



## Lower Columbia Fish Recovery Board

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September 7, 2023  
Special Board Meeting  
3:00 – 4:00 p.m.

Final Minutes  
Approved: October 6, 2023

Webinar and In-Person Meeting  
WSDOT, Room 124  
11018 NE 51<sup>st</sup> Circle, Vancouver WA 98682

Present: Scott Brummer, Dan Cothren, Dalton Fry, Asa Leckie, Hal Mahnke, Todd Olson, Sandra Staples-Bortner, Dennis Weber, and Del Wilson

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

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

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**PUBLIC COMMENTS:** No public comments were offered.

**PARTNER REPORTS:** No partner reports were offered.

**ANNOUNCEMENTS:** Chairman Olson stated Board member Hal Mahnke is retiring from the Board. The Board and Director thanked him for his dedication and service to the LCFRB.

### **BUSINESS MEETING**

#### Item #1 Agreement to Administer Settlement Funds

Director Manlow presented the item. The LCFRB was approached by Columbia Riverkeepers for an opportunity to receive settlement funds to administer a grant program for dispersing funds pursuant to a federal court Consent Decree. Director Manlow stated staff was unaware of the legal action against the Metropolitan Stevedore Company and Vancouver Bulk Terminal LLC prior to be notified of this opportunity.

Columbia Riverkeeper, Metropolitan Stevedore Company, and Vancouver Bulk Terminal LLC have reached a proposed settlement regarding potential violations to the federal Clean Water Act provisions relating to stormwater. Under the proposed settlement, the defendants will provide the Board a total of \$500,000 plus residual funds from the “Vancouver Lake Projects”, not to exceed \$150,000, to use for projects that improve water quality in the Lower Columbia Region. The LCFRB will utilize up to \$10,000 of the funds per year for administration costs, over a two-year period. There is no set timeframe for when the funds need to be used. However, the funds cannot be used for political activities or lobbying.

The LCFRB will administer the Settlement Funds similar to the Clark County Clean Water Restoration Fund (CCCWRF) process. Staff will solicit project proposals for these funds through an annual grant round process, offer grant awards and contract directly with sponsors. The Board would utilize and augment its technical review committee established for implementation of the Clark County Clean Water grant program, under a prior Consent Decree fund allocation. This committee consists of professionals with both water quality expertise and knowledge of aquatic resources in southwest Washington. Project review criteria will be developed to ensure projects benefit water quality in the Columbia River Basin, per the Consent Decree.

Director Manlow reviewed the draft letter that would advise the parties in writing of the Board's willingness to administer the settlement funds in accordance with a consent decree. The letter would be submitted to the Court for acceptance as part of the consent decree.

Board member Weber moved and Board member Staples-Bortner seconded to

- 1) Authorize the Director to advise the parties to the Columbia Riverkeeper v. Port of Vancouver U.S.A., Metropolitan Stevedore Company and Vancouver Bulk Terminal LLC, Case No. 3:21-cv-05486-BHS, of the Board's agreement to administer settlement funds pursuant to the proposed Consent Decree; and
- 2) Accept \$500,000, plus any additional funds available under Section II, (G)(7)(B) of the Consent Decree (less than \$150,000) and authorize staff to develop and administer a grant program for dispersing funds pursuant to the Consent Decree.

No discussion. Motion carried.

**GOOD OF THE ORDER:**

- Board member Weber congratulated the Board on being contacted to administer the funding.
- Board member Mahnke thanked the members for the opportunity to participate on the Board.

Chairman Olson adjourned the meeting at 4:00 p.m. A full recording of the meeting is available upon request.

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Approved in open session on 10-06-2023

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

Todd Olson, Chairman