

Fish Passage Barrier Removal Board – Meeting Notes

Date: November 28, 2017

Place: Association of Washington Cities, Olympia, Washington

Summary: Agenda items with formal action

Item	Formal Action
May meeting notes	Approved
NOAA liaison made non-voting member	Approved
Open solicitation for Coordinated Pathway and develop plan to reach out to lead entities about watershed priority project ranking	Approved

Summary: Follow-up actions

Item	Follow-up
NOAA liaison become voting member	Board discuss voting versus non-voting member (liaison) status
NOAA liaison become voting member	Dave Price follow up with NOAA on being voting member
Clarify: <ul style="list-style-type: none"> Flexibility of funding for the projects once a budget is passed. How flexible is the money? Once the capital budget is passed, will there be a clause about reappropriation? To move down the project list, is approval from the governor's office needed. 	Tom will discuss with RCO and possibly Governor's office
Board presentation about the intrinsic potential modelling, and explain where the board is going, and how it can work together with NOAA	Tom will reach out to Barry Tom with NOAA and colonel of Corps Seattle District to schedule a presentation
Follow-up on how permitting is done, and how it can be streamlined. Discussed having someone down at the Corps to make sure that all of the applications are filled out correctly.	Talk to someone at RCO about permitting
Coordinated Pathway open solicitation	WDFW will draft an RFP for review
Go back to the sponsors for each watershed and ask them to verify that nothing has changed in the projects that were submitted. Make sure that their prioritizations are still valid.	WDFW will plan this outreach

Board Members/Alternates Present:

Tom Jameson, Chair, WDFW	Jon Brand, WSAC
Paul Wagner, DOT	Steve Martin, GSRO
Casey Baldwin, CCT	Carl Schroeder, AWC
Steve Manlow, Council of Regions	Dave Caudill, RCO
Gary Rowe, WSAC	Justin Zweifel, WDFW

Others present at meeting:

Gina Piazza, WDFW	Neil Aaland, Facilitator
Dave Collins, WDFW	Dan Barrett, WDFW
Cade Roler, WDFW	Christy Rains, WDFW
Peter Barber, Cowlitz Tribe	David Price, NOAA
Keith Wolf, Stell Environmental	

Welcome/Introductions/Agenda Review

The meeting was called to order at 9:00 a.m. Tom Jameson reviewed the agenda.

Public Comments

Nobody present offered comments to the Board.

Follow-up Items

Motion to approval May minutes made by Carl. Paul second. Motion approved unanimously.

Opening discussion

Carl Schroeder provided a legislative budget update and asked if anyone has concerns regarding the way projects are listed in Capital budget - is there flexibility to move funds between projects that over/under spend. Tom to follow up with RCO. An RCO grant manager has not yet been assigned to FBRB. Josh Lambert and Dave Caudill have been mentioned as potential RCO grant managers, or it may be multiple grant managers based on project location.

NOAA Liaison to FBRB

NOAA offered to provide a liaison to the board. Jennifer Quan (NOAA) proposed this in August to support NMFS's 2018 Strategic Plan. The liaison would provide a connection between state and federal efforts, including:

1. The Puget Sound Federal Task force's fish passage committee efforts with state efforts - a disconnect between State and Fed efforts has been observed
2. Provide guidance on ESA consultation approaches to support streamlining of FBRB priorities
3. NMFS priorities as it relates to habitat recovery
4. Brainstorm federal funding opportunities

Tom asked if the board was interested in a NOAA liaison. Gary Rowe asked if a liaison would participate in board meetings and/or work with staff. Tom indicated the liaison would likely become a non-voting member. Steve Manlow thinks there is a link to federal permitting that would be good for coordinating with other permitting agencies. Casey asked what the difference is between a non-voting liaison and a public participant. Tom stated the liaison would sit at the table and participate, unlike the public. Neil reviewed the board bylaws and noted that the board can add a NOAA liaison as voting member. Does NOAA want to be a voting member? Dave Price (NOAA) will take the question back to NOAA.

Motion to make NOAA a non-voting member brought forward by Carl. Second by Jon Brand. Motion approved. Follow up to discuss NOAA as a voting versus non-voting member at the next meeting.

Paul asked Dave Price about Fish Passage Task Force at federal level. Dave described the federal Task Force, through the CEQ (Center for Environmental Quality) office, focuses on Puget Sound recovery.

They have developed an action plan, specifically for Puget Sound, with early emphasis areas including shorelines and fish passage barriers. Dave's liaison with FBRB will contribute to coordination between the Task Force and the Board. The Task Force is also working on coordinated ESA consultation and actions on the ground to approve coordination, timing, permitting for projects. Funding is constrained at the federal level currently, but they have successful resumes in restoration, science partnerships, protection strategies (including federal permitting activities), and they are looking to add value in the removal of fish passage barriers in Puget Sound and in other parts of Washington. Where opportunities arise, coordinated funding through grants or other mechanisms will be shared. The federal agencies may explore mitigation partnership opportunities as well. NOAA and other entities are piloting activities in a single watershed through coordinated investments (Snohomish focus), which is the watershed housing one of the Board's focus HUC 10's (Pilchuck River). As the Task Force is very interested in coordination with data management – specifically among the US Forest Service, WDFW, and USFWS. Barry Tom, the Regional Administrator for NOAA is interested in a presentation of the FBRB's work, including its use of the intrinsic potential model. Dave Price proposed the possibility of including the colonel (Seattle District) and others interested at the same time.

Carl is interested in mitigation offset. Navy spent a lot of money in Hood Canal. Was this money spent in a way that benefits habitat restoration? How can we get FBRB projects to Navy and other federal agencies in more efficient manner to take advantage of mitigation dollars? Jon Brand discussed Kitsap projects that got funded by Navy. Opportunity is key. Navy mitigation is for restoration and improving fishing opportunity. Steve Martin mentioned agreement between Navy and Hood Canal Coordinating Committee board could look into leveraging federal dollars. Gary recommends the board get on the agenda of these other groups with projects that could be leveraged.

Gary asked if coordination with federal agencies would help grant recipients meet deadlines once a capital budget is in place. Dave Price says NOAA is working with Corps to prioritize projects with net benefit to Puget Sound recovery. Should FBRB pay for staff liaison at Corps to process permits? Paul – WSDOT does this - sends DOT employee to another agency to provide liaison services to streamline permits. A full time employee seems like overkill for 13 FBRB projects. Could a cost share occur with WSDOT, or other multi-restoration program for staff?

19-21 Biennium solicitation

Tom summarized the board's project list development process.

Next solicitation planned for February 2018. Does board open the solicitation for Coordinated Pathway and reprioritize project list? New RFP would be more in-depth than last one and require more data provided upfront to reduce WDFW staff time.

Carl wanted to recognize that the board has come a long way. It now has \$20M to fund 13 projects. Carl proposes a large gathering to get feedback from Regions and modify solicitation approach. Cade commented that WDFW staff built good relationships with regions about watersheds and have committed to these watersheds. Discussion around whether priorities have changed for Watershed Pathway. General agreement that board should keep regional priorities the same for now.

Coordinated Pathway

Board recognized that the Coordinated Pathway originally caught people off guard. Casey asked how new projects would be integrated into the existing project list?

Discussion of the amount of work involved in opening solicitation. Is it efficient to open it now when we have dozens of projects without funding? Dave Price thinks it seems fair to open solicitation. If board gets approval to shift funding, you could go deeper down list. WDFW was directed to submit same request for capital budget.

Discussion around what RFP for Coordinated Pathway solicitation would include. Discussion around increasing effort from sponsors submitting projects. Detailed information must be provided such as a check for downstream barriers and confirmation that the barrier is actually a barrier. Dave Price asked if cities and counties are capable of answering those RFP questions. Counties rely on local watershed groups to help them. Board discussed how to tell people whether their project will be competitive and whether they should take the time to submit. Paul suggested doing an early screening to weed out barriers the board is not interested in. Then groups could provide more info.

Discussion around usefulness of having a large project list so the board is ready to spend money when available. General consensus that opening the Coordinated Pathway for new projects is a good idea. WDFW will draft an RFP and provide to the board for review at next meeting.

Watershed Pathway

Discussion around reaching out to lead entities regarding their priority watersheds and any changes. Some lead entities didn't submit anything during the first round and should be brought up to speed. Does board want to prioritize areas where there's a big opportunity for coordination to make public dollars go further? This is a big selling point for the legislature. Tom explained we've addressed this question before when debating whether to fund something in all regions to share the wealth or focus on specific watersheds. WDFW could ask Fish Program for areas that would lead to delisting of species. Documenting success and failures are important so we can tell a story of how the board's work is positively impacting salmon recovery.

Dave Price asked if there is a way to pair stormwater treatment with fish passage. Governor's office is interested in this to help salmon and help orcas. Discussion about how to pursue this and balance all of these factors to get the most bang for the buck. Cade suggested having regions do initial screen of projects to ensure they're regional priorities - consider having regions take on advisory role to board. Steve Manlow thinks the regions would appreciate the opportunity to provide that role and endorse projects.

Should board meet with regions, lead entities before next solicitation? Tom explained that fitting this meeting in before February would be difficult. Maybe outreach or survey to get feedback could be useful. Lack of capital budget could affect groups we're working with – lead entities, conservation districts, etc. if they don't have a budget.

Tom recommends the board open up Coordinated Pathway with specific criteria for submittals. Watersheds that think they've been left out can submit projects on Coordinated Pathway. Carl asked if this includes asking the regions to review their watershed projects to ensure they are still priorities. Tom said yes. Dave Price thinks we should be concerned if regions' priority watersheds change - we don't want staff changes at a lead entity or region to result in a change of watershed priorities. Focus the question on "are the projects within your priority watershed still valid" and "has anything changed in this region that would affect your priority watershed?"

Carl made a point about how many regions within Puget Sound had their projects funded - 60% of population is in Puget Sound and that's a big influence in the legislature. This is something to consider in the future when we're trying to pull in other watersheds.

Watershed pathway – board is continuing with current list, but will check-in with regions/lead entities.

Coordinated pathway – send out solicitation in February with specific criteria and consider including regional liaison review of projects to ensure they fit regional priorities

Combining pathways

Cade brought up past discussion of combining watershed and coordinated pathways. Paul suggested the board decide where projects best fit. Dave Price brought up a contracting nuance around indirect costs associated with grant programs vs contracts.

Dave Price mentioned that board could throw out a solicitation in specific watersheds, to focus on projects that local practitioners do not want to touch or cannot manage. If FBRB can finance those programs, it could reduce the resistance. Can restructure activities to qualify projects as competitive.

Part of a screening process for solicitations could be requiring groups to clear certain hurdles before approaching their target project. Wording that says, 'If there is a commitment to project A, then we will tackle B'. What does a project have to do to meet tests in the coordinated pathway?

The board voted to affirm Tom's approach to continue the watershed pathway. It is Manual 22 that the board will take that approach. The approach is to reach out to the different regions to make sure that the priorities within the selected watersheds are still meeting their needs - "We have funding to do your #1 project; are your projects #2 through 7 in the same order?". Draft a request for proposal (RFP) for the coordinated pathway in the next few weeks for the board to review with the intention of having it approved and released in February. Carl Schroeder moved to approve this motion. Seconded by Paul Wagner. The board voted unanimously to approve. Justin will draft RFP, send to board for review within 2 weeks, and incorporate feedback for finalization at the next meeting (so long as the next meeting is in December or January). It would be good to have this before the next legislative session.

Steve Martin asked the board to think about the connection between Chinook and the governor's focus on Orcas. Does the board need to think about prioritizing Chinook barriers? Tom was approached on this topic about a week ago, and asked to submit a decision package for funding. The agency wanted to submit some screening projects. They looked at the spring Chinook and the mainstem spawners. The FBRB work tends to work in higher reaches. They thought that estuaries were a good fit for recovery of salmon that will benefit Orcas, but they did not think that trying to target Chinook barriers would provide immediate results (in less than 5 years). Penny Becker (WDFW) made a series of agency suggestions (decision package), but it did not include fish passage as priorities.

Partial barriers upstream and downstream

WDFW received 244 project submissions for Coordinated Pathway from the first solicitation, and many projects were screened out because they had a downstream barrier. In the RCWs that created the board, and House bills 25 and 24, it specifically mentions correcting downstream barriers in a stream first. House Bill 2251: "Correct barriers furthest downstream in a system." Legislation supports the current methods of the board. The board is also funding stream simulation culverts and full span bridges. Tom demonstrated a potential scenario for a stream with two undersized culverts– a private

barrier downstream of a public barrier: If the upstream public culvert is replaced with a stream simulation culvert, which will reestablish geomorphic processes, sediment and large woody debris will move through the crossing. Now all of the sediment and large woody debris will wash down to the private culvert downstream. Even if the downstream private barrier is barely not passable, the sediment and debris may make the crossing less passable, and potentially blow it out. This could potentially cause legal issues if the private crossing is destroyed. Working upstream to downstream makes sense from legal, geomorphic, and biological points of view. Dave Caudill mentioned that this scenario does not seem to be an issue in the experience of FFFPP or the SRFBoard. Tom also mentioned that the legislature wants a guarantee that there are no downstream barriers.

The vast majority of biological benefit is from getting adults in and juveniles out, so it may be a tough sell to replace crossings that are only minor barriers, when they don't provide as high of a biological benefit. One potential problem is unnecessary over-investment. With the small number of projects being funded, it doesn't make sense to replace barriers that are not severe. The severity of the barrier could potentially influence the decisions.

The suggestion is that, moving forward, the circumstances surrounding a project should be accounted for. Even if there is a partial barrier downstream. There is a sliding scale of grey with partial barriers. It seems reasonable that the board would entertain the conversation about partial barriers.

There have been conversations about accounting for passability (as a multiplier) when prioritizing barriers. The board asks if this is something that could be done in an initial screening process. If the applicant knows that there is a partial barrier downstream, is there a way that they could account for that at the time of application, so that they would have an idea of where their project would stand. It may be possible to develop a numeric scheme so that the applicants know where they stand when applying for funding. It is important for applicants to know what their potential for funding is. Applicants want to know ahead of time, through an initial screening process, so that they can know what the likelihood that their project will be funded.

If there is a commitment to replace a downstream barrier, the upstream barrier should not be discounted. How would the weight of that be judged?

From a public management perspective, if there are partial barriers that inhibit the ability to invest in high value barriers, then common sense should be a factor. However, bright lines are important so that decisions are not questioned.

Currently there are many places to work in the state, and there are no assurances that downstream barriers would be fixed. Dave Caudill would be more comfortable if the downstream barriers are already on a funding list.

Dave Price - The burden should be high for partial barriers, and they should not be taken off of the table, but they should be monitored.

Paul Wagner – Geomorphic considerations should be taken into account too. Multiple examples with highway replacements.

Restoring fish passage is a long-term proposal. Pieces will eventually line up. Paul Wagner questioned if the definition of a barrier satisfactory for the purposes of the board? Maybe the board needs to be more sophisticated about how they define a barrier. The definition of "barrier" may be a problem, but there is

no easy way to refine the definition of barrier. Justin referenced a meeting handout, and noted that the barrier determinations in the WDFW manual are based on the passability of 6" trout and larger salmonids. The board is concentrating more on adult salmonids. Upstream gains could be weighted based on upstream partial barriers. Changing the definition of barriers based on adult salmonids was suggested, but it was noted that there is not the scientific basis for tailoring barrier status based on adult salmonids.

The RCW is explicit about definitions of barriers and that the lowest barrier should be replaced. The legislation is more enthusiastic about funding projects without downstream barriers.

Should smaller engineer fixes for the downstream barrier be considered? That could create maintenance issues, and technically creates a 'fishway', which has additional monitoring duties.

If projects with partial barriers downstream are considered, there should be a very high bar that the application will have to pass in order for projects to be funded by the board. It would have to be a reasonably solid bar. Would the number of applications snowball if we included projects with downstream partial barriers?

Carl - People need to feel confident that the board is not prioritizing projects based on who they know, etc. But the board should have the ability to go to the legislature to argue for why a project should be funded.

The RFP could state how much the scoring would be reduced based on the passability of downstream crossings. The applicant can also describe coordination that would improve the chances of their project being funded.

Would WDFW be able to come up with a recommendation for the next meeting on what would be doable in prioritizing sites with downstream barriers? In response Tom said that WDFW would draft an RFP, and see if that is enough to discourage applicants from submitting poor projects, and the RFP should have enough specifics to allow applicants to know how their projects would rate. Specifically note that the board focuses on downstream-most projects. Is there something that WDFW could put together to set the bar for funding projects with downstream barriers? The RFP could state the scores of those projects that were not funded in the first round— but this could limit the ability to tweak scoring. Instead of showing exact scores, provide some statistics on the projects that were funded. Instead, could scores be normalized, still allowing for total scores to be reported?

It should be up to agency staff to come up with suggestions. If applicants have to call WDFW to figure out how to apply, then that would add a lot of workload to the agency. In the next draft RFP, the agency could bring a number of suggested scoring changes based on lessons learned.

Conclusion: Fish Passage will draft RFP solicitation for coordinated pathway. WDFW will create sideboards so that people aren't wasting their time submitting projects that have little chance of approval. RFP should include wording about downstream barriers, stressing the importance of correcting downstream barriers first – however, they will still be considered.

LUNCH

Board member Carl, and Dave Price both left for afternoon meetings.

Upstream Partial Barriers

Upstream barriers of any severity affect linear gain (net gain). The first round of scoring upstream habitat was based on net gain. Is a scoring criteria needed for upstream partial barriers, and diminishing habitat gain caused by the severity of the upstream barrier? Is a multiplier appropriate for partial barriers? Justin demonstrated a formula for accounting for partially blocked upstream habitat. However, partial barriers are not all barriers for the same reason, so would it be appropriate to say that “if a fish can get through a culvert at 67% passability, would they also be able to get through the next 67% passable barrier”? This concept is referred to as ‘accessibility-weighted habitat’: multiply habitat by the cumulative percentage of passage for each barrier in a series. If we scored projects this way, what would be the upper limit to upstream surveys? We don’t have criteria for that yet. Cade and Justin feel that this would be a better approach – more realistically reflects biological gain, and also looks better when reporting to legislature. The gains from last year probably do not reflect the actual biological gain for the projects. Cade provided an example: in the Mason Creek survey a log control was found that was a couple of inches too high. It cut the upstream linear gain from 7-8 miles to less than a mile. Using accessibility-weighted habitat would have made the project rise to the top, but the partial barrier scored it near the bottom. It probably had a greater biological gain than other projects on the list though.

However, this may not be feasible due to the extra time requirements to conduct habitat assessments beyond upstream partial barriers. The upstream partial barriers could be a second cut for ranking. So it may not be necessary to do this level of analysis for every submission.

For the intrinsic potential model for watersheds, man-made barriers were ignored, but for the coordinated pathway they were considered. This was due to scale - it was possible to account for partial/total barriers on a single stream in the coordinated pathway.

One potential pitfall of using accessibility-weighted habitat is double-counting habitat at the program level in terms of reporting. If one project is fixed downstream, and another upstream is fixed, then it would have to be accounted for in reporting. There would need to be different methods for scoring and reporting.

Tom – better to keep things simple due to staff turnover, and it makes it easier to explain to legislature. If still reporting to the next barrier, it is easy to explain. It is harder to explain when there are partial barriers upstream. It is not necessary to decide at this point. Reporting will remain the same (nothing yet).

Should the board have an upper funding limit?

On the spreadsheet of the 13 “notionally funded” projects – the costs of projects are not all the same. There are discrepancies in the levels of funding. If the total funding remains at 20M\$ Tom suggests that there should be an upper limit to funding.

SRFBoard has a lower limit to what they are willing to fund. If there is a lot of funding for a year, then they have large capital projects – because of the concern for funding the larger projects. FFFPP does not have an upper limit either. They typically have about 5 million per biennium and the highest budget projects usually aren’t over 400,000.

Currently the board’s prioritization takes into account the cost per linear foot (cost/benefit). The cost/benefit only applies to coordinated pathway, not the watershed pathway.

Gary Rowe - Does anyone think that the 4.7 million project on the funded list is unreasonable?
Consensus was 'no'.

Question about Chico creek from last meeting – what money has to be spent beyond just resolving the barrier. The board decided that other instream work beyond just the fish passage correction should be considered for funding. Instream work protects the project – and should be included as part of the cost of the project. Sometimes adding habitat features is considered part of stream simulation.

Conclusion: it is reasonable to include other instream works for the project, but it may be important to draw a line: what is appropriate?

Consensus: Continue as is. Rank coordinated pathway projects based on the cost/benefit that is currently in use. Since the project is just starting, it may not be appropriate to limit the projects that are accepted.

Mill Creek example in Walla Walla: They did not apply for funding for a few reasons. Budget to replace would be 12-20 million to fix. Some is related to transportation, but not the entire 5 miles of flumed habitat.

What about non-transportation related fish passage projects? Early language was included so that small diversions would be eligible, but not thinking about major dams.

RCW 77 95 160 - Duty of the board is to prioritize and remove barriers to fish passage - barriers caused by state and local roadways, and barriers owned by private entities.

Some diversions from the Yakima were considered last round. Prefer to not leave small privately-owned problem diversions between large correction projects.

Suggestions: a cost/benefit, or % of total budget limits may be appropriate in the future when the program is a little more established.

In the future larger projects may come in that would be better served by legislative funding appropriations, so at that point a funding limit may be appropriate. Is it politically tenable to spend most of the budget on two or three projects?

At the county level, there is a dollar per point tool – a scoring matrix where the final score is based on average of total ranking, and a cost per point ranking.

Tom - The board may consider other infrastructure to control flooding, erosion, etc.

Tom - The board may not make decisions on fish passage standards. Will continue with the six-inch trout standard.

TO DO:

Moving forward. Approach RCO and maybe governor's office about flexibility of funding for the projects once a budget is passed. How flexible is the money?

Once the capital budget is passed, will there be a clause about reappropriation?

To move further down the list of projects, approval from the governor's office would probably be needed.

Asked Dave Price to follow up on whether NOAA would support having him as a voting member. The board must then vote on whether to include Dave as a voting member. What is the difference between liaison and voting member?

Dave asked for a board presentation to NOAA about the intrinsic potential modelling, and also to explain where the board is going, and how it can work together with NOAA.

Follow-up on how permitting is done, and how it can be streamlined. Discussed having someone at the Corps to make sure that all of the applications are filled out correctly so that they aren't moved to the bottom of the list. Talk to someone at RCO about permitting.

Draft the RFP for coordinated pathway solicitations. Go back to the sponsors for each watershed and ask them to verify that nothing has changed in the projects that were submitted. Make sure that their prioritizations are still valid.

Set up a tentative time/date for the next meeting. Carl requested that it is before the short session starts in the legislature (1/8/2018). Tentatively schedule the meeting for Wednesday 3rd of January or Thursday the 4th of January.

ADJOURN