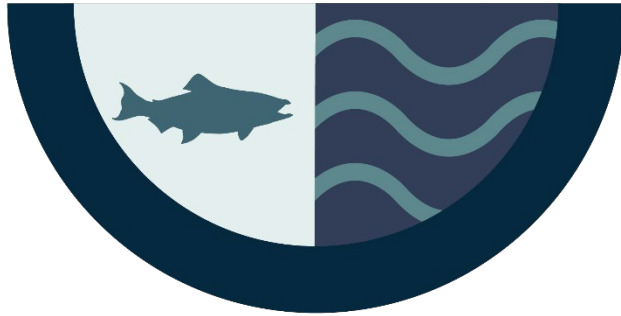


Culvert AOP Program



Questions & Answers

The Question and Answers (Q&A) provide guidance on the National Culvert Removal, Replacement, and Restoration Grant Program (Culvert Aquatic Organism Passage (AOP) Program) established under section 21203 of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58, also known as the “Bipartisan Infrastructure Law” (BIL)) (49 U.S.C. § 6703).

Please note: DOT released these Q&As on January 26, 2023. As appropriate, new Q&As will follow within their respective sections.

Except for any statutes or regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity regarding existing requirements under the law or agency policies. While this document contains nonbinding technical information, you must comply with the applicable statutes and regulations.

Table of Contents

Section 1.	General Q&As	4
Q 1.1.	Is there a website where I can get information on the Culvert AOP Program?.....	4
Q 1.2.	Who is administering the Culvert AOP Program?	4
Q 1.3.	Regarding the Statutorily Required Project Selection Priorities of the program, does a project that has priority because it “opens up 200 meters of upstream habitat” [49 U.S.C. § 6703(e)(2)] also have to comply with the statutory fish stock priorities [49 U.S.C. § 6703(e)(1)] as well?	4
Section 2.	Information on Eligible Fish Species.....	4
Q 2.1.	What is an anadromous fish stock?	4
Q 2.2.	Where can you find anadromous fish stocks?	5
Q 2.3.	What stocks do not qualify as anadromous?	5
Q 2.4.	What are anadromous fish stocks identified by the NMFS or USFWS that could reasonably become listed as an endangered species or a threatened species under the Endangered Species Act (49 U.S.C. § 6703(e)(1)(B))?.....	5
Q 2.5.	What are anadromous fish stocks identified by NMFS or USFWS as prey for endangered species, threatened species, or protected species (49 U.S.C. § 6703(e)(1)(C))?	6
Q 2.6.	What are anadromous fish stocks identified by NMFS or USFWS as climate resilient stocks (49 U.S.C. § 6703(e)(1)(D))?.....	6
Q 2.7.	What if my project area no longer has anadromous fish, but did so historically (e.g., an extirpated population)?	7

Culvert AOP Program Q&As

Section 3. Applicant Eligibility	7
Q 3.1. Does the definition of “State” only mean State Departments of Transportation?	7
Q 3.2. Does the Lead Eligible Entity need a resolution from their governing body to apply for this grant?	7
Q 3.3. Can an applicant bundle Eligible Projects on a single grant application?	8
Q 3.4. I am NOT an Eligible Entity, can I apply for a project?	8
Q 3.5. Are Tribal Consortia considered an Eligible Entity?	8
Q 3.6. I am NOT an Eligible Entity, can I partner with an Eligible Entity to apply for a grant?	8
Q 3.7. I am an Eligible Entity. Can I partner with a Federal agency to propose a project?	8
Q 3.8. I am an Eligible Entity. Can I propose using a Federal agency to conduct work on the project?	9
Q 3.9. On joint projects, what are the responsibilities of the lead applicant?	9
Section 4. Project Eligibility	9
Q 4.1. What is the difference between a Culvert and a Bridge?	9
Q 4.2. Can a Project propose replacing a Culvert with a Bridge?	9
Q 4.3. Can a Project propose replacing a Bridge with a Culvert?	10
Q 4.4. Can a Project propose building a new bridge where there should be AOP but there is not currently a culvert or weir? For example, a project to build a new bridge to open up a river's access to its historic floodplain.	10
Q 4.5. What is the difference between a Weir and a Dam?	10
Section 5. Eligible Activities	10
Q 5.1. Are channel restoration, utility relocation, and acquisition of land for stream alignment restoration considered eligible projects?	10
Q 5.2. What if the project is on a private road?	10
Q 5.3. Are costs of replacing, removing, or repairing culverts or weirs that are the subject of a settlement agreement or court order allowable costs?	11
Section 6. Funding – General Information	11
Q 6.1. Does the five-year period mean that the Culvert AOP Program covers only one set of projects within that timeframe?	11
Q 6.2. Are there any restrictions on funding?	11
Q 6.3. What are Eligible Project costs under the Culvert AOP Program?	11
Q 6.4. Will there be future Culvert AOP Program grant opportunities?	12
Q 6.5. Can funds be expended over multiple years?	12
Q 6.6. May Eligible Entities directly or indirectly charge to the Program for administrative costs?	12
Section 7. Matching Funds	13
Q 7.1. Are there matching fund requirements if a State or a unit of local government presents a joint application or bundles a project with and Indian Tribe?	13
Q 7.2. Can funds from other Federal programs be used as matching funds?	13
Q 7.3. Can Culvert AOP Program funds be used as matching funds for other Federal programs? ...	14

Culvert AOP Program Q&As

Section 8. Criteria and Standards	14
Q 8.1. Do I need to provide data or evidence when addressing each selection criterion?	14
Q 8.2. What Design Standards apply to the Program?	14
Q 8.3. What is meant by “Ensures Safety of the Travelling Public?”	14
Q 8.4. What is meant by “A design standard or specification applicable to the affected mode(s) of transportation?”	15
Q 8.5. How does the Federal Flood Risk Management Standard (FFRMS) apply?	15
Section 9. Applications & Application Support	15
Q 9.1. Do I need to submit the information in the Application Template provided as Attachment 1 of the NOFO?	15
Q 9.2. Is there any grant application development support?	16
Q 9.3. What is the anticipated timeline for reviews and awards?	16
Section 10. Awards	16
Q 10.1. What are the anticipated award sizes?	16
Q 10.2. Is there an anticipated number of awards to be made for the FY22 Culvert AOP Program?	17
Q 10.3. If awarded a grant, how long does the grantee have to complete the project?	17
Q 10.4. What if an Eligible Entity wishes to break the project into a series of multiple annual applications and use future funding to conclude the project?	17
Section 11. Potential Resources	17
Q 11.1. What are some available DOT resources?	17
Q 11.2. What are some available NMFS resources?	18
Q 11.3. What are some available USFWS resources?	19
Q 11.4. What are some available US Forest Service (USFS) resources?	19
Q 11.5. Where can I find information on other DOT grant programs?	19
Q 11.6. Are there other programs for Fish Passage that I can apply to?	19

Section 1. General Q&As

Q 1.1. Is there a website where I can get information on the Culvert AOP Program?

Yes. During the current application period, [Grants.gov](https://www.grants.gov) is your primary source for Culvert AOP Program grant information. However, for an additional and longer-term source of information you may also want to visit Federal Highway Administration's (FHWA) [Culvert AOP Program website](#).

Q 1.2. Who is administering the Culvert AOP Program?

The FHWA is administering the Culvert AOP Program on behalf of DOT. However, the scope of potential activities also may involve other DOT operating administrations, such as the Federal Transit Administration (FTA) Federal Railroad Administration (FRA), and Federal Aviation Administration (FAA).

Q 1.3. Regarding the Statutorily Required Project Selection Priorities of the program, does a project that has priority because it “opens up 200 meters of upstream habitat” [49 U.S.C. § 6703(e)(2)] also have to comply with the statutory fish stock priorities [49 U.S.C. § 6703(e)(1)] as well?

No. These are two separate and equally important statutory priorities. Note that a project that addresses both priorities will make an application more competitive.

Section 2. Information on Eligible Fish Species

Q 2.1. What is an anadromous fish stock?

As further detailed in NOFO Section H(4), target fish stocks under the Culvert AOP Program are populations of native anadromous fish that complete an anadromous lifecycle by spending most of their life in an oceanic environment and migrating back to freshwater to reproduce. Anadromous fish include—but are not limited to—salmon, shad, river herring, lamprey, and some species of sturgeon. Some species may have both resident and anadromous populations; in these cases only the anadromous population is eligible for the Culvert AOP Program. Landlocked populations are not eligible; however, if a project would allow a landlocked stock to become anadromous again, i.e., would remove a migratory barrier to the ocean for a formerly anadromous stock that had become landlocked, it is eligible (see also Q 2.7).

Culvert AOP Program Q&As

Q 2.2. Where can you find anadromous fish stocks?

There are various maps and other sources that provide locations of anadromous stocks. The following non-exhaustive list of resources may be helpful in locating anadromous species or relevant project sites (general information, then listed by regions):

- [General Information and Links](#)
- West Coast:
 - [Washington](#)
 - [Alaska](#)
 - [Oregon](#)
 - [California](#)
- Mid-Atlantic and Southeast
 - [Aquatic Barrier Prioritization Tool](#)
- Northeast
 - [Northeast Conservation Planning Atlas](#) which includes anadromous fish habitat area.
 - [Freshwater Network](#)

Q 2.3. What stocks do not qualify as anadromous?

Congress limited the applicability of this program to ***anadromous fish***. Stocks that do not migrate from marine and estuarine habitats to freshwater habitats to spawn are not anadromous. For example, fish stocks or populations that migrate up rivers from the Great Lakes to spawn have a fully freshwater life cycle and are not considered anadromous.

Q 2.4. What are anadromous fish stocks identified by the NMFS or USFWS that could reasonably become listed as an endangered species or a threatened species under the Endangered Species Act (49 U.S.C. § 6703(e)(1)(B))?

Fish stocks that could reasonably become listed as an endangered/threatened species are those that are being considered and proposed for listing.

A NMFS directory of species that are being considered for listing under the ESA can be found at [Candidate Species Under the Endangered Species Act | NOAA Fisheries](#). Species that have been proposed for listing under the ESA by USFWS can be found

Culvert AOP Program Q&As

at [Species Reports|Proposed for Listing Species](#) and species that are current candidates for listing by the USFWS under the ESA can be found at [Species Reports|Candidate Species Report](#).

Q 2.5. What are anadromous fish stocks identified by NMFS or USFWS as prey for endangered species, threatened species, or protected species (49 U.S.C. § 6703(e)(1)(C))?

Neither NMFS nor USFWS have a distinct, specific list of fish stocks identified as prey for endangered species, threatened species, or protected species. The applicants must substantiate with sufficient evidence the anadromous fish stock identified as prey for Federally endangered species, threatened species, or protected species.

DOT recommends identifying the anadromous fish stocks that would benefit from the project, then identify references that cite those anadromous fish stocks that benefit as being prey for species listed as endangered or threatened under the [Endangered Species Act](#) or otherwise protected under Federal law. Protected species may include species protected under laws beyond the Endangered Species Act. These laws include, but are not limited to, the [Marine Mammal Protection Act and Migratory Bird Treaty Act](#), [Magnuson-Stevens Act](#), and the [Bald and Golden Eagle Protection Act](#). Example resources that describe anadromous fish stocks identified as prey for an endangered species are the [Southern Resident Killer Whale Priority Chinook Stocks Report](#) and the [Recovery Plan for the Cook Inlet Beluga Whale](#). Examples of an anadromous fish stock identified as prey for protected species include (but are not limited to) [River herring](#), and [Pacific lamprey](#).

Q 2.6. What are anadromous fish stocks identified by NMFS or USFWS as climate resilient stocks (49 U.S.C. § 6703(e)(1)(D))?

Neither NMFS nor USFWS have a distinct, specific list of fish stocks identified as climate resilient stocks.

Nonetheless, there are resources that could help applicants identify such fish stocks and their [habitats](#). As an example, NMFS has a website [Climate Vulnerability Assessments](#) that identifies what species may be most vulnerable based on their exposure to projected changes in the environment (e.g., warming oceans) and their sensitivity or adaptability to handle those changes based on their life history characteristics (e.g., reproductive rates, diet, etc.).

Culvert AOP Program Q&As

Q 2.7. What if my project area no longer has anadromous fish, but did so historically (e.g., an extirpated population)?

Congress established the Culvert AOP Program for projects that would meaningfully improve or restore fish passage for anadromous fish. This could include projects that are part of a conservation or recovery plan to restore anadromous fish to a part of their former range from which they were extirpated.

Likewise, an applicant could provide evidence and documentation that the watershed was, or reasonably could have been, a habitat for these anadromous fish. If the applicant is proposing opening up part of a species' former range, they should also provide information about habitat conditions (and the species ability to survive in those conditions) as well as the ability of the target species to reach any newly opened habitat, i.e., any ongoing or upcoming efforts downstream to eliminate barriers and create fish passage to the proposed project.

Section 3. Applicant Eligibility

Q 3.1. Does the definition of "State" only mean State Departments of Transportation?

The NOFO uses the definition of "State" found at 2 CFR 200.1. Per 2 CFR 200.1, "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments.

Therefore, State Departments of Transportation, State Fish and Wildlife agencies, or other State entities (exclusive of those entities defined as local governments; see NOFO Section H(4)) would qualify as a State for the purposes of this program.

Q 3.2. Does the Lead Eligible Entity need a resolution from their governing body to apply for this grant?

The NOFO does not have a requirement for a resolution from a governing body to apply for a Culvert AOP Grant. We recognize that there are areas of the country where such resolutions are locally required. The Eligible Entity needs to follow their organizational protocols and have the legal authority to engage in such Federal discretionary grant programs and meet all requirements of the NOFO.

Culvert AOP Program Q&As

Q 3.3. Can an applicant bundle Eligible Projects on a single grant application?

Yes. An Eligible Entity may bundle two or more Eligible Projects. Alternatively, project(s) may involve two or more Eligible Entities. The appropriate cost share depends on the lead Eligible Entity of the bundled project(s) (see Q&A Section 7).

In order to bundle projects, each project in the bundle must individually meet the eligibility criteria detailed in the NOFO. The applicant should explain the benefits of executing the projects as a bundle compared to as individual projects.

Note that during the application evaluation, costs of unbundled projects will be compared with bundled costs to determine potential amount of cost savings and as a factor in the ability to unbundle projects for an award (NOFO Section C(3)). In addition, as part of the Project Readiness Criteria, the applicants should indicate potential impacts to timeframes if the projects were unbundled.

Q 3.4. I am NOT an Eligible Entity, can I apply for a project?

No. The statutory language does not allow other entities to apply for a grant but see Q 3.6 for information on partnering with an Eligible Entity.

Q 3.5. Are Tribal Consortia considered an Eligible Entity?

No. Tribal consortiums are not eligible. Tribes may submit a joint application, but one Tribe must be designed as the lead Eligible Entity.

Q 3.6. I am NOT an Eligible Entity, can I partner with an Eligible Entity to apply for a grant?

Yes. Only States, local governments and tribes are Eligible Entities for a grant under this program. Another entity (e.g., Non-Governmental Organization or Federal agency) could partner with an Eligible Entity on an application. However:

- a grant can only be awarded to a Tribe, State, or unit of local government;
- the Tribe, State, or unit of local government would have to assume ALL the legal responsibilities as the grant recipient for the project; and
- there may be additional considerations for partnering with a Federal agency.

Q 3.7. I am an Eligible Entity. Can I partner with a Federal agency to propose a project?

Yes. Federal agencies are not Eligible Entities for a grant under this program. A Federal agency may partner with an Eligible Entity on an application; however, the

Culvert AOP Program Q&As

grant would still be awarded to the Eligible Entity and the Eligible Entity would assume ALL legal responsibilities as the grant recipient for the project. In addition, the Eligible Entity would need to carry out the project with the same requirements and standards that would apply to the Eligible Entity if it did not partner with the Federal agency. For example, the Eligible Entity would apply its NEPA requirements, not the NEPA requirements that might apply to the Federal agency.

Q 3.8. I am an Eligible Entity. Can I propose using a Federal agency to conduct work on the project?

Yes. The Eligible Entity can get Federal help on design or other aspects of the project using Culvert AOP Program funds.

Q 3.9. On joint projects, what are the responsibilities of the lead applicant?

The lead Eligible Entity is the Eligible Entity responsible for submitting the application, serving as the point of contact, and administering Culvert AOP Program funds, among other legal and administrative responsibilities, including those at 2 CFR 200.

Section 4. Project Eligibility

Q 4.1. What is the difference between a Culvert and a Bridge?

A culvert typically has soil materials (i.e., backfill) between the travel way (e.g., road or rail or trail) and actual culvert structure (i.e., barrels, cells). To support dead loads and live loads (e.g., cars, trucks, trains, pedestrians, etc.), the culvert consists of those barrels or cells (typically concrete, metal, or plastic material), backfill, and soil bedding underneath the culvert. A bridge typically uses structural components and elements in the deck, superstructure and substructure (abutments and piers) to support those dead and live loads.

Q 4.2. Can a Project propose replacing a Culvert with a Bridge?

Yes. Applicants may propose a project to replace a culvert with a bridge. However, should the total span of a roadway bridge exceed 20-feet, the project will also be subject to the requirements of the National Bridge Inspection Standards (23 CFR 650 subpart C). Note that transit or railway bridges may be subject to specific standards relevant to those modes of transportation.

Culvert AOP Program Q&As

Q 4.3. Can a Project propose replacing a Bridge with a Culvert?

No. An Eligible Project must involve the replacement, removal, or repair of culverts or weirs (49 U.S.C. § 6703(b)). In other words, the existing project infrastructure must be a culvert or weir.

DOT recommends exploring other BIL programs (see Section 11) that may offer such opportunities to remove barriers caused by other infrastructure, including bridges.

Q 4.4. Can a Project propose building a new bridge where there should be AOP but there is not currently a culvert or weir? For example, a project to build a new bridge to open up a river's access to its historic floodplain.

No. An Eligible Project must involve the replacement, removal, or repair of culverts or weirs, and therefore there must be an existing culvert or weir for a project to be eligible (49 U.S.C. § 6703(b)). DOT appreciates the many potential efforts and situations that would benefit from removal of AOP barriers — whether from human or natural sources. DOT recommends exploring other BIL programs (see Section 11) that may offer such opportunities.

Q 4.5. What is the difference between a Weir and a Dam?

The NOFO definitions of Weir and Transportation Nexus offers important distinctions and context between the two. For example, dams would likely have some larger storage impoundment (see e.g., 23 CFR 650.115(c)). Funds from this program cannot fund dam projects.

Section 5. Eligible Activities

Q 5.1. Are channel restoration, utility relocation, and acquisition of land for stream alignment restoration considered eligible projects?

Channel restoration, utility relocation, and acquisition of land for stream alignment restoration ALONE are not considered eligible projects. Eligibility of such activities could be considered part of an eligible project ONLY if they are necessary and reasonable activities for the replacement or improvement of the culvert or weir.

Q 5.2. What if the project is on a private road?

DOT expects most eligible projects to be on travelways open to the public. Projects on private roads may be eligible assuming they meet all other applicability

Culvert AOP Program Q&As

requirements. It should be noted that a project on private land would be contingent on obtaining legal permission for project activities, including any easements for data collection, monitoring, and maintenance in order to address project readiness criteria.

Q 5.3. Are costs of replacing, removing, or repairing culverts or weirs that are the subject of a settlement agreement or court order allowable costs?

Yes. Costs of replacing, removing, or repairing culverts or weirs that are the subject of a settlement agreement or court order are eligible under the Culvert AOP Program, and are reimbursable if awarded a grant under this program and incurred pursuant to such award.

Section 6. Funding – General Information

Q 6.1. Does the five-year period mean that the Culvert AOP Program covers only one set of projects within that timeframe?

No. Each fiscal year will provide a separate opportunity for applicants to seek funding for their projects. DOT issued the first NOFO on October 6, 2022, for Federal Fiscal Year (FY) 2022 and will continue to issue NOFOs to solicit applications for funding for subsequent fiscal years, ending FY 2026.

Q 6.2. Are there any restrictions on funding?

Yes. Culvert AOP Program funds will reimburse recipients only for reasonable and authorized costs incurred and for work performed after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted (see Q 7.3 for more information on eligible project costs). Costs to prepare the grant application are ineligible (2 CFR 200.460).

In addition, recipients may not use grant funds to support or oppose union organizing, whether directly or as an offset for other funds.

Q 6.3. What are Eligible Project costs under the Culvert AOP Program?

Recipients will only be reimbursed for allowable costs under the Culvert AOP Program. The general requirements for allowable costs are found at 2 CFR 200.403 and are as follows:

“Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

Culvert AOP Program Q&As

- a. Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- b. Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- c. Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.
- d. Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- e. Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
- f. Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also § 200.306(b).
- g. Be adequately documented. See also §§ 200.300 through 200.309 of this part.
- h. Cost must be incurred during the approved budget period. The Federal awarding agency is authorized, at its discretion, to waive prior written approvals to carry forward unobligated balances to subsequent budget periods pursuant to 2 CFR § 200.308(e)(3)."

Q 6.4. Will there be future Culvert AOP Program grant opportunities?

Yes. The Program is a multi-year grant program with authorized funding beginning in FY 2022 and extending through FY 2026. See Q 6.1.

Q 6.5. Can funds be expended over multiple years?

Awarded FY22 Culvert AOP Program funds are available until expended and only cover the activities proposed in the FY22 grant application. The awardee may expend funds over multiple years as stipulated in the grant agreement. Note that being previously awarded a grant under this program does not guarantee that a related or subsequent project will be funded under future cycles.

Q 6.6. May Grant Applicants directly or indirectly charge to the Program for administrative costs?

Program administrative costs may only be billed directly to a federal program if it is specifically authorized in legislation as an allowable expense. Congress did not

Culvert AOP Program Q&As

specifically authorize reimbursement for program administrative costs within the Culvert AOP Program.

Project administrative costs, however, may be allowable as indirect costs (i.e., “indirect (facilities & administrative (F&A)) costs” as defined under [2 CFR 200.1](#)). Indirect costs may include labor, rent, capital expenditures, and supplies that benefit multiple projects (see 2 CFR [200.414](#) and [Appendix VII, paragraph A.4](#)). Grant recipients desiring to claim indirect costs under the Culvert AOP program must prepare an indirect cost rate proposal and related documentation to support those costs in accordance with [2 CFR 200 Appendix VII](#). Indirect costs (including program administration costs) are eligible in the Culvert AOP program only with received approval from FHWA. (See 2 CFR 200 [Subpart E](#) and [Appendix VII](#)).

For more information on indirect costs, see [Allocating Indirect Costs to Projects](#). Please also refer to [2 CFR 200.412 – 2 CFR 200.415](#) for more information on treatment of direct and indirect costs under federal awards.

Section 7. Matching Funds

Q 7.1. Are there matching fund requirements if a State or a unit of local government presents a joint application or bundles a project with and Indian Tribe?

It will depend on who is the lead Eligible Entity. If the lead Eligible Entity is an Eligible Entity other than an Indian Tribe, then the matching share of no less than 20 percent of eligible activities of the total project costs applies. If the lead Eligible Entity is a Tribe, then there is no required matching share.

Q 7.2. Can funds from other Federal programs be used as matching funds?

The Federal share for States and local governments cannot exceed 80% of the total project value, with 49 U.S.C. § 6703(f) requiring a non-Federal match (cost share) of at least 20% of the total project value. Federal funds are generally not eligible to be used to satisfy a State or local matching share (see 2 CFR 200.306(b)). In rare circumstances, other Federal funds (other than Culvert AOP Program funds) may be used as cost share, but only if the other Federal funds are expressly permitted to be used in such a manner by their enabling legislation (see 2 CFR 200.306(b)(5)). The use of such other Federal funds should be verified by the applicant with the Federal agency providing them prior to application submittal.

Culvert AOP Program Q&As

Q 7.3. Can Culvert AOP Program funds be used as matching funds for other Federal programs?

No. The Culvert AOP Program enabling legislation does not authorize the use of Culvert AOP Program funds as matching funds for other Federal programs.

Section 8. Criteria and Standards

Q 8.1. Do I need to provide data or evidence when addressing each selection criterion?

Yes. The applicant should provide supporting available data (qualitative or quantitative) or evidence supporting the extent to which the proposed project satisfies each selection criterion, as describe for each criterion in NOFO Section E(1)(a).

In the case of a bundle of projects, the applicant should explain the conservation benefits of executing the projects as a bundle compared to as individual projects under criterion 1 “Conservation Benefits to Anadromous Fish.” The applicant should explain the benefits of executing the projects as a bundle compared to individual projects throughout the application.

Q 8.2. What Design Standards apply to the Program?

The NOFO describes that not all projects may progress to a place where design activities occur.

However, when design activities occur and the project necessitates use of design standards, Project Selection Criteria #4 (see NOFO section E(1)(a)) makes clear that projects should *“ensure[] the safety of the traveling public over any infrastructure constructed or affected by the proposed project, including showing that appropriate design standards will be used ...”* and that the applicant should *“provide evidence that it has chosen, or has a plan to select, a design standard or specification, applicable to the affected mode(s) of transportation, such that any project infrastructure constructed or affected by the proposed project ensures the safety of the traveling public over the anticipated service life of such infrastructure.”*

Q 8.3. What is meant by “Ensures Safety of the Travelling Public?”

Safety is DOT’s top priority and a topline goal for the Department is to make our transportation system safer for all people and advance a future without transportation-related serious injuries and fatalities. As such, a goal for the Culvert

Culvert AOP Program Q&As

AOP Program is to ensure that the culverts and weirs and any other transportation infrastructure affected by a proposed project maintains the safety of the traveling public through such things like the use of appropriate design standards or specifications (see Q 9.2), regular inspections, and a robust maintenance plan.

Q 8.4. What is meant by “A design standard or specification applicable to the affected mode(s) of transportation?”

This language recognizes that design standards are different between roads, rails, runways, or pipelines. An embankment with a culvert that can carry the loads of automobiles or trucks, may not safely carry, for example, light rail mass transit or freight trains.

Q 8.5. How does the Federal Flood Risk Management Standard (FFRMS) apply?

The FFRMS does not apply to these projects as the DOT has not yet completed the implementation plan and activities.

Consistent with EO 14030 and EO 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425), project applicants should be aware that DOT is in the process of developing guidance and considering updates to its floodplain requirements, including redefining the appropriate flood hazard area to account for future climate conditions.

However, these projects are likely all within a base (i.e., 100-year) floodplain. For such actions within a base floodplain, the project needs to comply with the provisions of 23 CFR part 650, subpart A (for FHWA projects) or DOT Order 5520.2 (all other DOT projects).

Section 9. Applications & Application Support

Q 9.1. Do I need to submit the information in the Application Template provided as Attachment 1 of the NOFO?

The Application Template referred to in the NOFO is a guide for applicants to use in developing their application package. The template should be used as a checklist to ensure each item (as applicable) is included in the application. DOT does not require an applicant to submit a completed template as part of their application. The template is included as Attachment 1 to the NOFO and starts on page 49 of 57.

Note that the Application Template alone **DOES NOT** constitute a complete application. Interested Eligible Entities should read the NOFO in its entirety and

Culvert AOP Program Q&As

adhere to all its requirement and to submit complete, eligible, and competitive applications.

Q 9.2. Is there any grant application development support?

Yes. There are grant application development support and resources on [Grants.gov](https://www.grants.gov) including the [Grants Learning Center](#) and [Applicant Training](#).

For Tribes, DOT suggests reviewing resources on [Transportation Funding Opportunities for Tribal Nations](#).

In addition, communities can use the recently developed [DOT Navigator](#) to help understand the best ways to apply for grants, and to plan for and deliver transformative infrastructure projects and services.

Section 11 provides other BIL related technical support and resources

Q 9.3. What is the anticipated timeline for reviews and awards?

The Culvert AOP Program is a new DOT program created under BIL. As such, there is not a reference timeline for application review and awards. The DOT, and all involved agencies, will work diligently to timely review applications and make awards.

Section 10. Awards

Q 10.1. What are the anticipated award sizes?

Per the NOFO (see Section B(2)), there is no minimum or maximum award size for the FY 2022 Culvert AOP Program. DOT reserves the discretion to consider award sizes outside the expected ranges of award upon receiving the full pool of applications and assessing the needs of the program in relation to the Culvert AOP Program grant priorities.

While DOT expects most awards to range from \$100,000 to \$2,000,000, DOT also recognized that there may be worthy projects with funding needs less than or greater than those amounts. For example, an AOP culvert project that needed \$10,000 to finish up construction efforts or bundling projects within a watershed where the total cost exceeds \$2,000,000 may be competitive projects despite not falling in this expected range of award amounts.

Grants.gov does list a suggested lower ceiling of \$10,000 and an upper ceiling of \$20,000,000. DOT selected \$10,000 and \$20,000,000 for these suggested ceilings

Culvert AOP Program Q&As

to capture reasonable estimates for competitive projects; however, DOT may make awards outside of this range.

Q 10.2. Is there an anticipated number of awards to be made for the FY22 Culvert AOP Program?

As a new program there is no historical data to project the number of awards for FY22. DOT expects to make multiple awards each Fiscal Year.

Q 10.3. If awarded a grant, how long does the grantee have to complete the project?

The applicant should demonstrate that they can meet the proposed project schedule and deliver the project in a timely and thorough manner. When the grant recipient is a State Department of Transportation (State DOT) or a State DOT will serve as a pass-through entity, the period of performance will begin on the date Culvert AOP Program funds are obligated in FHWA's Fiscal Management Information System (FMIS). When the grant recipient is NOT a State DOT, the period of performance will begin on the date of the grant agreement executed by DOT. The period of performance will end on the project end date in FMIS or the date listed in the grant agreement. As noted in NOFO Section B(5), a project shall generally be up to five years in length.

NOFO Sections B(5) and E(1)(b) provide more information on project delivery.

Q 10.4. What if an Eligible Entity wishes to break the project into a series of multiple annual applications and use future funding to conclude the project?

If an Eligible Entity breaks the project into multiple applications and wants to use future year Culvert AOP Program funding to conclude the project, they must submit an additional application no later than the deadline date for that future year NOFO, with the FY 2026 NOFO being the last NOFO under current legislation. Note that being previously awarded a grant under this program does not guarantee that the project will be funded under future cycles (see Q 7.5).

Section 11. Potential Resources

Q 11.1. What are some available DOT resources?

Here are some potential DOT resources:

Culvert AOP Program Q&As

- DOT BIL related programs and resources [Bipartisan Infrastructure Law | US Department of Transportation](#)
- FHWA BIL related programs and resources [Bipartisan Infrastructure Law - FHWA | Federal Highway Administration](#)
- DOT grant resources [DOT Navigator | US Department of Transportation](#)
- FHWA [National Highway Institute Course 135096 Roadway Interactions with Rivers and Floodplains: Basic Concepts](#)
- FHWA [Hydraulic Engineering: Open-Channel Flow and Culvert Hydraulics Demonstration Series](#)
- FHWA [National Highway Institute Course 135094 Culvert Hydraulic Analysis and Design Program \(HY-8\) Web-Based](#)
- FHWA [Hydraulic Engineering Field Scoping Videos](#)

Q 11.2. What are some available NMFS resources?

Here are some potential NMFS resources:

- Directory of [Endangered and threatened species](#)
- Directory of [Species that are candidates for Endangered Species Act listing](#)
- NOAA [Climate Vulnerability Assessments](#) to help identify what species may be most vulnerable based on their exposure to projected changes in the environment (e.g., warming oceans) and their sensitivity or adaptability to handle those changes based on their life history characteristics (e.g., reproductive rates, diet, etc.).
- Habitat Conservation monitoring and evaluation of restoration projects [Monitoring and Evaluation for Restoration Projects](#)
- Guidance for proposing and conducting Tier 1 monitoring: [NOAA Restoration Center Implementation Monitoring Guide](#)
- West coast anadromous fish passage guidelines [Anadromous Salmonid Passage Facility Design | NOAA Fisheries](#) (2022) [West Coast Region Guidance to Improve the Resilience of Fish Passage Facilities to Climate Change](#) (2022)
- [Southern Resident Killer Whale Priority Chinook Stocks Report](#) (2018)
- Habitat Conservation monitoring and evaluation of restoration projects [Monitoring and Evaluation for Restoration Projects | NOAA Fisheries](#)
- [How Sea-run Fish Connect Ecosystems](#) (2022) identifies many Atlantic coast sea-run species and outlines an ecosystem-based management approach to support their restoration.
- [A Review of River Herring Science in Support of Species Conservation and Ecosystem Restoration](#) (2021)

Culvert AOP Program Q&As

Q 11.3. What are some available USFWS resources?

Here are some potential USFWS resources:

- ESA Listed Species and Related Resources [ECOS: Species Reports \(fws.gov\)](https://www.fws.gov/ecos/species-reports)
- Culvert Design Guidelines for Ecological Function [Culvert Design Guidelines for Ecological Function | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov/ecos/design-guidelines)
- [Design, Review, and Construction of Stream Crossings for Ecological Function Workshop held by USFWS Alaska in March 2022](https://www.fws.gov/ecos/workshop)
- Federal Interagency Nature-like Fishway Passage Design Guidelines for Atlantic Coast Diadromous Fishes [Federal Interagency Nature-like Fishway Passage Design Guidelines for Atlantic Coast Diadromous Fishes \(noaa.gov\)](https://www.noaa.gov/fishway)
- USFWS Northeast Region Fish Passage Engineering Design Criteria (available upon request to USFWS)
- USFWS Northeast Region Stream Crossing Aquatic Organism Passage Design Checklist (available upon request to USFWS)

Q 11.4. What are some available US Forest Service (USFS) resources?

Here are some potential USFWS resources:

- USFS [Stream Simulation: An Ecological Approach to Providing Passage for Aquatic Organisms at Road-Stream Crossings](https://www.fs.fed.us/eng/engmain.asp?category=1&sub=1&subsub=1)

Q 11.5. Where can I find information on other DOT grant programs?

Additional information on DOT programs can be found on [Grants.gov](https://www.grants.gov). Also, BIL related program information can be found on [Bipartisan Infrastructure Law | US Department of Transportation](https://www.transportation.gov/bipartisan) and [Bipartisan Infrastructure Law - FHWA | Federal Highway Administration \(dot.gov\)](https://www.fhwa.dot.gov/bipartisan).

Q 11.6. Are there other programs for Fish Passage that I can apply to?

While Congress created the Culvert AOP Program solely to primarily address anadromous species and fish stocks, DOT recognizes that many other species exist and would benefit from a wider set of AOP locations. For additional culvert or fish passage Federal assistance, you may refer to other sources of funding including, but not limited to the following:

- [FHWA Bipartisan Infrastructure Law Funding Programs](https://www.fhwa.dot.gov/bipartisan)
- [FHWA's Bridge Investment Program](https://www.fhwa.dot.gov/bridge)
- [FHWA's PROTECT Program](https://www.fhwa.dot.gov/protect)
- [FHWA's Tribal Transportation Program](https://www.fhwa.dot.gov/tribal)

Culvert AOP Program Q&As

- [NOAA's Office of Habitat Conservation's Restoration Center fish passage initiatives](#)
- [USFWS' National Fish Passage Program](#)

Please refer to the requirement of each program to determine your eligibility.