



Brian Abbott Fish Barrier Removal Board – February 2023 Meeting Summary

Date: February 21, 2023

Time: 9:00 a.m. to 11:30 a.m.

Location: Virtual Meeting

Summary: Formal Actions/Decisions

Item	Formal Action
Meeting notes from January 17, 2023	Approved

Summary: Follow-up Items and Next Steps

Item	Follow-up
Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Funding	The solicitation for the next round of PROTECT funding is on hold until after the state’s capital budget is finalized around May or June 2023.
Statewide Fish Passage Barrier Removal Strategy Development Outreach to Board Member Organizations	Triangle will reach out individually to Board members to affirm who in their leadership should be contacted about the upcoming Strategy development outreach. Board members will be asked to notify leadership of the upcoming outreach by Triangle.
FBRB Bylaws Update	The FBRB Bylaws on membership and attendance will be updated with draft language for members who miss multiple meetings to get back into good standing. Board members can review the Bylaws and bring any additional recommendations to the next meeting for a Board decision.
Board Membership Review and Updates	Triangle will contact FBRB members to confirm if their organization’s member and/or alternate are active and accurate. The Board can explore adding Paul Wagner as an honorary member.

Welcome/Introductions/Agenda Review: Triangle Associates 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 Associates, facilitated introductions with Board members and staff. A quorum was present.

Public Comment: None

Old Business: The meeting notes for the FBRB January 2023 meetings were reviewed by the facilitator. A motion to approve the notes was made by Chair Jameson and seconded by Paul Wagner, Washington State Department of Transportation (WSDOT). The motion was approved with no objections.

Decision: Board approved the January 2023 Meeting Notes.

Paul Wagner Retirement

Chair Jameson provided a farewell to Paul Wagner who is retiring this week. Paul is one of only two original Board members and has served as WSDOT's representative since 2014. Chair Jameson noted Paul was involved in the creation of the Board's original Bylaws, the development and revision of the Board's Scoring Criteria, and the development of three project lists submitted to the legislature. Since the Board started, 26 projects have been completed and 28 are ongoing.

Paul expressed gratitude for his participation on the Board. He reflected on the growth of fish passage correction efforts at the agency level, with the FBRB's grant program, and with other grant programs. Susan Kanzler, as WSDOT's alternate, will represent the agency until another member is selected and onboarded.

Path Forward: The Board can explore adding Paul Wagner as an honorary member.

General Updates

Statewide Fish Passage Barrier Removal Strategy Update

Chair Jameson reminded the Board and staff that funds were provided to WDFW through a legislative proviso to develop a Statewide Fish Passage Barrier Removal Strategy. Cramer Fish Science and Triangle Associates, WDFW's contractors, have begun forming a science panel of volunteer scientists to help develop the Strategy. Additionally, WDFW and its contractors will start engagement efforts by launching outreach with Tribal nations. Jane Atha, WDFW, explained that a broader stakeholder assessment will begin after the initial outreach with Tribal nations. The assessment is anticipated to ask participants to share their understanding of 1) the Strategy development process, 2) the Strategy's goals, 3) their understanding of the effort's status, and 4) if participants have any recommendations for WDFW and the science panel to consider.

WDFW will be reaching out to Board members to affirm who in their organization's leadership should be involved in Strategy development outreach. Board members were asked to provide WDFW their recommendations on leadership individuals to engage with and then to notify said individuals of the upcoming outreach.

Board Questions and Discussion

- In response to a question, Chair Jameson affirmed the Council of Regions will be included in outreach alongside state agencies.

Path Forward: Triangle will reach out individually to Board members to affirm who in their leadership should be contacted about the upcoming Strategy development outreach. Board members will be asked to notify leadership of the upcoming outreach by Triangle.

Federal Funding Updates and Next Steps

Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Funding

Chair Jameson reviewed that the Washington Joint Transportation Committee (JTC) allocated \$100 million of Bipartisan Infrastructure Law (BIL) funds for fish passage projects through the PROTECT program. This allocation included \$25 million for Washington Tribes and \$75 million is for local governments (i.e., cities and counties). WSDOT Local Programs is managing these funds and is working with local government sponsors to obligate \$25 million of PROTECT funds by mid-September 2023 and the remaining \$50 million will be obligated in future fiscal years. For the \$25 allocation, the Board solicited eligible and vetted sponsors from the 2023-2025 FBRB project list and received nine eligible projects that will seek 2023 PROTECT funding.

Project sponsors have observed that the federal funding requirements to receive PROTECT and other BIL program funds are difficult to meet. Sponsors need to obtain a right-of-way certification and a National Environmental Policy Act (NEPA) permit. It is estimated these requirements can take from six months to two years to obtain and come with significant labor costs to the applicant. Additionally, they must comply with domestic preference requirements and be able to advertise their project for construction within six weeks of funds being obligated. These barriers have prevented some sponsors from seeking federal funds. Sponsors have requested to remain on the Board's state capital funding request to see if their projects are funded this legislative session before committing to receiving PROTECT funds.

At the January 2023 FBRB meeting, Board staff were directed to solicit eligible sponsors for projects to receive the remaining PROTECT funds. However, Local Programs informed staff that there is a funding discrepancy and less funds were allocated to the US Department of Transportation than listed in the BIL, which means less funds may be available to the PROTECT program than originally allocated. While this funding discrepancy is being resolved and the Washington state legislature finalizes the budget, the solicitation is on hold.

Board Questions and Discussion:

- In response to a question, Chair Jameson clarified only the \$50 million of future funding will be impacted by the federal funding discrepancy and \$25 million will still be available for obligation in September 2023.

Path Forward: The solicitation for the next round of PROTECT funding is on hold until after the state's capital budget is finalized around May or June 2023.

Discuss FBRB Outreach Methods

Christy Rains, WDFW, noted WDFW explored using a listserv to communicate with project sponsors and other groups interested in the Board's grant program and other federal funding opportunities. The FBRB already has a mailing list, which can be revitalized to distribute this information. Interested parties can sign up for the mailing list on the [FBRB's webpage](#).

USDOT's National Culvert Removal, Replacement, and Restoration Grants (Culvert AOP Program) Update

Chair Jameson noted that WDFW leadership met with Senator Cantwell's staff last week to discuss the Culvert AOP program, which funds \$200 million per year over the next five years to nationwide barrier

corrections. Legislative representatives are concerned there is little interest from Washington fish passage sponsors. This stems from concerns about cumbersome federal requirements to receive the funds, the 20% match requirement, and sponsor's limited capacity to seek these funds. Chair Jameson noted cities and counties have lots of aging infrastructure, which often takes priority over fish passage improvements from both a need and a capacity standpoint. Additionally, he noted Local Programs is hearing that local governments, consultants, and construction companies are maxed out with a lack the capacity to apply, design, and/or construct project.

One solution discussed by the Board is to establish a state-level grant program to fund local governments and increase their capacity to pursue federal funds. As this time, the process to establish such a program is unclear.

Board Review of the FBRB Bylaws

Joy Juelson briefly reviewed the Bylaws and highlighted a recommendation to soften the language on Board member attendance. Board members provided feedback and made a recommendation to add language on how Board members can return after missing multiple meetings in good standing.

Action Item: Triangle will contact FBRB members to confirm if their organization's member and/or alternate are active and accurate.

Action Item: The FBRB Bylaws on membership and attendance will be updated with draft language for members who miss multiple meetings to get back into good standing. The Board can make a decision to adopt the revised Bylaws at the next meeting in March.

Action Item: Board members can review the Bylaws and bring any additional recommendations to the next meeting for a Board decision.

2023-2025 Legislative Session Updates

Status of FBRB's 2023-2025 Budget

Chair Jameson noted WDFW submitted a summary of WDFW and RCO duties to support the Board in response to a legislative staff inquiry. There has not been any follow-up.

Chair Jameson noted the legislature was discussing a grant program to encourage the use of the Whoosh fish passage portal (commonly known as the "Fish Cannon"), which is a hydraulic tube that help fish move over dams.

Legislative Session Tracking and Updates

Axel Swanson, Washington State Association of Counties, shared that cities and counties have been tracking the state budgets and testified in support of the Governor's capital budget. They receive state gas tax funds to contract with WDFW to inventory fish barriers. The legislature is in a transition point while they process policy bills. The session will become more focused after the fiscal cutoff this Friday, February 24, 2023.

Discuss Upcoming Opportunities for Engagement

FBRB Session at 2023 Salmon Recovery Conference

The FBRB was selected to have a session at the 2023 Salmon Recovery Conference, which runs from April 18-19, 2023 in Vancouver, WA. The session will be a 90-minutes and will include an overview of the Board and a selection of project sponsors providing an overview of completed projects funded by the Board. The presentation will be taped in advance of the conference and made available online. Chair Jameson noted two project sponsors from King County and Kitsap County have volunteered to present their FBRB funded projects.

- To attend the conference, please use this [registration portal link](#). Early registration is open until March 8, 2023.

Board Questions and Discussion:

- Paul Wagner explained he recently met with project sponsors from the City of Bellingham, and they observed the FBRB grant program's two-year cycle can lead to a lag for some sponsors whose design projects were funded by the FBRB. He noted a question may be posed to the Board at the Salmon Recovery Conference about an increase to the frequency of funding availability, such as design projects seeking construction funding. Chair Jameson noted it takes WDFW eight months to put out a request for proposals, assess the applications, do site visits, and complete the ranked list. These staff have limited capacity to do this work alongside their other job duties.

Adjourn: The meeting adjourned early at approximately 11:30 a.m.

Next Meeting: Hybrid meeting on March 21, 2023

ATTENDANCE

Board Members/Alternates:

Axel Swanson, Washington State Association of Counties	Paul Wagner, Washington State Department of Transportation (WSDOT)
Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW)	Susan Eugenis, Washington State Association of Counties
Christy Rains, WDFW	Susan Kanzler, WSDOT
Jeannie Abbott, Governor's Salmon Recovery Office (GSRO)	Terra Rentz, Department of Natural Resources (DNR)
John Foltz, Council of Regions, Snake River Salmon Recovery Board (SRSRB)	Tim Resseguie, Yakima Nation

WDFW, RCO Staff and Triangle Facilitation Team:

Adam Fleming, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
Amber Martens, WDFW	Dave Caudill, RCO
Casey Costello, WDFW	Josh Lambert, RCO
Cassandra Weekes, WDFW	Kendall Barrameda, RCO
Christopher Clemons, WDFW	Sandra Dotts, RCO

Gabrielle Stilwater, WDFW	Alex Sweetser, Facilitation Support
Jane Atha, WDFW	Joy Juelson, Facilitation Support
Julie Grobelny, WDFW	

Others observing:

Daniel Howe	Kirsten Harma	Susan Madsen
Evan Lewis	Matthew Miskovic	Tracy Gilson
Jim Heytvelt	Steve Helvey	