



Brian Abbott Fish Barrier Removal Board – November 2022 Meeting Notes

Date: November 15, 2022

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

Location: Virtual Meeting

Summary: Formal Actions/Decisions

Item	Formal Action
Meeting notes from October 18, 2022	Approved

Summary: Follow-up Actions

Item	Follow-up
WDFW Updates on Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) funding	Immediately after the meeting, WDFW provided project sponsors from cities and counties updates and clarifications on the process for receiving PROTECT funds.
Review proposals to receive PROTECT Funds	WDFW and Policy Subcommittee members <u>will meet on December 2, 2022 to review proposals submitted to the Board on current projects on the 2023-2025 ranked list to potentially receive PROTECT funds. The Subcommittee will propose recommendations for the Board to discuss at the December 20, 2022 FBRB meeting.</u>

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: City of Sammamish staff requested permission to attend the FBRB meeting to speak to the George Davis Creek Stormwater Culvert Improvement and Fish Passage Project. City staff attended the meeting and spoke to the project during the “Project and Policy Issues/ Opportunities” agenda topic (see notes below).

Old Business: The meeting notes for the FBRB October 2022 meeting were reviewed by the facilitator. A motion to approve the notes was made by John Foltz, Council of Regions, and seconded by Paul Wagner, Washington State Department of Transportation (WSDOT). The motion was approved with no objections.

Decision: Board approved the October 2022 Meeting Notes.

General Updates

Proviso Strategy Updates

Jane Atha, WDFW's Fish Passage Strategist, shared that WDFW hired contract support to develop the Fish Passage Statewide Strategy. The contractor team is composed of Cramer Fish Sciences, led by Phil Roni, and Triangle Associates, led by Betsy Daniels. Cramer Fish Sciences will lead the development of the scientific Expert Panel and conduct a full literature review. Triangle Associates will conduct the outreach and engagement portion of the strategy.

WDFW Fish Passage Rulemaking Updates

Gabrielle Stilwater, WDFW, provided an update on the fish passage rulemaking effort. WDFW hosted four outreach webinars to present the second draft of a new rule section for the Fishways, Flow, and Screening Statutes (RCW 77.57). The agency is currently consolidating feedback and working to update the draft rule language, which will be shared with the Board at an upcoming meeting.

More information on the rulemaking process and the current draft rules can be found on WDFW's [Fish Passage Rulemaking webpage](#). Additionally, public comments can still be submitted via email to FishPassage101@PublicInput.com or through other methods detailed on the Rulemaking Webpage.

National Estuary Funds, Habitat Strategic Initiative

Christy Rains, WDFW, shared that the National Estuary Program (NEP) funded WDFW to develop a pilot *Downstream Barrier Identification Tool* for the Puget Sound region.

Elizabeth Spaulding, Recreation and Conservation Office (RCO), presented on the Habitat Strategic Initiative Lead (HSIL), which is a cross-agency team consisting of WDFW and RCO who are funded through EPA Cooperative Agreements under the National Estuary Program (NEP). The HSIL's mission is to enable and accelerate habitat protection and restoration through Implementation Strategy Programs. Elizabeth explained WDFW's pilot tool was funded by the HSIL due to its role in advancing the Chinook Vital Sign ([see Puget Sound Vital Signs website](#)) and how it will contribute to WDFW's recovery planning efforts by improving accuracy of stream locations in the agency's database. More information on the HSIL and their work is available on the [NEP website](#).

Christy gave a presentation on the pilot *Downstream Barrier Identification Tool* and the slides are available in the [FBRB November 2022 meeting handouts on the FBRB webpage](#). She explained the tool was developed to visually represent the number of barriers in a system and how they are connected, to support project identification and prioritization, and to assist with data gathering and application development for barrier removal proposals. Christy walked through how to use the tool and provided a demonstration of the tool. The tool's outputs include the feature type of the selected barrier, a visual display of the barriers downstream of a selected barrier, and the passability of each barrier. Christy noted this is a limited pilot tool designed as a proof of concept and may not be perfectly effective everywhere. WDFW is working to improve the tool and to characterize when and where it is not working as expected. To improve the tool, WDFW will need dedicated funding or support as well as a complete up-to-date barrier inventory with correctly identified stream and barrier locations.

The pilot tool can be accessed in the [WDFW Fish Passage web app](#). Instructions for using the tool are included in the November meeting handouts linked above.

Board Questions and Discussion:

- In response to a question, Christy demonstrated how to export the attribute table from the tool.

- In response to a question from John Foltz, Christy explained there have not been any efforts by WDFW to integrate this tool into the ongoing statewide prioritization strategy for barrier removals since the tool is still in the pilot phase. WDFW is interested in integrating the tool once they address any issues and receive additional funding and support for it.
- Erik Neatherlin, Governor’s Salmon Recovery Office (GSRO), suggested integrating this tool with RCO’s Salmon Recovery Portal. Christy explained WDFW and RCO have been meeting to discuss how to integrate WDFW’s inventory with RCO’s. Historically WDFW site IDs have not been included in RCO’s inventory.

Review Federal Funding Opportunities

Joy Juelson walked through a *Federal Funding Opportunities Reference Table* developed by Triangle Associates, which was included in the [FBRB November 2022 meeting handouts](#). This table summarizes the details of three upcoming federal funding opportunities the Board is tracking and includes additional notes on sponsor eligibility and upcoming deadlines. The three opportunities are:

1. US Department of Transportation (USDOT)’s Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program.
2. USDOT’s National Culvert Removal, Replacement, and Restoration Grants (Culvert AOP Program).
3. National Oceanic and Atmospheric Administration (NOAA)’s Restoring Fish Passage through Barrier Removal grant program.

Chair Jameson provided an update on the PROTECT funding available. Chair Jameson shared Board staff met with Washington State agencies to discuss USDOT’s Culvert AOP Program. They anticipate the program’s fiscal sponsor will be WSDOT Local Programs.

WDFW and WSDOT Local Programs reached out and held two informational webinars for current project sponsors on the FBRB’s 2023-2025 ranked project list with projects greater than \$1 million and the culverts are on a city or county road system. WDFW and WSDOT Local Programs informed sponsors on the details of the funding opportunity, eligibility requirements, and timeline for applying. Project sponsors interested in seeking PROTECT funds for FFY 2023 have until December 1, 2022 to submit a brief email proposal to WDFW. More information on this opportunity and the requirements for city and project sponsors to seek PROTECT funds is available in the reference table and on the FBRB website homepage.

Board Questions and Discussion

- In response to a question about how to incentivize eligible sponsors to seek PROTECT funds, Chair Jameson summarized the benefits of seeking PROTECT funds. This includes:
 - 1) PROTECT funds are guaranteed funds whereas state capital funds still need to be allocated by the legislature;
 - 2) Construction estimates for projects seeking PROTECT funds can be increased if needed, which can help account for cost increases. Since cost estimates in applications to the FBRB were likely developed in 2021 before material prices increased, it is anticipated construction costs will be around 20% higher than in sponsors’ FBRB applications. Additionally, new estimates for PROTECT can include costs for National Environmental Policy Act (NEPA) process and right-of-way certification;
 - 3) Cost increases for projects receiving PROTECT funds will be allowed and funded through the program. The FBRB does not receive funds for cost increases and may be unable to provide cost increases above the 2021 request through its program;

- 4) There is a 20% match requirement for federal funds under PROTECT. However, this match will be provided, at no cost to the sponsor, through state toll credits.
- In response to a question, Chair Jameson explained that projects being advanced for PROTECT funds in FFY 2023 are anticipated to be removed from the FBRB 2023-2025 ranked project list. The Board will vote to confirm this decision in December 2022. The timing of this decision will likely be after the Governor's budget is released, which will enable project sponsors to consider their ranking on the FBRB's 2023-2025 Capital request before deciding on which funding source to advance with.

Policy Subcommittee Report Out: FBRB Approach and Capacity around Federal Funding

Joy Juelson explained the Policy Subcommittee met on November 10, 2022 to continue discussions regarding the Board's role in ongoing federal funding opportunities. Then, she reviewed the Subcommittee's key discussion items and recommendations for Board consideration. After discussing the Subcommittee's recommendations, the Board agreed to queue the following potential decision items for a potential December 2022 meeting:

- **Potential Board Decision (December):** The Board can decide which projects should be advanced to WSDOT Local Programs to receive PROTECT funds in 2023. Additionally, the Board can decide if projects seeking protect funds should be removed from the FBRB's 2023-2025 Capital request. *Note: Can be decided via email or at the December 20 Board meeting.*
- **Potential Board Decision (December and beyond):** The Board can discuss the details of a potential Request for Proposals (RFP) to be released in spring 2023 to apply for the remaining \$50 million of PROTECT funds. Topics for discussion include RFP criteria, the Board's capacity to score projects, and the solicitation and review process for RFP applicants.

A Policy Subcommittee meeting has been scheduled for December 2, 2022 to review the proposals from project sponsors interested in receiving PROTECT funds. The Subcommittee will propose recommendations for the Board to potentially discuss in December.

Board Questions and Discussion:

- Chair Jameson clarified WSDOT Local Programs requires projects seeking PROTECT funds to advertise their project for construction six weeks after funds are obligated. Then, if sponsors can demonstrate active progress, the construction funds will be available for nine years.
- Jeannie Abbott, GSRO, recommended WDFW reach out to the project sponsors with updates and clarifications on the process for applying to receiving PROTECT funds. WDFW agreed to reach out immediately after the meeting.
- Jeannie Abbott also recommended the Board ask project sponsors whose projects are below the funding line in the Governor's upcoming budget (i.e., alternates), or are unable to meet NEPA and right-of-way requirements by Sept. 15, 2022, to consider applying to the remaining \$50m of PROTECT funding to be obligated in FFY 2024-2026.
- Paul Wagner, WSDOT, noted WSDOT is exploring providing 2023 PROTECT funds to local projects adjacent to WSDOT culvert case injunction corrections if \$25 million is not obligated to city and county projects on the FBRB 2023-2025 ranked project list.

Action Item: Immediately after the meeting, WDFW provided project sponsors updates and clarifications on the process for receiving PROTECT funds.

Action Item: WDFW and Policy Subcommittee members will meet on December 2, 2022 to review proposals from sponsors interested in receiving PROTECT funds. The Subcommittee will propose recommendations for the Board to discuss at the December 20, 2022 FBRB meeting.

Project and Policy Issues / Opportunities

George Davis Creek in Lake Sammamish

Amber Martens, WDFW, provided an overview of the City of Lake Sammamish project to remove barriers on George Davis Creek to benefit kokanee, coho, and steelhead. She reviewed the barriers present in the tributary, the geomorphological benefits and challenges at the site, and the work funded for design and construction.

Stephanie Sullivan, Toby Coenen, and Audrie Starsy from the City of Sammamish joined to speak to the project and the benefits the project would have to anadromous and resident fish and water quality. They explained the City of Sammamish is committed to completing the project and the city has included the project in its recently adopted stormwater plan. They anticipate the project moving to construction in 2024.

Discuss Upcoming Opportunities for Engagement

Upcoming Conferences: Salmon Recovery Conference, April 2023

The Board submitted an abstract for an FBRB session at the Salmon Recovery Conference from April 18-19, 2023 in Vancouver, WA. The proposed session would explain who the FBRB is, how the grant program works, and feature a selection of project sponsors giving a showcase of approximately four projects funded by the FBRB.

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

Next Meeting: Virtual meeting on December 20, 2022

ATTENDANCE

Board Members/Alternates:

Chair Thomas Jameson, Washington Department of Fish and Wildlife (WDFW)	John Foltz, Council of Regions, Snake River Salmon Recovery Board (SRSRB)
Christy Rains, WDFW	Paul Wagner, Washington State Department of Transportation (WSDOT)
Erik Neatherlin, Governor’s Salmon Recovery Office (GSRO)	Susan Kanzler, WSDOT
Jeannie Abbott, GSRO	Terra Rentz, Department of Natural Resources (DNR)

WDFW, RCO Staff and Triangle Facilitation Team:

Amber Martens, WDFW	Kaylee Kautz, WDFW
David Collins, WDFW	Rachel Bouchillon, WDFW
Gabrielle Stilwater, WDFW	Ryan Gatchell, WDFW
Gina Piazza, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
Jane Atha, WDFW	Alex Sweetser, Facilitation Support
Joshua Rogala, WDFW	Joy Juelson, Facilitation Support
Julie Grobelny, WDFW	

Others observing:

Audrie Starsy	Erin Drumm	Sue Madsen
Celest Wilder	Evan Lewis	Teresa Miskovic
Daniel Howe	Heidi Reynolds	Tim Beachy
Elena Fernandez	Matthew Miskovic	Toby Coenen
Elizabeth Spaulding	Michael Rylko	Call-in user x7
Eric Mickelson	Stephanie Sullivan	Tracy Gilson