

Fish Passage Barrier Removal Board – Meeting Notes

Date: June 19, 2018

Place: Association of Washington Cities, Olympia, Washington

Summary: Agenda items with formal action

Item	Formal Action
Change/addition of two projects to LCFRB watershed pathway project list	Request approved

Summary: Follow-up actions

Item	Follow-up
Presentation by John Foltz on Mill Creek project in Walla Walla	Presentation will be secured and sent to Casey Baldwin for his information
Federal permitting and approach to recommend to NOAA	Place on July agenda
Detailed review/update of workplan	Place this on the agenda after legislative request is completed (probably September)
Increased costs due to unforeseen circumstances once in the field (e.g. creosote remnant found in one project)	Place on future agenda for discussion
Whether and how to combine project lists (watershed and coordinated)	Place on July agenda

Board Members/Alternates Present:

Tom Jameson, Chair, WDFW	Carl Schroeder, AWC
Susan Kanzler, DOT	Dave Caudill, RCO - GSRO
Jon Brand, WSAC	Gary Rowe, WSAC
Justin Zweifel, WDFW	Casey Baldwin, CCT
Jonalee Squeochs, Yakama Tribe (phone)	David Price, NOAA

Others present at meeting:

Dave Collins, WDFW	Larry Dominguez, KPFF
Cade Roler, WDFW	Chad Ross, Whitemans Cove
Gina Piazza, WDFW	Mike Kaputa, Chelan County
Neil Aaland, Facilitator	Alison Hart, WDFW
Steve West, LCFRB	

Welcome/Introductions/Agenda Review

Meeting started at 9:00. Neil reviewed the agenda. Dave Price asked to add an item for him to get feedback on NOAA priorities.

Public Comments

No comment was offered.

1. Approval of May meeting notes: Jon moved to approve, Dave Caudill seconded. Approved unanimously.

2. Culvert case update: Tom Jameson said the Supreme Court on Monday issued its decision, which is a 4-4 split vote. This means the lower court ruling stands. Justice Kennedy recused himself because he was involved in the case while serving on the 9th Circuit Court of Appeals. Tom noted that meetings with the Tribes regarding culverts had been on hold while the case was considered; they may start up again. Action against cities and counties may be next, no clear idea when. Gary said counties and cities are sending a letter to the Governor and legislative leadership saying they don't want to be the target of a lawsuit and hope to avoid that. King and Pierce counties are establishing their own fish passage barrier programs. Tom, Justin, and Christy Rains met with Beth Redfield of the State Transportation Commission. They are looking to help organize a tour of fish passage issues in the fall.
3. Coordinated Pathway Request for Applications Status: Justin Zweifel referred to the timeline chart which was handed out. Final applications are due June 28. This is unchanged from the last time the Board reviewed the timeline. Cade Roler said some proposals have been funded by other programs, so the project list is down from 48 to 46. The cost of remaining projects is \$19.2 million. This could either drop further or increase as estimates are refined. On June 28, we will have new cost figures, and that's what the award amount will be.

Comments and questions:

- Less information was required for the watershed pathway since that is not a competitive process; the award will be based on cost estimates
 - It was noted that costs for some projects include some things not directly connected to salmon passage but important for the success of the project, such as safety barriers on roads
 - It would be good to review these items at a future meeting
 - Sometimes utilities must be relocated; some utility agreements with cities and counties provide that utilities bear that cost
4. Watershed Pathway updates: Justin explained that applicants were given until the end of July to submit their applications. A letter from the Lower Columbia Fish Recovery Board (LCFRB) was passed out explaining their request for a project change. Cade explained they wanted to add two culverts to their project lists. A railroad is decommissioning a line and there's a new opportunity. Steve West from LCFRB provided further details on the two projects. They are still part of the same focus area of the Lower Cowlitz watershed. Delemeter Creek is still a priority, but these two culverts are important and an opportunity. They are in the same HUC 10 as the current project list. After some discussion, the Board decided that a motion to authorize this would be good to document the change. Carl moved to approve the new projects as the LCFRB submittal, Casey seconded. Motion approved.

Justin updated the Board on Mill Creek (Walla Walla). The local regional organization is thinking of shifting their project to Mill Creek. Dave Collins said they're meeting to decide on this request; it would be a change from one HUC-10 to a different HUC-10. Casey asked for a copy of the presentation by John Foltz from an earlier meeting about this project; Neil said he or WDFW would track it down and get it to Casey.

Comments and questions:

- Dave Caudill thinks Mill Creek is different than some of the projects we see based on our current barrier assessment methodologies, and thus is not easy to categorize, but that doesn't mean it shouldn't be considered
- A WDFW technical review team is going to meet with John Foltz next week

BREAK: 10:30 to 10:45

5. Dave Price/input from FBRB to NOAA: Dave explained that they are working in two categories of projects: shoreline armoring and fish passage. The fish passage program is less developed; he wants to hear about any issues that come up regarding federal permitting for fish passage. He also wonders how federal funding can best be brought to the table; and also, how to coordinate. Their internal task force struggles with this. He handed out some draft thoughts and wants some feedback.

Comments and questions include:

- Gary said Navy projects in Kitsap County seem to have greater flexibility in funding projects outside of the base; this flexibility would be good for other places
- Dave Caudill said he hears concerns from project proponents about the time required to get federal permits – sometimes between 9 months and 1.5 years
- Tom thinks the Board may want to consider funding a staff person in the Army Corps of Engineers’ office, if we get more funding and more projects
- Dave Price said could also consider the idea of seeking a “regional general permit”; he noted that the federal general permit still takes a long time
- Tom has heard that the railroads can be difficult to work with; general agreement from others that this is an issue
- Dave said a letter from the chair to the joint regional implementation chairs would be most helpful; the chairs are Peter Murchey and Elizabeth Babcock
- Susan thinks data sharing between the different agencies is a great idea
- Cade asked about the funding level of federal programs; Dave Price said there are some different funding sources with potential access, it’s about routing existing funding

Suggestion is to have another presentation in July with focused discussion and then authorize Tom to send a letter after the July meeting. Board agreed with this.

6. 2019-21 Capital Budget Request: Justin referred back to the timeline chart. They are leaning toward asking for a larger funding allocation – perhaps \$50 million which may be more than the sum of all the proposed projects. If this were approved, they would issue another project solicitation on July 1, 2019. Tom said their approach for the next biennium is to ask for a funding amount, rather than the Legislature approving a specific project list. WDFW met with RCO regarding these approaches. RCO will continue to officially submit the budget to OFM and administer the program. If projects are underfunded, they would put in another funding request for them. RCO also recommended asking for a general funding amount rather than approving a specific project list.

Questions and comments included:

- Gary noted the Wilcox bill asked for \$100 million/biennium; consider that level
 - Consider looking to the transportation budget as well as the capital budget
 - Need to think about match issues, likely to run into problems with match
 - We should think about a three-biennium strategy or longer
- Carl supports thinking about longer term request
- Gary thinks we should consider bundling projects for efficiency
- For a larger funding amount, think about how to explain the benefit of a larger funding approach
- Casey thinks we need to have a discussion in July about whether and how to combine project lists (watershed and coordinated)
 - Agreed to have this a July agenda item
- The Board could identify a funding amount for each watershed

- Dave worries about overlooking capacity in a watershed; but perhaps worth considering
- Carl wonders if it is more attractive to the Legislature to fund lists or a funding amount

LUNCH BREAK 11:55 to 12:30

7. 2017-19 Project Updates: Justin reviewed the spreadsheet. There are 13 top projects. Tom said the LEAP list had several errors in it which caused concerns. With the Buford Creek project, the LEAP list said it was a \$4.72 million project but our information said \$3.1 million. WDFW staff checked on information in previous Board member Stacy Polkowske's binder, and it showed \$4.5 million. The project is a DOT culvert with 50-60 feet of fill above it. DOT had concerns about the design which is why the cost is increased. It was put under contract for \$3.1 million but then increased to \$4.1 million. Tom approved this change; he considers it a clerical error and not a cost increase.

Gina said one project (Hoko River) has been found to have creosote remnant. She asked if we should pay an increased amount to remove more of this contamination than directly required for the project, since the equipment is there already. The cost for this removal is not yet estimated, very rough cost might be \$100,000. It highlights the issue of unforeseen circumstances. Gary said at some point you have to say only providing funding to implement a project, draw a line. Tom thinks we need more reconnaissance on this. The related bridge is being built this summer but fill not being removed. Board decided to have the project start up and bring more information back at a future meeting. The precedent of this needs to be considered.

Casey wonders if our budget should include a contingency fund. Returned funds would help establish that. If we had that, and money was left over near the end of a biennium, could fund designs for upcoming projects.

8. Work Plan update: Neil reviewed the status report included in the packet. The "database presentation" should be done periodically; add a funding category of inventories. Steve Martin is going to track fixes to the database of barriers. HPAs might identify new barriers found and corrections. The Board asked for a detailed review of the workplan to be scheduled following July/August (to allow time to approve the new legislative request). Cade asked the Board to consider funding research. Dave Price suggested consideration of having the Intrinsic Potential Model peer reviewed.

The meeting adjourned at 2:00 pm.

Next meeting: Tuesday, July 17, 2018 – Rainier Room, Association of Washington Cities