



Brian Abbott Fish Barrier Removal Board – October 2022 Meeting Notes

Date: October 18, 2022

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

Location: Virtual Meeting

Summary: Formal Actions/Decisions

Item	Formal Action
Meeting notes from September 28, 2022	Approved

Summary: Follow-up Actions

Item	Follow-up
Policy Subcommittee Follow-up Meeting	The Policy Subcommittee will meet before the November 15, 2022 meeting to continue discussions regarding the path forward for federal funding opportunities.
Clarifications from Washington State Department of Transportation (WSDOT)’s Local Programs Office	WDFW and Policy Subcommittee members will ask WSDOT’s Local Programs Office for clarifications around PROTECT funding available for allocation to FBRB projects.
WDFW Federal Funding Sponsor Webinar	WDFW could potentially host an interactive webinar/Q&A with sponsors from the 2023-2025 Ranked Project List who are eligible for federal funding opportunities to see if they would be interested in applying for federal funds and what next steps for that process could look like.
Salmon Recovery Conference Abstract Submission	The Board will develop and submit an abstract for an FBRB session at the 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. Alex Sweetser, Triangle Associates, facilitated introductions with FBRB members and staff. A quorum was present.

Public Comment: The Board received two public comments:

- 1) At the last meeting, the Tulalip Tribes expressed concerns about the rankings of the list sent to the state legislature for the 2023-2025 grant round. They noted they were closely following the discussion

about potential changes to Scoring Criteria listed under the Debrief 2023-2025 Ranked List Process and development agenda item at the meeting and asked for their concern to be noted in the record.

- Christy Rains, Washington Department of Fish and Wildlife (WDFW) noted WDFW has been in communication with the Tulalip Tribes and many of their concerns aligned with topics flagged for future discussion by the WDFW Technical Review Team (TRT). She clarified one of these concerns was how projects are sequenced so that downstream projects within the same watershed are ranked to ensure downstream barriers place higher. One pathway being discussed by the TRT is bundling projects within the same watershed to help with sequencing.
- 2) Kevin Long, North Olympic Salmon Coalition submitted the following question to the Board: Does the Board recommend that sponsors ranked in the middle or low on the 2023-2025 list apply for US Department of Transportation (USDOT) grant funding on their own or will the Board be submitting a package? The reason is to avoid the same project being submitted twice.
- Chair Thomas Jameson, WDFW, explained the Board has not set a cut-off point in the FBRB Scoring Criteria for projects and consideration of a cut-off line may be discussed for the 2025-2027 Grant Round. Also, a decision has not been made on how the Board will work with sponsors to apply for USDOT funding and this item will be discussed later in the meeting.

Old Business: The meeting notes for the FBRB September 2022 meeting were reviewed by the facilitator. A motion to approve the notes, following a minor revision, was made by John Foltz, Council of Regions, and seconded by Jeannie Abbott, Governor's Salmon Recovery Office (GSRO). The motion was approved with no objections.

Decision: Board approved the September 2022 Meeting Notes.

General Updates:

Proviso Strategy updates

Jane Atha, WDFW's Fish Passage Strategist, explained that WDFW released a Request for Proposals (RFP) to hire contractor support to help develop the agency's Statewide Fish Passage Barrier Removal Strategy. The deadline for contractors to respond to the RFP was October 7, 2022. Jane explained that WDFW received four strong applications and aims to finalize a contractor selection by next week.

WDFW Fish Passage Rulemaking Update

Gabrielle Stilwater, WDFW, explained that WDFW is hosting Fish Passage Rulemaking webinars to gather feedback on a new rule section for the Fishways, Flow, and Screening Statutes (RCW 77.57) before advancing the CR-102 proposal phase. WDFW's first webinar was with Washington Tribes last week and Gabrielle noted the agency received good feedback from discussions at the webinar. The next Fish Passage Rulemaking webinars will be held on the following dates:

- Tuesday, October 18: State Agencies
- Tuesday, October 25: General Public
- Wednesday, October 26: Cities and Counties

After the informational webinars, WDFW will conduct a small business economic impact statement and cost-benefit analysis before formally submitting the rulemaking proposal. WDFW anticipates advancing the rulemaking proposal in February or March 2023 and adoption in the summer of 2023. More

information and the current draft of the rules can be found on WDFW's Rulemaking webpage: [Fish passage rule making | Washington Department of Fish & Wildlife](#)

Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) funds to FBRB

Carl Schroeder, Association of Washington Cities (AWC), explained AWC, WDFW, and Washington State Association of Counties (WSAC) met with WSDOT's Local Programs Office to discuss how \$75 million of *Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)* funds will be provided to cities and counties through the FBRB over the next four years. The PROTECT funds need to be obligated by September 2023. The Local Programs Office requested the FBRB send them \$25 million of city and county projects from the list. However, AWC, WSAC, and WDFW expressed concerns because they believe the intent of federal funding was for it to be additive to the state's capital funds for barrier replacement and removal instead of replacing it.

Board Questions and Discussion:

- Chair Jameson explained that PROTECT funds are currently the only guaranteed funding the Board has. State capital funds would need to be allocated by the state legislature through their final Capital Budget, which is anticipated to be released in May 2023. He noted the Board's top priority is to get the full 2023-2025 Project List funded by the legislature, but there are concerns the legislature may decide to give the Board less funding due to these federal funding opportunities.

FBRB Walla Walla Tour Presentation

John Foltz expressed thanks to the Board and its partners for traveling to Walla Walla, WA for the in-person Board meeting and tour of Mill Creek. He explained this was an opportunity to share the partnerships and collaboration happening in the watershed to restore fish passage. Additionally, he thanked the tribal staff from the Confederated Tribes on the Umatilla Indian Reservation (CTUIR) for their work in the watershed. Lastly, he thanked the WDFW, US Army Corps of Engineers, and the watershed recovery partners for their work.

John Foltz briefly walked through the September 29 tour packet and explained the salmon recovery efforts around fish passage happening in the watershed. The tour packet includes maps of the watershed and tour route, project descriptions at each of the stops, and images of the projects. It is available with the [September 2022 meeting handouts](#) on the FBRB's webpage.

Notice of Funding Opportunity (NOFO) for National Culvert Removal, Replacement, and Restoration Grant Program (Culvert AOP Program) –

Chair Jameson explained that there are currently four possible sources of funding for projects in the 2023-2025 Ranked List. The first is the Board's biennial grant program which is allocated state capital funds from the legislature each biennium. Then, there are three 5-year grant programs, which were established under the Bipartisan Infrastructure Law (BIL), which is also called the Infrastructure and Investments Job Act (IIJA). These are:

- 1) The National Oceanic and Atmospheric Administration (NOAA)'s *Restoring Fish Passage through Barrier Removal* grant program: [Restoring Fish Passage through Barrier Removal Grants | NOAA Fisheries](#)

- The application cycle for the first year of funding through this program closed in September 2022. The second year of applications is expected to close in September 2023.
- 2) The USDOT's *Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation* (PROTECT) program funds are allocated to states by the Federal Highway Administration (FHWA): [Bipartisan Infrastructure Law - Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation \(PROTECT\) Formula Program Fact Sheet | Federal Highway Administration \(dot.gov\)](#)
 - As noted above, \$75 million has been allocated to city and county programs over the next four years. However, the first round of funds, totaling \$25 million, will need to be allocated by September 2023.
- 3) USDOT's *National Culvert Removal, Replacement, and Restoration Grants* (Culvert AOP Program): [National Culvert Removal, Replacement, and Restoration Grants \(Culvert AOP Program\) - Fact Sheets | Federal Highway Administration \(dot.gov\)](#)
 - USDOT recently released a NOFO and applications close on February 6, 2023.

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

Joy Juelson reminded the Board that at their recent September 28 meeting, the Board requested the Policy Subcommittee meet to discuss grant writing capacity, fiscal sponsorship, and an approach to coordinate with project sponsors regarding federal funding opportunities. Voting members on the Policy Subcommittee included Chair Jameson with WDFW, John Foltz with Council of Regions, Jeannie Abbott with GSRO, and Carl Schroeder with AWC. They met the previous day, on October 17, 2022, and prepared a list of potential paths forward, which was discussed and revised with the Board at this meeting. A draft of the discussion topics identified by the Subcommittee are available on the FBRB webpage under the [October meeting handouts linked here](#).

Board Questions and Discussion:

- Jeannie Abbott noted it is unclear if the USDOT Culvert AOP will allow for block applications since it does not have any language around sub-sponsors or sub-grantees. Additionally, she noted it is unclear if other state agencies can apply for these funds if WSDOT is applying.
- Chair Jameson noted the Board will need to make decisions on which projects to recommend for PROTECT funding and the Culvert AOP grant program this year since PROTECT funds have already been allocated to FBRB projects and the Culvert AOP grant applications close on February 6, 2023. However, the Board will likely need to see the Governor's Budget before making an informed decision. The Governor's Budget is expected to be released in mid-December and has traditionally been the high-water mark for Board funding from the Legislature.
- Board members identified several items they would like clarification on from WSDOT's Local Programs Office to better understand which projects the Board should put forth for PROTECT funding. These questions include:
 - *What is their timeline to reach the September 2023 obligation deadline?*
 - *When would they need a list of projects from the FBRB for PROTECT funding?*
 - *How much flexibility is there around the timing for the Board to identify these projects?*
 - *Is project bundling within the same watershed allowed?*
 - *What qualifies for the 10% of its PROTECT Formula Program funding for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.*

- Board members discussed developing an RFP to identify and help direct projects to these federal grant programs. After discussing the idea, the Board decided there is not enough time or resources to develop an RFP.
- Board members discussed how the Board could conduct outreach with FBRB project sponsors to see if they would be willing to receive federal funding instead of state capital funds. WDFW suggested they could potentially host an interactive webinar/Q&A with sponsors from the 2023-2025 Ranked Project List who are eligible for federal funding opportunities to see if they would be interested in applying for federal funds and what next steps for that process would look like.

Sponsor Outreach Criteria:

- This outreach would likely focus on sponsors with eligible sponsors from cities and counties who submitted restoration projects that cost \$1.5 million or more.
- When conducting outreach, the Board recommended sponsors know that projects funded through federal programs could have increased costs due to higher match requirements and additional factors like reporting requirements.
- Board members noted PROTECT funds are guaranteed through WSDOT Local Program's Office and funds could be available as soon as this month. USDOT would need to be allocated following a grant application.
- For PROTECT funds, Susan Eugenis noted that if a project has not gone through its National Environmental Policy Act (NEPA) and local permitting processed, it would be difficult for them to meet permitting requirements before funds are obligated in September 2023. In other words, it will be difficult for project sponsors to meet the Local Programs Office's timeline unless their project already has completed its permitting.
- For PROTECT Funds, the Board developed a tentative recommendation to wait for Governor's Budget to be released in mid-December and then send projects from cities and counties that fall below the funding line to WSDOT's Local Programs Office for PROTECT funding. Alternatively, they could take cities and county projects from the 2023-2025 List that are over \$1 million and fund them through guaranteed PROTECT funding.
- For USDOT's Culvert AOP Program, the Board developed a tentative recommendation to wait for Governor's Budget to be released in mid-December and then direct eligible projects below this funding line to apply to USDOT's program.
- The Board recommended the Policy Subcommittee hold another meeting before the November 15 Board meeting to continue discussions regarding the path forward for federal funding opportunities.

Action Item: The Policy Subcommittee will meet before the November 15, 2022 meeting to continue discussions regarding the path forward for federal funding opportunities.

Action Item: WDFW and Policy Subcommittee members will ask WSDOT's Local Programs Office for clarifications around PROTECT funding available for allocation to FBRB projects. These clarifications are listed above.

Action Item: WDFW could potentially host an interactive webinar/Q&A with sponsors from the 2023-2025 Ranked Project List who are eligible for federal funding opportunities to see if they would be interested in applying for federal funds and what next steps for that process would look like.

Project and Policy Issues or Opportunities

2019-2021 Project Cancellation: Caribou Creek

Chair Jameson explained Caribou Creek is a priority watershed and had a project for two small dams to be replaced. However, the landowner backed out of the project leading to its cancellation.

Discuss Upcoming Opportunities for Engagement

Upcoming Conferences: Salmon Recovery Conference, April 2023

Joy Juelson and Alex Sweetser noted a call for abstracts went out for the Salmon Recovery Conference from April 18-19, 2023 in Vancouver, WA. The due date for abstracts is October 28, 2022. At the last meeting on September 28, the Board agreed to submit an abstract for an FBRB session. 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.

Action Item: The Board will develop and submit an abstract for an FBRB session at the Salmon Recovery Conference in April 2023.

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

Next Meeting: Virtual meeting on November 15, 2022

ATTENDANCE

Board Members/Alternates:

Carl Schroeder, Association of Washington Cities (AWC)	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 (WSAC)
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)	

WDFW, RCO Staff and Triangle Facilitation Team:

Adam Fleming, WDFW	Julie Grobelny, WDFW
Amber Martens, WDFW	Kaylee Kautz, WDFW
Cassandra Weekes, WDFW	Alice Rubin, Recreation and Conservation Office (RCO)
David Collins, WDFW	David Caudill, RCO
Gabrielle Stilwater, WDFW	Alex Sweetser, Facilitation Support
Gina Piazza, WDFW	Joy Juelson, Facilitation Support
Jane Atha, WDFW	

Others observing:

Daniel Howe	Jessica Helsley	Steve Helvey
Eric Mickelson	Kevin Long	Susan

Harvey Coffman	Mike Kaputa	Call-in user x3
Heidi Reynolds	Neil Aaland	