



## Lower Columbia Fish Recovery Board

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August 5, 2022  
Board Meeting  
Conference Call/Webinar

Final Minutes  
Approved: November 4, 2022

**Present:** Dan Cothren, Lee Grose, Richard Mahar, Hal Mahnke, Gary Medvigy, Todd Olson, Rudy Salakory, Olaf Thomason, Dennis Weber, and Del Wilson.

**Absent:** Marylynne Kostick, Troy McCoy, Ann Rivers, Don Swanson, and Jade Unger. Chairman Olson excused the absent members.

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

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**ANNOUNCEMENTS:** Ms. Lauren Bauernschmidt, Habitat Biologist with the WA Department of Fish and Wildlife, introduced herself. Her coverage area includes all Pacific County, the mouth of the Lower Columbia, Grays River, Wallicut River, Deep River, and Chinook River. Steve West invited Ms. Bauernschmidt to attend the meeting to get a sense of what is happening in the Lower Columbia region.

**PUBLIC COMMENT:** Peter Bracci, Citizen in the City of Vancouver introduced himself. Mr. Bracci has lived in Vancouver for the last six years. He has been tracking and documenting environmental destruction, including riparian, salmon, and wildlife habitat along Burnt Bridge Creek. Mr. Bracci sent his report to the LCFRB staff. He stated his conclusion is that the City of Vancouver is failing to meet their commitment to clean water, adhere to and no net loss standards, or enforce their own city codes for environmental protection. Mr. Bracci expressed concern about camping laws related to the homeless epidemic and impacts to water quality. He noted the city forgot that Burnt Bridge Creek is a 303 (d) creek, and the city has failed to comply with SEPA or protect critical areas as required by the Growth Management Act. Mr. Bracci offered to take members of the Board on a tour of Arnold Park and along Burnt Bridge Creek to see the impacts firsthand.

Ms. Smee forwarded Mr. Bracci's report to the Board members ahead of today's meeting.

Comments and questions from the Board:

- Board member Medvigy mentioned that the City of San Francisco was sued for not enforcing their own code regarding the homeless crisis. He added that he saw this degradation a decade ago in California with the marijuana grows on public lands, and associated impacts from water use, poisoning and pesticides. He stated he forwarded the report to the City of Vancouver Mayor, county staff, and County Health Officer, and noted the problem is multijurisdictional without a single state body for enforcement.
- Board member Weber thanked Mr. Bracci for his comments and report.
- Board member Weber stated the report referenced a project that LCFRB funded. Ms. Smee stated the Board has funded a few projects through the Clark County Clean Water Restoration Fund (CCCWRF)

program for habitat restoration in the Burnt Bridge watershed. She stated she is uncertain of the project location overlapping with the homeless population camping areas.

- Chairman Olson asked Ms. Smee to display the map funded Burnt Bridge Creek project.

#### **PARTNER REPORTS**

- No partner reports.

#### **DIRECTOR'S REPORT**

Chairman Olson stated that Director Manlow is listening in on the meeting but because he is under the weather, he will not be participating.

The Director's Report was distributed with the Board meeting packet. Ms. Smee addressed one additional update from the report relating to the Regions' request for capacity funding in the next budget. The SRFB held a special meeting on 8/2/2022. SRFB staff presented a few options to the SRFB to consider for Lead Entity capacity increases, including a percentage increase based on inflation and COLAs (e.g., receive the same amount the state received from 2014 – 2022. Another option was providing all Lead Entities with one FTE at \$140,000. She noted SRFB members agreed there is a need to bring up capacity funding for Lead Entities (LE's). Lead Entities have not had an increase in funding since 2014. SRFB members approved staff to continue to work with OFM, LE's and Regions regarding this issue.

Denise noted that regarding the Regional Organization request, SRFB staff did not submit anything to the SRFB to show what that request would look like because Erik Neatherlin and Jeannine Abbot are still working with the Regions to develop a proposal. She indicated the SRFB response was positive given the amount of recovery work that needs to be done, including implementing the Governor's new statewide strategy.

Questions and comments from the Board:

- Chairman Olson asked if the COLA would be retroactive to 2014. Ms. Smee stated yes and noting that in working with Jeannie Abbott of the GSRO, Lead Entities would get a cumulative COLA.
- Chairman Olson asked when SRFB staff would take the proposal to the SRFB. Ms. Smee stated she thought at their September 2022 meeting because the proposal has to be sent to the Legislature or Governor's Office in November.

#### **BUSINESS MEETING**

##### Item #1 Consent Agenda

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

## Item #2 Approval of the 2022 SRFB and CRR Habitat Ranked Project Lists

Chairman Olson stated he wanted to thank the Board, staff, and TAC Chair Rudy Salakory for leading the efforts on this item, noting this was a unique year due to the additional funding sources added into the process and some of them at the last minute. He asked Ms. Smee to present the item.

Ms. Smee stated she would like to give a very big 'thank you' to our TAC members - they have put a lot of time into supporting the Board and this process for salmon recovery in the region. She added that she would like all of them to know how grateful staff are for their contributions.

Ms. Smee stated this is the annual grant round project list approval meeting. This year has been the largest, most complex grant round that the Board has ever had but staff and TAC members have all worked hard and have a lot of confidence in the project lists that have been put together for Board review. This item has four recommended actions because staff felt they are all intertwined.

Ms. Smee reviewed the recommended actions for this item. Staff described each of the recommended actions in the Acton Summary. She also summarized each of the various grant programs (Targeted Investments, Regular SRFB allocation, \$25 million allocation, \$50 million allocation, and CRR funding), the numbers and types of projects submitted, the funding allocation levels, and provided an overview of the associated regional and statewide processes and sideboards. She offered thanks to our project sponsors for their hard work in bringing projects in.

Ms. Smee presented the SRFB ranked project list to the Board showing all funding sources available this year. She noted that we started out with six or seven different funding scenarios to give the projects the most we could considering criteria. The list shows the order the funds were allocated so that all the projects could be funded. She explained that the ranked list will be submitted to the SRFB on August 12, 2022.

Ms. Smee explained that we incorporated the CRR grant program with the SRFB review and presented ranked project list from the TAC. She noted that we had \$3 million available for projects this year, received four proposals, and included one 2021 on the list as well. She explained that the Tacoma Power Fisheries Technical Committee (FTC) will have final approval of the CRR ranked project list.

### Questions and comments from the Board:

- Board member Salakory stated this was a weird year for funding. Due to the additional funding, all the projects on the ranked list could be funded by using all funding sources that were available even though a few projects were not funded to their full capacity. He added that it is a testament to sponsor capacity and ingenuity that they were able to pull together their large-scale projects on such short notice. He added that the TAC felt there were no bad projects on the list.
- Board member Grose stated it is nice to be able to go through a funding cycle and be able to fund the whole list.
- Board member Weber asked if all projects were part of the efforts to support killer whales. Ms. replied no and explained that the Ridgefield Pits and SF Toutle projects in the \$50 million column were specific to the Targeted Investments grant program targeting Chinook Salmon populations. Board member Salakory added that Chinook salmon was the focus of the Targeted Investment program, and the state applied the \$50 million in funding to that program.
- Board member Weber stated in previous years, the SRFB has sent back projects that were Projects of Concern (POC's) and needed more information and asked if that happened this year. Ms. Smee replied that the Review Panel reviewed all projects and no POC's were identified.

Comments by sponsors on their project:

- No comments from sponsors.

Comments by the public on any project:

- No public comment.

Ms. Smee read the Conflict-of-Interest statement from the Board’s bylaws and asked each Board member if they had a conflict. The Board members disclosure of their Conflict of Interest for Agenda Item 2 for SRFB and CRR Projects:

- Board member Cothren None
- Board member Grose None, Disclosed that Daughter-In-Law a member of the CLT
- Board member Mahar None
- Board member Mahnke None, Disclosed that he is on the Board of the LCFEG
- Board member Medvigy None
- Board member Olson None
- Board member Salakory Abstained, Disclosed he is on the Board of Directors for CLT
- Board member Thomason None
- Board member Weber None
- Board member Wilson None

Board member Weber moved and Board member Medvigy seconded to 1) Allocate \$234,979 in Salmon Recovery Funding Board (SRFB) project funds to the Klickitat County Lead Entity for their 2022 proposals in the White Salmon watershed, 2) Adopt the LCFRB Technical Advisory Committee’s Benefits to Fish, Certainty of Success, Cost Scores and supporting assumptions, rationales, and deliberations for both the SRFB and CRR 2022 project reviews, 3) Adopt the 2022 Ranked SRFB project list as recommended by the TAC, and approve its submission to the SRFB, and 4) Adopt the 2022 Ranked CRR project list as recommended by the TAC, and approve its submission to Tacoma Power’s Fisheries Technical Committee (FTC).

No discussion. Motion carried.

### Item #3 Approval to Apply to the NOAA Transformational Habitat Restoration Grant

Ms. Amelia Johnson presented the item, explaining that staff is requesting authorization for the Director to apply to NOAA for their new grant program under the Infrastructure Investment and Jobs Act (IIJA) to finalize the watershed scale analysis and begin implementation the LCFRB’s Focused Investment Strategy for Habitat (FISH). She explained that staff will work in collaboration with property owners, Tribes and stakeholders in focal watersheds to identify community needs relating to watershed functions. She noted staff is working on the budget, Scope of Work, and Task List for the proposal, which is due in mid-September. The minimum grant request under IIJA is \$1 million and the proposal request will be \$1.6 million.

Ms. Johnson stated the first half of the project would be to focus on accessing watershed conditions and identifying those focal watersheds through workgroup meetings and public open house. The second half would move more into subcontracting with project sponsors and engineers to design restoration projects for future implementation.

Questions and comments from the Board:

- Chairman Olson asked when the application was due and when the funds would need to be used. Ms. Johnson stated the application is due September 6, 2022. If funding is awarded, the earliest contracting would begin is January 2023 and the Board would have three years to use the funds and a potential five years complete a long project. Staff is developing the Task List for a three-year project.

Board member Grose moved and Board member Mahnke seconded to authorize the Director to submit an application to NOAA for a grant under the “Transformational Habitat Restoration and Coastal Resilience Grants under the IIJA Program” to finalize the LCFRB’s Focused Investment Strategy for Habitat (FISH) project in a manner that engages local communities in identification of transformational watershed restoration projects. No discussion. Motion carried.

**GOOD OF THE ORDER:**

- Board member Weber noted that Ms. Smee referenced changes to the Open Public Meetings Act (OPMA) relating to citizen comments. He added the County Commissions have gone through a process of appointing non-elected officials to the Board of Health. An area of concern has come up when dealing with the non-elected members regarding the use of private computers and electronic devices for email communication as a public document. He noted that if there is a public records request, and you are a non-elected member using your private devices, that device is subject to inspection by government officials. The Cowlitz County attorney advised the BOCC that their non-elected members on the Board of Health need to have government emails so non-elected members can have a fire wall against government agencies accessing your private information. He also noted that any agency that establishes policy should have a government email, and the LCFRB does establish policy. He stated he wants to make sure the non-elected members of the Board are protected for their full participation.
  - Chairman Olson asked, if a non-elect member had separate email addresses on their personal computers, one for personal use and one specific to Board business, whether the government is limited to only accessing the business email, or do they have access to anything on the computer that the message was sent from? Board member Weber stated his understanding is the government would have access to any of the emails on the computer unless it is a government issued email address.
  - Board member Cothren agreed with Board member Weber and said the same scenario applies to your private phone while conducting Board business, including text messages.
  - Board member Wilson asked if the email has to end in .gov. Ms. Smee stated it could be a .org, but staff will need to look into it.
  - Board member Wilson asked, what is he supposed to do with all the emails and documents he has received to date? Ms. Smee stated staff will have to research the issue and get back to members. Board member Weber stated we should consult with legal advisors to get our questions answered.
  - Board member Grose stated, once “they” have access to your computer, they will have access to everything on it.
  - Chairman Olson asked staff to research this issue.
- Board member Medvigy stated Clark County had an earmark for Lake Vancouver and ultimately the hope is to get a lake management plan in place. He noted the Cowlitz Indian Tribe is one of the stakeholders for the work that is ongoing. He stated that he forwarded the report to Director Manlow and thanked him for his comments to the consultant who prepared the report. Board member Salakory confirmed he is on that Technical Advisory Group for Lake Vancouver.

- Board member Wilson stated something for the Board to think about, Ms. Johnson’s report reminded him that we are getting funding for various projects involving landowners and communities. He indicated he didn’t see anything in the budget to specifically assist landowner, and state that without landowner willingness, projects won’t be done. He added that to do restoration in the Lower Columbia, you need money and landowners. He asked that the Board keep that under consideration because those are the keys points in what this Board is dedicated to do.
- Board member Salakory informed the Board that Eli Asher has left the Cowlitz Tribe to take a job with GSRO to lead their salmon policy.
- Ms. Smee reminded the Board we will not meet in September due to the Labor Day holiday.

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

/lc

Approved in open session on \_\_\_\_\_

Signed: \_\_\_\_\_

Todd Olson, Chairman