



Fish Barrier Removal Board Grant Program

Operations Manual

Date

2017-19 Biennium

***Mission Statement:
The purpose of the Fish Barrier
Removal Board is to aid the
restoration of healthy and
harvestable levels of salmon and
steelhead statewide through the
coordinated and strategic
removal of barriers to fish
passage ([RCW 77.95.160](#)).***

Table of Contents – TO BE UPDATED

Highlighted sections indicate potential changes or needs

SECTION 1: INTRODUCTION

In this section, you'll learn about:

- ✓ The Fish Barrier Removal Board Grant Program
- ✓ This Manual
- ✓ RCO and WDFW contacts
- ✓ Technical Review Team
- ✓ Other resources and information

About the Fish Barrier Removal Board Grant Program

The Fish Barrier Removal Board (FBRB) Grant Program was established by the legislature in 2014 (RCW 77.95.160, RCW 77.95.170) to assist in identifying and removing impediments to salmonid fish passage. All FBRB funded grant projects shall match the principles provided in RCW 77.95.180 and are reviewed and approved by the Fish Barrier Removal Board. The grant program is administered jointly by the Washington Department of Fish & Wildlife (WDFW) and the Recreation and Conservation Office (RCO).

The role of the FBRB is to adopt governing policies (funding strategies, project eligibility, match requirements, etc.), set project evaluation criteria, review project scoring and recommendations from the technical review team, and approve a project priority list to be submitted to the Governor's Office and the State Legislature for funding consideration.

The FBRB Grant Program has two separate funding strategies:

- Watershed Pathway
- Coordinated Pathway

Watershed Pathway

The Watershed Pathway approach is to prioritize barrier repairs in whole stream reaches and sub-basins that will have the largest benefit to salmon at a population scale. During the 2015-17 Biennium, the FBRB solicited the Salmon Recovery Regions to nominate a priority watershed in their area where fish passage is a significant limiting factor for salmon recovery. The FBRB received nominations from The Snake, Upper Columbia, Middle Columbia, and Lower Columbia recovery regions. The Puget Sound and Washington Coastal recovery regions submitted watersheds but did not prioritize them. Therefore the FBRB selected priority watersheds in these regions based on a technical analysis and recommendation by WDFW.

Appendix A shows the FBRB approved priority watersheds across the state for the Watershed Pathway. Throughout the 2015-17 Biennium, WDFW worked with the Salmon Recovery Regions and Lead Entities in each of the priority watersheds to develop a list of priority fish passage barriers, which was submitted and approved by the Board. The FBRB expects the Watershed Pathway participants to continue submitting projects from their approved and prioritized lists in future grant rounds. If a Lead Entity/Salmon Recovery Region wants to propose a project that is not included in the FBRB-approved 2015-17 list, or wants to change their priority watershed, they need to work with their WDFW Fish Passage Biologist to get FBRB approval.

Coordinated Pathway

The Coordinated Pathway approach is to leverage other fish passage investments made by WSDOT, forest industry, local governments and other entities, by funding barrier repairs in close proximity (or in coordination) to these other fish passage projects. This funding strategy targets high value fish passage projects statewide. Previously submitted Coordinated Pathway projects are not retained between grant rounds. Each grant round is a new open solicitation of projects which will be evaluated and scored against each other. Scoring criteria for submitted projects is subject to change in future biennia depending on FBRB priorities. The scoring criteria will be included in the request for proposals (RFP).

About this Manual

The purpose for this manual is to:

1. Provide information on the FBRB grant application process for the 2017-2019 Biennium grant round.
2. Provide guidance on FBRB project implementation.

This grant manual provides basic information on how to apply for FBRB Grant Program funds, the project evaluation and scoring process, and an overview of the WDFW and RCO roles in the program. This manual also outlines the primary responsibilities of the program's grantees and explains how additional information and assistance may be obtained. This manual utilizes and references several other RCO grant materials and procedures. All materials are available electronically on the RCO Website (www.rco.wa.gov) and the FBRB Website ([LINK](#)). To obtain more information or attend a Funded Project Workshop please contact RCO or WDFW staff listed below.

The FBRB Grant Program manual will be reviewed and updated on a biennial basis or as needed.

Definitions

For definitions of terms used in this manual, see the Project Agreement. A sample is on the RCO Website at: www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf.

About the Recreation and Conservation Office

The Recreation and Conservation Office (RCO) supports the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board. RCO is a state agency that administers multiple grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and farmland, and help return salmon from near extinction.

About the Washington Department of Fish & Wildlife

The Washington Department of Fish & Wildlife (WDFW) mission is to preserve, protect and perpetuate fish, wildlife and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. The FBRB work is under the Fish Passage & Screening Division of the Habitat Program.

Where to Get Information

Contact Recreation and Conservation Office:

Natural Resources Building
1111 Washington Street S.E.
Olympia, WA 98501

Telephone: (360) 902-3000
FAX: (360) 902-3026
TTY: (360) 902-1996

E-mail: info@rco.wa.gov

Website: www.rco.wa.gov

Mailing Address

PO Box 40917

Olympia, WA 98504-0917

RCO grants managers are available to assist by answering questions concerning the information contained in this manual. Please feel free to call or email. Please visit the [Salmon Grants Manager Map](#) to find each grant manager's assigned area(s).

Contact Department of Fish and Wildlife:

Natural Resources Building
1111 Washington Street SE
Olympia, WA 98501

Voice (360) 902-2534
FAX (360) 902-2946
Website: <http://wdfw.wa.gov/>

Fish Passage & Screening Division staff are available to assist by answering questions concerning the FBRB grant process, policies and procedures as well as the information contained in this manual. Please visit the FBRB website to find the WDFW Fish Passage staff assigned to your area ([LINK](#)).

Other Grant Manuals You May Need

The FBRB Grant Program utilizes RCO's Salmon Grant framework and references several other RCO manuals. Visit RCO's Website to obtain copies of these publications.

- [Manual 5, Restoration Projects](#) – This manual provides basic information on restoration projects funded by grants from the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board (SRFB). Restoration projects is a board category that generally create, reestablish, or enhance habitat by bringing it back to healthy, self-sustaining conditions.
- [Manual 7, Long Term Obligations](#) – This manual provides basic information and policies for projects funded by grants from the Recreation and Conservation Funding Board and the Salmon Recovery Funding Board (SRFB). The policies apply to grant recipients of all grant programs, current and past, including Family Forest Fish Passage Program (FFFPP), Estuary and Salmon Restoration Program (ESRP), and Salmon Recovery.
- [Manual 8, Reimbursements](#) – This manual provides general guidance for requesting reimbursements including allowable project costs, how to bill RCO, getting paid and other requirements.
- [Manual 18, Salmon Grants](#) - This manual was created under the authority granted to the SRFB and the policies of the SRFB and RCO. This manual provides basic information on all aspects of the SFRB grant program including eligibility, how to apply, project evaluation, lead entity and recovery regions, and managing projects.

Resource Materials

RCO and WDFW have other publications designed to explain this program including:

- Summary brochures and fact sheets that describes program's goals and funding.

- Grant program schedules, Request for Proposals and Applications.
- Grant policy manuals and guidance manual.

Visit the FBRB Website at [\(LINK\)](#) or RCO Website at www.rco.wa.gov to obtain any of these free publications. All publications can be made available in an alternate format.

Project sponsors are encouraged to review the [Washington State Office of Financial Management](#) capital budget instructions. If your grant or sponsor match includes federal funds, you are asked to review the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found in Title 2 of the Code of Federal Regulation.

Successful Applicant Workshops and Sponsor Workshops

Of particular importance to those awarded funding are RCO’s Successful Applicant Workshops. The Successful Applicant Workshop is usually held live or via a web based meeting once a biennium soon after projects are awarded funding. It will be posted on the RCO website to view at any time. At these workshops, participants receive important information on:

- Project sponsor responsibilities— including compliance with the project agreement, including project match requirements.
- Amendments to the agreement — including project changes, time extensions, and cost increases.
- Fish Passage projects — including construction plans, design requirements, bid procedures, donations, specifications, etc.
- Project implementation — including billings, milestones, progress reports, inspections, long term compliance, etc.

Technical Review Team

The FBRB Technical Review Team (TRT) is composed of fish passage experts with extensive knowledge in fish passage design and construction, biology and permitting. The TRT will provide technical assistance to project sponsors developing projects during open proposal solicitation, evaluate and score submitted proposals (see page 9), and review project designs of funded projects as they move forward to implementation (see page 13). The TRT ensures that proposed projects meet the required fish passage design criteria in the Washington Administrative Code 220-660-190, the recommendations of the Water Crossing Design Guidelines (WCDG), and the expectations of the FBRB grant program.

The FBRB TRT will consist of the following core members:

- WDFW Fish Passage Biologist
- WDFW Habitat Engineer
- WDFW FBRB Program Manager
- RCO FBRB Grant Manager
- Other expertise or disciplines will be consulted if and when needed (such as a geomorphologist or a civil/transportation engineer)
- Local representatives and stakeholders (such as lead entities, tribes, restoration groups) may be asked to participate on a voluntary basis

The WDFW Fish Passage Biologist will be the primary TRT contact for the project sponsor during the pre-project agreement phase including: project development and scoping, the application process and proposal evaluation and scoring. The Fish Passage Biologist will coordinate with the other TRT members accordingly. They will be the statewide FBRB program representative assigned to specific Salmon Recovery Regions. Additionally, they will facilitate a clear and open communication process with the project sponsors, other TRT members, program managers, the Board and other invested stakeholders throughout the project development, application, and evaluation and scoring process. (Note: after a project is under agreement with RCO, the RCO Grant Manager will be the primary point of contact for the project sponsor as laid out in the terms of the project agreement).

The WDFW Habitat Engineer will provide technical design review and assistance for the proposed and funded projects to ensure the projects meet fish passage design criteria and recommendations from the 2013 Water Crossing Design Guidelines. They may also provide design alternative suggestions, cost estimates and other technical support to project sponsors.

The WDFW FBRB Program Manager will provide general support and guidance for TRT members as needed. They will help ensure statewide consistency and success in meeting programmatic expectations. They will also be the lead liaison between the WDFW Fish Passage Division, RCO and the Board, including program reporting and overseeing implementation of FBRB policies.

The RCO Grant Manager will administer all the FBRB Project Agreements as described in this manual. Their inclusion in the TRT will help facilitate a better understanding of the funded projects they will be administering and overall program communication and success. The Grant Manager will be the primary point of contact once the FBRB-funded projects are under a Project Agreement with RCO including during the design review process, construction and completing a project.

SECTION 2: APPLICATION INFORMATION

In this section, you'll learn about:

- ✓ How to Apply
- ✓ Eligible Fish Passage Projects
- ✓ Eligible Project Owners and Sponsors
- ✓ Project Scoring and Evaluation
- ✓ Match Requirements
- ✓ Schedule and Important Dates
- ✓ Funded Projects

How to Apply

The FBRB will issue a Request for Proposals (RFP) to solicit Watershed Pathway and Coordinated Pathway projects on a biennial basis (approximately in February of every even year).

Watershed Pathway RFP - The FBRB anticipates that each of Lead Entities and Salmon Recovery Regions in the FBRB-approved Priority Watersheds (Appendix A) will continue to submit projects off their list of high priority projects list that was developed and approved in the 2015-17 Biennium. The WDFW Fish Passage Biologist will continue to work closely with the local watershed groups throughout the RFP and submission process to ensure a complete application. If a Lead Entity/Salmon Recovery Region wants to propose a project that is was not included in the FBRB-approved 2015-17 list, they need to work with their WDFW Fish Passage Biologist contact.

If a Lead Entity/Salmon Recovery Region wants to change their FBRB-approved priority watershed(s), FBRB approval is needed before submitting an application.

Coordinated Pathway RFP - A separate RFP will be issued statewide to solicit high value fish passage projects that are located outside of a Watershed Pathway approved watershed (Appendix A) and are in coordination with other fish passage removal projects. The Coordinated Pathway will include a pre-proposal application phase that consists of a 2-3 page project overview and budget for FBRB technical review team feedback and full proposal invitation.

To submit project proposals for either of the funding pathways, project sponsors will enter and submit an application in [PRISM](#), the RCO's online project database where sponsors apply for grants, review and manage information on funded grants, and produce reports about projects.

The RFPs will include detailed information on:

- application instructions – how to get an account and apply through PRISM, how and when to request a pre-application site visit, etc.
- submission requirements – including additional forms and an application checklist
- timeline – highlighting specific dates you'll need to know
- project evaluation and scoring criteria – how the Review Team will evaluate and score your project and make recommendations to the FBRB for approval.
- FBRB approval process – how the Board will finalize the FBRB funding request to the Governor and Legislature
- Contact information – who to contact for assistance

Eligible Fish Passage Projects

All projects must correct a fish passage barrier located on a salmon bearing (anadromous) stream and be a barrier to fish as defined by WDFW's 2013 "[Fish Passage Barrier and Surface Water Diversion Screening Assessment and Prioritization Manual](#)."

Partial or complete fish passage barriers are both eligible.

Eligible fish passage project types include road-associated culverts, small dams, tide gates, irrigation diversion-associated barriers and other physical, man-made instream barriers. Other fish passage-related project design elements may also be considered (for example, in-stream large wood structures for controlled channel regrade).

Ineligible project types include natural barriers (beaver dams, waterfalls, etc.), [irrigation diversion screens](#), and side channel/floodplain connection projects.

Legally required projects (eg. court ordered, culvert injunction, or mitigation are not eligible for FBRB funding).

If you have a question about project eligibility please contact your RCO Grant Manager or WDFW Fish Passage Biologist staff.

Eligible Project Owners and Sponsors

Eligible fish passage barrier owners include private landowners, local governments (cities, counties) Native American Tribes, Non-profit organizations, Regional Fisheries Enhancement Groups, Special Purpose Districts, and state agencies.

Ineligible fish passage barrier owners include federal agencies and forest landowners who are required to fix their fish passage barriers through DNR's Road Maintenance and Abandonment Plan (RMAP) program under the State Forest Practices Rules (RCW 76.09). Although these owners are not eligible for FBRB funding, coordination with these entities is strongly encouraged. **Small forest landowners (who harvest less than 2 million board feet of timber each year) are encouraged to correct their barriers through the [Family Forest Fish Passage Program](#).**

A project sponsor for a FBRB project can be the landowner where the fish passage barrier exists or a third-party organization. If landowners do not have extensive knowledge in implementing fish passage projects, they are strongly encouraged to use a third party organization. The WDFW and RCO staff can help landowners locate a third party organization. Project sponsors for other RCO funded salmon recovery projects are often Regional Fisheries Enhancement Groups, Conservation Districts, local governments, Tribes, and other non-profit organizations involved in salmon recovery.

If you have a question about project eligibility please contact your RCO Grant Manager or WDFW Fish Passage Biologist staff

Project Scoring Criteria and Evaluation Process

The FBRB's Technical Review Team (TRT) reviews the proposed projects submitted through both funding strategies (Coordinated Pathway and Watershed Pathway) and ensures that FBRB-funded projects create actual benefits to salmon, have costs that do not outweigh the anticipated benefits, and have a high likelihood of being successful. To do so, the TRT members review project applications, conduct site visits, and provide feedback to project sponsors. Technical feedback provided by the TRT is designed to improve project concepts and overall benefits to fish and to achieve the greatest results for FBRB dollars invested.

The FBRB Grant Program will base its funding recommendations on the founding principles outlined in [RCW 77.95.180](#) and the following general categories:

- the ecological and biological impact to restoring fish populations,
- the technical merit and project readiness,
- project cost justification,
- project coordination with other fish passage barrier removal projects.

The TRT will evaluate and score project proposals based on the criteria described in the RFP. Evaluation criteria which may include: habitat quality, linear habitat gain, absence of downstream barriers, project readiness (design level, permits, sponsor capacity, matching funds, etc.), barrier status (% passability), number of anadromous species, stock status, level of coordination with other fish passage projects, proposed design and project cost.

The submitted Coordinated Pathway project proposals will be reviewed and scored separately from the Watershed Pathway project proposals. The FBRB will review the TRT's scoring recommendations, and have the opportunity to make any changes before giving final approval. The FBRB will also merge the top-ranking Coordinated Pathway and Watershed Pathway proposals into the one prioritized funding request for submission to the legislature.

State Fish Passage Criteria

FBRB funded barrier corrections must meet state fish passage criteria. The [2013 Water Crossing Design Guidelines](#) (WCDG) is available on the WDFW Website. This document provides practical, real-world knowledge and techniques to improve the overall success of water crossings. These guidelines do not replace existing regulatory requirements, though it is designed in part as technical guidance supporting regulatory streamlining and grant application review for fish passage project proposals.

The guidelines discuss the geomorphic approach to water crossing design and several design options. The preference of the FBRB is for fish barriers to be repaired by abandonment, a bridge, or a stream simulation culvert. Chapter 4 of the WCDG provides guidance on Bridge Design, and Chapter 3 provides guidance on the Stream Simulation Design Option.

- **Stream Simulation Design Option** – geomorphic approach involves constructing an artificial stream channel inside the culvert, thereby providing passage for any fish migrating through the reach. The Stream Simulation Design Option is assumed to be satisfactory for adult and juvenile fish passage and tend to be used more frequently at sites where juvenile fish passage is required.

In rare and extraordinary circumstances where site constraints rule out abandonment, a bridge, or a stream simulation culvert, the FBRB may consider No-slope or Hydraulic design options:

- **No-slope Design Option** – generally limited to small, low gradient streams. The culvert must be installed at zero gradient, be countersunk and the diameter of the culvert must be at least bankfull width of the channel. There is typically less engineering analysis with this design option which is compensated with a safety factor in this sizing method.
- **Hydraulic Design Option** – requires hydrologic and open channel calculations, but usually results in smaller culverts being required than the No-Slope Design Option or a roughened channel. It is difficult in most situations, if not impossible, to comply with velocity criteria for juvenile fish passage using the Hydraulic Design Option.

Match Requirements

Under the RCW 77.95.170, the FBRB has developed Initial Match Guidance (Appendix B) which outlines matching specifications and details on match certification credit. A minimum of 15% match of the funding request is required unless an eligible match certification credit is approved per Appendix D: FBRB Amendment Request Authority Matrix Matching resources may include cash, bond funds, grants (unless prohibited by the funding authority), in-kind labor, and equipment/materials. See [Manual 8](#) for information on match and reimbursements. If applying for a Match Certification Credit, project sponsors will include the necessary information and form in their submitted application as described in the RFP.

Schedule and Important Dates

TASK	DATE (Approx.)	DESCRIPTION
RFPs published	Feb 2018	Request for Proposals to FBRB mailing list and posted on RCO and FBRB website.
Register for Pre-application Site Visit	April 2018	Last day to request a pre-application site visit. Not required but highly recommended.
Pre-application site visits	May 2018	In-person site visits with members of the FBRB technical team. Not required but highly recommended.
Pre-proposals due (Coordinated Pathway Only)	May 2018	2-3 page simple pre-proposals for Coordinated Pathway projects to present the project overview and budget for FBRB technical review team feedback and full proposal invitation.
Full proposals due	July 2018	See application process steps and criteria in RFP. Proposals submitted via HWS and PRISM.
Presentations	August 2018	Presentations by sponsors to technical review team and board as requested
FBRB Preliminary Investment Plan Submitted	September 2018	Ranked project list and funding recommendations published and submitted OFM.
Funding notification	TBD	Funding notification dependent upon final 2019/2021 state budget. Funds available July 1, 2019

Funded Projects

Project Agreements will be written for up to three years from the funding approval date by the legislature (July 1 of every odd year) to complete the project. Extensions must be requested and submitted to the RCO Grant Manager in writing, with detailed reasons for the extension request. The RCO Grant Manager will then trigger the amendment review and approval process per Appendix D: FBRB Amendment Request Authority Matrix. Once the amendment is approved/disapproved, the project sponsor will receive written notice from their RCO Grant Manager.

The Sponsor will be required to provide the following information during the life of the grant:

During Application Cycle (as described in the RFP):

- Application Authorization Form
- Application Requirements – PRISM application
- Landowner/Sponsor Acknowledgement Form
- Barrier Evaluation Form (including Expanded section) & Correction Analysis Form
- Match Certification Credit Form (if applicable)

Preparing for a Project Agreement:

- Landowner Agreement
- Milestone Worksheet & Dates

During Active Phase of the Project Agreement

- Signed Project Agreement prior to starting construction
- Progress Reports in PRISM as outlined in Project Agreement Milestones

Final Report submitted in PRISM
Cultural Resources documentation
Annual billings

SECTION 3: PRE-CONSTRUCTION

In this section, you'll learn about:

- ✓ Project Agreement and Terms
- ✓ Landowner Agreement
- ✓ Project Design Review
- ✓ Permits
- ✓ Cultural Resources

Project Agreement

Once funds are awarded, a Project Agreement must be signed between RCO and the project sponsor before the project work can commence. A workshop will be held for project sponsors to explain the Project Agreement, amendments to the Project Agreement, and the reimbursement process. A copy of the can be found in RCO Manual #7 and on the RCO website. Project applicants should review carefully the terms and conditions.

Key Project Agreement Terms

The Project Agreement must be signed by both parties (RCO and the project sponsor) before project implementation and any billing reimbursement. The purpose of this Agreement is to protect the state's investment and outline the responsibilities of the state and the sponsor. The following lists a number of the key sections of the Project Agreement. The complete Project Agreement can be found in [Manual 7](#).

This Project Agreement is used in other RCO salmon recovery grant programs.

Performance by the Sponsor: The sponsor is undertaking the responsibility for the project and must complete all elements as identified in the application materials.

Assignment: The sponsor may not transfer or assign the contract without prior approval (per Appendix D: FBRB Amendment Request Authority Matrix). Responsibility for Project: The project remains the sole responsibility of the Sponsor.

Indemnification: The sponsor must indemnify, defend and hold harmless the State and its agencies, officials, agents and employees for this project.

Compliance with Applicable Law: The sponsor will implement the Project Agreement in accordance with applicable federal, state, and local laws and regulations.

Right of Inspection: The sponsor shall provide access to the facilities in accordance with the Project Agreement and/or Landowner Agreement.

Procurement Requirements (Section 16): If sponsors have a procurement process that follows applicable state and/or federal procurement principles, it must be followed. If no such process exists the sponsor must follow these minimum procedures:

1. Publish a notice to the public requesting bids/proposals for the project;
2. Specify in the notice the date for submittal bids/proposals;
3. Specify in the notice the general procedure and criteria for selection; and
4. Comply with the same legal standards regarding unlawful discrimination based upon race, ethnicity, sex, or sex-orientation that are applicable to state agencies in selecting a bidder or proposer.

Landowner Agreement

If the project sponsor is a third party organization and not the landowner, a Landowner Agreement must be signed between the landowner and the sponsor to protect the state's investment in removing barriers to fish. Landowner Agreements must be in effect for a minimum of ten (10) years after the completion of the project. An example of the Landowner Agreement can be found on RCO's website ([LINK](#)).

Project Design Review

For design-only projects, the Technical Review Team (TRT) will meet with the project sponsor on site to discuss project alternatives and confirm a preferred alternative for the project site. The TRT will review project design deliverables at conceptual, preliminary, and final design levels as described in Appendix C. The TRT will review and submit design comments to the project sponsor within a reasonable and agreed upon amount of time from receiving the design plans. For more complicated or controversial projects an additional design review maybe requested by the TRT.

For construction projects, the TRT will meet with the project sponsor on site to discuss project alternatives and confirm a preferred alternative for the project site. The TRT will review project design deliverables at conceptual, preliminary, final and construction design levels as described in Appendix C. The TRT will review and submit design comments to the project sponsor a reasonable and agreed upon amount of time from receiving the design plans. For more complicated or controversial projects an additional design review maybe requested by the TRT.

The project sponsor will submit the design deliverables to their RCO via PRISM as described in their Project Agreement milestones. The FBRB Grant Manager which will trigger a TRT review and commenting period of the submitted design plans.

The preliminary design level review will include an examination of the cost estimate. If the project sponsor thinks there are not enough funds for construction now is the time to notify the RCO Grant Manager to trigger a consultation with the TRT. The TRT will work with you to help secure the necessary funds to complete the project if the cost increase is justified (see Amendments and Cost Increases below).

See [Appendix C: Fish Passage Project Design Deliverables](#) for guidance on what the specific design deliverables are required for conceptual, preliminary, final and construction design deliverables.

- Appendix C-1 – Conceptual Design Deliverables
- Appendix C-2 – Preliminary Design Deliverables
- Appendix C-3 – Final Design Deliverables
- Appendix C-4 – Construction Deliverables

Project Permitting

Early project coordination with the WDFW Area Habitat Biologist will facilitate a streamlined WDFW Hydraulic Project Approval (HPA) permitting process.

To identify the WDFW Area Habitat Biologists in your area, visit the [WDFW Assistance Map](#).

FBRB-funded projects will likely qualify as Fish Habitat Enhancement Projects (FHEP) under RCW 77.55.181 which exempts projects from the State Environmental Policy Act (SEPA), and all local government permits and fees. To apply for a streamlined permit process, a completed FHEP form must be submitted with the Joint Aquatic Resources Permit Application (JARPA) as indicated on the [FHEP Form](#).

The sponsor is responsible to obtain all necessary permits for the project and is strongly encouraged to work with the necessary regulatory authorities during the early stages of project development.

Cultural Resources

[Governor's Executive Order 05-05 \(EO 05-05\)](#), Archaeological and Cultural Resources, directs state agencies to review certain acquisition and construction projects for potential impacts to cultural resources¹ to ensure that reasonable action is taken to avoid adverse impacts to these resources. The federal government, through Section 106 of the National Historic Preservation Act, requires the same compliance for projects with federal involvement, for example, projects on federal lands, with federal funds, or those that require a federal permit.

RCO facilitates review under the Governor's executive order. The appropriate lead federal agency facilitates review under Section 106 of the National Historic Preservation Act. If the federal review covers the entire RCO project area, there is no additional review required to meet state requirements. Both processes require review, analysis, and consultation with the Washington Department of Archaeology and Historic Preservation and affected Native American tribes for archaeological and cultural resources.

Important Note: Ground disturbing activities for any project that occur prior to the completion of the cultural resources review process are not eligible for reimbursement. The sponsor must be sure to indicate the extent of ground disturbing activities in the grant application and make sure that the RCO Grant Manager is aware of this work before going under agreement. This will help ensure the appropriate review is conducted for the project.

SECTION 4: PROJECT CONSTRUCTION

In this section, you'll learn about:

- ✓ Reimbursement and Eligible Costs
- ✓ Amendments and Cost Increases

¹Cultural resources means archeological and historical sites and artifacts, and traditional areas or items of religious, ceremonial, and social uses to affected tribes.

Reimbursement

The FBRB is a reimbursement grant program. RCO [Manual 8 - Reimbursements](#) describes in detail the RCO reimbursement policies. Project sponsors will have to incur costs up-front and provide expenditure documentation and a brief progress report to RCO for reimbursement for the full amount, including match. [Manual 5 - Restoration Projects](#) describes eligible construction and administrative costs. The final billing must be accompanied by a short final report submitted in PRISM. RCO will reimburse sponsors within 30 days of receipt of a complete and accurate invoice, though most payments are processed within two weeks. The last 10% of project costs will be retained until a final inspection has been completed by RCO.

Any significant change orders during the construction of the project must be submitted and approved in advance by RCO staff. In limited situations, advances can be made to third-party sponsors. Landowners are not eligible to receive advances.

Eligible Costs

All project costs and donations submitted for reimbursement or match must directly relate to the work identified in the Project Agreement and be considered reasonable, necessary, and eligible. Itemized lists of eligible expenses can be found in [Manual 5, Restoration Projects](#), and [Manual 7, Long-Term Obligations](#). Additional costs that may be eligible for FBRB-funded projects are described below.

Pre-Agreement Costs

Costs incurred before the start date of the grant's project agreement will not be reimbursed, except in the following instances, and only if they are a part of the grant project agreement:

- Engineering and design costs (i.e. surveying, geotechnical, other data gathering)
- If cost-effective (i.e. materials are available at a reduced cost), the following construction materials and any associated transportation costs:
 - Culverts
 - Bridges
 - Large woody materials (if approved as a fish passage-related project design element)

Advance approval by the RCO Grant Manager is required to be reimbursed for pre-grant purchase of any construction materials listed above. The FBRB will not pay for purchases of construction materials and associated costs, or installation costs except those noted above, incurred before project agreement.

Amendments and Cost Increases

On occasion, the project scope or the cost of completing a project changes from what is in the Project Agreement. The Project Agreement may change with an amendment. **Project Sponsors must submit amendment requests to their RCO Grant Manager. The RCO Grant Manager will then trigger the amendment review and approval process per Appendix D: FBRB Amendment Request Authority Matrix.** Depending on the nature of the amendment, the TRT may need to be consulted and/or the FBRB may need to give approval. Please see Appendix D for more details.

Once the requested amendment is approved/disapproved, the project sponsor will receive written notice from their RCO Grant Manager.

SECTION 5: COMPLETING A PROJECT

In this section, you'll learn about:

- ✓ Site Inspections
- ✓ Site Maintenance and Long Term Obligations

Site Inspections

At a minimum, the project sponsor can expect the following site inspections during the life of their project:

Interim: This inspection is normally coordinated with the sponsor and the RCO grant manager. Other members of the Technical Review Team may also attend. This interim site inspection is made sometime during project implementation to help resolve any apparent or anticipated problems and to monitor project progress.

Final: This site review takes place after the sponsor requests a final payment and/or final inspection. The RCO grant manager is required to attend in order to close out the grant and the issue final payment. Other members of the Technical Review Team may also attend. This request must be made only after the project is complete, architects and/or engineers have made their inspection, and defects have been corrected. The final inspection is intended to ensure that the project was completed as described in the Project Agreement. For private lands, the landowner agreement shall allow access to perform project site inspections. On completion of the final inspection and submission of a final report in PRISM the final payment, including the release of retainage, will be made.

Compliance: RCO has a policy to inspect completed projects to compare actual conditions to the terms and conditions of the project agreement. An inspection may be done at any time during the life of the project or landowner agreement of the FBRB-funded project. Inspection will result in a determination of compliance, non-compliance, or conversion. See [Manual 7, Long-Term Obligations](#), for more information.

Site Maintenance and Long Term Obligations

A FBFB grant comes with long-term obligations to maintain and protect the project area after the project is complete. "Project area" means the area consistent with the geographic limits of the scope of work of the project. The long-term obligations for FBRB projects are described in Section 23 of the project agreement, and [Manual 7, Long-Term Obligations](#).

The landowner is required to maintain unimpeded fish passage in perpetuity as specified by RCW 77.57.030. If you have any questions regarding this law contact WDFW.

RCW 77.57.030 Fishways required in dams, obstructions -- Penalties, remedies for failure.

(1) Subject to subsection (3) of this section, a dam or other obstruction across or in a stream shall be provided with a durable and efficient fishway approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish.

(2)(a) If a person fails to construct and maintain a fishway or to remove the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice to comply has been served upon the owner, his or her agent, or the person in charge, the director may construct a fishway or remove the dam or obstruction. Expenses incurred by the department constitute the value of a lien upon the dam and upon the personal property of the person owning the dam. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the dam or obstruction is situated. The lien may be foreclosed in an action brought in the name of the state.

(b) If, within thirty days after notice to construct a fishway or remove a dam or obstruction, the owner, his or her agent, or the person in charge fails to do so, the dam or obstruction is a public nuisance and the director may take possession of the dam or obstruction and destroy it. No liability shall attach for the destruction.

(3) For the purposes of this section, "other obstruction" does not include tide gates, flood gates, and associated man-made agricultural drainage facilities that were originally installed as part of an agricultural drainage system on or before May 20, 2003, or the repair, replacement, or improvement of such tide gates or flood gates.

Fish Barrier Removal Board

Work Plan *(Revised Draft 4/11/2017)*

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In 2014, the Washington State Legislature created the Fish Passage Barrier Removal Board to develop a coordinated barrier removal strategy and provide the framework for a fish barrier grant program. The board is established by Chapter 77.95 RCW. This work plan is intended to serve as a guide for the Board's work over the next several years. It will be reviewed annually. The due dates for each action are intended to be general, since the Board's workload will be variable, and actual dates may be later.

Mission

The duty of the board is to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical through the development of a coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways and barriers owned by private parties.¹

Values

The board values all aspects of salmon recovery and the existing structure developed under the 1999 Salmon Recovery Act, and provides a statewide fish barrier removal strategy and program funding recommendations to the legislature. The board will ensure that the processes to identify, prioritize and fund projects are based on maximizing the opening of high quality habitat through a coordinated investment strategy that prioritizes projects necessary to eliminate fish barriers owned by state and local government, tribes, private parties, and others. This investment strategy values (1) opening high quality salmon habitat that can contribute to salmonid recovery, (2) coordinating with others doing barrier removals to achieve the greatest cost savings, and (3) correcting barriers located furthest downstream.

To achieve the mission, goals, and values the Board will:

- Improve coordination of existing fish passage programs to increase the benefits of barrier removal among multiple jurisdictions.
- Expedite the removal of barriers in the most efficient manner practical through economy of scale and streamline permitting processes.
- Facilitate collaboration, coordination, and communication among state, federal and local agencies, tribes, regional salmon recovery organizations, salmon recovery lead entities, regional fisheries enhancement groups, conservation districts, restoration contractors, landowners and other interested stakeholders on fish passage improvement programs and projects.
- Expedite implementation of on-the-ground projects by identifying and addressing institutional hurdles.
- Educate and increase the public and agency awareness of fish passage issues to develop support for solving problems and preventing new ones.
- Seek funding sources for fish passage projects within Washington and administer a strategic funding program to further the Board's mission once funding is secured.

¹ RCW 77.95.160 (2) (a)

Goals & Actions

The board provides support to local fish passage programs based on its priorities, available resources, and emergent opportunities.

Goal 1: The Washington Department of Fish & Wildlife shall chair and administer a Fish Passage Barrier Removal Board (FBRB).

- A. *Action:* The WDFW will ~~organize~~, chair, and provide staff support for the Fish Barrier Removal Board.² The membership of the Board ~~will include~~s, as specified in the statute, other state agencies, the governor's salmon recovery office, tribes, and representatives of local governments.

Responsible Party/Timeline: WDFW/Ongoing

- B. *Action:* Internal communication: Create clear communication to describe board role and duties. ~~Some of this has already been accomplished, including Board by laws and meeting notes. Additional items to develop include~~ Develop or update a communication strategy, work plan, fact sheet, and webpage.

Responsible Party/Timeline: FBRB/Ongoing

- C. *Action:* Internal communication: The Board will review its bylaws on an annual basis.

Responsible Party/Timeline: FBRB/annually; next review beginning June 2015 summer 2017

- D. *Action:* The Board should periodically review, ~~on an annual basis~~, the current membership of the FBRB and consider adding members as appropriate. The Board will consider how to determine when new members are needed.

Responsible Party/Timeline: Chair and FBRB/annually beginning June 2015 next review summer 2017

- E. *Action:* The Board will develop and implement an annual work plan.

Responsible Party/Timeline: FBRB/By June 2015 with annual updates Initially adopted July 2015; currently under review

Goal 2: The Board will strive to operate transparently and reach out to interested parties in developing and implementing its programs.

- A. *Action:* In order to gain support for the Board's activities and build momentum, the Board will identify communication strategy elements and timeframes for implementing them. Elements may include developing key messages; identifying target audiences for each type of messaging; coordinating with other fish barrier removal programs; deciding how to share information developed by this Board; connecting with other entities including the federal government, tribes, the inter-tribal fisheries commissions, and railroads; and deciding on an education and information strategy. Several key implementers should be specifically addressed, including state agencies, tribes, and local governments. Low cost early activities should also be considered and included in the strategy. The strategy should be reviewed annually by the Board.

² RCW 77.95.160 (1): "The board must be composed of a representative from the department, the department of transportation, cities, counties, the governor's salmon recovery office, tribal governments, and the department of natural resources. The representative of the department must serve as chair of the board and may expand the membership of the board to representatives of other governments, stakeholders, and interested entities."

Responsible Party/Timeline: WDFW, with assistance from an outside communications expert and other FBRB members/~~An initial communication strategy was adopted in December, 2015. Revisions are currently under review (spring, 2017). Complete by September 2015 and begin implementing at that point~~

B. Action: ~~A biennial conference on salmon recovery is held during odd-numbered years. The Board will participate in the May 2015 Salmon Recovery Conference being held in Vancouver, Washington. There is a specific slot addressing fish passage, and a~~ number of key players involved in fish passage barrier removal projects ~~will be present~~ attend this conference. The work of the Board can be shared with others interested in the same issues, and opportunities to coordinate and share information can be pursued. ~~If time allows, key messages for sharing with participants should be identified by the FBRB. Annual participation in the conferences will occur.~~The FBRB participated in the May 2015 conference and is scheduled to participate in the April 2017 conference. It will continue to participate in future conferences.

Responsible Party/Timeline: ~~May 2015/~~Chair, other members of the FBRB/Odd-numbered years beginning in 2015

C. Action: WDFW will prepare ~~two~~ reports to the legislature as needed. ~~The first will be more of an update and prepared by October 31, 2015. It will discuss all Board activities that have occurred to that date. The second report will be prepared by October 31, 2016, and discuss the statutorily required items related to permit streamlining. WDFW will also respond to requests from legislative committees and staff for information and briefings, with assistance from other FBRB members.~~

Responsible Party/Timeline: WDFW and other FBRB members as requested/October 31, 2016~~As needed.~~

D. Action: ~~Connect Foster ongoing partnership~~ with the Washington Forest Protection Association for outreach and to clarify efforts to coordinate with the barrier removal projects of their members. ~~Outreach should also be made to the Department of Ecology.~~

Responsible Party/Timeline: WDFW/~~Connect with WFPA and Ecology by September 2015~~ Ongoing

~~—E. Action: Develop a website specifically for the FBRB (stand-alone and not connected to an agency)~~

Responsible Party/Timeline: WDFW/June 2017

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Goal 3: The FBRB will continue to refine its~~develop a~~ coordinated approach to identifying and expediting the removal of fish passage barriers.

As noted in the enabling legislation, "The duty of the board is to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical through the development of a coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways and barriers owned by private parties.³" The initial approach has been developed, and it should continue to be refined to reflect opportunities

³ RCW 77.95.160 (2) (a) "The duty of the board is to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical through the development of a coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways and barriers owned by private parties."

| that exist within existing funding and programs as well as opportunities that will be provided by ~~a~~the future grant program.

- | A. Action: ~~Develop a~~Refine the statewide coordinated approach. Sub-actions needed to accomplish this action are listed in the table below:

SUB-ACTION	BY WHOM	TIMELINE
1. Meet with on the ground implementers of barrier removal projects to gain an understanding of their perspectives on a strategy. This should include, at a minimum, Regional Fisheries Enhancement Groups (RFEs), Conservation Districts (CDs), local governments, and the Associated General Contractors. Meetings can occur either as part of the agenda for FBRB meetings or by attending meetings of implementers, as appropriate. Questions for these implementers should be framed in advance that are additive to the process. One opportunity is the upcoming Salmon Recovery Conference in May, 2015.	FBRB	Start during summer/fall 2015
2. Continue to refine Develop a prioritization methodology aimed at prioritizing which focus areas should be addressed first. Once those areas are chosen then conduct strategic barrier inventories and develop prioritized lists of barriers. Work within the framework provided by the regional salmon recovery organizations and continue to work with them on the methodology.	FBRB	Summer-2015 Ongoing
3. Continue to work with the Puget Sound Partnership Salmon Recovery Council (SRC) to define a Puget Sound approach. Initial discussions have already occurred with the SRC, and work will continue as needed to incorporate into the overall FBRB prioritization approach.	WDFW	Summer 2015
4. Get feedback from the public on the draft prioritization methodology; consider comments and adopt a final prioritization methodology.	FBRB	Summer 2015
5. WDFW was not given any additional resources to support the Fish Barrier Removal Board. Although some existing resources are available, additional resources are needed to support the development of the Fish Barrier Removal Board statewide strategy, prioritization methodology, and development of grant program framework. WDFW will first do an assessment of what resources are needed to implement this work plan and present this to the FBRB. Second, WDFW and the FBRB will seek out these additional resources.	WDFW for assessment; all FBRB members for locating resources	Assessment due December 2015; search for resources ongoing after that
6. Develop a plan to coordinate information sharing and coordination between the FBRB and other entities involved in fish passage barrier removal projects. The plan should address how the FBRB will coordinate with other state and federal programs on project funding lists; how communication and outreach will work; and how the information already known can be shared.	FBRB	By December 2015, with annual updates
7. The FBRB will discuss technical assistance through the program and how it will be <u>has been</u> provided. This is referenced in RCW 77.95.170 (5) (b). Determine the scope of technical assistance that WDFW needs to provide, including barrier inventory training and other training/technical assistance needed. Develop the "technical assistance toolbox" that WDFW will offer.	WDFW with FBRB assistance	By December 2015, Summer 2017
8. The authorizing legislation explains that there is a partnership between WSDOT and WDFW to identify and complete fish passage barrier removals. WSDOT will annually review their work and look for opportunities to coordinate with the FBRB. It is not intended that the FBRB has any oversight, but rather this information will inform the work of the FBRB.	WSDOT	First report September 2015; annually thereafter, October 2017

9. Develop recommendations to the legislature, as part of a periodic report. Recommendations will be by WRIA with assistance from the regional salmon recovery organizations.	FBRB	Biennially
10. Develop a funding package for a potential grant program (see goal 5). An initial request that initiates some components of a program should be made in time for the 2016 legislative session; a full grant program request should be made for the 2017-2019 legislative session.	FBRB	September 2015 for the 2016 session; Summer 2016 for a full grant program
<u>11. Develop and approve a grant manual for use by grant administrators.</u>	<u>FBRB and RCO</u>	<u>Spring 2017</u>
<u>12. Track relevant issues including the impacts of stormwater on fish, and the issue of partial and full barriers downstream from barriers proposed for correction.</u>	<u>FBRB</u>	<u>As appropriate</u>

Goal 4: The FBRB will strive to seek out available data and information and develop ways to make data and information readily available.

A. *Action:* The FBRB will receive a database management update from WDFW. This will include a general briefing from WDFW and a demonstration of the database, as well as a discussion of information from other entities that is included in the database.

Responsible Party/Timeline WDFW/~~October 2015~~Spring/Summer 2017

B. *Action:* After the update discussed in Action A above, the FBRB will consider establishing form a subcommittee to further discuss and explore this topic. Considerations will include data and information from WDFW and from other entities including other state agencies, tribes, and the private sector if available. This will also address appropriate timing for obtaining RMAP information from WDNR.

Responsible Party/Timeline: FBRB/~~form the establish~~ subcommittee and begin work following the briefing.

~~C. *Action:* The FBRB receives a briefing on WDFW's training program as described by the enabling legislation. The purpose of the training is to increase the awareness and consistency of fish passage barrier data collection, use of WDFW's database, and modern techniques of fish passage barrier correction methods.~~

~~*Responsible Party/Timeline:* WDFW/By December 2015?~~

Goal 5: The FBRB will develop a Grant Program for distributing available funding in an efficient and effective manner.

~~A. *Action:* Identify available and funding that could be used for the program and a proposed funding mechanism.~~

~~*Responsible Party/Timeline:* WDFW (with assistance from other FBRB members)/ By December 2015~~

~~B. *Action:* Develop aContinue to refine the grant program that will allocate available funding, and address elements including match requirements, whether and how funding might be allocated between regions, provisions for opportunities that emerge ("just-in-time" or "shovel-ready" projects) and other factors. Consider provisions that should be presented to the legislature in time for the~~

Commented [NA2]: Propose that this goal and action be consolidated with goal 3

~~2016 supplemental session and provisions that should be presented as part of a more complete package for the 2017 legislative session.~~

~~A. Responsible Party/Timeline: FBRB/By September 2015 Ongoing~~

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Goal 6: The FBRB will participate in efforts to streamline Project Permitting and seek ways to efficiently use mitigation funding for barrier removal projects.

- A. Action: Seek permitting efficiencies and streamlining regarding federal permits. Coordinating with the Governor’s office, initiates contact with USACE, NOAA, and USFWS to explore and develop the feasibility of bundling of projects under any available nationwide permits for the purpose of achieving streamlined federal permitting.

~~Responsible Party/Timeline: WDFW/ Ongoing; work on this action has begun.~~

- B. Action: Seek authority to use local and state mitigation monies for barrier removal projects. There should be the ability to determine that local and state mitigation funding would be better used for barrier removal projects in some instances.

Responsible Party/Timeline: FBRB/Ongoing

TIMELINE FOR ACTIONS

This table presents, in chronological order, the actions included above under Goals 1 – 6. They are summarized below; see discussion under each Goal for details of each action.

ACTION	TIMELINE	RESPONSIBILITY
Organize , Chair and Support Fish Passage Barrier Removal Board	6/2014 Ongoing	WDFW
Develop Review internal bylaws and communication	Ongoing	FBRB
Review bylaws annually	June 2015 Summer 2017	FBRB
Periodically c Consider FBRB membership annually	June 2015 Summer 2017	Chair and FBRB
Develop annual workplan and update annually	June 2015 Adopted July 2015; currently under review	FBRB
Develop Periodically review and update communication plan	September 2015 Adopted December 2015; currently under review	WDFW w/FBRB assistance
Participate in annual Salmon Recovery workshops	May 2015 Biennial in odd-numbered years	Chair/other members
Connect Foster ongoing partnership with WFPA and Ecology	August 2015Ongoing	WDFW
Meet with on the ground implementers of projects	Begin in Summer 2015	FBRB
Develop Review and refine at the approved prioritization methodology	Summer 2015As needed	FBRB
Continue work with PSP/Salmon Recovery Council on Puget Sound approach to prioritization	Summer 2015	FBRB
Get feedback from public and adopt prioritization approach	Summer 2015	FBRB
Do assessment of what resources are needed to support FBRB	December 2015	WDFW
Seek resources as described by assessment	December 2015/ongoing	WDFW and FBRB
Develop plan to coordinate information sharing and coordinate activities	December 2015/ongoing	FBRB
Discuss Describe ongoing technical assistance and identify gaps	December 2015 Summer 2017	WDFW w/FBRB assistance
Annual report to FBRB on WSDOT and WDFW coordination efforts	September 2015 October 2017	WDFW, WSDOT
Database presentation to FBRB	September	WDFW

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	2015 Spring/Summer 2017	
Training program presentation to FBRB	December 2015 Fall 2017	WDFW
Identify available funding for grant program and propose funding mechanism	December 2015	WDFW with FBRB assistance
Develop Continue to refine grant program	September 2015 Ongoing	FBRB
Seek efficiencies/streamlining for federal permits	Ongoing	WDFW
Seek authorization for using local/state mitigation funding for barrier removal projects	December 2015 Ongoing	FBRB