

**FISH AND WILDLIFE SERVICE  
FISHERIES**

**Fisheries**

**Part 710 Fishery Resources Management**

**Chapter 1 Fish Passage Program**

**710 FW 1**

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

**1.2 To whom does this chapter apply?** This chapter applies to the National Fish Passage Program, a voluntary, non-regulatory program of the U.S. Fish and Wildlife Service. Fish Passage Program projects implemented by all Service field stations and programs are included within the scope of this chapter. This guidance does not apply to existing or proposed non-Federal hydroelectric projects that the Federal Energy Regulatory Commission regulates pursuant to 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** is responsible for:

(1) Oversight of the Fish Passage Program.

(2) Maintaining communication with the Director regarding program activities.

(3) Communicating program objectives to the Service Directorate.

(4) Designating 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** will:

(1) Maintain communication with the Chief, Division of Fish and Wildlife Management Assistance and Habitat Restoration and Assistant Director - Fisheries and Habitat Conservation regarding program activities.

(2) Review and rank projects in the Fisheries Operational Needs System (FONS) for annual budget planning and justification.

(3) Provide a list of recommended projects for funding to the Director, through the Assistant Director - Fisheries and Habitat Conservation.

(4) Maintain the Fish Passage Decision Support System in cooperation with the Regions.

(5) Maintain communication with Regional Fish Passage Coordinators.

(6) Communicate program objectives to other Service habitat program coordinators.

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

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

(9) Maintain the Fish Passage Program web page.

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

**C. Regional Directors** will:

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

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

**D. Regional Fish Passage Coordinators** will:

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

(2) Assist the Regional Director in establishing priorities.

(3) Assist Regional field stations and ecosystem teams in developing quality projects.

(4) Review and rank fish passage projects submitted to the Fisheries Operational Needs System (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.

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(7) Communicate program objectives to Regional Coordinators of other Service habitat programs.

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

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

(10) Produce an annual Regional report and submit as an entry in the Fisheries Information System Accomplishment Module. Write the title as "Region X Fish Passage Coordination Activities." Report is due according to the dates set annually by the Washington Office.

(11) Notify the National Fish Passage Coordinator of changes in project status.

**D. Field station managers and supervisors will:**

(1) Identify fish passage needs and enter potential fish passage projects into the Fisheries Operational Needs System (FONS).

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

(3) Adhere to regulations and ensure proper documentation of fish passage projects.

(4) Conduct evaluations of completed fish passage projects where appropriate.

(5) Report accomplishments, including costs and benefits of fish passage projects, in the Fisheries Information System (FIS) Accomplishment module.

**1.5 What are the definitions for some terms in this chapter?**

**A. Barrier.** A manmade device or influence that prevents or inhibits fish or other aquatic species from reaching historic habitats. Barrier includes, but is not restricted to, dams, culverts, inefficient fishways, water diversions, ineffective screens, and inadequate flows.

**B. Barrier Removal.** The partial or complete elimination of a barrier such that fish and other aquatic species have better access to important historic habitats.

**C. 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.

**D. Fish passage project.** Any activity that improves the ability of fish or other aquatic species to move by reconnecting habitat that has been fragmented by barriers.

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

**F. Fisheries Information System Accomplishment Module.** A module in the Fisheries Information System used to report fisheries fiscal year accomplishments, including fish passage project accomplishments.

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

**H. Interjurisdictional fish.** Populations that two or more States, nations, or Native American 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.

**J. 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.

**1.6 What is the goal of the Fish Passage Program?** To restore native fish and other aquatic species to self-sustaining levels by reconnecting habitat that has been fragmented by barriers, 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?**

**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.

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(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 paragraph 1.5 for definition).

**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 will the Fish Passage Program provide?** The program will provide assistance by employing the full range of scientific and restoration expertise available through Service staff and cooperative partnerships. Types of assistance include providing information on habitat needs and methods for fish to bypass barriers, and technical engineering support for reviewing project designs and recommending the most cost-effective techniques. The Fish Passage Decision Support System will assist partners in planning and prioritizing fish passage projects.

**1.10 How is the Fish Passage Program structured?** The program is implemented by Regional and national

coordinators. Appropriations for the program support the coordinators, in-the-water fish passage projects, and the Fish Passage Decision Support System. Coordinators and other Service staff work with partners to plan, prioritize, and implement fish passage projects and maintain the database.

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

**A.** Comply with all applicable Federal, State, tribal, and local regulations. Project records will include documentation of compliance with applicable regulations and Service policies.

**B.** Coordinate with partners. They will coordinate and work with other Federal, State, and tribal agencies, other Service programs, as well as local governments, conservation organizations, and other private entities 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 will contain a project plan that delineates responsibilities and commitments of all parties. Conduct transfers in accordance with Federal regulations, and maintain proper administrative records of each transaction.

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

**E.** Follow-up and evaluate projects. Evaluation of population responses and habitat improvements will assist in determining the effectiveness of projects. Photographs will be taken of conditions before and after project completion to assist in reporting accomplishments.

**F.** Track accomplishments. They will track accomplishments to meet requirements under the Government Performance and Results Act (GPRA) and report them in the Fisheries Information System Accomplishment Module.

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

**A.** Are rated highly by Regional Directors.

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- B.** Show demonstrable ecological benefits for Federal trust species.
- C.** Require minimum costs to the Service for operation and maintenance.
- D.** Exhibit permanence of fish passage benefits.
- E.** Make use of the most current scientific knowledge and proven technology.
- F.** Are located on Service or tribal land.
- G.** Evidence the greatest number of partners.
- H.** Have the longest duration of agreements for operation and maintenance.
- I.** Generate the maximum in matching fund contributions.
- J.** Address objectives outlined in approved management plans.

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

- A.** Be carried out in accordance with paragraph 1.11.
- B.** Be identified in FONS.
- C.** Be reported in the Fisheries Information System Accomplishment Module.
- D.** Enumerate species benefitted 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 are Fish Passage Program funds used? We will allocate:**

- A.** Fish passage base funds to Regional Directors to support Regional Coordinators and development of the Fish Passage Decision Support System.
- B.** Fish passage project funds to Regional Directors based on recommendations made to the Director by the Assistant Director - Fisheries and Habitat Conservation. You may use fish passage project funds to implement projects as follows:

**(1) Regional Allocations.** Regions must use Fish passage project funds allocated each fiscal year for the

specific recommended projects that the Director has approved. Annual Regional allocations and performance goals will be based on the highest priority projects approved by the Director; however, the list of approved projects will exceed, in the number of projects and costs, what can be completed with the allocation. The Regional Director has the authority to implement any of the approved projects, providing that completed projects meet Regional performance goals.

**(2) Direct costs.** Each Region must use at least 70 percent of fish passage project funds each fiscal year for in-the-water activities. Engineering costs are considered 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 will seek to secure at least 50 percent of total project costs from our partners. This applies to the overall Regional program and need not 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 funds to construct, operate, or maintain fish passage at facilities licensed or permitted by the Federal Energy Regulatory Commission (FERC).