

**FISH AND WILDLIFE SERVICE
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1.1 What is the purpose of this chapter? This chapter describes the objectives of the Fish and Wildlife Service's National Fish Passage Program and provides guidance for its implementation.

1.2 What is the scope of this chapter? This chapter applies to the National Fish Passage Program, a voluntary, nonregulatory program that Service field stations and programs implement. This guidance does not apply to existing or proposed non-Federal hydroelectric projects that the Federal Energy Regulatory Commission regulates under the Federal Power Act.

1.3 What are the authorities for the Fish Passage Program?

- A. Anadromous Fish Conservation Act (16 U.S.C. 757a-757g; 79 Stat. 1125).
- B. Atlantic Striped Bass Conservation Act (16 U.S.C. 1851; 98 Stat. 3187).
- C. Endangered Species Act (16 U.S.C. 1531-1544; 87 Stat. 884).
- D. Fish and Wildlife Act (16 U.S.C. 742a-742j, not including 742d-l; 70 Stat. 1119).
- E. Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401).

1.4 Who is responsible for the administration of the Fish Passage Program?

A. The Assistant Director - Fisheries and Habitat Conservation:

- (1) Oversees the Fish Passage Program.
- (2) Maintains communication with the Director about program activities.
- (3) Communicates program objectives to the Service Directorate.
- (4) Designates a National Fish Passage Coordinator, based on recommendations of the Chief, Division of Fish and Wildlife Management and Habitat Restoration.

B. The National Fish Passage Coordinator:

- (1) Maintains communication with the Chief, Division of Fish and Wildlife Management and Habitat Restoration and Assistant Director - Fisheries and Habitat Conservation about program activities.
- (2) Reviews ranked projects in the Fisheries Operational Needs System (FONS) for annual budget planning and justification.
- (3) Provides a list of recommended projects for implementation to the Director, through the Assistant Director - Fisheries and Habitat Conservation.
- (4) Maintains the Fish Passage Decision Support System in cooperation with the Regions and the California/Nevada Operations Office (CNO).
- (5) Maintains communication with Regional/CNO Fish Passage Coordinators.
- (6) Communicates program objectives to other Service habitat program coordinators.

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(7) Networks with external partners at the national level.

(8) Produces an annual report and submits it as part of the Service's annual performance report required under the Government Performance and Results Act.

(9) Maintains the Fish Passage Program web page.

(10) Informs the public of the need for fish passage.

C. The Regional Directors/CNO Manager:

(1) Implement the Fish Passage Program within their Region/CNO in accordance with this chapter.

(2) Designate a Regional/CNO Fish Passage Coordinator based on recommendations of the Assistant Regional Director/Assistant Manager - Fisheries.

D. The Regional/CNO Fish Passage Coordinators:

(1) Maintain communication with the Assistant Regional Director/Assistant Manager - Fisheries and Regional Director/CNO Manager.

(2) Assist the Regional Director/CNO Manager to establish priorities.

(3) Assist Regional/CNO field stations and ecosystem teams to develop quality projects.

(4) Review and rank fish passage projects submitted to the FONS to ensure project quality and compliance with program guidance.

(5) Facilitate expansion of the Fish Passage Decision Support System.

(6) Maintain communication with the National Fish Passage Coordinator.

(7) Communicate program objectives to Regional/CNO coordinators of other Service habitat programs.

(8) Network with external partners at the Regional/CNO level.

(9) Inform the public of the need for fish passage.

(10) Produce an annual Regional/CNO report and submit it as an entry in the Fisheries Information System (FIS) Accomplishment Module. The title is "Region X/CNO Fish Passage Coordination Activities," and it is due by the date the Washington Office sets annually.

(11) Notify the National Fish Passage Coordinator of projects implemented, their status, and outcomes.

E. Field station managers and supervisors:

(1) Identify fish passage needs and enter potential fish passage projects into FONS.

(2) Coordinate with appropriate ecosystem teams to ensure proposals are consistent with ecosystem

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priorities.

(3) Ensure proper documentation of fish passage projects.

(4) Evaluate completed fish passage projects, where appropriate.

(5) Report accomplishments, including costs and benefits of fish passage projects, in the FIS Accomplishment Module.

1.5 What terms do you need to know to understand this chapter?

A. Barrier Removal. The partial or complete elimination of a barrier so that fish and other aquatic species have better access to important historic habitats. Examples of barriers include dams, culverts, inefficient fishways, water divisions, ineffective screens, and inadequate flows.

B. Federal trust species. Includes tribal trust resources, species on Service lands, anadromous and catadromous fish, other interjurisdictional fish and aquatic species, endangered or threatened species, and species proposed for listing under the Endangered Species Act.

C. Fish passage project. Any activity that improves the ability of fish or other aquatic species to move by reconnecting habitat that barriers have fragmented.

D. Fisheries Information System (FIS). A database that provides a consistent, automated means to identify operational needs and to report accomplishments.

E. FIS Accomplishment Module. A module in FIS that we use to report fisheries fiscal year accomplishments, including fish passage project accomplishments.

F. Fisheries Operational Needs System (FONS). A module in FIS that identifies the fisheries operational needs of field stations, including fish passage project needs.

G. Fish Passage Decision Support System. Geographically referenced database of barriers preventing fish movement. Barrier location, associated species, and habitat information is available on the Internet for coordinators and partners to identify fish barriers, set priorities, and plan solutions.

H. Interjurisdictional fish. Populations that two or more States, nations, or tribal governments manage because of their geographic distribution or migratory patterns.

I. In-the-water. Activities that directly improve fish passage and associated habitats. Engineering costs are considered part of an in-the-water project.

1.6 What is the goal of the Fish Passage Program? The goal of the program is to restore native fish and other aquatic species to self-sustaining levels by reconnecting habitat that barriers have fragmented, where such reconnection would not result in a net negative ecological effect such as providing increased habitat to aquatic nuisance species. Fish passage projects restore unimpeded flows and fish movement by removing barriers or providing ways for aquatic species to bypass them. The program works on a voluntary basis with Federal, State, local, and tribal agencies, as well as private partners and stakeholders.

1.7 What are the objectives of the Fish Passage Program?

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A. Objective 1: Implement cooperative and environmentally sound fish passage projects that benefit Federal trust species.

(1) Provide biological expertise, field support, and financial support to cooperative projects that result in improved fish passage.

(2) Assist in the recovery of endangered and threatened species and in precluding the need to list other species.

(3) Measure and document the benefits to Federal trust species.

B. Objective 2: Act as a catalyst for stewardship of fisheries resources through leadership, coordination, and partnerships.

(1) Contribute expertise to achieve restoration and recovery goals identified in fisheries recovery and management plans, habitat restoration plans, and ecosystem management plans.

(2) Develop and maintain partnerships to implement fish passage projects.

(3) Develop and maintain the Fish Passage Decision Support System (see section 1.5).

C. Objective 3: Increase public understanding of problems affecting fish passage and build support for actions that improve fish passage.

(1) Develop demonstration projects to illustrate fish passage techniques in a variety of ecosystems.

(2) Develop and distribute to the public and conservation community educational materials illustrating the benefits of improved fish passage.

(3) Publicize the benefits of and provide recognition to effective partnerships that result in improved fish passage through news media and the Internet.

1.8 How does the Fish Passage Program support the Service's mission? Restoring access to historic habitats benefits interjurisdictional fish populations as well as piscivorous birds and mammals, migratory birds, threatened and endangered species, and some marine mammals. These benefits contribute to the conservation, protection, and enhancement of fish, wildlife, and plants, and their habitats for the continuing benefit of the American people.

1.9 What technical assistance does the Fish Passage Program provide? We use our staff and cooperative partnerships to provide:

A. Information on habitat needs and methods for fish to bypass barriers.

B. Technical engineering support to review project designs and recommend the most cost-effective techniques.

C. Assistance to partners in planning and prioritizing fish passage projects.

1.10 How is the Fish Passage Program structured? The National Coordinator and Regional/CNO coordinators implement the program. Appropriations for the program support the coordinators, in-the-water

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fish passage projects, and the Fish Passage Decision Support System. Coordinators and other staff work with partners to plan, prioritize, and implement fish passage projects and maintain the database.

1.11 How does the Service implement fish passage projects? Our managers and supervisors responsible for implementing fish passage projects:

A. Document compliance with applicable regulations and Service policies in their project records.

B. Coordinate and work as partners with other Federal, State, and tribal agencies, local governments, conservation organizations, private entities, and other Service programs to identify and implement fish passage projects.

C. Ensure appropriate documentation. When contributing funds to fish passage projects, appropriate documentation must be in place to secure the Federal investment. All agreements and supporting documentation must contain a project plan that describes responsibilities and commitments of all parties. Managers and supervisors also conduct transfers in accordance with Federal regulations and maintain proper administrative records of each transaction.

D. Ensure project quality. Projects should incorporate the best available science and management practices. This includes identification of management goals such as those outlined in species recovery, watershed restoration, and ecosystem team plans, and evaluation of population responses, where appropriate. All projects must be cost-effective and reflect best available proven technology and adaptive management.

E. Track accomplishments. Project managers and supervisors track accomplishments to meet requirements under the Government Performance and Results Act. They report the accomplishments in the FIS Accomplishment Module. They also take photographs of conditions before and after project completion to assist in reporting accomplishments.

1.12 What are the ranking factors in selecting fish passage projects? Projects that receive the highest ranking are those that:

A. Show demonstrable ecological benefits for Federal trust species.

B. Require minimum costs to the Service for operation and maintenance.

C. Exhibit permanence of fish passage benefits.

D. Make use of the most current scientific knowledge and proven technology.

E. Have the greatest number of partners.

F. Generate the maximum in matching fund contributions.

G. Address objectives outlined in approved management plans.

1.13 What are the minimum requirements for all funded fish passage projects? All projects must:

A. Follow the requirements described in section 1.11.

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- B. Be identified in FONS.
- C. Be reported in the FIS Accomplishment Module.
- D. Enumerate species benefited and miles of river or acres opened to fish movement.
- E. Identify benefits such as improved access to spawning, rearing, or feeding habitats, improved water quality, and population response.
- F. Have photographs of pre- and post-project conditions to document habitat improvements and project success.

1.14 How does the Service use Fish Passage Program funds?

A. We allocate fish passage funds to Regional Directors/CNO Manager to support the activities of the Regional/CNO Coordinators and development of the Fish Passage Decision Support System.

B. We allocate fish passage project funds to the Regions/CNO to implement projects rated highly by the RDs/CNO Manager. The Assistant Director – Fisheries and Habitat Conservation recommends the highly ranked projects to the Director for implementation in the following manner:

(1) Regional/CNO Allocations. Regions/CNO must first use fish passage project funds for the projects that the Director has approved. If the Regions/CNO cannot implement approved projects, the Regional Director/CNO Manager has the authority to implement alternative fish passage projects, as long as they are identified in FONS and meet Regional/CNO performance targets as established by the approved list. The Regions/CNO also must notify the Chief, Division of Fish and Wildlife Management and Habitat Restoration about the changes to projects funded and implemented.

(2) Direct costs. Each Region/CNO must use at least 70 percent of fish passage project funds each fiscal year for in-the-water activities. We consider engineering costs to be direct costs.

(3) Indirect costs. Regions may use no more than 30 percent of fish passage project funds allocated each fiscal year for activities that indirectly support fish passage projects. These activities include project planning, processing agreements, project evaluation, outreach directly associated with projects, and developing and maintaining data associated with projects.

(4) Cost sharing by partners. We seek to secure at least 50 percent of total project costs from our partners. This applies to the overall Regional/CNO program and does not need to be achieved on every project. Matches may be in-kind services or cash.

(5) Mitigation. Fish passage projects are not eligible for funding if they are for any Federal or State compensatory mitigation. Fish passage projects are not eligible for funding if fish passage is a condition provided by existing Federal or State regulatory programs. For example, you may not use fish passage

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funds to construct, operate, or maintain fish passage at facilities licensed or permitted by the Federal Energy Regulatory Commission.


Acting
DIRECTOR

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