

NATIONAL CULVERT REMOVAL, REPLACEMENT, and RESTORATION GRANTS (Culvert AOP Program¹)

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Advance appropriation (General Fund)	----	\$200M	\$200M	\$200M	\$200M	\$200M
Total BIL funding (FY22-26)	----	\$200M	\$200M	\$200M	\$200M	\$200M
Subject to future appropriation	----	\$800M*	\$800M	\$800M	\$800M	\$800M

* Consolidated Appropriations Act, 2022, did not appropriate additional funding for this program.

Note: Table does not reflect additional general fund appropriations after FY22.

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL establishes the National Culvert Removal, Replacement, and Restoration Grant program (Culvert AOP Program) to provide funding for projects that would meaningfully improve or restore passage for anadromous fish (anadromous fish species are born in freshwater such as streams and rivers, spend most of their lives in the marine environment, and migrate back to freshwater to spawn. Salmon are the widely known examples of anadromous fish).

Statutory Citations

- § 21203; division J, Title VIII, National Culvert Removal, Replacement, and Restoration Grants heading; 49 U.S.C. 6703

Funding Features

Type of Budget Authority or Authorization of Appropriations

- Advance appropriations from the General Fund; not subject to any limitation on obligations [Division J, Title VIII]
- Authorization, subject to appropriation, from the General Fund [§ 21203(a); 49 U.S.C. 6703(i)]

Distribution of Funds

- The Secretary of Transportation (Secretary), in consultation with the Undersecretary of Commerce for Oceans and Atmosphere (Undersecretary), will annually award funding through a competitive grant program. [§ 21203(a); 49 U.S.C. 6703(b)]

¹ Culvert Aquatic Organism Passage (AOP) Program

- The Secretary will consult with both the Undersecretary and the Director of the United States Fish and Wildlife Service (Director) in establishing a process for determining criteria for awarding grants and procedures to prioritize awarding grants under the program. [§ 21203(a); 49 U.S.C. 6703(d)-(e)]

Set-asides

- Up to 2.0% of Culvert AOP Program funds can be used to pay administrative expenses of the Offices of the Secretary, Undersecretary, and Director. [§ 21203(a); 49 U.S.C. 6703(h)]

Federal Share

- The Federal share of the cost of a Culvert AOP project carried out with a grant to a State or unit of local government may not exceed 80%.
- Federal share for Tribes is 100% [§ 21203(a); 49 U.S.C. 6703(f)].

Eligible Activities

- Eligibilities for culverts:
 - Projects to replace, remove, or repair culverts that would meaningfully improve or restore fish passage for anadromous fish; [§ 21203(a); 49 U.S.C. 6703(b)]
- Eligibilities for weirs:
 - Projects to replace, remove, or repair weirs that would meaningfully improve or restore fish passage for anadromous fish. With respect to weirs, the project may include—
 - infrastructure to facilitate fish passage around or over the weir; and
 - weir improvements. [§ 21203(a); 49 U.S.C. 6703(b)]

Program Features

Eligible Applicants

- a State,
- a unit of local government; or
- an Indian Tribe. [§ 21203(a); 49 U.S.C. 6703(c)]

Selection Considerations

- The following types of projects will be prioritized for Culvert AOP Program funding:
 - Projects that would improve fish passage for—
 - Anadromous fish stocks listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);
 - Anadromous fish stocks identified by the Undersecretary or the Director that could reasonably become listed as an endangered species or a threatened species under that section;
 - Anadromous fish stocks identified by the Undersecretary or the Director as prey for endangered species, threatened species, or protected species, including Southern resident orcas (*Orcinus orcas*); or
 - Anadromous fish stocks identified by the Undersecretary or the Director as climate resilient stocks; and

- Projects that would open up more than 200 meters of upstream habitat before the end of the natural habitat. [§ 21203(a); 49 U.S.C. 6703(e)]

Technical Assistance

- The Secretary, in consultation with the Undersecretary and Director, shall develop a process to provide technical assistance to Indian Tribes and underserved communities to assist in the project design and grant process and procedures. [§ 21203(a); 49 U.S.C. 6703(g)]

Additional Information and Assistance

- For questions specific to the Culvert AOP Program, including anadromous fish, passage, barriers, impediments, or information not addressed on the website, email: CulvertAOP@dot.gov
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm