



Brian Abbott Fish Barrier Removal Board – January 2024 DRAFT Meeting Summary

Date: January 16, 2024

Time: 9:00 a.m. to 12:00 p.m.

Location: Virtual Meeting

Summary: Formal Actions / Decisions

| Item | Formal Action |
|---|---------------|
| Board Decision: Meeting notes from November 2023 | Approved |

Summary: Future Board Decisions

| Item | Follow-up |
|---|---|
| Sponsors Receiving Federal Funding | As sponsors receive federal funds, when should their projects be removed from the FBRB’s 23-25 LEAP list, and their grant funding returned to the FBRB? |
| Match Modernization | Should the FBRB “modernize match” to align with the Salmon Recovery Funding Board (SRFB)’s changes. |

Summary: Follow-up Items and Next Steps

| Item | Follow-up |
|------------------------------------|--|
| Match Modernization | The Board will invite Nick Norton, RCO/ SRFB, to the February Board meeting to present on the SRFB’s match modernization process and the SRFB’s final decision on the on updating the match requirement. |
| Funding Status Updates | WDFW and RCO will keep the Board updated on the project bundle submitted to NOAA’s grant, the Governor’s 2024 Proposed Budget, and the status of project sponsors seeking PROTECT funds. |
| Status of Returned Funds | RCO and WDFW will keep the Board updated on the status of returned funds and whether the funds are reserved for cost increases or advanced to alternate down the ranked project list. |
| FBRB Project Status Tracker | The RCO and WDFW are considering the creation of an annual deliverable to display the progress of FBRB projects across different grant rounds. |

Welcome/Introductions/Agenda Review: Triangle Associates (Triangle) facilitator, Joy Juelson, called the meeting to order at 9:00 a.m. Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW), welcomed attendees. Alex Sweetser, Triangle, facilitated introductions with Board members and staff. A quorum was present.

Public Comment: *None*

Old Business: The notes for the FBRB November 2023 meeting were reviewed by the facilitator. A motion to approve the summary was made by Chair Jameson and seconded by Jeannie Abbott, Governor’s Salmon Recovery Office (GSRO). The motion was approved with no objections.

General Updates

Staffing Updates

Chair Jameson shared Chris Conklin has replaced Margen Carlson as the WDFW Habitat Program Director. Margen Carlson transitioned to WDFW’s Director of Conservation Policy.

Fish Passage Strategy Updates

Jane Atha, WDFW, shared that a Science Panel of subject matter experts was convened to provide science-based input and review for WDFW as the Strategy is developed. The Science Panel is refining its methodology and approach for the Strategy. Chris Conklin, WDFW, will be brought into the process to ensure the approach for the Strategy aligns with WDFW’s policies and leadership.

WDFW Fish Passage Rulemaking

Gabrielle Stilwater, WDFW, shared the agency is bringing Chris Conklin, WDFW, into the process. WDFW is revising the draft language for the rule following public comments received last summer and fall. Another public comment period and round of outreach is anticipated for later in 2024. Information for this will continue to be posted on [WDFW’s Fish Passage Rulemaking webpage](#).

Governor’s Proposed 2024 Supplemental Budget

Chair Jameson shared that the Governor’s [proposed 2024 Supplemental Budget](#) includes an additional \$22 million of unrequested funding from the Climate Commitment Act funds for the 23-25 FBRB Project List (see [Climate Budget highlights](#)). The Board and the Recreation and Conservation Office (RCO) did not request these additional funds which would be on top of the \$48.4 million the Board received last year. These additional funds would likely only be available for projects listed as alternatives on the FBRB’s 23-25 approved project list. This funding, proposed by the Governor, requires confirmation or modification by the legislature before the legislative session ends on March 7, 2024.

Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Call for Projects

Washington State Department of Transportation (WSDOT) Local Programs has \$75 million of Federal Highway Administration (FHWA) funding available through the PROTECT program to provide funds to eligible projects with an additional \$25 million for Tribes. Throughout late 2022 and 2023, the FBRB coordinated with nine eligible project sponsors to seek nearly \$25 million of these PROTECT funds for project design and implementation.

Local Programs is soliciting projects from eligible sponsors for the remaining \$50 million with the assistance WDFW and its Technical Review Team (TRT) (see [WSDOT’s PROTECT Program funding](#)

[page](#)). This call for projects uses a modified version of the FBRB's scoring criteria, which the Board provided input on at the November 2023 meeting. This solicitation ends on February 16, 2024.

Questions and Discussion

- John Foltz, (RCO), addressed inquiries from project sponsors about whether they need to apply to the FBRB's 25-27 Grant Round to be eligible for PROTECT funding. He clarified that these are two separate grant programs, and sponsors have the option to apply for either or both. However, the RCO recommends applying for both.
- The Board discussed how the PROTECT Program competes with the FBRB's grant round and other federal funding grants. If sponsors can meet the federal requirements for PROTECT funding, their projects will only compete at the state level instead of nationally. Additionally, Local Programs will cover match requirements through state toll credits.
- Axel Swanson, Washington State Association of Counties (WSAC), requested the Board consider these competing programs and how to intentionally maximize these funding sources for project sponsors.
- WDFW and RCO staff reiterated they will keep the Board informed on the status of sponsors seeking PROTECT funds and how funding might impact the Board's current and future grant rounds. If sponsors that have received FBRB funds begin to receive federal funding, their projects will need to be removed from the FBRB's 23-25 LEAP list and their FBRB funds will be returned. As this happens, the Board can have a future decision on the timing of this removal and the how returned funds are managed.

Path Forward: WDFW and RCO will keep the Board updated on the project bundle submitted to NOAA's grant, the Governor's 2024 Proposed Budget, and the status of project sponsors seeking PROTECT funds.

Path Forward: RCO and WDFW will keep the Board updated on the status of returned funds and whether the funds are reserved for cost increases or advanced to alternate down the ranked project list.

Future Board Decision: As sponsors receive federal funds, when should their projects be removed from the FBRB's 23-25 LEAP list, and their grant funding returned to the FBRB?

Board Project Funding Updates

John Foltz gave an overview of funding for the Board's 23-25 the Legislative Evaluation and Accountability Program (LEAP) list. This list is a prioritized Board list of projects that are being considered for funding. The list had 102 projects and the legislature approved \$48.4 million, which funded projects on the list through project #31. Earlier in the grant administration process last year, returned funds allowed for the extension of funding through project #35 on the list. Throughout 2023, several projects either qualified for PROTECT funds, received funds from other funding sources, or withdrew their project. In November 2023, the Board discussed how to allocate the returned funds and made a formal decision that \$1.75 million should be reserved for future cost increase requests and the remaining funds were to be used to fund projects on the list through project #53. Every project, except for four, accepted the funds and the remaining funds were offered to project #54 on the list.

RCO and WDFW are holding off on funding further down the list until they can assess the need for cost increases after projects go to bid for construction this spring. To date, 23-25 projects have not yet gone to bid, and it is anticipated there will be significant cost increases given the original funding requests were submitted two years ago. RCO and WDFW staff are actively monitoring the status of federal funding and whether more sponsors will return FBRB funds.

Additionally, in September 2023, the Board submitted a bundle of FBRB projects to National Oceanic and Atmospheric Administration (NOAA)'s federal grant program. If the project bundle is successful, and if the Governor's proposed supplemental budget of \$22 million for the FBRB passes the legislature, the FBRB will be close to completely funding the entire 23-25 LEAP list.

Path Forward: The RCO and WDFW are considering the creation of an annual deliverable to display the progress of FBRB projects across different grant rounds.

FBRB Project Status Updates

Christy Rains, WDFW, led a presentation of completed restoration projects from the 2023 construction season. After providing an overview of restoration accomplishments, she introduced WDFW staff on the Technical Review Team (TRT) who served as the technical biologists for the projects. The presentation was packaged and posted to FBRB webpage as part of the [January 2024 meeting handouts](#).

Additional project updates may be presented at future meetings.

Cowlitz Tribe's Ostrander Creek Correction

Christy Rains, WDFW, shared there are three preferred designs for FBRB projects. Alternate designs can be used, but an alternatives analysis and presentation to the Board is required for approval.

Pete Barber, Cowlitz Indian Tribe, is the sponsor of this project and he gave a presentation of the Ostrander Creek Fish Passage Project (see [January 2024 Meeting Handouts pgs. 7-26](#)). The presentation included an overview of the site, the project goals, and the design criteria for the project. He detailed the reasoning behind the Hydraulic/Roughened Channel design, which was approved by the TRT due to downstream safety concerns, site constraints, risk, and likelihood for long term fish passage.

Questions and Discussion

Board members and WDFW staff discussed the necessity for the multiple reviews of the alternative designs. They noted that the Salmon Recovery Funding Board (SRFB) Review Panel had already examined the project prior to the TRT's assessment and raised concerns about the project's review level. Suggestions were made to streamline the review process and engage with sponsors earlier in the FBRB's grant process to prevent project delays. WDFW staff acknowledged these comments and indicated their commitment to enhancing the efficiency of the review process.

FBRB Match Requirements

John Foltz and Christy Rains shared that the SRFB decided to "modernize" the match requirements for their grant program by implementing a partial match waiver, which means match requirements will be waived for all project projects except for certain acquisitions and riparian buffer projects. This decision aims to reduce the barriers for project sponsors and more accurately track the total cost and investment in the implementation of restoration projects, including the total match or outside funding match requirements. Sponsors will still be required to report leveraged funding in their application and during project closeout. The SRFB intends to implement this partial match waiver for their 2025 grant round.

John Foltz highlighted that the FBRB operates on a similar framework to that of the SRFB suggesting the possibility of adopting similar changes should the Board decides to do so. The intent of this discussion is to introduce the concept of match modernization for consideration at a future Board meeting.

Questions and Discussion

- Jeannie Abbott, GSRO, noted that match is not accurately tracked within or across programs. This approach will make it easier to understand the entire cost of recovery projects and could aid communication with the legislature.
- Chair Jameson shared match requirements can limit grant applications, especially for project sponsors in rural areas. Additionally, there have been cases of project sponsors using state grants to fund their match for other state grant programs.
- Axel Swanson, WSAC, expressed interest in having a pool of state funding available for sponsors to use for match. He noted small cities and counties may have projects that are incredibly important for restoration, but they may not apply for funding due to capacity constraints or their inability to meet match requirements.
- John Foltz pointed out that the details of the SRFB's match modernization need to be worked out and he suggested the Board invite Nick Norton, RCO, to present on the SRFB's match modernization process and the SRFB's decision on the final match requirement update.

Action Item: The Board will invite Nick Norton, RCO/ SRFB, to the February Board meeting to present on the SRFB's match modernization process and the SRFB's final decision on the on updating the match requirement.

Project and Policy Issues & Opportunities

2025-2027 Grant Round Status Update

Christy Rains, WDFW, and John Foltz, RCO, shared that the application due date for the Board's 25-27 Grant Round closes on January 18, 2024. Then, RCO and WDFW will review the applications and final revision deadline for projects is May 2, 2024.

As of this meeting, there are 75 applications. John Foltz noted some of these projects are alternates on the FBRB's 23-25 LEAP list and they may receive funding through returned funds.

Discussion: Upcoming Engagement Opportunities

2024 Legislative Session:

WDFW staff are actively tracking three bills this legislative session that could relate to the FBRB:

- [HB 2045](#), to create an "adopt a fish barrier" program.
- [HB 2286](#), to create a new capital grant program to support recovery of high-risk salmon and steelhead stocks.
- [SB 5876](#), to streamline state agency permitting requirements.

Adjourn: The meeting adjourned at 12:00 p.m.

Next Meeting: Virtual Meeting on February 20, 2024.

ATTENDANCE

Board Members/Alternates:

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| April Magrane, Washington State Department of Transportation (WSDOT) | John Box, Colville Tribes |
| Axel Swanson, Washington State Association of Counties (WSAC) | Karen Zirkle, Department of Natural Resources (DNR) |
| Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW) | Steve Manlow, Council of Regions |
| Christy Rains, WDFW | Susan Eugenis, WSAC |
| Jeannie Abbott, Governor's Salmon Recovery Office (GSRO) | Tim Resseguie, Tim Resseguie Yakima Nation |

WDFW, RCO Staff and Triangle Facilitation Team:

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|---------------------------|---|
| Amber Martens, WDFW | Julie Grobelny, WDFW |
| Casey Costello, WDFW | Kaylee Kautz, WDFW |
| Cassandra Weekes, WDFW | Alice Rubin, Recreation and Conservation Office (RCO) |
| Daniel Coffman, WDFW | John Foltz, RCO |
| David Collins, WDFW | Amea Bahr, RCO |
| Dawson Mathews, WDFW | |
| Gabrielle Stilwater, WDFW | Alex Sweetser, Facilitation Support |
| Jane Atha, WDFW | Danielle Jochums, Facilitation Support |
| Joel Ingram, WDFW | Joy Juelson, Facilitation Support |

Others observing:

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| Adam Brown | Katie Sherer | Pete Barber |
| Damiano Seghetti | Kaylah Bonner | Richard Plunkett |
| Daniel Howe | Kevin Long | Sarah Wilson |
| Evan Lewis | Marissa Miyahara | |
| Jim Heytvelt | Olivia Paraschiv | |