

Final Notes
Skagit Watershed Council, Technical Work Group (TWG)
March 19, 2015, 2 – 4pm, SWC Conference Room

(* indicates action item; indicates decision)

Attendance: Alison Studley, (SFEG, Chair) Bob Warinner (WDFW), Devin Smith (Skagit River System Cooperative), Ed Connor (Seattle City Light), Jeff McGowan (Skagit County), Kari Odden (Skagit Land Trust), Chris Vondrasek (SWC), Rick Hartson (Upper Skagit Indian Tribe), Tom Slocum (Skagit Conservation District), Doug Bruland (PSE), Erik Andersen (Aspect Consulting)

Guests – Erin Lowery (Seattle City Light), Richard Brocksmith (SWC)

The meeting was called to order at 2:06 pm. Next TWG meeting – tentatively scheduled for May 21, 2015, 2 – 4 pm. The TRC convenes on April 28, 29 and 30 for consideration of 2015 project proposals.

Introductions, Agenda, Notes

- Approved meeting agenda unanimously.
- Approved February meeting notes unanimously, as provided by Chris Vondrasek on March 13.

There was a short discussion on how the TWG makes decisions. The group has gotten in the habit of making formal motions and voting on subjects that require approval. Prior to this the process had been one of striving to reach consensus. Efforts will focus on reaching consensus for subjects that need approval but fallback to formal motions and voting if there isn't consensus. Documenting why there isn't consensus and minority opinions will also be important.

Committee Reports

- **Board Updates**

2015 Strategic Approach – The Board had questions on inclusion of the critical uncertainty questions in the body of the document. The questions were instead moved to a separate section at the end. Otherwise all three documents (2015 Strategic Approach, 2015 Interim Steelhead Strategy, and 2015 Lead Entity Program Guide) were approved as recommended. Fish distributions were based on 2001 LFA data.

The two Skagit Capacity Fund projects that were recommended for approval by TWG at the February meeting were approved by the Board. The Board agreed to issue another Capacity Fund RFP by July. Future capacity fund approaches are being debated at the regional level at the Salmon Recovery Council, with SWC requesting that funds be

distributed as block grants for speed and local decision-making. There was a question about whether the money will be spent in the next biennium or not, and Richard indicated it's important to complete the capacity work as soon as possible.

- **Protection Subcommittee**

There are not yet formal meeting notes from the last meeting. The group discussed the protection patch (**an interim method for assessing parcels for protection funding beyond the current strategies**) and how projects that have large upland components are bringing the scores down. Since the last update to the TWG/BOD which was about 6 months ago, 213 acres have been acquired. There have not been any significant acquisitions in the last couple of months. Most of the high value acquisition targets that are available within the floodplain have been acquired. There have been significant lessons learned from prior acquisition efforts that will be used to help guide future process updates.

Acquisition opportunities in the 14 tributaries versus the lower watershed were discussed in the context of being consistent with the 1998 **SWC Habitat Protection and Restoration Strategy**. Bob noted that the evaluation method was developed to consider all projects and not just those in the tributaries or main stem ***Richard will draft alternatives to consider for updating the Protection Subcommittee processes/acquisitions with the intent to complete this by the end of 2015.**

A question was raised by the TRC in 2013 on how the protection strategy update can help improve the way we look at sites within the nearshore. The Protection Subcommittee feels that it needs to focus on the main stem first and foremost, but at least Richard thought that we could try to develop an outline for future nearshore efforts.

- **Monitoring and Adaptive Management (M & AM) Subcommittee**

All meeting materials from the M & AM Subcommittee are available in electronic form; please ask for access if desired.

Richard discussed the Phase 2 update to the Chinook monitoring plan. The effort will capture existing details and products, and then fill critical gaps in monitoring needs and methods. Information on juvenile use of the estuary will be documented and financial assistance is being discussed between Puget Sound Partnership and Skagit River System Cooperative for exporting this information out for use by other watersheds. A scope of work for the coming year is being further developed.

It was noted that there has been an eligibility change at SRFB. Monitoring projects are available for funding if sponsored by a Lead Entity organization, and endorsed by the applicable regional organization (PSP, here in the Skagit).

TWG members had questions focused on how money is allocated for primary projects versus monitoring projects. Erin asked how effectiveness monitoring projects are considered. Richard responded that monitoring would need to focus on either critical fish in/fish out or habitat status and trends versus monitoring for individual projects such as those that are already being monitored at a statewide level. TWG members also discussed how to determine if SRFB funding would be spent on monitoring during the current project round. A committee with the right tools would have to determine if projects are eligible. Eligible projects would then be considered for funding through the LECC, in what is essentially a policy call about how much funding to allocate to monitoring. TWG members had additional questions and comments on the topic of monitoring. Richard encouraged TWG members to attend the next M & AM meeting and bring specific questions and ideas to discuss. *** TWG will be notified of the next M & AM meeting and are invited to attend for further discussion/clarification on associated topics.**

- **Steelhead and Bull Trout subcommittee**

There was no March meeting. A draft schedule has been developed and distributed that identifies potential future meeting dates, likely not until fall.

2015 Lead Entity Program

- **LOI review and eligibility**

Eleven letters of intent (LOI) were submitted with a total value of approximately \$7 million. It was noted that according to the Lead Entity Guide that Chris Vondrasek has the authority to determine eligibility, though staff has looked to TWG if there are any grey areas.

A question was raised on the definition of non-capital projects. Non - capital projects include design, feasibility, planning and assessment efforts. ***Chris will review Manual 18 for clarification, as necessary.** Further discussion ensued about specific projects types. The group questioned whether the Skiyou Rock Removal project was a combination project and if bank stability work is eligible for funding. Guidance information on this question can be found in Appendix E, and will be more thoroughly discussed as the grant round continues. A question was raised regarding the distinction between design-only projects and others. There is a clear definition of design-only projects. Design-only projects can be funded for up to \$200K with no match and are considered non-capital projects. It was noted that there are some inconsistencies in the subcategories for capital and non-capital project types that need to be resolved.

Devin asked a question about whether the new proposed projects would be included in the 3 year work plan if not already there. Richard noted that the 3 year plan was not updated this year since it wasn't due to the Partnership this spring. Instead, it isn't due

until early 2016, with significant changes in the template and moving to a 4 year period. ***As a result, we will spend part of the fall in updating that planning document.** Richard noted that the Lake Creek Wetland Complex project was of particular interest since there are no projects that include steelhead in the 3 year work plan. Clarification was provided on the Tier notation for this project. It was identified as a Tier 2 (+) steelhead project. There was some confusion about this. The outcome is that the correct representation of this should be a “Tier 2 steelhead only” project. It was decided that this project is eligible even though not on the 3 year plan due to its consistency with the 2015 interim steelhead strategy.

The Pressentin Park side channel project was reclassified as design/construct vs. restoration in the Project Type category.

It was determined that all 11 LOI’s meet eligibility requirements to be considered for funding.

Tom asked how much funding would be available for these projects. It is unknown until the legislative session is completed. Group members provided that current thought is somewhere in the \$5.4 – 5.5 million range or lower.

- **Technical Review Committee membership and 2015 SRFB site visits**

TRC membership will include Doug Bruland, Bob Warinner, Chris Vondrasek, Jeff McGowan, Devin Smith, Alison Studley, Rick Hartson, Erin Lowery, Richard Brocksmith, Erik Andersen, Micah Wait, Pat Stevenson, Ginger Phalen and Polly Hicks. Kari Odden, Ed Connor, Richard Brocksmith and Tom Slocum will not participate as members of the TRC, though Tom will be the SRFB Review Panel member for Skagit this year. ***The group will follow up with Phil Kincare to see if he will be on the TRC.**

It was noted that excused absences are allowed for legitimate reasons with prior notice. The site schedule should be developed and made available as soon as possible. *** Next steps include invitations to sponsors to submit draft applications and developing a schedule and agenda for the field visits.** It was noted that there is a cluster of projects upriver and a smaller cluster mid-river. This information may assist in development of the site visit schedule.

There was a general discussion about site visits. A question was raised about the necessity of visiting all 11 proposed project sites. Many of the proposals include multiple sites. Many of the existing TRC members have been to some of the sites while new members may have no experience with the locations. ***Chris will work with project sponsors to determine which sites to visit and to ensure landowner access. Chris will coordinate with individual TRC group members to determine a tentative site visit schedule and agenda.**

Discussion and questions on specific sites included:

- Illabot Creek – it was noted that this site will likely not need to be visited. Additional time will need to be allocated though for discussion if there are questions about project specifics.

No formal, in-office presentations by project sponsors will be required for this funding round. Informal presentations/discussions will occur during site visits. If a site visit will not be necessary for a specific site, a process will need to be determined for how and when to discuss the proposals with sponsors.

A question was raised on how to incorporate comments into the review process between site visits and the scoring meeting. Richard noted that SWC identifies critical and editorial comments and then provides to TRC members via email for approval prior to dissemination to sponsors. Time for discussion will be allocated into the schedule.

***Chris will distribute a draft schedule within the next 7-10 days.**

Fir Island Farm Construction – Final Review of Grant Conditions

This is a large project that has already had a huge amount of design, due diligence, and approval processes. When the Board approved the funding for the project, they determined that they would need to receive and review the Landowner Agreement and plan of operations and maintenance as a condition of grant approval. These documents were provided to TWG for review. Policy and legal considerations are also part of the larger process for this project beyond the technical aspects. WDFW provided a presentation at the 90% design stage previously, and TWG comments were provided after that presentation.

TWG members identified that a decision is needed on whether the sponsors have met the technical requirements of the grant conditions. Discussion on this topic included:

- Skagit Fisheries Enhancement Group provided questions/comments on the budget for the project. Responses have been placed into an Excel spreadsheet that was provided to TWG members.
- The final project design closed under budget. This is the reason that some of the funding for this component of the project is being returned.
- Additional funding is needed for signage. Signage is planned to be provided in kiosk style. The funding for signage is \$25K. Fencing costs have also been reduced.
- There was a discussion on construction management. It was noted that \$1.26 million was budgeted for these tasks which was approximately double the contingency and very large relative to other projects.

Bob noted that the review process for this project was a bit non-traditional but comments had all been addressed. It is unclear if there are remaining technical issues that need to be resolved. The process doesn't identify any additional next steps.

Richard encouraged TWG members to fully review the documents and provide feedback. Sponsor responses to comments were provided for review about 2 weeks prior. If there are any concerns they should be provided to TWG for consideration.

The Landowner Agreement has been signed, and either includes or references:

1. Formal transfer of the property underlying infrastructure.
2. Formal transfer of the pump station – This document discusses both summer and winter flow/pumping conditions and requirements. The pumps are designed to handle all situations. One of the key components of this is the avoidance of saltwater intrusion and flooding on adjacent farm fields.
3. Monitoring impacts from operations at the site – negative impacts will have to be addressed through adaptive management, which is noted in the landowner agreements. The MOU has an erroneous citation that will be adjusted for this.

It was noted that both the Landowner Agreement and Monitoring and Adaptive Management Plan have been fully executed.

Questions/comments related to this process included:

- Due to the high level and technologically complex nature of the information, the documents should have been provided earlier for review.
- Do the documents provided meet the conditions for the Plan of Operations and Maintenance?
- TWG members would have liked to have more conversation with the project sponsors regarding the increased budget for construction management and the project more generally. The group then discussed whether there are really questions related to this topic or just procedural concerns?
- For a full technical review of this information, a representative of the agriculture community should have been involved.
- Large (and in this case unprecedented) project processes need better organization, definition and direction. It was noted that updates to the Program Guide have already improved this.

TWG believes that the documents meet the intent of BOD direction on the plan of operations and maintenance.

Returned PSAR Funds

One project was submitted for the “do you have additional needs for funded projects” RFP.

The Hansen Creek project, sponsored by Skagit County, has some items that were overlooked during the initial planning phase. Skagit County was provided with some incorrect cost estimates associated with the project. The design is currently funded only for the 30% phase. Additional funding is needed to complete the 100% design phase for the project as originally scoped.

A question was raised whether Skagit County could spend the money in time. The existing contract can be modified to aid in timely expenditure of funds. All matching funds for the project are from Skagit County. There was discussion on SRSC acquisitions. ***The discussion focused on the need for SRSC and Skagit County to coordinate their efforts and change requests. SRSC will be providing a change order to their existing project funded last year.** Further discussion covered the topic of the current complexity of the project versus the original design efforts.

TWG recommends approval of a cost increase amendment to the Board for the Hansen Creek project of \$133K. TWG could not reach consensus on this decision so a vote was taken. The recommendation passed for approval on a 6 -1 vote. Jeff McGowan, Devin Smith and Doug Bruland abstained. The reason for the non-unanimous vote focused on this Tier 2 project not being a significant, priority area and that there were better places to spend those funds.

Additional Discussion

The May 21, 2015 TWG meeting will only occur if necessary. A potential agenda item is the alternatives analysis for the South Skagit Feasibility Study. The alternative sponsors are leaning towards is to leave the highway in its current location which is also the most cost effective alternative. *** Project sponsors could provide a presentation to TWG with question/answer session to follow.**

There was a question of whether the June 30 Lead Entity Citizen's Committee would include sponsors or if it would just be staff. ***This is still to be determined.**

Adjourn 4:10