, CA Program office. Senior members of the Program staff include the Science Coordinator and the Implementation Branch Chief. The ED, Science Coordinator, and Implementation Branch Chief will all be employees of the Bureau of Reclamation. Senior technical, outreach, and administrative Program staff will also be employees of the Bureau of Reclamation. The Program will also retain Tribal staff that work out of the Program Office. Other TRRP partner staff may be co-located at the Program Office as well, subject to interagency agreements. Additional Program partner staff from the Tribes and/or other TRRP partner entities may provide administrative, technical, and implementation support for the Program through coordination with the ED and/or Program staff, however they will be supervised by their respective employers.

#### **IV. INTERDISCIPLINARY TEAM (IDT)**

- A. The purpose of the Interdisciplinary Team (IDT) is to provide the TMC, Executive Director, and Program Staff recommendations on issues related to biological and physical responses to TRRP management actions, monitoring and research, peer review, and other tasks as required related to implementation and evaluation of the Science Plan and the Implementation Priorities and Science Priorities identified in this Program Document.
- B. Each member of the TMC may appoint one (1) member and one (1) alternate to the IDT. The TMC may appoint additional members as needed to provide adequate technical perspectives to properly advise the TMC. The Executive Director (ED) will maintain a current list of IDT members and alternates.
- C. The IDT shall fulfill the responsibilities assigned in its charter (**Appendix B**).



- D. The IDT does not make decisions on TRRP management actions, funding allocations, or policies.

## V. WORK GROUPS

- A. The purpose of the Work Groups is to make science-based recommendations on study plans, work plans, technical approaches or issues, and other TRRP science documents to the IDT through the Science Coordinator and Implementation Branch Chief.
- B. The Work Groups are established by the TMC and are to be called to meet by the ED as TRRP work requirements dictate. Work Groups will focus on direct areas of scientific and technical interest to support the expertise needs of the IDT. Current Work Groups that may be maintained during Phase 3 include:
1. Fish
  2. Flow/Temperature
  3. Physical
  4. Riparian/Aquatic Ecology
  5. Watershed
  6. Design
- C. Work Groups do not make decisions on TRRP management actions, funding allocations, or policies. The TMC can organize or disband Work Groups as deemed necessary.
- D. The TMC may, from time to time, establish additional ad hoc committees to deal with individual or time-specific issues. Ad hoc committees will provide advice to and receive direction from the TMC. The TMC may direct any ad hoc committee to work directly with the Executive Director for specific tasks if the TMC also instructs the Executive Director to manage or participate in such tasks.

## VI. INDEPENDENT SCIENCE REVIEW

- A. **Science Advisory Board (SAB).** The TMC will establish a Science Advisory Board (SAB) comprised of up to five (5) independent scientists representing areas of expertise of significance to the TRRP. All SAB members will be appointed by the TMC. The SAB is advisory to the TMC but will work closely with the Executive Director, Program staff, and the IDT to evaluate implementation of the Science Plan and develop recommendations to and advice for the TMC. SAB composition, selection, and activities will be implemented according to the SAB charter (**Appendix C**). The selection process for SAB members and day-to-day management of the SAB will be facilitated by the Program's Science Coordinator or by an independent science review coordinator selected by the TMC.
- B. **Peer Review.** The Program utilizes independent peer review for two purposes:
1. Review completed TRRP documents and work products related to implementation of the Science Plan for scientific rigor and soundness.
  2. Review proposals for TRRP project work.

The Executive Director will facilitate routine peer review according to internal TRRP protocols. The TMC may direct the ED to convene independent Peer Review Panels to review TRRP research/monitoring protocols, research/monitoring reports, synthesis reports, or other products, as necessary. The selection process for peer review panel members and day-to-day management of



Program peer review will be facilitated by the Program's Science Coordinator or by an independent science review coordinator selected by the TMC.

## VII. STAKEHOLDER ADVISORY COMMITTEE

- A. A TRRP Stakeholder Advisory Committee (TSAC) will be seated according to the TSAC charter (**Appendix D**). The TSAC is advisory to the TMC and will be an official Federal Advisory Committee Act (FACA) committee. All FACA-related procedures including TSAC member appointment and processes for engaging with the TMC are specified in the TSAC charter. The TSAC's responsibility is to provide policy recommendations and advice to the TMC on:
1. Management actions as described in the Program Document, Science Plan, and ROD in achieving the TRRP Goals and Phase 3 Implementation and Science Priorities.
  2. Prioritization and sequencing of management actions and restoration projects.
  3. Implementation of TRRP science activities including monitoring.
  4. Funding priorities and annual TRRP budget development.
  5. Other components of the TRRP of interest to the TSAC or as requested by the TMC.
- B. TSAC recommendations will include recognition of human considerations related to TRRP implementation, while being cognizant of the goals of the TRRP. Such considerations include stakeholders' social, economic, historical, cultural, and river use issues; potential impacts of TRRP action on stakeholders; and identification of actions that will benefit multiple uses, and strategies for avoiding, minimizing, or mitigation adverse impacts of TRRP management actions.
- C. The Designated Federal Official or DFO will be responsible for the required advance publication of notices of upcoming meetings and agendas of the TSAC in the Federal Register and in hosting and facilitating these public involvement meetings of the Program's new Federal advisory committee. The ED, Program staff, IDT, and Partners will rely on these advisory committee meetings to present background information to the TSAC and public on specific issues and subjects, to address questions from the TSAC, and as a means of furnishing expert advice, ideas, and diverse opinions from the public to the Federal Government and TMC. Advisory committee meetings of the TSAC will be held on a routine basis and when necessary, in advance of special meetings of the TMC held to address specific, time-sensitive action items. All advisory committee meetings will be open to the public. The DFO will be responsible for facilitating, documenting, and archiving notes from all meetings of the TSAC, with accuracy of the notes to be certified by the TSAC Chair as required under the Federal Advisory Committee Act. Adequate resources should be allocated to fully support this critical public involvement process.
- D. Recommendations and advice to the TMC that refer to science or analyses should have data and evidence to support recommendations. TSAC recommendations based on human considerations (e.g., social, economic, cultural, or river uses) will be considered by the TMC, but there is no guarantee that the TMC will adopt TSAC recommendations if those recommendations compromise a project's contribution to Program goals and objectives.



**TRINITY RIVER RESTORATION PROGRAM**  
**Attachment #3, Appendix A – Trinity Management Council (TMC) Bylaws**

*\*NOTE: Most recent Bylaws as amended and adopted by the TMC as of June 2023 to be inserted here.*



**TRINITY RIVER RESTORATION PROGRAM**  
**Attachment #3, Appendix B – Interdisciplinary Team (IDT) Charter**

**I. PURPOSE**

The Trinity River Restoration Program (TRRP) establishes an Interdisciplinary Team (IDT) to accomplish the purposes specified in this charter. The IDT will provide assistance and advice to the Trinity Management Council (TMC) on issues related to biological and physical responses to TRRP management actions, monitoring and research, peer review, and other tasks as required related to implementation and evaluation of the Science Plan.

**II. COMMITTEE STRUCTURE**

1. Each member of the TMC may appoint one (1) member and one (1) alternate to the IDT. The TMC may appoint additional members as needed to provide adequate technical perspectives to properly advise the TMC. The Executive Director (ED) will maintain a current list of IDT members and alternates.
2. Reclamation and the Service will jointly coordinate the IDT and the TRRP ED will coordinate support for IDT activities.
3. The IDT may seek technical assistance from other TRRP participants.

**III. COMMITTEE PURPOSES**

The IDT will provide assistance and advice on monitoring, research, peer review, and adaptive management matters. Potential IDT tasks include but are not limited to the following:

1. Advise the TMC and ED on implementation of the Science Plan and associated tasks.
2. Inform and engage the TMC on adaptive management (AM) progress and action/ decision items.
3. Review and advise the TMC and ED on monitoring and research reports, data analyses, and synthesis reports.
4. Review and recommend actions to the TMC from among alternatives (e.g., annual hydrographs).
5. Review and advise the TMC and ED on experimental design, implementation approaches, and construction design, and operational issues related to on-the-ground implementation of flow management actions, habitat restoration projects, sediment augmentation, watershed restoration, and other TRRP management actions.
6. Advise the TMC, ED, TRRP staff, and TRRP Work Groups on the implementation of peer review for protocols, models, reports, and other TRRP subject to peer review, including advice on those reviews.
7. Provide consultation and advice to the ED and TRRP staff.
8. Complete other tasks as directed by the TMC.
9. Seek input from the SAB when deemed appropriate.



#### **IV. COMMITTEE PROCEDURES**

1. The IDT will meet as needed to accomplish the purposes outlined in Section III of this charter. Meetings will be held in advance of TMC quarterly meeting with sufficient time to provide the TMC, ED, and SAB adequate time to review, discuss, and ask questions regarding IDT recommendations or work products.
2. IDT meetings will be open to other interested parties except when discussing confidential matters. Meetings attended by interested parties from the public will include an open comment period.
3. Agendas, meeting minutes, reports, and other information will be maintained by the ED and will be furnished to IDT members prior to scheduled meetings and to other interested parties upon request. Information will also be posted on the TRRP website.
4. The IDT should attempt to make recommendations to the TMC by consensus. Consensus is the unanimous consent (lack of formal opposition, though not necessarily support) of the members at the meeting when the action or determination is made. Any issue that cannot be resolved with consensus agreement shall be elevated to the TMC for discussion and recommendation. The IDT will represent all viewpoints on such unresolved issues to the TMC and note how many IDT members support each viewpoint.
5. IDT meetings will typically be held at the TRRP offices in Weaverville, CA but may be held in other locations convenient to effective completion of agendas. Meetings may be held in person or virtually.
6. The IDT may form subgroups to accomplish assignments from the TMC or designate such tasks to one of the Work Groups for completion. The IDT Chair will appoint the subgroups and will appoint a person from the subgroup to chair the effort. The subgroup chair will be responsible for the recommendations produced by the subgroup. The recommendations produced by the subgroup will be reviewed and approved by the IDT.
7. Draft and final documents related to IDT recommendations, including those offered by subgroups, will be sent to the ED for compilation and distribution. Final IDT recommendations will be provided to the TMC, which will distribute those products as it deems appropriate.



## TRINITY RIVER RESTORATION PROGRAM

### Attachment #3, Appendix C – Science Advisory Board (SAB) Charter

#### I. PURPOSE

The Trinity River Restoration Program (TRRP) establishes a Science Advisory Board (SAB) to accomplish the purposes specified in this charter. The SAB will provide independent scientific advice to the Interdisciplinary Team (IDT), Executive Director (ED), and to the Trinity Management Council (TMC), as requested, on scientific issues during Phase 3 of the TRRP. The SAB will be composed of up to five (5) independent scientists knowledgeable in technical areas critical to the implementation of the Science Plan. For Phase 3, those technical areas of expertise will include:

- **Fish biology** – Expertise in salmonid population dynamics; ecological threats to salmonids; salmonid habitats and associated uses; monitoring methodologies; current understanding of life-history needs; population management and augmentation; genetic integrity and status of populations and productivity within relevant salmonid species' ranges; expertise in fisheries statistics (biometry) and related modeling tools.
- **Aquatic ecology** – Expertise in some or all of the following: energy-flow dynamics; flora and fauna community assemblages; water quality; river-floodplain interactions; knowledge of bio-physical drivers and processes, threats to native biota; conservation, restoration, and recovery of salmonid species; community and ecosystem scales.
- **Riparian/watershed ecology** – Expertise in bio-physical drivers and processes with alluvial river watersheds.
- **Fluvial geomorphology** – Expertise in the physical dynamics and processes of alluvial rivers and associated landforms, including sediment (gravel) dynamics/transport.
- **Hydraulic engineering/hydrology** – Expertise in river restoration and management techniques including hydrology, eco-hydraulics, sediment dynamics/transport, and hydrologic-hydraulic modeling. Familiarity with these techniques in the context of challenges related to non-stationarity, channel capacity limitations, and infrastructure.

#### II. MEMBERSHIP

Members of the SAB should be experienced scientists or industry professionals with demonstrated achievements among the most respected in their field. They will be chosen to fill specific areas of expertise that are needed by the TRRP. Experience specific to the Trinity is not a pre-requisite for membership, although some familiarity could be beneficial, but experience with anadromous river systems is essential. Members will be expected to provide objective scientific advice in a timely and professional manner and work effectively in a multi-disciplinary setting. SAB membership eligibility will ultimately be driven by Federal regulations, but to the extent possible it is desired that membership be open to individuals employed by all agencies, institutions, and organizations, with the exception that members may not be salaried employees of TMC entities or organizations with specific mandated representation on the IDT.

##### 1. Appointment Procedures

Members of the SAB will be appointed by the TMC. The TMC will base their appointments on candidates submitted by a Selection Panel selected by the TMC and convened by the Science Coordinator. The Panel will review nominees and make recommendations to the TMC. Nominations to the SAB shall be solicited from the TMC, IDT, ED, Program staff, TSAC, and other TRRP entities, as well as other agencies, groups, professional societies, academia, private entities, the National



Research Council, and the public. While nominations to the SAB may come from any of a variety of sources, members of the SAB are independent scientists and do not represent the interests of the nominating entity or any other entity. The Selection Panel will pay careful attention to suggestions by the IDT, ED and staff, and the TMC regarding membership and needed expertise. The Selection Panel will be convened when vacancies arise on the SAB. The work of the Selection Panel and the process of identifying and nominating potential SAB members will be facilitated by the TRRP Science Coordinator or by an independent science review coordinator as directed by the TMC.

## **2. Length of Appointments**

The initial appointment to the SAB will be for three years. Appointments can be renewed as directed by the TMC.

## **3. Membership Considerations**

Considerations will include, but not be limited to, the following when members are selected:

- a. High achievement in a relevant scientific discipline which may include biology, aquatic ecology, fisheries, hydraulics, fluvial geomorphology, ecological statistics, riparian ecology, river restoration, adaptive management, and other relevant disciplines.
- b. A strong record of scientific accomplishment documented by contribution to the peer-reviewed literature or other evidence of scientific achievement.
- c. A strong record of practical experience applying scientific expertise in similar river restoration, adaptive management program, or collaborative decision-making contexts.
- d. High standards of scientific integrity, independence, and objectivity.
- e. Ability to forge creative solutions to complex problems.
- f. Interest in and ability to work effectively in an interdisciplinary setting.

## **III. COMMITTEE PURPOSES**

The SAB is to foster a scientific approach to adaptive management, monitoring and research, and implementation and evaluation of management actions in meeting the Program Goals and specific objectives related to implementation of the TRRP Science Plan by providing advice to the TMC, the ED (including the Science Coordinator and other Program staff), and the IDT. The SAB must retain as much independence from the TRRP science program as possible. This independence requires the members of the SAB focus their roles on reviewing products produced by the TRRP.

The Science Coordinator will prepare an annual scope of work that will be reviewed by the IDT and approved by the TMC as part of the annual TRRP budget approval process. The annual scope of work will detail the tasks to be undertaken by the SAB, meeting schedule, expected products and interaction with the TMC, and the annual SAB budget (including member stipends and estimated meeting and travel expenses). SAB tasks may include, but are not necessarily limited to, the following:

1. Advise the TMC, ED and Program staff, and IDT on overall implementation of the Science Plan:
  - a. The SAB should provide an independent opinion on the TRRP science program, namely the design of TRRP science; the implementation approach; monitoring and research; and data analysis and synthesis processes and results. This opinion should be re-visited each year by the SAB. The focus of this opinion should be on the scientific rigor of the proposed management actions and associated monitoring and research.



- b. The SAB should be asked to review the scientific information collected and to provide their opinion of these results in terms of biological and physical responses (or lack of responses) to TRRP management actions.
    - c. Specific SAB engagement with the IDT and ED/Program Staff in the Annual Science Planning Process as identified in the TRRP Science Plan, including review of and input on specific questions to inform focus Key Uncertainties and review of and input on expected deliverables from and approaches for implementation of annual priority science projects.
  2. Review the overall TRRP annual work plan and periodic reviews of long-term monitoring projects.
  3. Respond to specific questions of scientific nature from the TMC, ED, Program staff, and IDT. Questions for SAB consideration should be submitted through the Science Coordinator.
  4. Advise the TMC, ED, Program staff, and IDT on the need for peer review in addition to or instead of the SAB's review.

#### **IV. COMMITTEE PROCEDURES**

1. The SAB shall select a Chair and Vice Chair annually, with such selection being noted in the official minutes or meeting record of the meeting where elections are held.
2. The SAB Chair, and Vice Chair in her/his absence, is the executive officer of the SAB. The Chair conducts the meetings; sees that business is conducted in a timely and efficient manner; that each member has the opportunity to be heard; and that the SAB completes its work according to the tasks and questions determined by the TMC, ED, and IDT.
3. The ED will provide administrative oversight and staff support to the SAB via the Science Coordinator.
4. The Science Coordinator will function as the point of contact for requests to the SAB from the TMC and IDT. The Science Coordinator will ensure these communications are conveyed to the SAB in a manner that is neutral to the subject matter.
5. SAB members will receive an annual stipend to be determined by the TMC. All meeting expenses and travel costs associated with SAB participation encumbered by SAB members will be reimbursed. The Science Coordinator will develop an annual scope of work for the SAB that will include member stipends, estimated expense reimbursement costs, a meeting schedule, and tasks. The annual scope of work and budget for the SAB will be reviewed by the IDT and included in the annual TRRP budget development process.



**TRINITY RIVER RESTORATION PROGRAM**  
**Attachment #3, Appendix D – Trinity River Restoration Program Stakeholder Advisory Committee**  
**(TSAC) Charter**

**U.S. DEPARTMENT OF THE INTERIOR**  
**U.S. FISH AND WILDLIFE SERVICE**

**Trinity River Restoration Program Stakeholder Advisory Committee**

**DRAFT CHARTER (pending approval by the DOI)**

- 1. Committee’s Official Designation.** Trinity River Restoration Program Stakeholder Advisory Committee (TSAC).
- 2. Authority.** The TSAC is hereby established by the Secretary of the Interior (Secretary) as the TRRP’s new standing Federal Advisory Committee as part of the organizational structure and make recommendations to the TRRP as described in this Program Document. As with the TSAC’s previous incarnation, the Trinity Adaptive Management Working Group (TAMWG), this standing Advisory Committee is formed under the Secretary’s authority to manage the fish and wildlife resources of the Trinity River basin. These authorities include Public Law 84-836 (Trinity River Division Act of 1955, original authorization for construction of the Trinity River Division (TRD), Central Valley Project); Public Law 96-335 (Trinity River Stream Rectification Act); Public Law 98-541 (Trinity River Basin Fish and Wildlife Management Act of 1984); Public Law 102-575 (Central Valley Project Improvement Act); December 2000 Trinity River Mainstem Fishery Restoration Record of Decision (ROD); and this Program Document. *The TSAC is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.*
- 3. Objectives and Scope of Activities.** The purpose of the TSAC is to serve as an advisory body to the Trinity Management Council (TMC) of the TRRP. The TSAC will make recommendations and provide guidance to the TMC regarding implementation of this Program Document, the Science Plan (incorporated by reference in the Program Document), and related management and restoration activities as identified in the ROD. The TSAC will provide a collaborative forum for broad stakeholder representation from the Trinity River basin to ensure public values and interests are incorporated into TRRP restoration activities.
- 4. Description of Duties.** The duty of the TSAC is to provide policy recommendations and advice to the TMC on (1) the effectiveness of management actions as described in the Program Document, Science Plan, and ROD in achieving the TRRP Goal and Phase 3 Science and Implementation Priorities; (2) prioritization and sequencing of management actions and restoration projects; (3) implementation of TRRP science activities including monitoring; (4) funding priorities and annual TRRP budget development; and (5) other components of the TRRP as requested by the TMC. These recommendations will include recognition of human considerations related to TRRP implementation, including local stakeholders’ social, economic, historical, cultural, and river use issues; potential impacts of TRRP action on stakeholders; and identification of actions that will benefit multiple uses, and strategies for avoiding, minimizing, or mitigation adverse impacts of TRRP management actions. Recommendations and advice regarding Program science or physical



restoration features, or economic implications that refer to science or analyses, should have data and evidence to support such recommendations.

- 5. Agency or Official to Whom the Committee Reports.** The TSAC reports to the TMC. The TMC is the formal body which makes recommendations on TRRP operations on behalf of the DOI co-lead federal agencies, the Bureau of Reclamation and the U.S. Fish and Wildlife Service (USFWS).
- 6. Support.** The Designated Federal Officer (DFO) appointed by the USFWS will provide administrative and facilitation support for the TSAC in coordination with the Department of Interior's co-lead agencies (Bureau of Reclamation and the U.S. Fish and Wildlife Service), the TMC, and the TRRP Executive Director.
- 7. Estimated Annual Operating Costs and Staff Years.**
  - USFWS employee staff support = salary + benefits (part-time position)
  - TRRP ED/staff support = salary + benefits (support to ensure TSAC members understand what is happening with the TRRP and what/how to develop recommendations to the TMC)
  - Meeting costs = room rental, equipment rental, food/beverage (associated with TSAC meetings)
  - Travel costs = reimburse mileage, hotels, meals, other associated expenses with receipts (for TSAC members and support staff)
- 8. Designated Federal Officer.** The USFWS, as the co-lead Department of the Interior agency for the TRRP, will appoint an employee, in accordance with agency procedures, to serve as the Designated Federal Officer (DFO). The DFO will approve or call all of the Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Chair of the Trinity Management Council (TMC) and the TRRP Executive Director. The USFWS may temporarily appoint an acting DFO, as needed, if the DFO is not available.
- 9. Estimated Number and Frequency of Meetings.** The TSAC meets quarterly in advance of each quarterly TMC meeting. This meeting should follow any recommendations from the ED/Program Staff, IDT, and/or the SAB such that the TSAC has the ability to have these recommendations presented and questions addressed as feasible. The TSAC Chair will attend each TMC meeting and represent the interests and recommendations of the TSAC to the TMC. The TSAC Chair may attend meetings of the Science Advisory Board (SAB), annual TRRP science symposia, and any other TRRP public meetings as requested by the TMC. Informational meetings and presentations will be conducted on an as-needed basis, but at least two meetings per year to present restoration related science will be provided. The TSAC shall bring topics or areas of concern to the TRRP Executive Director in advance so they can be addressed and discussed at informational meetings, as needed.
- 10. Duration.** Continuing.
- 11. Termination.** The Council will be inactive two (2) years from the date the charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA.
- 12. Membership and Designation.** The TSAC will be comprised of up to sixteen (16) representative members as categorized and distributed below:



- a) River recreation (fishing, rafting)
- b) Reservoir recreation (Trinity + Lewiston Lakes)
- c) Commercial fishing (Northern CA Coast)
- d) In-basin agriculture – water users, timber (2)
- e) Environmental organizations (2)
- f) Water and power contractors (2)
- g) Riverfront residents along Trinity River (2)
- h) Non-federally recognized Tribes in the Trinity River watershed (2)
- i) Humboldt County
- j) At-large seats (2)

**13. Ethics Responsibilities of Members.** No Committee or subcommittee member will participate in any Committee or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or entity the member represents has a direct financial interest. Said instances require recusal by conflicted parties from deliberations or votes.

**14. Subcommittees.** Subject to the DFO’s approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittees must not provide advice or work products directly to the agency. The Committee Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

**15. Recordkeeping.** The records of the TSAC, and formally and informally established subcommittees of the TSAC, must be handled in accordance with General Records Schedule 6.2 and other approved Agency records disposition schedules. These records must be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

\_\_\_\_\_  
Secretary of the Interior

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Filed



## TRINITY RIVER RESTORATION PROGRAM (TRRP -or- Program) Attachment #4 – TRRP Budgeting Guidance

### 1. Purposes.

The purpose of this document is to establish a set of terms, processes, and guidance for execution of the annual TRRP budget.

### 2. Terms, Processes, and Guidance

- a. The TMC will approve an annual TRRP budget based on Federal fiscal years. A draft annual budget will be developed by the ED in consultation with the IDT and Work Groups and will be informed by the Implementation and Science Priorities identified in the Program Document and detailed in the Science Plan, as well as other actions consistent with the ROD and the Program Goals. The TMC will review, adjust, and approve a final budget. The annual TRRP budget will set annual work and funding priorities.
- b. Annual funding will consist of the following categories, subject to appropriations:
  - 1) **TRRP Administration** – Funds obligated annually to the USBR for the Executive Director (ED), Program staff, Program office, TMC support, and day-to-day implementation of the TRRP.
  - 2) **Tribal Technical Assistance** – Funds obligated annually to the Hoopa Valley Tribe (HVT) and the Yurok Tribe (YT) for participation in the TRRP, as well as technical assistance capacity in disciplines important to overall TRRP implementation and to support a portion of ongoing or new projects linked to TRRP priorities. Funding is subject to annual appropriations, cost of living adjustments, availability of TRRP funds, and adequate performance during prior years.
  - 3) **Government Entity Technical Assistance** – Funds obligated annually to the Bureau of Reclamation’s Technical Service Center, NOAA Fisheries, U.S. Forest Service (USFS), California Department of Water Resources (DWR), California Department of Fish and Wildlife (DFW), Trinity County, the Bureau of Land Management (BLM), and the U.S. Geological Survey (USGS) for technical assistance capacity in disciplines important to overall TRRP implementation and to support a portion of ongoing or new projects linked to TRRP priorities. Funding is subject to annual appropriations, cost of living adjustments, availability of TRRP funds, and adequate performance during prior years.
  - 4) **Science Plan Funding** – Funds obligated annually to **core activities** and **new science activities** such as monitoring or research linked to the implementation and evaluation of priorities in the Science Plan.
  - 5) **Implementation Plan Funding** – Funds obligated annually to **implementation activities** linked to TRRP management actions.
- c. **Tribal Technical Assistance.** Funding will be allocated via annual funding agreements (AFAs) or multi-year grants following USBR procurement policies and will include clear and specific deliverables. Funding amounts for work provided by the HVT and YT to the TRRP will remain consistent throughout Phase 3, subject to annual appropriations, cost of living adjustments, availability of TRRP funds, and adequate performance during prior years. All funding will be applied to work relevant to the implementation of the TRRP, the Program Document, and the Science Plan. The TMC will provide guidance on how these funds are allocated via the process of prioritizing projects via the annual TRRP budget development and approval process. Tribes receiving funding for their implementation of a certain TRRP restoration and monitoring project will not also receive



funding under a separate TRRP budget item for the same project implementation (i.e., not having two sources of funding for completing the same project work and deliverables).

- d. **Government Entity Technical Assistance Funding.** Technical Assistance funding will be allocated via multi-year grants following USBR contractual procedures and will include clear and specific deliverables. Technical Assistance funding amounts for work provided by non-Tribal government entities to the TRRP will remain consistent throughout Phase 3, subject to annual appropriations. All Technical Assistance funding will be for applied work relevant to the implementation of the TRRP, the Program Document, and the Science Plan. The TMC will provide guidance on how these funds are allocated via the process of prioritizing projects via the annual TRRP budget development and approval process. Agencies receiving funding under Technical Assistance for their implementation of a certain TRRP restoration and monitoring will not also receive funding under a separate TRRP budget item for the same project implementation (i.e., not having two sources of funding for completing the same project work and deliverables).
- e. **Core Activities.** The Science Plan identifies a set of Core Activities for continued implementation during Phase 3. All these established long-term activities, such as annual adult and juvenile Chinook salmon population monitoring and acquisition of aerial imagery, that are prioritized in the Science Plan shall continue to be implemented by the existing contract entity (either Program partner entity or competitively-selected outside entity) throughout Phase 3 as long as data from these core activities continue to be necessary and useful for addressing key uncertainties identified in the Science Plan and important for TRRP priorities.
- f. **New Activities – Science and Implementation.** All new TRRP science and implementation activities during Phase 3 will be subject to award through a selection process administered by the ED following Federal procurement guidelines. This includes activities related to addressing the Science Priorities, such as monitoring and research, and activities related to addressing the Implementation Priorities such as channel rehabilitation site design and construction. Contracts awarded by the TRRP may be through federal self-determination provisions to the Hoopa Valley or Yurok Tribes or through a competitive selection process open to the Tribes, other TRRP partner entities, and public entities. Contractor selection and award will occur after an independent review conducted by the ED to develop a reasonable scope and cost estimate.
- g. **TRRP Budget – TMC Approval.** The TMC will discuss and approve the annual TRRP budget and work plan. This process includes prioritizing ongoing core activities and new activities in accordance with the Program Document, the Science Plan, and the ROD. The TMC will thus set annual TRRP priorities for research, monitoring, and restoration implementation through the budget process. The Implementation and Science Priorities specified in the Program Document will guide TMC’s funding recommendations so that the Program Goals and Science Plan activities are prioritized.
- h. **TRRP Budget – Selecting Work Parties.** Selection for specific TRRP work items will occur only after budget items (via the TRRP annual budget approval process) are approved by the TMC via a “blind process” where potential or likely contract awardees are not identified in the information presented to the TMC for consideration. Procedurally, this means the TMC will approve the annual budget for the TRRP identifying priority work items for the upcoming year without any information about the entity that is likely to be awarded the work. This is intended to reduce potential conflicts-of-interest related to TMC entities approving budget items they may be awarded via the selection process



identified in the Science Plan. As outlined in the Annual Science Planning Process detailed in the Science Plan, review of proposals for priority science activities and restoration project design, construction, and monitoring will exclude applicants for the project in question from being drafters of proposal criteria or reviewers and will use independent, technical reviewers to form ranking recommendations to TMC. Nothing in this process will preclude adherence to federal self-determination provisions relevant to the Hoopa Valley or Yurok Tribes by the DOI, through the Bureau of Reclamation.

- i. **TRRP Budget – Contracting and Evaluating Work.** Award of work (core activities or new activities) to TRRP or non-TRRP entities will be an internal Program decision by the ED based on USBR contracting procedures, Federal procurement guidelines, and Program need. For all types of funding categories and for all types of TRRP activities, work conducted under existing or new long-term agreements, AFAs, multi-year grants, competitively selected USBR contracts, or any other funding arrangement must result in completion and production of Program-defined deliverables. For Program work that continues for more than one year (for example, annual salmon population monitoring), the ED will conduct an incremental assessment (every 2-3 years) of technical and fiscal performance throughout Phase 3.



**TRINITY RIVER RESTORATION PROGRAM (TRRP -or- Program)  
Attachment #5 – TRRP Science Plan**

**TRRP Science Plan**

Adopted by the Trinity Management Council (TMC) on March 29, 2023