



Lower Columbia Fish Recovery Board

May 6, 2022
Board Meeting
Conference Call/Webinar

Minutes
Approved: June 3, 2022

Present: Dan Cothren, Lee Grose, Marylynn Kostick, Richard Mahar, Hal Mahnke, Gary Medvigy, Todd Olson, Ann Rivers, Rudy Salakory, Don Swanson, Olaf Thomason, Dennis Weber, and Del Wilson.

Absent: Jade Unger, Chairman Olson excused the absent member.

Staff: Steve Manlow, Denise Smee, Amelia Johnson, Steve West, and Lorie Clark

ANNOUNCEMENTS:

- No announcements were made.

PUBLIC COMMENT:

- No public comment was given.

PARTNER REPORTS: *Landowner Incentives for Salmon Habitat Restoration, Presentation by Denise Smee, LCFRB*
Ms. Smee described how she has been working with the Washington Salmon Coalition (WSC) (Lead Entities) over the past few months to move this effort forward. She noted she established a WSC subcommittee to review work done to date in the Lower Columbia and across the state, to identify the most important landowner engagement and incentives issues. She indicated she will present to the general WSC members in the future. She also described the *Issues and Action Matrix* she prepared that lays out the objectives and issues in landowner participation, the actions that could address the issues, and who would do that action. Ms. Smee noted that the work Board member Wilson did with sponsors served as the foundation for this effort, and highlighted the goals of improving collaboration, engaging WSC in the effort, and improving landowner participation. This presentation will be posted on the LCFRB website and is available upon request.

Questions and comments from the Board:

- Board member Swanson asked about programmatic permits as a tool to help out. Director Manlow responded that programmatic permit approaches are being evaluated as part of the USACE permit streamlining effort he is leading – the question is whether developing new programmatic permits would be more effective and efficient than using the existing permits like Nationwide 27 for restoration projects. He noted Clark County Public Works has a programmatic permit for ESA consultations for routine maintenance projects.
- Board member Kostick asked if landowners have identified specific needs, in addition to correcting barriers. Ms. Smee responded that flooding and erosion were also identified as concerns by landowners.
- Board member Wilson stated he felt the landowner's needs were two-fold, based on his survey work. One issue is the need to collaborate with the landowners and make some compromises in what we are doing. The second related to all of the restrictions, requirements, processes, and permits involved.
- Chairman Olson asked Ms. Smee to speak about what the Coalition's near term progress would be. Ms. Smee stated the WSC will meet in June. At that meeting, they hope to present their priority issues and what actions will affect those issues. Then the hope is to identify issues the WSC would like to work on as well as level commitment to move forward.

- Board member Wilson stated he wanted to mention something that he heard from multiple sponsors and some landowners. Ecology is taking control of the riparian buffer areas, yet landowners are still required to pay taxes on the riparian buffer. He noted that a tax incentive program was noted by project sponsors and landowners as a way to offset the taxes for the area being used as a buffer, and that this was an important issue to tackle as a priority with WSC.
- Board member Cothren stated he lives on Duck Creek and his property is surrounded by a timber company. He explained that he has been working with a person that works for a timber company to remove some of the Alder trees from the riparian zone because their lifespan is only about 70 years, and to replant areas with spruce. He added that he is looking to expand the replanting by working with DNR, and suggested riparian owners coordinate with timber companies as well.
- Ms. Smee stated that most natural resource agencies have some programs to help landowners and that it is worth the time to contact them for information.
- Director Manlow stated that a lot of our sponsors work on industrial forest lands, and there have been great opportunities to conduct riparian enhancement, like under-planting with conifers, as part of floodplain projects.
- Chairman Olson stated he is looking forward to how the WSC responds at their June meeting.

DIRECTOR'S REPORT

Director Manlow noted that he prepared a written report that went out with the Board materials and asked members to send any questions or comments to him.

Director Manlow highlighted the following areas of the report:

- The search for the SW WA City Representative has been concluded. This position was previously filled by Paul Greenlee who stepped down the end of 2021. Troy McCoy from the City of Battle Ground City Council has been elected. Staff will verify no additional ballots have been submitted then reach out to him and welcome him to the Board.
- At the last Board meeting, Board member Swanson mentioned HB1383 (Lorraine Loomis Act) and expressed concerns. Director Manlow suggested he would give an update on the bill in the Good of the Order portion of the agenda. The Board members agreed.

BUSINESS MEETING

Item #1 Consent Agenda

Board member Weber moved and Board member Swanson seconded to approve the Consent Agenda as submitted. No discussion. Motion carried.

Item #2 Adopt the Private Landowner Engagement in Salmon Habitat Restoration Projects in the Lower Columbia Report

Director Manlow presented the item to the Board. This item relates to the presentation from Ms. Smee today and staff is looking for Board approval to endorse the report as an official LCFRB publication. This would allow staff to post the report to the website and distribute as requested.

Chairman Olson stated he hoped that the Board members had an opportunity to review the report when it was sent out last week. No comments have been received by staff on the report to date. He added that he appreciates the work that Board member Wilson and Ms. Smee have put into the report.

Questions and comments from the Board:

- Chairman Olson stated the report has action items that were identified and he would like to request that those items be tracked, perhaps in the Director's Report. He doesn't want to lose sight of the hard work that has been done on document. Director Manlow stated he would include it as a standing item in his Director's Report.
- Director Manlow thanked Board member Wilson for his work on the report, noting that he spent a lot of time working with and interviewing project sponsors as well as working with staff.
- Ms. Smee stated she would send out a link to the report to all Board members and post it on the LCFRB website.

Board member Salakory moved and Board member Grose seconded to adopt the *Private Landowner Engagement in Salmon Habitat Restoration Projects in the Lower Columbia* report as an official Board publication. No discussion. Motion carried.

Item #3 Approval of the MOU between LCFRB and Clark County Treasurer

Director Manlow presented the item. This is an update to the original agreement in 2014 between the LCFRB and Clark County Treasurer when we transitioned from Cowlitz County as our fiduciary to Clark County. He explained that this is the first time Clark County has updated the agreement, and that updates include petty cash and fraud prevention language, current online and web processes, and standardizing the format. The MOU updates reflect our current practices and will not change any LCFRB policies, procedures, or practices.

No questions and comments from the Board.

Board member Grose moved and Board member Weber seconded to approve the updated "Memorandum of Understanding" concerning Clark County Treasurer and the Lower Columbia Fish Recovery Board. No discussion. Motion carried.

GOOD OF THE ORDER:

- Director Manlow stated as a follow up to our last meeting, Board member Swanson mentioned HB1383 and the potential implications to property owners. He stated the bill HB1383 (SB5727) relating to riparian protection was not passed by the legislature. He noted the intent of the bill was good for riparian protection but raised a lot of concerns with property owners and the agricultural community. He articulated the following points:
 - This bill would have integrated recovery goals into comprehensive plans and established a new regulatory program for riparian protection along with an incentives program. WDFW was relied upon as the lead implementing state agency for the new program, and that the program included mapping riparian areas and using a site potential tree height standard.
 - The bill also called for WDFW to develop rules to protect riparian habitat.
 - The bill would have established a grant program to fund riparian restoration where property owners could apply for funds for 70% – 90% of the cost to establish a riparian corridor on their property by using a prioritization process across the state.
 - For property owners that didn't take advantage of the incentive piece, it would have established a requirement for compliance and enforcement, as well establishing a riparian corridor regardless of any current land use application.
 - The bill also included compliance and enforcement with penalties if property owners did not establish the riparian corridor.

- This bill also included a monitoring program.
- Director Manlow stated some of the elements in the bill were good but the bill itself was heavy handed in terms of the regulatory approach. He noted that from a recovery plan perspective, this has generated a lot of discussion on a staff level.
- Board member Swanson stated the bill was a good step towards landowner participation. However, the potential imposed fine of \$10,000 per day for noncompliance would draw such a negative reaction among the restoration groups that it could be considered socialism.
- Chairman Olson stated it comes back to general education around what is being done and the impacts of any action that is taken, whether it's boating or fishing.
- Board member Weber stated on Monday of this week the WA State Association of Counties (WSAC) held a virtual assembly for all Commissioner's to attend and they had a guest speaker, Laura Watson, Director of the Department of Ecology and the topic of HB1383 was discussed. He added that there is an opportunity for BOCC's to engage with the Department of Ecology, staff and legislature.
- Board member Wilson commended Ms. Smee on the work she did with the report adding that she did an outstanding job moving forward.
- Director Manlow stated future Board discussion on the role of land use in recovery is needed. He suggested a workshop to discuss observations on land use relative to restoration and levels of protection we are or are not seeing. He note evaluation on how are we protecting the habitat baseline is needed, especially relative to restoration work. He described one situation where we put nearly a million dollars into a stream restoration project only to have a major land use change happened that likely reduced our return on recovery investment by 50%.
- Board member Wilson suggested tracking all land use incentive programs in PRISM to determine what and how much was used.
- Board member Cothren stated the legislature cannot come into small rural communities with a heavy hand. It doesn't work because they don't know what is happening in the communities and feels the community gets the short end of the stick.
- Director Manlow stated there is quite a bit swirling around regarding salmon recovery funding. There have been appropriations by Congress through various processes. Staff is trying to sort it out because there hasn't been a lot of state wide coordination. Staff has been talking with the Cowlitz Indian Tribe and Lower Columbia Estuary Partnership to work on this from a regional perspective.
- Board member Salakory stated there is a large amount of funding going into salmon recovery. He has been working with Senator Cantwell's office and congressional staff to discuss the types of projects and resources that will be available. He added how we could better engage the WA State agencies that are involved in this as well as our own communities to leverage the resources to benefit the region.

Chairman Olson adjourned the meeting at 2:15 p.m.

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Approved in open session on 06/03/2022.

Signed: _____

Todd Olson, Chairman