



Brian Abbott Fish Barrier Removal Board – January 2023 Meeting Notes

Date: January 17, 2023

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

Location: Virtual Meeting

Summary: Formal Actions/Decisions

Item	Formal Action
Meeting notes from November 15, 2022	Approved
Board staff plans to reach out to current project sponsors through a letter of intent to initiate an expedited process to develop a list for 2024 – 2026 PROTECT funding and to identify any potential constraints.	Approved

Item	Follow-up
Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Funding	Solicit for PROTECT projects and identify potential constraints, Board staff will work towards sending a letter of intent to certified sponsors on the 2023-2025 FBRB Project List and certified sponsors who have been funded for design projects through the FBRB. Then, Board staff will work with local sponsors to advance a project list to WSDOT Local Programs.
2023 Salmon Recovery Conference FBRB Session	The Board will continue to discuss and plan for their session at the 2023 Salmon Recovery Conference in April 2023.

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 November 2022 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. Additionally, draft notes for the Board December 20, 2022 special meeting were presented to the Board to inform today’s discussion on federal funding.

Decision: Board approved the November 2022 Meeting Notes.

General Updates

Statewide Fish Passage Barrier Removal Strategy Update

Chair Jameson reviewed that funds were provided to WDFW through a legislative proviso to develop a Statewide Fish Passage Barrier Removal Strategy. With these funds, WDFW hired Dr. Jane Atha as the Fish Passage Strategist. Additionally, WDFW contracted Cramer Fish Science and Triangle Associates to provide writing support and to convene an expert panel who will advise on the Strategy's development.

Fish Passage Rule Making Update

Through another rulemaking proviso, WDFW was tasked to create new rules to implement Revised Code of Washington (RCW) 77.57, which is known as the Fishways, Flow, and Screening Statutes. This rulemaking effort includes the addition of climate adaptive water crossings. WDFW revised the rules following tribal, stakeholder, and public outreach in the fall and is close to sending draft rules to the Fish and Wildlife Commission. The last step of the rulemaking process is for a contracted firm to complete a cost-benefit analysis and small business impact assessment.

Governor's 2023-2025 Budget overview

Chair Jameson reviewed that the Board submitted its 2023-2025 legislative funding request of \$94 million and the Governor's budget, released in December 2022, allocated a lesser amount of \$48.1 million to the FBRB. For context in the last biennium, the FBRB requested \$36 million and received \$28 million.

Chair Jameson informed the Board that there was a processing error at the Office of Financial Management (OFM) where administrative funds were not updated with accurate percentages or included in the final request advanced to the legislature. Recreation and Conservation Office (RCO) and WDFW staff have been made aware and are working to resolve the issue for future funding rounds.

Board Questions and Discussion

- In response to a question from Erik Neatherlin, Governor's Salmon Recovery Office (GSRO), Chair Jameson explained this is a common error across RCO grant programs and appears to occur every biennium. For this legislative session, WDFW and RCO will work towards educating house and senate staffers on the issue.

Federal Funding Updates and Next Steps

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

Chair Jameson reviewed that PROTECT program funds came to Washington through the Bipartisan Infrastructure Law. Cities and counties lobbied the Washington Joint Transportation Committee (JTC) to make these funds available for fish passage projects. The JTC agreed to direct \$75 million to cities and counties and \$25 million for Washington Tribes to complete fish passage projects. The first \$25 million for cities and counties must be obligated by September 13, 2023.

To qualify, project sponsors need to obtain a right-of-way certification and a National Environmental Policy Act (NEPA) permit. It is estimated these requirements can commonly take up to six months to two years to obtain and come with significant labor costs. WDFW advanced nine eligible projects from the

2023-2025 FBRB Project List to Washington Local Programs for a total request of \$23.9 million. Several eligible sponsors were concerned they would be unable to meet the program's requirements and wanted to remain on the Board's state capital funding request. Under the Governor's proposed budget, only three projects would receive state capital funds.

Local Programs requested WDFW release a Request for a Proposal (RFP) to identify projects for the remaining \$50 million so that project sponsors can start working to meet the federal permitting requirements. Local Programs has indicated any funds not obligated will likely be provided for WSDOT culvert injunction projects.

Board Questions and Discussion

- Christy Rains, WDFW, suggested WDFW solicit project sponsors who have been funded for design projects through the FBRB to see if they would be interested in receiving PROTECT funds for project construction.
- Chair Jameson suggested the Board could explore developing a supplemental budget request to the legislature for funds to help sponsors obtain their NEPA permits. John Foltz, Council of Regions, and Axel Swanson, Association of Counties, expressed support for this idea. They noted messaging could emphasize how this state funding would be used to leverage federal funds and to ensure these funds are not lost due to a lack of capacity.
- In response to a question from Paul Wagner, Chair Jameson noted state agencies cannot advocate the legislature for funding and the request would need to come from outside the state family, for example, from cities and counties.
- In response to a question from John Foltz, Christy and Chair Jameson clarified the plan is for the Board would facilitate selecting potential projects for PROTECT funding and Local Programs would conduct the technical review to determine which projects are eligible.
- John Foltz proposed Board staff develop a letter of intent to identify sponsors interested in receiving 2024-2026 PROTECT funding and to identify any potential constraints, such as funding for meeting federal permitting requirements. Several Board members discussed this proposal and expressed support with this path forward.

Decision: A motion was made for Board staff to work towards reaching out to current project sponsors through a letter of intent to initiate an expedited process to develop a list for 2024 – 2026 PROTECT funding and to identify any potential constraints. The motion was passed without any objections.

Action Item: To solicit projects for PROTECT funds and identify potential constraints, Board staff will send a letter of intent to certified sponsors on the 2023-2025 FBRB Project List and certified sponsors who have been funded for design projects through the FBRB. Then, Board staff can work with local sponsors to advance a project list to WSDOT Local Programs.

Review FBRB Bylaws

Joy Juelson explained the FBRB Bylaws have not been revised since 2019. She presented and reviewed the FBRB Bylaws. She requested the Board consider any amendments to be discussed at the February meeting. A decision on adopting amendments will occur at the next FBRB meeting on February 21, 2023.

Future Discussion Topic: The Board can discuss and decide on any updates to FBRB Bylaws at the next meeting.

FBRB Project Status Update

Christy Rains gave a presentation on completed restoration projects from the 2019-2021 Grant Round. After providing an overview of restoration accomplishments, she introduced WDFW staff on the Technical Review Team (TRT) who served as the technical biologists for the projects. The presentation, was packaged and posted to Board's website as part of the [January 2023 meeting handouts](#).

Future Discussion Topic: If there are any remaining FBRB project updates, they can be presented at the next Board meeting on February 21, 2023.

Project and Policy Issues / Opportunities

George Davis Creek

Chair Jameson provided an update and explained George Davis Creek flows into Lake Sammamish. The city is actively working to remove barriers on the lake's tributaries to restore Kokanee salmon. Designs for the project have not been completed and the city has requested a two-year extension while they calibrate the design to address sediment and large logs in the system. In addition, there is an ongoing lawsuit from a landowner over removal of the barrier, which is blocking fish passage. Dave Caudill explained that while the lawsuit is active, RCO will hold back the grant funds for the project.

Discuss Upcoming Opportunities for Engagement

FBRB Session at 2023 Salmon Recovery Conference

The FBRB was selected to put together 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.

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

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

Next Meeting: Virtual meeting on February 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
Erik Neatherlin, 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
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WDFW, RCO Staff and Triangle Facilitation Team:

Adam Fleming, WDFW	Julie Grobelny, WDFW
Amber Martens, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
Casey Costello, WDFW	Dave Caudill, RCO
David Collins, WDFW	Kendall Barrameda, RCO
Gabrielle Stilwater, WDFW	Alex Sweetser, Facilitation Support
Gina Piazza, WDFW	Joy Juelson, Facilitation Support
Jane Atha, WDFW	

Others observing:

Alison O'Sullivan	Gregg Dunphy	Paul Schlenger
Cheryl Baumann	Jim Heytvelt	Sue Madsen
Emily Sackmann	Kevin Long, NOSC (Guest)	Toby Coenen
Erin Drumm	Kirsten Harma	Trevin Taylor
Evan Lewis	Matthew Miskovic	