



Brian Abbott Fish Barrier Removal Board – February 2024 Meeting Summary

Date: February 20, 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 January 2023	Approved
Board Decision: Cost increase for Little Pilchuck Creek	Approved

Summary: Follow-up Items and Next Steps

Item	Follow-up
Policy Subcommittee	The Policy Subcommittee will meet to discuss match modernization. RCO will compile initial information about the FBRB’s past match reporting and initial policy considerations for the meeting.
Match Modernization	The Board will continue to monitor the Salmon Recovery Funding Board (SRFB)’s implementation of match modernization and consider updating the Board match requirements for future grant rounds.
Funding Status Updates	WDFW and RCO will keep the Board updated on the project bundle submitted to NOAA’s grant, the 2024 Supplemental 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.

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*

Staffing Updates: Chair Jameson shared that Christy Rains has accepted a new position at RCO as the Salmon Recovery Grants Assistant Section Manager. Chair Jameson thanked Christy for her incredible support of the Board throughout the most successful grant rounds the Board has had. Christy noted she will be able to engage the Board in her new role. Casey Costello will replace Christy’s role as the Fish Passage Scoping Section Manager on an interim basis.

Old Business: The notes for the FBRB January 2024 meeting were reviewed by the facilitator. A motion to approve the summary was made by Chair Jameson and seconded by Karen Zirkle, Department of Natural Resources (DNR). The motion was approved with no objections.

General Updates

Fish Passage Strategy Updates

Jane Atha, WDFW, shared that Cramer Fish Sciences presented a hybrid statewide and regional prioritization approach to WDFW's leadership team. The leadership team green lit the approach. The Science Panel of subject matter experts decided on metrics to include in the prioritization approach at their last meeting.

WDFW Fish Passage Rulemaking (RCW 77.57)

Chair Jameson shared WDFW is revising the draft language for the rule based on feedback provided in public comments received last summer and fall. Concerns being addressed in the revision center around the structural requirements needed for climate adaptive water crossings, which needs to be handled under WDFW's Hydraulic Project Approval (HPA). Since WDFW is changing the rule language, they need to restart the rulemaking efforts with the CR-101. Then, WDFW will hold public meetings and a briefing to the Fish and Wildlife Commission later in 2024. Information for this process will continue to be posted on [WDFW's Fish Passage Rulemaking webpage](#).

Gabrielle Stilwater, WDFW, will be moving to WDFW's Protection Division to assist with new rulemaking under WDFW's HPA authority (RCW 77.55).

Cost Increase Request: Little Pilchuck Tributary (19-21)

Chair Jameson and Ameer Bahr, Recreation and Conservation Office (RCO), shared the Little Pilchuck Tributary project is a 2019-2021 project in a priority watershed. It was ranked #25 on the 2019 to 2021 project list and was funded by the legislature.

The Cost Increase Subcommittee met on January 31 to review the details of the cost increase request (see [February Meeting Materials](#) on the FBRB's site). While the request was almost double the original cost estimate, the subcommittee agreed that the cost aligns with the project's scope change and the Board has enough returned funds from the 2019-2021 grant round to meet the request.

Questions and Discussion

- After reviewing the Cost Increase Subcommittee's recommendation (see pg. 3 of [February Meeting Materials](#)) the Board supported the cost increase request.

Decision: A motion to approve the Little Pilchuck Tributary cost increase request was made by Jeannie Abbott, Governor's Salmon Recovery Office (GSRO), and was seconded by Chair Jameson. The motion was approved with no objections.

Board Project Funding Updates

John Foltz, RCO, 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, some projects returned their funds, which allowed for the extension of funding through project #35 on the list. Throughout 2023, several projects either qualified for *Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation* (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 \$1.75m should be reserved for future cost increase requests and the remaining funds were to be used to fund through project #53 on the list. Every project, except for four, accepted the funds and the remaining funds were offered to project #54. Additionally, the legislature is slated to provide the Board with over \$22m in the current supplemental budget (more details are in the Legislative Session Report Out section). The status of pending opportunities is listed below.

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. After WDFW and RCO staff discussed this opportunity with Local Programs, an agreement was made that project sponsors do not require match for PROTECT and match will be covered by Local Programs.

Local Programs released a call for projects, which closed on February 16, 2024, to solicit 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.

National Oceanic and Atmospheric Administration (NOAA)'s Restoring Fish Passage through Barrier Removal Grants Program (Culvert AOP)

In September 2023, the Board submitted a bundle of FBRB projects to NOAA's federal grant program (see [NOAA grant page](#)). A decision was expected from NOAA in January or February 2024, but due to database issues, a decision is not expected until June 2024.

Path Forward: WDFW and RCO will keep the Board updated on the project bundle submitted to NOAA's grant, the 2024 Supplemental 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.

2025-2027 Grant Round Status Update

John Foltz, RCO, and Casey Costello, WDFW, shared applications for the Board's 25-27 Grant Round closed on January 18, 2024. There were 60 applications for about \$80M which is far less than last year. This indicates that project sponsors are likely not applying due to increased costs and capacity issues. However, there was a higher percentage of multi-site submittals this year. There were a lot of returning

sponsors and some new sponsors and waterways. Some projects are alternates on the FBRB's 23-25 LEAP list and they may receive funding through returned funds.

RCO is reviewing applications for completeness and eligibility while WDFW is doing qualitative assessments. The final application deadline is May 2. Then, WDFW's Technical Review Team (TRT) will score and rank the projects.

Legislative Session Report Out

2024 Supplemental Budget

Axel Swanson, Washington State Association of Counties (WSAC), shared 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 House and Senate proposed budgets included these funds as well, which makes it highly likely the Board will receive these funds. John Foltz noted Climate Commitment Act funds are uncertain since it will be on the November 2024 ballot for voters to determine if it is repealed or not. The current budget language for the House and Senate version state that funding won't be available until January 1, 2025, and the House version goes on to say that if the natural climate solutions account is repealed as of December 30, 2024, then the BAFBRB supplemental funding is void on December 31, 2024. The legislative session ended on March 7, 2024.

Report Out on Key Salmon and Barrier Bills

Alex Sweetser, Triangle, gave a brief overview of bills proposed this legislative session. Most salmon and habitat bills did not advance this year due to their fiscal impacts. The following bills are still being tracked this session:

- [HB 2045](#): Creating an "adopt a fish" program.
- [HB 2293](#): Studying the effects of avian predation of salmon.
- [SB 5931](#): Addressing 6PPD in motorized vehicle tires through safer products for Washington.

SRFB Match Policy Overview and Discussion

Nick Norton, a policy and planning specialist for RCO, gave a presentation on the SRFB's process to update the match policy for their grant program (see pgs. 6-16 of [February Meeting Materials](#)). His presentation included an overview of the barriers and problems the SRFB's match made for project sponsors, an overview of how the SRFB considered their options and how those options could meet their goals, and an explanation of the new match policy. He noted the entire process was driven by the SRFB. The SRFB took their time to deliberately consider their options. At each touchpoint, the SRFB was given an offramp to decide whether to stop the process or continue.

The SRFB program had a 15% match requirement. However, it was common for sponsors only to report funds up to the minimum match requirement and they would not report additional outside funds used to complete their projects. This means RCO and the SRFB did not have a clear understanding of the true project costs. The SRFB's final decision was:

- To replace standing matching share requirements for board funded projects with a requirement to report on the outside funding (at application and final report) used to accomplish the scope of work funded by the board. The matching share requirements shall remain under the following circumstances:
 - Acquisition projects with more than fifty percent uplands.

- Projects with riparian planting as a primary component do not meet buffer standards.

Questions and Discussion

- John Foltz clarified key differences between the SRFB and FBRB programs. SRFB's program is broader, and they have greater project variety. Additionally, many SRFB projects can be phased whereas barrier projects cannot be phased, and their construction needs to be completed. Lastly the FBRB needs all match funds available for their projects.
- John Foltz reiterated that the SRFB has not completely removed match. Instead, they have "modernized" their match in a way that will make it easier to track match and leveraged funds. Instead of requiring sponsors to report the match on each bill, the match is reported during project closeout. This means it is possible that some projects may not provide any match if they complete the project only using SRFB funds.
- Steve Manlow noted the Council of Regions was highly engaged in the match modernization process and there are highly supportive of the outcome. He noted the admin for tracking match throughout the process creates a large burden for RCO and project sponsors.
- John Box, Colville Tribes, and Susan Eugenis, WSAC, highlighted capacity issues as a driver for fewer applications from smaller entities.
- Board members expressed support for the SRFB's process and updating the FBRB's match requirements. They noted any updates to the FBRB's program would need to wait until the next grant round in 2027. This gives the Board time to monitor the SRFB and learn from their implementation of the new match process.

Action Item: The Policy Subcommittee will meet to discuss match modernization. RCO will compile initial information about the FBRB's past match reporting and initial policy considerations for the meeting.

Path Forward: The Board will continue to monitor the Salmon Recovery Funding Board (SRFB)'s implementation of match modernization and consider updating the Board match requirements for future grant rounds.

Upcoming Engagement Opportunities

Seattle Times Article:

Chair Jameson shared that the Seattle Times has been investigating culvert replacements and plans to release a series of articles about culvert corrections within the state. The first of five articles is planned for March 10, and it will focus on WSDOT barrier corrections under culvert injunction.

SRFB Briefing:

Chair Jameson shared WDFW were asked to provide a briefing about fish passage barriers to the SRFB at their next meeting on March 16.

Department of Commerce Proviso:

Chair Jameson shared there was a proviso from the Department of Commerce looking at the costs to utilities from fish passage construction. In several cases, replacement and relocation costs fall to the utility owner.

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

Next Meeting: Virtual Meeting on March 19, 2024.

ATTENDANCE

Board Members/Alternates:

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

WDFW, RCO Staff and Triangle Facilitation Team:

Amber Martens, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
Cassandra Weekes, WDFW	Amee Bahr, RCO
Daniel Coffman, WDFW	Christy Rains, RCO
Jane Atha, WDFW	Elizabeth Butler, RCO
Joel Ingram, WDFW	John Foltz, RCO
Julie Grobelny, WDFW	Nicholas Norton, RCO
Kaylee Kautz, WDFW	Alex Sweetser, Facilitation Support
Stella Mason, WDFW	Joy Juelson, Facilitation Support

Others observing:

Adam Brown	Heidi Reynolds	Tracy Gilson
Elizabeth Butler	Jim Heytvelt	Call-in User (1)
Evan Lewis	Katie Sherer	