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Records contradict feds' story behind disbanding of Trinity River watchdog group

Watchdog chairman: Says disbanding group was retaliation for conflict of interest claims
Contradictions: While the Interior Department said one thing, emails show different story

By Will Houston, Eureka Times-Standard

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Federal documents and emails provided to the Times-Standard contradict and call into question the Trump administration's reasoning for disbanding a citizen's watchdog group tasked with overseeing a multi-million dollar, publicly funded Trinity River restoration project.

The U.S. Interior Department told the Times-Standard last year that the advisory group, known as the Trinity River Adaptive Management Working Group or TAMWG, was dissolved because it never turned in a short memo justifying why it should continue to be funded.

But records and emails from U.S. Fish and Wildlife Service officials — who acted as the liaison between the Interior Department and the advisory group — show that they had submitted several justification memos last year, which were either rejected or left unresponded to by the Interior Department.

Months before being dissolved, the advisory group had reasserted its concerns of conflict of interest and self-dealing by the government council it is tasked with advising: the Trinity River Management Council. The council manages the restoration project and is made up of several government agencies — including two Interior Department agencies — and tribal nations.

One of the advisory group's final actions at its last meeting in March 2017 was to put a statement on the record calling the Trinity Management Council "inherently corrupt."

The advisory group's former chairman Tom Stokely claims their group was disbanded as retaliation for these claims.

"The message is that if you criticize the Trinity River Restoration Program, you will be punished and defunded," Stokely said Friday. "In March 2017, the TAMWG sent a letter critical of conflicts of interest and self-dealing on the Trinity Management Council. The disbanding is the result."

Last year, California 2nd District Congressman Jared Huffman requested Interior Secretary Ryan Zinke provide detailed information as to why the group was disbanded. Huffman said he has yet to receive any response as of this week.

Huffman (D-San Rafael) said the documents and emails received by the Times-Standard show that the Interior Department's reasoning does not withstand scrutiny.

"There is something here that does not smell right because the reasons that have been given are not valid," he said. "So with this administration and given Secretary Zinke's record on these issues, I'm not very trustful that our needs will get fair consideration and that they will do the right thing.

"It may be that having a group of stakeholders fully organized and operational is a threatening thing to an administration that would like to potentially do bad things to the Trinity River," Huffman continued.

Interior response

The Times-Standard sent several questions to the Interior Department this week asking why it dissolved the advisory group when records and statements by its own staff show that the crucial justification memo was submitted on several occasions.

The Department's Press Secretary Heather Swift responded with a statement on Friday that did not answer any of the Times-Standard's questions. The statement is nearly a word-for-word match to a statement provided to the Times-Standard by the U.S. Fish and Wildlife Service.

"The U.S. Fish and Wildlife Service values the collaborative work with our partners on Trinity River restoration and we remain committed to ensuring their input is fully considered as we move forward," the statement reads. "The Department of Interior took a comprehensive review of the Trinity River Adaptive Management Working Group and has reaffirmed the decision to keep the group inactive. We strongly believe we can provide the same level of involvement with our stakeholders as we continue the important restoration work in the watershed."

The Interior Department had yet to provide answers to the questions by Monday evening.

This statement contradicts what the Fish and Wildlife Service wrote in a justification memo it submitted to the Interior Department in October. The memo states that if the Trinity River advisory group was unable to meet or exist, the framework for providing stakeholder input on the restoration project "would be terminated" and would "greatly diminish the input from stakeholders."

The advisory group was provided access to the restoration program's documents and operations from which they made their recommendations. With the group disbanded, these members can still provide comment, but only for a 3-minute comment period at the council's meetings.

"It is likely that many of the stakeholder groups that currently support the program would no longer support it and others may seek to provide input through congressional or other public means," the memo reads.

Stokely now counts himself as one of the stakeholders that no longer supports the project.

"For me, personally, after 30 years of intense participation in the old and new Trinity River Restoration Programs, I can no longer defend the program," he said. "The Trinity River Restoration Program really does need public oversight. It's tragic that something with so much potential has turned into such a mess."

Finding justification

The 15-member Trinity River Adaptive Management Working Group serves as a public advisory body for the federal Trinity River Restoration Program. The program was created in 2000 and seeks to restore the Trinity River's fisheries that had been affected by dam construction as well as historic logging and mining.

The 15-member advisory group was made up of people who work or live in the Trinity River area, including environmentalists, utility interests, landowners, raft guides and business owners.

The restoration program is managed by the Trinity River Management Council, which is made up two Interior Department agencies — the Bureau of Reclamation and U.S. Fish and Wildlife Service — as well as the Hoopa Valley Tribe, Yurok Tribe, California Natural Resources Agency, National Marine Fisheries Service, U.S. Forest Service and Trinity County.

The advisory group, along with about 200 federal advisory bodies under the Interior Department, was frozen in the first half of 2017 by the Interior Department in order to allow the department to review their purpose.

The Interior Department told the Times-Standard last year the reason it ultimately disbanded the advisory group in November was because the group did not submit “a short justification memo for continuation of their \$100,000/year operation.”

The Fish and Wildlife Service stated the advisory body costs an average of \$73,000 per year, which includes federal staff time, travel costs, meeting room rental and clerical supplies. Advisory group members do not receive a salary or wage.

Emails from November show that the statement was the first time both Fish and Wildlife and advisory group members had heard the department's reasoning to disband the group.

The Times-Standard had asked via email and through a Freedom of Information Act request that the Interior Department provide a copy of the letter they had sent to the advisory group. Swift responded that the letter was sent in early 2017 and declined to provide more information. The records the Interior Department provided to the Times-Standard did not include a letter sent directly to the advisory group asking for justification.

However, the Interior Department as part of its review did request in a May 5, 2017 letter to its assistant secretaries that they submit information about the various advisory committees they oversaw. The requested information included “a narrative justification for the committee” to be submitted by May 22 to help with the review. Documents and emails show that the Fish and Wildlife Service submitted this information, including a justification statement for the Trinity River group, before the deadline.

Officials were expecting the freeze on the advisory committees to be lifted by September and were given new instructions to provide justification statements for upcoming group meetings.

Reaction, future actions

Following the November announcement that the Trinity River group would be disbanded and the reason behind it being the justification memo, Fish and Wildlife Service federal officer Krista Bibb wrote in an email to her colleagues that she had submitted the justification in a Oct. 23 packet.

“It did not get lost or taken out of the package by mistake because I just checked,” Fish and Wildlife Service

federal officer Krista Bibb wrote in an email to her colleagues. "... The justification statement is in that package and was in there when they returned it unapproved from the Assistant Secretary's office.

"As far as how to explain this to anyone in the press, or not explain it, I'd recommend you continue to let External Affairs handle it," Bibb wrote in a Dec. 4 email.

When the Times-Standard contacted Fish and Wildlife officials for comment in December, they deferred all comments to the Interior Department.

The Trinity Management Council was planning to send a letter to the Interior Department requesting it reconsider reinstating the advisory group, but could not vote because the Fish and Wildlife Service and Bureau of Reclamation councilmembers had to recuse themselves.

Some Interior Department officials were confused by their own department's reasoning for disbanding the advisory group. Interior Department Assistant Solicitor Scott Bergstrom wrote in a Dec. 4 email to Fish and Wildlife Service fisheries program manager Nicholas Hetrick of Arcata that he was "a bit puzzled" by the decision given the fact that the advisory group is included in the 2000 record of decision and environmental documents that created the Trinity River restoration program.

Bergstrom said he reached out to Bureau of Reclamation Deputy Commissioner Alan Mikkelsen — whom he described as the Secretary's "Klamath point person" — who told him that the reasoning for the advisory group's disbanding was also news to him.

"[Mikkelsen] is interested in helping, but noted that — other than the initial [Times-Standard] articles — there seemed to be no push/interest (other than from me) to do anything here," Bergstrom wrote in an email on Jan. 9. "He said [Bureau of Reclamation Mid-Pacific region] seemed neutral and that they noted to him that [the Hoopa Valley Tribe] wasn't complaining either (which would be my normal angle to push)."

Reached by the Times-Standard last year, Hoopa Valley Tribe officials had expressed "shock" at the group being disbanded and said it would create a missing link in the restoration program.

While Bergstrom said that Mikkelsen was willing to "go to bat" for the advisory group, the group still remains inactive and the terms for all 15 members expired in March.

Stokely said that other than someone potentially filing a lawsuit, there is really nothing that can be done.

"There is no alternative," Stokely said.

Will Houston can be reached at 707-441-0504.

URL: <http://www.times-standard.com/general-news/20180416/records-contradict-feds-story-behind-disbanding-of-trinity-river-watchdog-group>

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