

**Fish Passage Barrier Removal Board – Meeting Notes****Date: May 24, 2017****Place: Association of Washington Cities, Olympia, Washington****Summary: Agenda items with formal action**

Item	Formal Action
April meeting notes	Approved
Grant manual	Approved

**Summary: Follow-up actions**

Item	Follow-up
Invite CAB, TIB, PSP to attend future meetings and determine their interest in potential membership	Extend the invitation
Changing appropriation to lump sum instead of project by project in supplemental, if the language stays the same in adopted budgets	Tom will discuss with RCO
Address potential differences between FBRB technical review and SRFB tech review in future grant rounds if there are different perspectives	Schedule for future meeting discussion
Clarify whether Puget Sound will use same approach as last time for future grant rounds, and consider the role of the Hood Canal Coordinating Council	Schedule for future meeting discussion
Consider using WSDOT liaison program approach with Corps of Engineers permits	Paul will discuss with WSDOT liaison program
Discuss policy issues including mitigation as match; partial barriers	Schedule for future meeting discussion
Revise bylaws	Neil prepare “track changes” version and schedule for review/approval at next meeting

**Board Members/Alternates Present:**

Tom Jameson, Chair, WDFW	Jon Brand, WSAC
Paul Wagner, DOT	Joe Shramek, DNR
Casey Baldwin, CCT	Carl Schroeder, AWC
Stacy Polkowske, WDFW	Gary Rowe, WSAC

**Others present at meeting:**

Gina Piazza, WDFW	Neil Aaland, Facilitator
Dave Collins, WDFW	Maria Hunter, WDFW
Cade Roler, WDFW	Jeannie Abbott, WDFW

**Welcome/Introductions/Agenda Review**

The meeting was called to order at 9:00 a.m. Facilitator Neil Aaland reviewed the agenda. Two additional items were added to the agenda: partial barriers; and other instream work.

**Public Comments**

Nobody present offered comments to the Board.

**Follow-up Items**

Approval of April meeting notes: Neil noted a grammatical correction on page 3, third sentence from bottom, change “decided” to “dedicated. Casey moved to approve with the revision, Jon seconded. Motion approved unanimously.

### **Legislative and budget updates**

Carl said the capital budget is not presently in negotiation, and the Senate wants a fix to the Hirst water case before they will work with the House. He has heard the House may have a proposal. The operating budget still has a huge hole regarding a fix to the McCleary issue.

The extra \$5 million for fish passage barrier fixes, discussed at our last meeting, did not remain in the final transportation budget. There is a proviso for \$250,000 in the final transportation budget for cities and WSDOT to coordinate on barriers per the culverts injunction.

The 9<sup>th</sup> Circuit has issued a decision on a request for reconsideration on the culverts case, they will not hear the case again. Several options in response are being discussed by the Governor’s office. Tom will send a copy of the decision to the Board. Jon asked how this relates to the “North of Falcon” discussions. Tom said they would comply fully with the injunction if they can come to agreement on the catch each year; it’s been contentious each year.

It is roughly \$1.9 billion to correct all of the culverts. That funding has not been allocated. There are debates going on regarding the useful life of a culvert. Jon thinks this will put pressure on cities and counties to fix culverts upstream of state corrected culverts.

The Family Forest Fish Passage Program (FFFPP) has \$5 million in the budget; DNR asked for \$10 million.

Tom noted the Chehalis Aquatic Species Restoration Plan (ASRP) has \$6-7 million for barrier corrections, if \$20 million is provided for restoration. Right now the budget provided is \$8 million, so the amount for barrier correction will need to be re-calculated.

Dave Collins asked if there was any discussion around the flexibility with project funding, since the budgets named projects rather than providing lump sum. Tom has not yet discussed with OFM, need to wait and see what comes out. Carl thinks that might be adjusted in the supplemental budget session next year. Tom will discuss this issue with RCO.

### **Grant Manual**

Tom reminded the Board that Stacy worked with RCO on this, it is modelled after the FFFPP manual. The plan was to have Thurston County Lead Entity distribute for comment to other LE’s; for several reasons, this happened late. The comment deadline was Monday, May 22. By the close of business, we had only received a few comments. Carl wondered if we should wait till the June meeting to approve, given the short turnaround time for comments. Tom and Stacy said the project sponsors want this, and WDFW is fielding a lot of questions from sponsors. Stacy suggested staying with the current approval timeline. Carl then agreed, but expressed some concern about the short review time. Joe agrees that buy-in is important, and thinks we should review the manual each year.

Tom reviewed a PowerPoint presentation that addressed the comments. These were:

- Would be good to align the timing with the start of the SRFB process. The Board agreed.
- It was suggested that the RCO Technical Panel (TP) review and evaluate projects. Tom did not agree, reviewing Stacy’s response, and says this would require additional funding. The RCO TP also reviews a variety of different projects, not just barriers.
  - Casey agreed with Tom and Stacy because not all FBRB projects will have a SRFB match, but noted we will need to think about a potential future situation if our technical review is okay with a project, but the sponsor goes to SRFB for the match and the SRFB

TP does not like it; what will we do? This should go on the agenda for a future policy discussion

- Cade noted that there are WDFW staff on the SRFB TP
- Suggestion to do site visits earlier to coincide with SRFB requests; Board agreed
- Board discussed considering other criteria for the next grant round, such as the criteria used by the Chehalis Basin
- One commenter asked Board to secure an agency agreement with Army COE; Tom and Dave have both discussed this with the COE and it seems unlikely to happen. Idea of stationing person in COE office is under discussion. WDFW staff will check with Paul about the costs for DOT to maintain staff in COE. Paul will confer with the WSDOT liaison program about capacity to cover FBRB projects and what that would entail
- Hood Canal Coordinating Council comments:
  - They are concerned how their status as a “region within a region” is being considered; they want to submit on their own, not as part of the Puget Sound region
    - Board did not think there was significant engagement; the Hood Canal suggestion was regarding the Hood Canal floating bridge
    - Board needs to get more history on this and consider for next grant round; Steve may be able to shed light in his role as representing the Council of Regions
    - Carl noted we need to understand if Puget Sound will be handling their involvement in future grant rounds the same as last time

After this discussion, Carl moved to approve the grant manual. Paul seconded. It was approved unanimously.

### **Mitigation as match**

Paul said there are discussions on this topic occurring through the Ecology mitigation working group. An idea is using mitigation dollars funded by local organizations as match for projects. There is also discussion about using barriers identified by the Board as a list of potential projects for mitigation.

Comments from the Board:

- Tom has talked with Dave Caudill, and the SRFB does not allow mitigation dollars to be used as match for projects
- He thinks it’s necessary to understand RCO’s perspective on this
- Paul thinks SRFB philosophy is don’t use if an entity is already obligated to do something
- Casey doesn’t want to reduce mitigation obligations for someone required to mitigate an ecological effect, but if their mitigation is for a dollar amount then perhaps it could be considered
- Paul agreed, and wonders where this could be considered as a partnership
  - Paul heard from RCO that they have kept those types of arrangements separate
- Stacy reminded the Board that we will be developing a match “variance” form
- Paul is interested in whether we can legitimately use mitigation dollars to increase what we’re able to get done
  - Stacy pulled up the match guidance which doesn’t seem to preclude consideration

Neil summarized the key points he has heard from the Board today:

- Board is willing to consider mitigation as match in some circumstances
- Cannot reduce mitigation obligations for someone
- Need to understand RCO’s policy and reasons for it
- Come back to this issue at a future meeting
- Check with the current 13 project sponsors and see how they’re doing with match

### **Partial barriers**

Casey wants to discuss a couple of aspects. His general question is around the legislative language that says the Board is to consider whether a barrier is partial or full. What do we do with this direction? We considered this in prioritization, but he wonders if we are black and white on this subject. Carl has also been thinking about this, he thinks about our previous decisions such as Lake Forest Park. Tom thinks this

applies more to the watershed approach. Paul thinks it is a slippery slope; opens a new required analysis. And he wonders when partial barriers will be fixed under our approach.

The Board agreed to schedule this topic for a future discussion.

Following a lunch break, the Board continued discussing policy issues. Casey thinks when we are reporting, projects should get credit for more access if they provide access to the watershed even if there are partial barriers upstream. We could derive a complex formula of linear miles times partial passage assumptions to obtain a weighted index of access. But a simpler approach would be to report the linear gain to the next full barrier as well as our current approach of reporting linear gain to the next partial barrier. There was some interest in this; Gary liked the idea while Cade noted it is difficult to separate out this data. Casey suggested WDFW think about how to capture this idea.

Casey wondered about considering partial barriers on the watershed pathway but not the coordinated pathway, because in a phased approach it could be that the 2nd or 3rd barrier are ready to go but a partial barrier downstream needs more time to be implemented. As we currently operate, the rest of the watershed cannot move forward. There is some interest in this. Cade mentioned that is the case in one or more watersheds.

Casey mentioned a project in his area, Johnson Creek, with two partial barriers below a large complex high priority WSDOT culvert (all of which are in the FBRB watershed pathway). The project implementers want to do an “engineering fix” in one of the lower partial barriers so that the WSDOT barrier will be the highest priority in the next biennium. The implementers wanted to know if the engineered fix were to meet a level-A fish passage survey could it be dropped from the list? The Board agreed that if it passes the survey then it is no longer a barrier. Cade pointed out that there is some risk to the project sponsor, not the Board. This will be considered for the next grand round.

Jon discussed his item of concern about instream work, where a lot of work is related to restoration, and wonders about eligibility for funding. Carl thinks if it can be tied to fish passage improvement, it should be okay to use FBRB funding. Another item that is scheduled for the fall is trying to articulate general rules for this. Paul thinks we need to find out if the SRFB has thoughts on this issue.

### **Signage**

At the April meeting the Board briefly discussed the idea of general signage for fish passage projects, so people see the work being done in the field and have an opportunity to better understand that work. One issue around signage for projects is whether the signage is permanent or temporary. The general idea for signage came from an RCO staff member, who saw one in Canada. Several Board members like the idea of temporary signage during construction. Casey is not so sure about a permanent requirement, although Paul liked the idea of permanent signage.

### **Bylaws**

This is one of several items we are starting to work on, as identified in the FBRB work plan. Neil had a PowerPoint that showed the language of the bylaws with some suggestions for consideration, and began reviewing. Comments and discussion included:

- Add the Council of Regions under Membership, since that has already happened [agreement]
- Delete Northwest Indian Fisheries Commission from the list of voting members, since they have never attended [agreement]
- Divide the list of members into two paragraphs, first for legislative direction and second for those FBRB has added [agreement]
- Delete the last sentence regarding alternates under Article III, paragraph 4 [agreement]
- Regarding attendance, Gary noted that some organizations require absences to be excused; Board decided to leave as is

- Written notice for absences: no change (members have generally notified Neil or WDFW if they cannot attend)
- Article V, frequency of meetings: add that the Chair can change meeting dates as needed [agreement]
- Remove “approval of meeting minutes, bylaws” from the list of key actions under Article VII, voting, first paragraph [agreement]

Under Article IX, Amendments to Bylaws, any proposed change shall be furnished to each member at least 5 days prior to the meeting at which change will be considered. Neil will provide a “track changes” document for the next meeting.

### **Consider new members**

The work plan says the FBRB will consider annually whether to add new members. After discussion, it was decided the Board will reach out to County Road Administration Board, Transportation Improvement Board, and the Puget Sound Partnership to see if they are interested in attending meetings. They will not yet be invited to join as a member until we know of their interest. We may, at some point, want to reach out to federal agencies as well, although none were identified now.

The meeting adjourned at approximately 1:45 pm.

**Next meeting: Tuesday, June 20<sup>th</sup> @ Association of Washington Cities**