



## Brian Abbott Fish Barrier Removal Board – May 2024 Meeting Summary

**Date:** May 21, 2024

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

**Location:** Virtual Meeting

### Summary: Formal Actions / Decisions

Item	Formal Action
<b>Board Decision:</b> Four cost increase requests (see topic below).	Approved
<b>Board Decision:</b> Meeting notes from March and April 2024.	Approved

### Summary: Follow-up Items and Next Steps

Item	Follow-up
<b>Guest Presenters from Cramer Fish Sciences</b>	Kai Ross and Phil Roni (Cramer Fish Sciences) were confirmed as guest presenters for the July 2024 Board meeting to provide updates on development of the Fish Passage Strategy and to share the optimization approach developed by the Science Panel.
<b>Fish Passage Strategy Subcommittees</b>	The Board is considering the formation of Fish Passage Strategy Subcommittees in August or September to discuss and provide feedback on Fish Passage Strategy implementation.
<b>List of Funding Status</b>	Board members requested a spreadsheet showing the status of the Board’s current project list to better understand how projects are being funded, given the federal funds sponsors are receiving.
<b>RCW 70A.65.305 (Ongoing)</b>	RCO and WDFW will continue to provide project sponsors guidance and resources for tribal consultation required under RCW 70A.65.305 (for projects funded through the Climate Commitment Act). Updates from the Governor’s Office of Indian Affairs (GOIA) will be shared when available.
<b>Funding Status Updates (Ongoing)</b>	WDFW and RCO will keep the Board updated on the 2024 Supplemental Budget and the status of project sponsors seeking PROTECT funds.
<b>Status of Returned Funds (Ongoing)</b>	RCO and WDFW will keep the Board updated on the status of returned funds. A decision on whether to retain funds for cost increases or advance funds to alternate down the ranked project list is anticipated this fall.
<b>Match Modernization (On Hold)</b>	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.

**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

**Old Business:** The notes for the FBRB March and April 2024 meetings were reviewed by the facilitator. A motion to approve the summary was made by Susan Kanzler, Washington State Department of Transportation (WSDOT), and seconded by Chair Jameson. The motion was approved with no objections.

## **General Updates:**

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

Chair Jameson shared that Chris Conklin recently became the new WDFW Habitat Program Director replacing Margen Carlson. Additionally, the agency will be hiring a deputy. He also mentioned that Kaylee Kautz was hired internally as the new WDFW Fish Passage Scoping Section Manager replacing Christy Rains. Casey Costello has served as the interim Fish Passage Scoping Section Manager since February. Lastly, two WDFW fish biologists have recently accepted new positions, and WDFW has begun recruiting to replace them and add capacity to the Fish Passage Division.

### ***WDFW Fish Passage Rulemaking (RCW 77.57)***

Gabrielle Stilwater, WDFW, shared that WDFW is continuing to update the rule based on public comments received last year. One change, based on public feedback, is to move ‘climate adaptive water crossings’ language from this rulemaking effort to a future Hydraulic Project Approval (HPA) rulemaking. The newest draft of the rule is expected to be released this summer with outreach on the new rules is expected later this year. Information for this process will continue to be posted on [WDFW’s Fish Passage Rulemaking webpage](#).

## **Fish Passage Strategy Primer for Future Discussion**

Jane Atha, WDFW, presented a high-level overview of the Fish Passage Strategy (Strategy) to prepare the Board for a more in-depth presentation by Cramer Fish Sciences, planned for the July 2024 Board meeting (see slides). Her presentation included a review of the Strategy’s goal, a walkthrough of the timeline and progress made to date, and an overview of the optimization and scoring approach for the Strategy. She noted meetings are planned for interested partners and regional recovery groups following briefings with the Tribes. She concluded by explaining how the Strategy will be used once complete (slide 9). She reiterated the Strategy’s optimization tool only assesses benefits to fish and it is intended to inform or be incorporated into scoring and ranking schemes currently used by regional recovery groups and others.

### ***Board Discussion***

- Erik Neatherlin expressed support for engaging with the Tribes before engaging with state agencies and recovery partners.
- When asked by Carl Schroeder, Association of Washington Cities (AWC), if the Strategy takes constraining fisheries into account as a part of prioritization, Jane explained that fisheries are a policy decision, and it will not be accounted for in the Fish Passage Strategy.
- In response to a question from Carl Schroeder about the Board’s role in informing the Strategy, Jane and Chair Jameson explained the first phase of Strategy development is developing a science-based approach focused solely on benefits to fish. The second phase involves the

implementation of the Strategy, which considers other factors such as feasibility of projects, cost/benefits of project, or other policy considerations. The Board can be involved in the second phase to provide input on how to implement the Strategy.

- Chair Jameson noted WDFW is preparing funding packages for the next legislative session. This year's request will include \$1 million for the Strategy. Carl noted AWC can support the request.
- When asked by Carl if the Strategy will be able to indicate if barriers are eligible for different state funding sources, Chair Jameson explained this is not inherent within the Strategy itself. Instead, barrier funding programs funded by the legislature will need to explain how they are aligned or not aligned with the Strategy. The Board's funding programs will be aligned with the Strategy.
- Axel Swanson, Washington State Association of Counties (WSAC), noted the importance of and the need for good data on fish passage inventories. He mentioned that counties could assist with inventory data for their barriers. He suggested leveraging and incorporating the Strategy into regional plans to help filter projects for viability and costs.
- Steve Manlow, Council of Regions, suggested the Regions provide input on how to align Strategy implementation with the prioritization methods in their recovery plans. Jane agreed and noted there are still questions to answer and decisions to be made around Strategy implementation. The engagement timeline includes time for the Regions to provide input.
- When asked by Susan Kanzler if optimization will consider other projects within the watershed, Jane explained there are connectivity elements for barriers built into the Strategy's mapping tool. However, it cannot consider other types of recovery projects throughout a watershed. Carl noted it is important to consider other investments within a watershed when assessing and communicating about barrier projects, especially to those who provide funding, such as the legislature. This could be a component of implementation.
- John Foltz, Recreation and Conservation Office (RCO), requested more information about the data gaps for barrier inventories. Chair Jameson explained there is a need to do barrier inventories every ten years, but it is not possible to inventory all barriers within the state at this rate due to the large number of them. Additionally, barrier inventory data is perishable because conditions for the barrier or the watershed change over time. The optimization model can highlight watersheds or areas to focus on for inventory and recovery efforts.
- The Board discussed how they would like to provide input in the Fish Passage Strategy. They decided they would like to convene a Fish Passage Strategy Subcommittee in August or September to discuss and provide feedback on Fish Passage Strategy implementation.

**Action Item:** Kai Ross and Phil Roni (Cramer Fish Sciences) were confirmed as guest presenters for the July 2024 Board meeting to provide general updates on development of the Fish Passage Strategy and to share the optimization approach developed by the Science Panel.

**Path Forward:** The Board is considering the formation of Fish Passage Strategy Subcommittees in August or September to discuss and provide feedback on Fish Passage Strategy implementation.

### **Cost Increase Request: Four Projects**

The Board received four cost increase requests requiring a Board decision. These projects are:

- Hoko Ozette Rd Culvert
- Wright's Creek Culvert and Hatchery Intake
- Hoko River Tributary Fish Passage Design
- Clear Creek Reconnection

The Cost Increase Subcommittee met on May 6 to discuss the projects and develop a recommended decision for the Board. They observed nothing out of the ordinary for these requests and recommended the Board approve the cost increase requests, which totals about \$676k (see meeting materials).

John Foltz explained the Board has \$1.75m of returned funds set aside for cost increase requests, which would cover the requests. The first three projects listed above are from the North Olympic Salmon Coalition. Each of these projects had budgets developed three and a half years ago when the projects were originally submitted to the Board, and the increased costs are due to inflation. Susan Eugenis, WSAC, and Steve Manlow noted these cost increases align with increased costs other sponsors are seeing. The request for the final project, Clear Creek Reconnection, is urgent and required for their project to advance with designs.

### *Board Discussion*

- In response to a question from Carl on whether it is typical for a project to request a cost increase during design, John Foltz explained that it is typical since costs for everything, including design are increasing. This is largely due to increased rates for engineers since the original bid and the high demand for infrastructure projects.
- Board members requested a spreadsheet showing the status of the Board's current project list to better understand how projects are being funded, given the federal funds sponsors are receiving.
- When asked if it is typical for sponsors to include increased overhead costs in their cost increase request, Alice Rubin, RCO, explained it is not uncommon and sponsors are asked by RCO to consider the full projects costs as a part of their cost increase requests.
- Board members noted these cost increase requests are aligned with cost increases from other sponsors or their own work. They expressed support for the cost increase requests.

**Action Item:** Board members requested a spreadsheet showing the status of the Board's current project list to better understand how projects are being funded, given the federal funds sponsors are receiving.

**Board Decision:** A motion to approve the four cost increase requests was made by Chair Jameson and seconded by Erik Neatherlin. The motion was approved with no objections.

### **Board Project Funding Updates:**

#### *Update on Status of Returned Funds and Future Board Discussion on the Cost Increase Funds*

John Foltz noted the Board set aside \$1.75m of returned funds for cost increase requests and any other returned funds are being allocated to alternates down the 2023-2025 project list. Currently, the list is funded down to project #55 and the next two projects were put forwards as part of the National Oceanic and Atmospheric Administration (NOAA) grant program. WDFW and RCO can continue to track the status of cost increase requests and returned funds. A decision on whether to retain funds for cost increases or advance funds to alternate down the ranked project list is anticipated this fall.

#### *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 nine FBRB projects for \$13.3 million to NOAA's federal grant program (see [NOAA grant page](#)). Shortly following the meeting, the Board was notified by NOAA that their bundle did not receive funding this year.

***Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) FY 24 Funding***

John Foltz shared that \$72.7m out of the \$75m available through the PROTECT program has been obligated to sponsors advanced by the Board. These projects will be removed from the 2023-2025 project list and their funds returned.

***2025-2027 FBRB Grant Round Status Update***

John Foltz and Casey Costello, WDFW, shared there were 60 applications this grant round and four (4) projects were removed either due to ineligibility or the sponsor withdrew the project. The Technical Review Team (TRT) has begun scoring and ranking projects. It is anticipated the Board will review and approve the 2025-2027 Grant Round prioritized project list in August 2024.

***Path Forward:*** WDFW and RCO will keep the Board updated on 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. A decision on whether to retain funds for cost increases or advancing funds to alternate down the ranked project list is anticipated this fall.

**Project and Policy Issue / Opportunities**

***Climate Commitment Act Consultation Requirement***

Chair Jameson shared that coordination on the consultation requirement between sponsors with support from WDFW and RCO and Tribes is ongoing. Letters were sent by sponsors to Tribes to flag projects they would like to discuss. The Board's projects that are currently under agreement we grandfathered in and do not need to undergo consultation. Additionally, consultation is dependent on the Climate Commitment Act passing the ballot initiative this fall.

***Path Forward:*** RCO and WDFW will continue to provide project sponsors guidance and resources for tribal consultation required under RCW 70A.65.305 (for projects funded through the Climate Commitment Act). Updates from the Governor's Office of Indian Affairs (GOIA) will be shared when available

**Upcoming Engagement Opportunities**

***Washington State Association of County Engineers Annual Conference on June 25-26 in Ritzville, WA***

Chair Jameson shared that WDFW was invited to present at the conference to provide update on the Board and fish passage topics.

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

**Next Meeting:** Virtual Meeting on June 18, 2024.

## ATTENDANCE

### Board Members/Alternates:

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

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

Adam Fleming, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
Christopher Clemons, WDFW	Christy Rains, RCO
Daniel Coffman, WDFW	Elezabeth Butler, RCO
David Collins, WDFW	John Foltz, RCO
Gabrielle Stilwater, WDFW	Josh Labert, RCO
Jane Atha, WDFW	Greer Maier, GSRO
Joel Ingram, WDFW	Alex Sweetser, Facilitation Support
Kaylee Kautz, WDFW	Joy Juelson, Facilitation Support

### Others observing:

Brett DeMond	Gavin Wartick	Sarah Wilson
Don Gourlie	Katie Sherer	Tracy Gilson
Evan Lewis	Kevin Long	Tracy Hruska