

ANALYSIS

Item 33: Department of Fish and Wildlife Culvert Projects with ODOT

Analyst: April McDonald

Request: Approve the submission of a federal grant application to the U.S. Department of Transportation, National Culvert Removal, Replacement and Restoration program, in the amount of \$65,542,704 for culvert projects to improve fish passage.

Analysis: The National Culvert Removal, Replacement and Restoration (Culvert AOP) program was created within the U.S. Department of Transportation (USDOT) by the federal Infrastructure Investment and Jobs Act. This program provides an annual competitive grant for projects aimed at the replacement, removal, and repair of culverts or weirs, to meaningfully improve or restore fish passage. The national program makes available \$196 million in the 2023 federal fiscal year. The Oregon Department of Fish and Wildlife (ODFW) seeks approval to apply for \$65,542,704 in grant funding. This is equivalent to approximately one third of the total available amount. ODFW has worked towards the funding opportunity in partnership with the Oregon Department of Transportation (ODOT), Josephine County, and Oregon Wildlife Foundation. Together, they have identified 12 culvert and fish passage projects on state and county roads that are in critical need of repair and excellent candidates for Culvert AOP program funding.

ODFW will serve as the lead applicant and primary point of contact, passing federal funds to ODOT via an Interagency Agreement, and to Josephine County via contract. This grant opportunity comes with a 20% match requirement, totaling approximately \$13 million. ODOT will provide over \$11 million and Josephine County will provide the remaining balance of nearly \$2 million. No additional staffing is anticipated to be necessary for this grant.

The Notice of Funding Opportunity was issued by USDOT on October 6, 2022 and grant applications are due February 6, 2023. Award announcements are anticipated in the second half of 2023 with a four-year period of performance. If awarded, ODFW will return to the legislature to make a request for Federal Funds expenditure limitation, and it is anticipated ODOT will have corresponding Other Funds expenditure request at that time.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board approve the request.

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Department of Fish and Wildlife
Filimoehala

Request: Authorization to apply for a grant of \$65.5 million for culvert removal, replacement, and restoration from the U.S. Department of Transportation.

Recommendation: Approve the request.

Discussion: In partnership with the Oregon Department of Transportation (ODOT), the Oregon Department of Fish and Wildlife (ODFW) has requested authorization to submit a grant application to the U.S. Department of Transportation in the amount of \$65,542,704, for the National Culvert Removal, Replacement, and Restoration program. Within the grant application, ODFW has identified the following 12 specific culverts for removal, replacement, or restoration, all of which will provide enhancements to fish passage.

- Zig Zag Creek in Tillamook County
- Fruitdale Creek in Josephine County
- Hollo Creek in Lane County
- Old Hatchery Creek in Douglas County
- Jim Creek in Curry County
- Boulder Creek in Curry County
- Madden Creek in Curry County
- Iron Creek in Josephine County
- Panther Creek in Josephine County
- Cheney Creek in Josephine County
- Page Creek in Josephine County
- Fruitdale Avenue in Josephine County



Oregon

Kate Brown, Governor

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October 19, 2022

The Honorable Senator Peter Courtney, President of the Senate
The Honorable Representative Dan Rayfield, Speaker of the House
900 Court Street NE
H-178 State Capitol
Salem, OR 97301



Dear Senator Courtney and Representative Rayfield:

Nature of the Request

Oregon Department of Fish and Wildlife (ODFW) and Oregon Department of Transportation (ODOT) request approval to jointly apply for a National Culvert Removal, Replacement, and Restoration (Culvert AOP program) grant for \$65,542,704 federal funding from the U.S. Department of Transportation (USDOT). The Culvert AOP grant program was created by the Infrastructure Investment and Jobs Act (IIJA) and makes available \$196 million during the 2023 federal fiscal year.

Background

The Culvert AOP program was created in consultation with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. The purpose of the program is to replace, remove, or repair culverts or weirs in such a way as to meaningfully improve fish passage for anadromous fish. ODFW, in partnership with ODOT, Josephine County, and Oregon Wildlife Foundation, has identified twelve culvert and fish passage projects on state and county roads that are excellent candidates for this program and are in critical need of repair. The twelve project summaries and budget specifications are listed below.

Zig Zag Creek

Zig Zag Creek is a tributary of the Wilson River in Tillamook County, Oregon. The existing culvert is a 10' RCBC with a vertical shaft on the upstream side of Highway 6 creating a full fish passage barrier. The culvert invert is in critical condition and water is leaking through cracks in the ceiling and the walls. Currently, only resident coastal cutthroat trout are present above the culvert, however, there is historic use by fall Chinook, Oregon Coast Coho, steelhead and Pacific lamprey. Providing volitional fish passage here would open 1.48 miles of native migratory fish habitat.

Fruitdale Creek

Fruitdale Creek is a tributary of the Rogue River in Josephine County, Oregon. Under Highway 99 is a partial fish passage barrier for coho salmon, cutthroat trout, winter and summer steelhead. The culvert is a 9' corrugated metal pipe with some previously added weirs to reduce water velocity for partial fish passage. The concrete inlet is severely worn with exposed wire and the outlet wing walls are failing because of erosion. This project is Group 6 of the 2019 ODFW Fish Passage Priority List. Providing full, aquatic fish passage at this site will open 1.3 miles of native migratory fish habitat.

Hollo Creek

Hollo Creek is a tributary of Lake Creek in the Siuslaw basin in Lane County, Oregon. The current corrugated metal pipe has significant deterioration with holes along the culvert invert. Hollo Creek is in Group 11 of the 2019 ODFW Statewide Fish Passage Priority list and provides approximately 2.5 miles of habitat for native migratory fish habitat including coho, winter steelhead, coastal cutthroat trout and Pacific lamprey. This culvert under Highway 36 is a barrier for fish passage.

Old Hatchery Creek

Old Hatchery Creek is a tributary to the North Umpqua River in Douglas County, Oregon. The 7' corrugated metal culvert under Highway 138 is a full fish passage barrier. The culvert has severe distortion, open joints and flattening of the crown. Old Hatchery Creek currently has coastal cutthroat trout but with full fish passage would provide habitat for Oregon Coast coho salmon, winter steelhead, Pacific lamprey, and rainbow trout. Due to the proximity of the culvert to the North Umpqua, it may provide high flow refugia for juvenile Chinook salmon also. Providing full, volitional fish passage at Old Hatchery Creek would provide approximately 1.47 miles of native migratory fish habitat.

Jim Creek

Jim Creek is in the Sixes subbasin in Curry County, Oregon. The elliptical metal pipe that conveys Jim Creek under US101 has open joints, settlement, and severe loss of sediment material along the invert and needs critical replacement. Jim Creek culvert is a complete barrier to native migratory fish passage and replacement would provide 0.75 miles of habitat for coho salmon, cutthroat trout, and winter steelhead. Jim Creek is in Group 15 of the 2019 Fish Passage Priority List.

Boulder Creek

Boulder Creek is in the Sixes subbasin in Curry County, Oregon. This culvert under US101 is showing signs of settlement from a structural integrity standpoint. It is a complete fish passage barrier that blocks 0.36 miles of cutthroat trout, coho salmon, and winter steelhead habitat. The Boulder Creek culvert is in Group 15 of the 2019 ODFW Fish Passage Priority List.

Madden Creek

Madden Creek is in the Sixes subbasin in Curry County, Oregon. This 3' corrugated metal pipe is undersized and showing signs of settlement and corrosion resulting in losing flow through the pipe which then erodes the road fill. It is a complete fish passage barrier and provides 0.2 miles of habitat upstream for winter steelhead and cutthroat trout. Madden Creek is in Group 16 of the 2019 ODFW Fish Passage Priority List.

Iron Creek @ South Side Road

Iron Creek is in the Rogue River basin located in Josephine County, Oregon. The existing culvert would be replaced with an arch culvert to restore the natural stream bed and provide upstream fish passage. The existing 1964 reinforced concrete box culvert appears to have sufficient service life remaining, but is a complete fish barrier to coho salmon, winter steelhead, and Pacific lamprey.

Panther Creek @ South Side Road

Proposed project is in the Rogue River basin in Josephine County. The existing 1964 reinforced concrete box culvert appears to have sufficient service life remaining, but is a complete barrier to coho salmon, winter steelhead, and Pacific lamprey.

Cheney Creek @ Fish Hatchery Road

Proposed project is a bridge replacement, stream channel restoration, roadway alignment, roadway drainage, irrigation canal relocation improvements, and right-of-way acquisition to provide improved recreational biking and vehicle safety. The structure is a barrier to coho salmon and winter steelhead juvenile life history stages and would provide access to 4.2 miles of cold-water habitat. This proposed project achieves transportation goals for safety, mobility, and maintenance. Safety could be improved with roadway alignment by flattening the approach curve, widened shoulders, modernizing roadside barrier, and raising the grade for drainage improvements to eliminate runoff overtopping the roadway. Mobility will be improved with widened shoulders to accommodate non-motorized users, and to add to the existing network of widened shoulders on Fish Hatchery Road. A bridge replacement will extend maintenance by replacing the 1964 32' concrete deck bridge.

Page Creek @ Takelma Road

Page Creek is in the Rogue River basin in Josephine County, Oregon. The project involves bridge replacement and channel restoration to improve fish passage for coho salmon and winter steelhead. This proposed project achieves transportation goals for maintenance. Replacing the existing 1953 22' timber deck bridge and removing a concrete lined channel with a natural streambed will improve habitat conditions and reduce maintenance.

Fruitdale Avenue @ Fruitdale Creek

This project is located upstream from the ODOT culvert crossing of Fruitdale Creek and would extend fish passage an additional 4 miles of historic habitat. This project would remove the

existing reinforced box culvert constructed prior to 1964 and construct a new bridge that spans the stream channel. This proposed project achieves transportation goals for modernization, safety, mobility, and maintenance. This project would provide for sidewalk infill near parks and Fruitdale Elementary School. This project would couple with the ODOT project at HWY 99 for habitat enhancement and fish passage barrier removal.

Table 1. Summary of Project Budget and Equity Rankings

Project Name	Funding Requested	Non-federal Match	Equity Ranking
OR 6 MP 10.0 Zig Zag Creek (02092)	\$12,600,000	\$2,520,000	Low/ Medium Disparity (0.84)
Fruitdale Creek (03799)	\$8,080,457	\$1,616,091	Medium High Disparity (0.97)
OR 36 MP 15.01 Hollo Creek (04021)	\$6,619,482	\$1,323,896	Low Disparity (0.64)
OR 138E MP 20.06 Old Hatchery Creek (0P465)	\$9,642,765	\$1,928,553	Low Medium Disparity (0.85)
US 101 MP 289.54 Jim Creek (D036115)	\$7,500,000	\$1,500,000	Medium High Disparity (0.94)
US 101 MP 292.53 Boulder Creek	\$6,000,000	\$1,200,000	Medium High Disparity (0.94)
US 101 MP 294.37 Madden Creek	\$7,000,000	\$1,400,000	Medium High Disparity (0.94)
Iron Creek at South Side Road	\$850,000	\$170,000	Medium High Disparity (0.95)
Panther Creek at South Side Road	\$850,000	\$170,000	Medium High Disparity (0.95)
Cheney Creek at Fish Hatchery Road	\$4,000,000	\$800,000	Low/ Medium Disparity (0.84)
Page Creek at Takelma Road	\$900,000	\$180,000	Low Disparity (0.64)
Fruitdale Creek at Fruitdale Road	\$1,500,000	\$300,000	Medium High Disparity (0.97)
Total	\$65,542,704	\$13,108,541	

If awarded, this grant would meaningfully improve fish passage for these 12 projects. ODFW will be the lead applicant and primary point of contact and will pass through federal funds to ODOT via an Interagency Agreement and to Josephine County via contract. This grant opportunity has an 80 percent limit to the federal share of the total project costs, with the state required to contribute a local matching share of no less than 20 percent of eligible

activities of the total project costs. ODOT will provide \$11,488,541 and Josephine County will provide \$1,620,000 of the required local matching share for these projects. ODFW does not anticipate a need for additional FTE for this funding opportunity.

Agency Action

The Notice of Funding Opportunity was issued by USDOT on October 6, 2022, and grant applications are due February 6, 2023. An award date has not been announced, but it is anticipated to occur in the second half of 2023. A four-year award period to expend the federal funding is anticipated. If grant funding is awarded, ODFW anticipates making a future request for federal funds expenditure limitation to expend the funding.

Action Requested

ODFW, in partnership with ODOT, requests approval to submit a federal grant application in the amount of \$65,542,704 to the U.S. Department of Transportation National Culvert Removal, Replacement, and Restoration (Culvert AOP program).

Legislation Affected

None

Sincerely,



Curtis Melcher

Director