



**Brian Abbott Fish Barrier Removal Board – Approved March Meeting Notes**

**Date: March 15, 2022**

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

**Location: Virtual Meeting**

**Summary: Formal Actions/Decisions**

<b>Item</b>	<b>Formal Action</b>
Meeting notes from February 15, 2022	Approved
The Board agreed with the Cost Increase Subcommittee’s recommendation to implement a phased approach for the Johnson Creek Project	Approved

**Summary: Follow-up Actions**

<b>Item</b>	<b>Follow-up</b>
Response to the National Culvert Removal, Replacement, and Restoration Grant Program	The Board agreed to discuss early outreach to cities, counties, and Tribes to lay the groundwork of Federal grant program at the next meeting in April.
2022 legislative outcomes briefing	The Board proposed having a legislative outcome briefing at the next meeting in April. Triangle will work with Carl Schroeder to confirm the topic.
Prepare for legislative outreach with Governor’s Office this summer	Carl Schroeder and Matt Curtis will meet to discuss how WDFW and the TRT can help prepare for future discussion with the Board. The approach for outreach will be further discussed at upcoming Board meetings.
Field visit/ in-person meeting in eastern Washington this fall	Triangle and Board staff will continue to work with the Board to research options for a field visit or in-person meeting this fall.

**Welcome/Introductions/Agenda Review:** Triangle Facilitator, Joy Juelson, called the meeting to order at 9:00 a.m. Alex Sweetser facilitated introductions with FBRB members and staff. A quorum was present.

**Public Comment:** No public comments were received.

**Old Business:** The meeting notes for the FBRB February 2022 meeting were approved by the Board.

## **General Updates:**

### ***Proviso Strategist Hiring Update***

Chair Tom Jameson, Washington Department of Fish and Wildlife (WDFW), explained that the Proviso Strategist position was reposted after receiving a shallow pool of candidates. This is an EP 5 position, and the hiring post will remain up until April 4, 2022 at [this link](#). Board members were encouraged to share this job announcement to their networks.

Additionally, Chair Jameson updated an RFP to contract with a consulting firm to support the Strategist. This RFP was originally released last year, and no one applied for a variety of reasons. The intended path forward is to hire the Strategist and a firm to support the Strategist.

### ***WDFW Staffing Updates***

Chair Tom Jameson presented Joe Shramek, Washington State Department of Natural Resources (DNR), a gift to celebrate his retirement from the Board after six years. Chair Jameson requested that Joe return to the April Board meeting for an official goodbye.

Chair Jameson also announced that Alison Hart, WDFW, would be stepping back in her role supporting the Board due to internal changes and new opportunities within the agency. She will still maintain the Board's website and can return on an as needed basis.

## **Cost Increase Request: Johnson Creek**

Joy Juelson introduced members of the Cost Increase Subcommittee (John Foltz, Susan Eugenis, and Chair Jameson) and explained the Cost Increase Subcommittee met on February 28, 2022 to discuss the cost increase request for Johnson Creek.

Chair Jameson provided background for the Johnson Creek project. The design phase for the project was ranked the number one project on the 19-21 Project List and funding for construction was number 13 on the 21-23 Project List. Additionally, it is sponsored by two highly successful sponsors the Board has worked with for other projects. The project was provided \$3.2 million for construction in the 21-23 biennium and is \$600k short of the construction bid. The high construction cost is likely due to pandemic related cost increases and supply issues. Currently, there are no funds available for this request from the 21-23 biennium and money cannot be transferred across different biennium.

The Subcommittee considered the following three options:

- *Option #1:* Change the scope of 19-21 project adding 19-21 funding to the design project which is technically complete already. There is currently \$1.1M in 19-21 funding which would be available for 19-21 cost increases as the occur.

- *Option #2*: De-obligate the entire \$3.2 M in 21-23 funding from this project and apply the funding to 21-23 LEAP list projects.
- *Option #3*: Request the sponsor phase the 21-23 project into 3 phases. Complete phases 1 and 2 in 21-23. Submit a 23-25 project for phase 3 of the project. We would need to consider where that project ranks on the 23-25 funding request and submit a 21-23 cost increase request. If funding comes available during 21-23 for any source (FBRB, SRFB, etc.) fund their 21-23 cost increase request.

The Subcommittee recommended against Option #1 as members felt it was inappropriate to change the scope of design and allocated this money to project construction. Additionally, the Subcommittee recommended against Option #2 since it would set a poor precedence to take funds from projects that are experiencing issues beyond the sponsor's control. The Subcommittee recommended advancing Option #3 explaining the end date of the project can be extended. In the interim, the project can be implemented in phases while the sponsors pursue the remaining funding from other grant programs or through the 23-25 FBRB Project List.

#### *Questions and Discussion.*

- In response to a question, Alice Rubin, RCO, explained that the recommended path forward identified by the subcommittee to seek funds elsewhere is very standard given that the Board does not have any extra funds remaining.
- In response to a question about the possible downsides with implementing Option #3, Alice Rubin explained this option would require the project construction to be delayed for another year, which would likely result in greater cost increases. There was a recommendation that the sponsors consider applying for \$800k to buffer for any potential cost increases. Board members discussed how the Board could communicate possible cost increases to the legislature. They noted that one option is to seek funds through a supplemental capital request. However, this method has been unsuccessful and disincentivized in the past. Another option is to communicate the risks of delaying projects, which could lead to greater cost increases, and to show the effects of an incomplete project. Then, requests for these increases could possibly be included in the prioritized project list.

**Decision:** The Board agreed with the Cost Increase Subcommittee's recommendation to implement Option #3, which is a phased approach for the Johnson Creek while the sponsor seeks additional funding.

#### **Subgroup Reports on National Culvert Removal, Replacement, and Restoration Grant Program**

Joy Juelson and Alex Sweetser, Facilitation Team, presented the background of the federal infrastructure bill, the National Culvert Removal, Replacement, and Restoration Grant Program, and the Board's past discussions on the topic. Additionally, Alex gave a high-level overview of the Subcommittee meeting.

Chair Jameson explained the Subgroup felt they could not advance a proposed path forward for Board engagement until the RFP is released. One possibility discussed is the Board would submit its 21-23 Project list, which includes a long list of alternatives approved by the legislature. These are good projects ready to implement once they receive funding. Often, projects on the alternative list apply for funding in the next grant round and end up higher priority on the list.

Another possibility is that the Board and other applicants to the federal program would need to develop a large, combined proposal document akin to those used under the FEMA grant program. In addition to a long application, a separate cost-benefit analysis would be required. Alternatively, the Board could

explore providing matching funds to cities, counties, and recovery entities applying to the federal program to help make federal program funds more accessible. Susan Eugenis, noted that as long as funds do not come from the federal government, it is considered a local match. This includes state provided matching funds.

### *Questions and Discussion*

- Susan Kanzler, Washington State Department of Transportation (WSDOT), explained the agency's injunction requirements were fully funded by the legislature this session under the Move Ahead Washington Bill. This means they are unlikely to compete for funds under the federal grant program.
- Chair Jameson noted the Board was requested to provide a preliminary 23-25 Project List for potential funding under Pacific Salmon Treaty (PST) grants. Matt Curtis explained these grants are hyper focused on a few watersheds with select salmon stocks and that only two projects from the 23-25 list are eligible. These are a Skagit County project on Fisher Creek and a Snohomish County project on Sexton Creek. Chair Jameson noted that NOAA is trying to implement these projects before the federal grant program comes out and the Board would likely need to do outreach for landowner willingness in these watersheds for barrier removal under grant funding.
- Susan Eugenis explained it is unclear when the RFP will be released, but it will likely be complex like other federal grants. For example, the FEMA resiliency grant is a standard federal grant application, which requires an extensive cost-benefit analysis.
- Jeannie Abbott, GSRO, noted this will likely be a long application and typically project narratives are up to 30 pages. Depending on the requirements, a general application from the state explaining how funds will be spent, instead of individual applications for projects, could ease the process for applicants in Washington.
- Erik Neatherlin recommended the Board discuss early outreach to cities, counties, and Tribes to lay groundwork of Federal culvert grant program at next meeting in April 2022. The Board agreed to add this topic to the agenda of the next meeting.

*Path Forward:* The Board agreed they would need the National Culvert Removal, Replacement, and Restoration Grant Program RFP to be released before they could decide how the Board will engage.

*Action Item:* Board agreed to discuss early outreach to cities, counties, and Tribes to lay groundwork of Federal culvert grant program at next meeting in April 2022.

## **Project and Policy Issues**

### *Legislative Session Outcomes*

Chair Jameson provided updates on this year's legislative session noting the proviso funding and fish passage rulemaking were funded for a combined \$654,000. Additionally, the Lorraine Loomis Act, which included some fish passage and Growth Management elements did not pass. However, some elements were advanced in other bills and through the Governor's priorities in the finalized budget.

Susan Kanzler noted that SB 5975, also known as "Move Ahead Washington," was passed. As part of this bill, WSDOT received the remaining \$2.4 billion of additional funds needed to meet Culvert Injunction \$3.8 billion obligation. This means that WSDOT will unlikely pursue additional federal funding because there is not a need, and it is at capacity implementing Move Ahead Washington funding. If a high priority barrier is identified, WSDOT can coordinate with a local entity to remove it. This bill ties into salmon

recovery through proposals to increase investments in stormwater retrofits, greenhouse gas emissions, fully funding for fish passage program to meet 2030 deadline. Chair Jameson reiterated a concern from previous meetings that this bill does not include funds for cities and counties. The following links were provided to the Board by Susan:

- [The Move Ahead Washington Bill language.](#)
- [WSDOT's 2030 Fish Passage Project Delivery Plans.](#)

#### *Board Questions and Discussion:*

- In addition to the National Culvert Removal, Replacement, and Restoration Grant Program, the Board discussed other existing grant programs and ones established under the federal infrastructure bill as possible venues for federal fish passage funding.
  - The [Building America Guidebook](#) provides high-level summaries of the bills in the federal Bipartisan Infrastructure Law was shared with the Board.
- Christy Rains, WDFW noted Fish Passage Inventory and Assessment is fielding a lot of tech assist calls from Cities (SnoCo and King mostly) who want to know the status of their cities barrier inventory and are working on or hiring consultants to work on prioritizing their barriers. Also, assisting lead entities, tribes, and some counties.

*Action Item:* The Board proposed having a 2022 legislative outcome briefing at the next meeting in April 2022. Triangle will work with Carl Schroeder to confirm the topic.

#### **Update on FBRB 2023-2025 Grant Round**

Matt Curtis provided an update on the 2023-2025 grant round noting that RCO staff and the Technical Review Team (TRT) are still processing and reviewing applications. Alice Rubin noted that RCO staff aim to complete their review by March 25<sup>th</sup>. A map of projects from this grant round will be added to the Board webpage.

#### **Discuss Upcoming Opportunities for Engagement**

##### *US Forest Service (USFS)*

Chair Jameson explained that USFS approached WDFW for design help for their 87 Aquatic Organism Passage (AOP) projects in Washington. USFS expects to receive significant funds to the program and they anticipate being able to fund projects downstream of USFS lands, especially if they affect or block AOP projects. For this to work, there would need to be landowner willingness and a sponsor. If this opportunity becomes attainable, the Board can discuss it further.

##### *Board Outreach with Governor's Office*

Carl Schroeder indicated the legislature is looking to make large investments into the FBRB in the next session and it would be helpful for the Governor's budget to include as high a number as possible. This summer, in advance of the session, it would be good for the Board to do prep work with cities and counties and to engage in outreach with the Governor's Office. Matt Curtis volunteered to meet with Carl to discuss how WDFW and the TRT could help.

*Action Item:* To prepare for legislative outreach with Governor’s Office this summer, Carl Schroeder and Matt Curtis will meet to discuss how WDFW and the TRT can support. The approach for outreach will be further discussed at upcoming Board meetings.

*Field Visit/ In-person Meeting this Fall*

Chair Jameson explained that the Board would hold one in-person meeting a year on the east side of Washington. He recommended the Board consider holding an in-person meeting this fall if pandemic meeting restrictions allow it. This could be an in-person meeting, or it could be a field visit to see the results of the Board’s work. A location option would be Walla Walla. John Foltz offered to research venue and meeting logistics in Walla Walla. Both Carl Schroeder and John Foltz offered to help locate funding options to support the field tour.

*Action Item:* Triangle and Board staff will continue to work with the Board to research options for a field visit or in-person meeting this fall.

**Adjourn:** The meeting adjourned early at approximately 11:40 am.

**Next Meeting: Tuesday, April 19, 2021 – online meeting**

**ATTENDANCE**

**Board Members/Alternates:**

Carl Schroeder, Association of Washington Cities	Matt Curtis, WDFW
Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW)	Susan Eugenis, Washington State Association of Counties
Erik Neatherlin, Governor’s Salmon Recovery Office (GSRO)	Susan Kanzler, Washington State Department of Transportation (WSDOT)
Jeannie Abbott, GSRO	Terra Rentz, Department of Natural Resources (DNR)
John Foltz, Council of Regions, Snake River Salmon Recovery Board (SRSRB)	

**WDFW, RCO Staff and Triangle Facilitation Team:**

Adam Fleming, WDFW	Gina Piazza, WDFW
Amber Martens, WDFW	Julie Groebelny, WDFW
Casey Costello, WDFW	Kaylee Kautz, WDFW
Christy Rains, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
David Collins, WDFW	Alex Sweetser, Facilitation Support
Gabrielle Stilwater, WDFW	Joy Juelson, Facilitation Support

**Others observing:**

Daniel Howe	Jim Heytvelt	Steve Helvey
Heidi Reynolds	Kevin Long	Tracy Gilson