

Fish Barrier Removal Board – Meeting Notes**Date: March 16, 2021****Place: Online Meeting****Summary: Agenda items with formal action**

Item	Formal Action
Meeting notes from January 2021	Approved
Change timeline for design only/no match projects from 18 to 24 months	Approved
Provide additional funding of up to \$240,000 to Johnson Creek project at Cooper Street	Approved

Summary: Follow-up actions

Item	Follow-up
Update of “Extinction is Not an Option”	Arrange for Erik Neatherlin or Jeannie Abbott to discuss with the Board
Process for reviewing request for cost increases	Erik, Tom and Matt discuss offline
Additional funding for State Street project along Johnson Creek in Okanogan County	Place on April agenda for consideration
Possibility of federal infrastructure funding for FBRB projects	Place on upcoming agenda for discussion

Board Members/Alternates:

Casey Baldwin, The Confederated Tribes of the Colville Reservation	Matt Curtis, Washington Department of Fish and Wildlife (WDFW)
Erik Neatherlin, Governor’s Salmon Recovery Office (GSRO)	Paul Wagner, Washington State Department of Transportation (WSDOT)
Jeannie Abbott, GSRO	Susan Eugenis, WA State Association of Counties (WSAC) (Cowlitz Co.)
John Foltz, Council of Regions, Snake River Salmon Recovery Board (SRSRB)	Tom Jameson, Chair - WDFW

Staff:

Adam Fleming	Dave Collins
Alison Hart	Gabrielle Stilwater
Christy Rains	Gina Piazza
Cassandra Weekes	Julie Groebelny
Laura Till	Neil Aaland, Facilitator
Pad Smith	Dave Caudill, RCO

Others observing:

Elena Fernandez	Matthew Miskovic	Steve Helvey, GeoEngineers
Evan Lewis, King County	Pete Teigen	Mark Duboiski, RCO
Jon Fulton	Kristin Currens-MacKay Sposito	Wendy Clark-Getzin, Jefferson County
Josh Lambert, RCO	Theo Burgoon, Trout Unlimited, Western Conservation Project Manager	Whitney Reynier

Kathleen Peters, Kitsap County	Tracy Gilson	
--------------------------------	--------------	--

Welcome/Introductions/Agenda Review: Meeting started at 9:00. Facilitator Neil Aaland called on FBRB members and alternates and asked them to introduce themselves. A quorum is present. He explained that if anyone has public comment to offer, to e-mail it to FBRB@dfw.wa.gov. Comments will be read into the record.

Public Comment: No public comments were received.

Old Business: The meeting notes for the January meeting were approved as submitted.

Project and Contract Issues

1. *Policy Change: Extending timeline for design only/no match projects from 18 to 24 months:* Dave Caudill is seeing an uptick in the need for more time. If sponsors go past this time they are required to provide match. Tom has a concern about re-appropriations. Rep. Tharinger was earlier concerned about a high re-appropriation rate for FBRB projects. Dave said the 24 months would end at the end of the biennium. Susan Eugenis supports an additional 6 months. John Foltz asked how many have requested extensions – Dave did not have precise figures, had a few come in recently. In response to several questions from Erik, Dave said some of this is Covid-19 related; we did resolve the concerns of Rep. Tharinger regarding re-appropriations; and this is probably an ongoing issue. A motion was made to approve this change from 18 to 24 months; the motion was approved.
2. *Cost Increase request by Trout Unlimited (Johnson Creek projects):* Theo Burgoon showed a PowerPoint presentation on the Johnson Creek projects. These are mostly within the Town of Riverside in Okanogan County. This is a small but important tributary. They issued a request for proposals earlier this year, and only had three responses. The bids were quite a bit higher than anticipated. This seems to be primarily due to increases in materials costs. The Colville Tribe has contributed more match to the Cooper Street Culvert to reduce the funding gap on it, but a gap of approximately \$240,000 remains. Dave Collins noted that costs for all materials are elevated. Erik asked about the process to evaluate cost increases. Tom Jameson explained that the Board has delegated increases of \$100,000 or less to him as Chair; greater than that comes to the Board. He thinks this is probably a trend. He noted that he already approved one cost increase in November 2019 for the Cooper Street project. There was some uncertainty regarding if that cost increase of \$25,000 had ever been issued or received by the project sponsor.

Other questions and comments:

- The two lower bids were only separated by \$5,000; the total gap for both projects was approximately \$500,000.
- Pad Smith, WDFW, noted there is almost a doubling in cost of steel, Portland cement
- Casey said these two projects were the FBRB priorities within this watershed because they are the furthest downstream and the project sponsor appears to have followed a good process to get the bids, so these costs are the reality of getting the project done.
- Tom thinks we need to have project managers discuss the projects, and we need to go back to other projects from 17-19 biennium and see the status of funds
- Dave noted there is \$208,000 unobligated in 17-19 funds, and \$965,000 in 19-21 funds.
- Theo noted they have \$59,000 from USFWS for the State St culvert, willing to re-scope that funding to make Cooper street whole (assuming only \$208,000 is available).
- Casey likes that “nimble thinking”; that may create a match problem for the state street project but he supports the \$208,000 obligation

A motion was made and seconded to approve allocating the \$208,000 in unobligated 17-19 funds to the Cooper Street project on Johnson Creek in Okanogan County, and if additional unobligated funds are available it would go to this project up to \$240,700; the motion was approved. Tom said we need to have the RCO cost increase request forms filled out. Neil suggested that Erik, Tom and Matt get together to discuss cost increase review process.

The Board did not discuss the State Street cost increase request in detail and did not make a decision about filling the request. This request will come back to the Board at the next meeting.

3. *Chico Creek*: There might be some leftover funds. Project budget was around \$3.2 million. Dave said county wants to move forward with upstream and downstream work. Kathy Peters, Kitsap County, said the county has investments upstream and downstream. This is one of the Intensively Monitored Watersheds (IMW). It is one of the most important wild fish streams in all south sound.

Questions and comments:

- Kathy said they need to remove weirs in golf course section and need to place some large wood in the stream
- Tom reminded the Board we have a request of \$208,000 from Theo and we do not know where additional funding would come from
- Casey asked about the ‘additional features,’ and reminded the group that we have previously not agreed to pay for non-passage ad-ons to projects. Some additional restoration may be necessary in the footprint of the project, but the FBRB is not obligated to fund everything that is in the terms and conditions of the permit. LWD upstream might be great for fish, but is it essential to the fish passage aspect of this project?
- Dave C. thought that the LWD was linked to culvert project via the long-term stability of the area.
- Someone noted that the weirs below the culvert were potential fish passage barriers at some flow levels and should be considered part of the project, not an ad-on.

4. *General update on materials cost increases*: Already discussed under previous topics.

Updates

1. *Provisos*: Tom noted he has just sent report #2 to the Legislature and cc'd the FBRB members. Explains the reasons for the delays. WDFW got the money back for proviso work in January. They have issued a consultant work order to try and meet the June 30 deadline for using funds. He will post the work order.
2. *Rulemaking*: They have just finished the second-round workshops. The draft language is posted on the WDFW website. Now working on revising the language in response to what they have heard. Will be hiring a consultant to prepare required Small Business Economic Impact Statement.
3. *Cade Roler*: Cade has accepted a new position with WSDOT and started today. He will be missed.
4. *AWC Story Map*: This explains the fish passage problem faced by cities. It is not yet on the street. WDFW provided comments at AWC's request.

5. *Catherine Creek projects*: Tom provided this update. Catherine Creek is an original FBRB priority located near city of Lake Stevens. It has four barriers with potential habitat above an HOA owned dam. Julie Grobelny said the scope has changed and become more complex; the city has become more involved. For a variety of reasons, the projects are stalled. Josh Lambert, RCO grant manager, said there is not much confidence that the chosen structure is appropriate. The applicant wants to meet future conditions, not typically done. It is a complex set of policy issues. Tom noted no projects have been completed in this priority watershed. There is not a great path forward. The rulemaking may provide some leverage. Matt's suggestion is to complete the design, which will eventually be useful. The landowners will eventually have to address issues.

Upcoming opportunities for engagement: ran out of time to discuss

Wrap-up:

- Casey noted that State Street project will need to be on April meeting agenda for consideration
- Erik would like to see the Board discuss federal infrastructure funding opportunities
- Meeting adjourned at approximately 12:05 p.m.

Next meeting: Tuesday, April 20, 2021 – online meeting