

MEMORANDUM of UNDERSTANDING

between
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION/SALMON RECOVERY
FUNDING BOARD
and
WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
and
WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
on the
FAMILY FOREST FISH PASSAGE PROGRAM

Introduction

Small forest landowners own an estimated 4.2 million acres of Washington's forests—about half the private forestland in the state. These family forests are important to fish because they include thousands of miles of fish-bearing streams.

A key action in restoring fish populations is removing barriers to fish passage. A single artificial barrier on a stream can keep fish from reaching many miles of habitat upstream. To help protect fish (a public resource), state Forest Practices Rules require that fish barriers be addressed by 2016.

Because eliminating fish passage barriers can be costly, especially for the family forest landowner, the 2003 Washington Legislature established the Family Forest Fish Passage Program (RCW 76.13.150). In general, the law requires that:

- The state create a cost-share program that provides 75-100 percent of the cost of correcting small forest landowners' fish barriers.
- Small forest landowners enrolling in the program are not obligated to fix barriers on their land unless financial assistance is available from the state.
- Funding for the program must be sought by DNR.
- Barriers are to be prioritized and repaired on a "worst-first" basis.

Once a year, projects submitted to the program are prioritized according to the "worst first" criterion, and the projects providing the greatest benefit to public resources are funded. Lower priority projects remain in the program to be funded once they become high priority and money is available.

By signing up for the program, a landowner is relieved of the obligation to fix a fish passage barrier until the state determines the barrier is a high priority.

The purpose of this Memorandum of Understanding (MOU) is to clearly outline the responsibilities of each agency in implementing the Family Forest Fish Passage Program. The MOU is designed to provide the flexibility agencies might need to contribute most effectively to implementation of the program. The MOU will be revisited and adjusted each biennium if necessary.

PROGRAM GOALS

- Assist small forest landowners in meeting their fish passage obligation under Forests and Fish rules.
- Target funding to the barriers causing greatest harm to fish passage, fixing the worst first.
- Establish a ranked inventory of fish passage barriers on land owned by small forest landowners.
- Establish a simple process for the landowner.
- Utilize the expertise and efficiencies of local groups to implement projects.

PROGRAM PARTNERS, ROLES AND RESPONSIBILITIES

The program partners are: the Interagency Committee for Outdoor Recreation and Salmon Recovery Funding Board (IAC/SRFB), the Washington State Department of Natural Resources (DNR), and the Washington State Department of Fish and Wildlife (WDFW). The program partners agree to the following:

The **Small Forest Landowner Office** at the **Department of Natural Resources (DNR)** is the main point of contact for Program information. The office assists landowners, provides outreach and coordinates funding sources.

The **Washington Department of Fish and Wildlife (WDFW)** evaluates and ranks projects, and also provides information on fish barriers, fish species, habitat, Lead Entities, and watershed groups.

The **Interagency Committee for Outdoor Recreation/Salmon Recovery Funding Board (IAC)** administers program funding and provides information on program contracts, billing and reimbursement.

All agencies agree to:

1. Work cooperatively to develop program policies
2. Update guidelines, brochure and application forms
3. Staff a Fish Passage Team contingent on program funding.
4. Work cooperatively on program outreach
5. Coordinate with Lead Entity groups to establish a ranked inventory of fish barriers on land owned by small forest landowners based on the principle of fixing the worst first within a watershed
6. Work with existing local groups to complete watershed wide inventory work when opportunities are available

In addition, the agencies agree that the **Washington Farm Forestry Association (WFFA)** serves in an advisory capacity to the Program and assists with policy development on behalf of family forest landowners statewide. The agencies further agree to consult a variety of interests including but not limited to conservation districts, Regional Fisheries Enhancement Groups (RFEGs), Lead Entities, and tribes.

The agencies agree to work according to the structure and process described in Appendix A (attached).

Decision Making Process

All agencies agree to a consensus-based decision-making process through the Fish Passage Team and the Steering Committee. Consensus means general accord or collective opinion; consensus does not require a unanimous opinion. In the event that a consensus cannot be achieved, management staff from each agency shall meet and attempt in good faith to resolve the matter.

Program Budget Requests

The program budget is jointly developed by the three agencies working through the Steering Committee.

Reports

The Fish Passage Team will prepare an annual "Implementation Report" to highlight completed projects. This report will be submitted to the directors of Washington Department of Fish & Wildlife, Washington Department of Natural Resources, and Interagency Committee for Outdoor Recreation. The report is used to provide a yearly update to legislators, public, lead entities, project sponsors, small forest landowners, and other interested parties.

MOU Management

The Fish Passage team has primary responsibility for implementation. Team members for each of the agencies shall be the contact person for all communications and notices regarding the performance of this MOU:

For IAC/SRFB: Brian Abbott
 Project Manager
 Interagency Committee for Outdoor Recreation
 P.O. Box 40917
 Olympia, WA 98504
 Phone (360) 902-2638

For DNR: Scott Potter
 SFLO Program Specialist
 Washington Department of Natural Resources
 P.O. Box 47012
 Olympia WA 98504-7012
 Phone (360) 902-1404

For WDFW: FFFPP Administrator
Washington Department of Fish and Wildlife
600 Capitol Way
Olympia, WA 98501-1091
Phone (360) 902-2550

Alteration and Amendments

This MOU may be amended by the mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by the appropriate signers from each party.

Implementation

This MOU is effective as of the date signed by all parties.

Laura E. Johnson, Director
Interagency Committee for Outdoor Recreation

Date

Lenny Young, Division Manager, Forest Practices Division
Washington Department of Natural Resources

Date

Greg Hueckel, Assistant Director, Habitat Program
Washington Department of Fish and Wildlife

Date

Appendix A

Agency Roles and Responsibilities

Department of Natural Resources

1. Lead on public outreach and landowner enrollment, coordinated with WDFW/IAC
2. Receive applications and make initial landowner contact
3. Determine project eligibility based on definitions of Small Forest Landowner, Forestland and Fish-bearing Stream
4. Notify landowner of eligibility
5. Coordinate with WDFW for determination on fish-bearing or non-fish bearing streams
6. As staff time allows conduct barrier evaluations and expanded barrier evaluations when requested by WDFW
7. Coordinate with WDFW and Lead Entities to collect current information on barriers
8. Seek funding sources to increase funds available for FFFPP goals
9. Use WDFW ranked inventory to establish final prioritized list for project funding
10. Determine cost-share portion from landowner with Dept. of Revenue information
11. Conduct final inspection visits as requested from IAC
12. Maintain data base of small forest landowner information.

Washington Department of Fish and Wildlife

1. Coordinate barrier evaluations and completion of Barrier Evaluation Forms
2. Conduct site reviews when specialized expertise is needed
3. Coordinate completion of Expanded Barrier Evaluation forms.
4. Coordinate completion of Correction Alternative Forms and cost estimate templates.
5. Complete Expanded Barrier Evaluation Forms in areas where local expertise is not available
6. Provide preliminary project ranking
7. Generate watershed maps of fish use, potential habitat and other known barriers
8. Match sponsors with projects
9. Coordinate developing correction alternatives and cost estimates for high priority projects and provide cost estimates as needed
10. Provide design/engineering review of high priority projects
11. Update the WDFW Fish Passage Diversion Screening Inventory database.
12. Provide barrier evaluation training for field staff (RFEG's, Conservation District's etc..)
13. Conduct final inspection visits as requested by IAC
14. Gather and synthesize existing information about locations and impacts of fish barriers in the state.

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15. Maintain inventory of fish passage barriers on lands owned by small forest landowners (updated annually).

Interagency Committee for Outdoor Recreation, Salmon Recovery Funding Board:

1. Manage project tracking through PRISM
2. Provide project reports from PRISM database
3. Maintain files on all projects
4. Manage grant funding process
5. Develop project agreements, applications, forms, manuals, etc.
6. Conduct grant management trainings including application/successful applicant workshops.
7. Work with project sponsors during grant process
8. Assist with project prioritization
9. Manage funds in program budget
10. Coordinate post-construction compliance checks and project monitoring
11. Notify landowners of funding status.

FFFPP Steering Committee

Members – The Family Forest Fish Passage Program Steering Committee is made up of six members

Name – or alternate	Title	Organization
Sherry Fox	Forests & Fish Coordinator	WA. Farm Forestry
Rollie Geppert	Section Manager	IAC/SRFB
Jed Herman	Assistant Division Manager	WDNR
David Whipple	Forest Policy Lead and Section Manager Forest Habitat	WDFW
Mary McDonald	SFLO Program Manager	WDNR

Roles and responsibilities of the Steering Committee include:

Review relevant policy developed by Fish Passage Team

The Steering Committee reviews and guides all major policy and program implementation recommendations made by the Fish Passage Team. The Committee reviews outreach materials, program policies, funding decisions and other significant program development considerations.

Review draft list of prioritized projects

The Steering Committee reviews the Fish Passage Team’s ranked project list. At the end of its prioritization process, the Fish Passage Team will prepare a presentation to the Steering Committee of all projects submitted during a given funding cycle. Typically, a spreadsheet will be provided of the entire list of projects detailing the most pertinent information used to make a priority determination. A media presentation may be made of the proposed high priority projects thereby allowing the Steering Committee the

opportunity to more thoroughly review this list. The Steering Committee has the option to upgrade lower priority projects or downgrade higher priority projects if justification can be provided. The resulting list is provided to Lead Entities for review and comment.

Approve final list

The Steering Committee reviews the final project list produced after Lead Entities have provided comments. The Committee makes final funding recommendations; DNR makes final funding decisions.

Review project cost adjustments

If a project sponsor requests a project budget adjustment exceeding 20% of initial funding, the Steering Committee will be asked to review the budget adjustment. The Fish Passage Team will make an initial review of the request and make a recommendation to the Steering Committee. The Steering Committee can opt to accept the Fish Passage Team's recommendation, request additional information on the project and budget, or reject the budget adjustment request.

Steering Committee Meetings

There is an average of three meetings per year. DNR prepares the meeting agenda with input from the Fish Passage Team and takes notes summarizing the decisions and action items.

External Funding

DNR is the lead for seeking external funding sources to obtain the FFFPP program goals. DNR works with the Fish Passage Team to identify projects as candidates for external funding. DNR coordinates with local groups to submit proposals to obtain funding for high priority projects.

Fish Passage Team

The role of the Fish Passage Team is to coordinate activities of the program. This includes processing the landowner applications and entering the appropriate information in PRISM. A major role of the team is to develop all of the project information, including maps, coordinating barrier evaluations, documenting habitat gain, developing rough cost estimates, and providing a ranked project list to the Steering Committee. Activities of the Fish Passage Team are summarized below. The Team works cooperatively to implement the Agency Roles and Responsibilities.

Team Staff

NAME or Alternate	TITLE	ORGANIZATION
Scott Potter	Natural Resources Program Specialist	WDNR
Brian Abbott	SRFB Project Manager	SRFB/IAC
Vacant	FFFPP Program Administrator	WDFW
Laura Till	Fish & Wildlife Biologist	WDFW

Landowner Applications

DNR is the initial contact with the applicant. DNR verifies whether the landowner is eligible for the program and if there are cost-sharing obligations.

List of Prioritized Projects

The WDFW has the primary responsibility for assembling site-specific project information used in developing the funding recommendation from the Fish Passage Team.

Program Policy Recommendations

The Fish Passage Team, working cooperatively, provides recommendations to the Steering Committee for updating the Program Guidelines annually.

Cost Adjustments

From time to time project sponsors may need to adjust project costs due to design changes, increased construction costs, bids coming in higher than expected etc. The Fish Passage Team will review all cost change requests. IAC/SRFB staff will present a cost change form to the Fish Passage Team for approval. If the cost change is below 20% of the total original project cost the Fish Passage Team may approve the request which is documented on the Cost Change Form and part of the documentation requirements for the amendment. If the request is greater than 20% of the total project cost the Fish Passage Team provides a recommendation and forwards to the Steering Committee for approval.

Steering Committee Participation

DNR is the lead facilitator of the Steering Committee. The Fish Passage Team helps develop the agenda and bring issues to the Steering Committee for discussion.

PRISM

PRISM is the primary database for tracking FFFPP projects. Members of the Fish Passage Team have direct access to PRISM to add, edit, and delete project information related to the FFFPP projects. PRISM is a valuable tool for tracking project agreements, project budgets, evaluation materials, and funds.

Project Site Visits

The Fish Passage Team goal is to visit every high priority project being considered for funding. Site visits help gain an understanding of stream characteristics and dynamics, surrounding landscape, proposed fix, and overall quality of the project. Post project site visits help showcase the work of sponsors and gain an understanding and appreciation of project implementation.

Application/Successful Applicant Workshops

After high priority projects are funded the Fish Passage Team develops an "Application/Successful Applicant Workshop". IAC/SRFB staff takes the lead in developing the workshop agenda. Information that is covered at the workshop includes but is not limited to: project agreement, reimbursement, design standards, landowner agreements, and permitting.

Program Outreach

DNR is the lead on program outreach. However, the Fish Passage Team helps support this function by providing presentations to various groups when requested. The Fish Passage Team also helps develop and review outreach materials like the program brochure, Implementation Report, and Program Guidelines. The Fish Passage Team also encourages local sponsors to promote the program by highlighting projects in local newspapers and publications.