

ODOT CULVERT REPAIR FISH PASSAGE PILOT PROGRAMMATIC AGREEMENT



Oregon Fish & Wildlife Commission

October 10, 2014

Exhibit F

OVERVIEW

- Action Before Commission
- Background & Problem
- Solution
- Pilot Project Framework
- Public Comment Solicitation
- FPTF and Staff Recommendation
- Action: Staff Will Recommend Commission Approve the Pilot Project Agreement

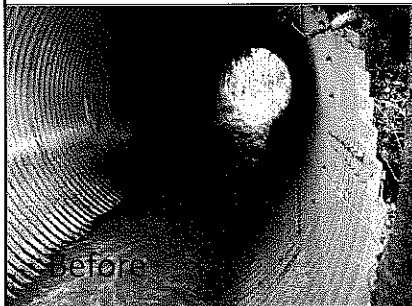
FISH PASSAGE POLICY AT CULVERTS

- ORS 509.585 requires passage prior to construction activities – “triggers”
- Activities at culverts - defined in OAR 635-412-0005(9)(d)
 - “you repair it – you must address passage”
- OAR 635-412-0020(3)(b) – allows programmatic approvals

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ODOT FISH PASSAGE PROGRAM ACCOMPLISHMENTS 1997-2013

- \$4.2M/yr Dedicated to Fish Passage
- 142 Projects Completed
- 461 Stream Miles Opened



CHARLOTTE CREEK FISH PASSAGE PROJECT



Completed: 2009

Habitat opened: 2.0 miles

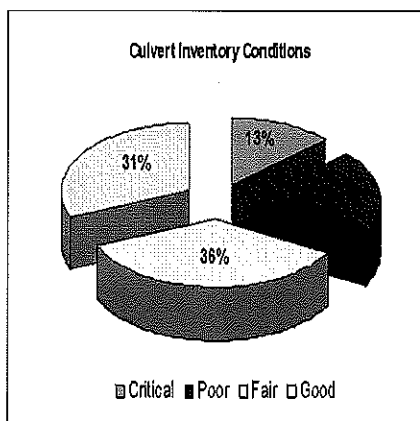
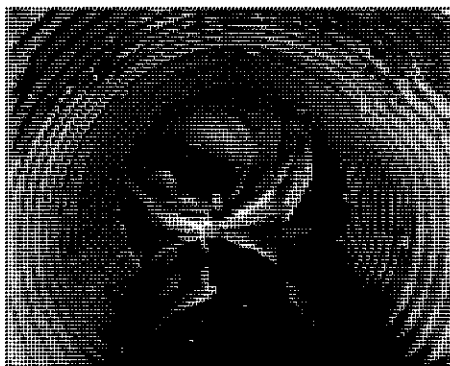
Species: fall chinook, coho, winter steelhead, cutthroat, lamprey

Investment = \$2.0 Million



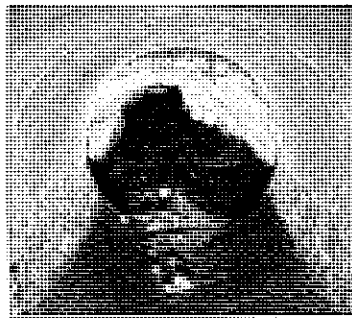
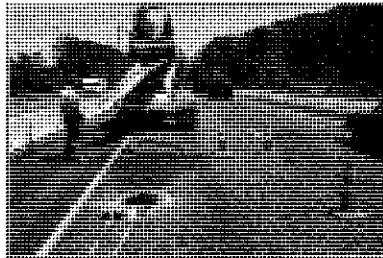
ODOT CULVERT CONDITIONS

1/3 of all ODOT culverts (11,220) are in poor or critical condition



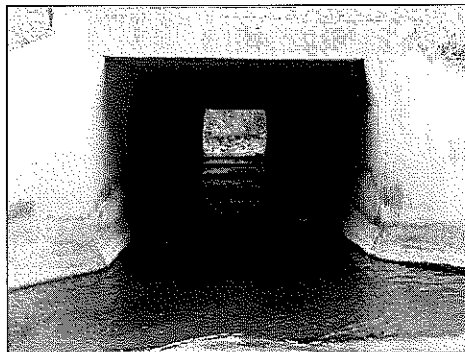
CULVERT REPAIR NEEDS

- Diminished Transportation funds:
 - less driving + higher mpg vehicles = less gas tax revenue
- Culvert funding need could exceed \$1.4 Billion



ODOT FUNDING ISSUE

- Typical culvert repairs
 - \$50 K– \$150 K
- Same culverts replaced to meet fish passage criteria – \$1.5 M to \$5 M
- Resulted in deferred repair and replacement



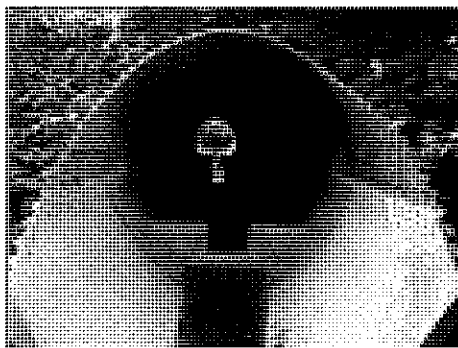
STATE OF OREGON DILEMMA

- Diminishing transportation funds
- Increased need to repair failing culverts
- High costs to address fish passage
 - risking public safety, interstate mobility and commerce, economic viability of local communities, and watershed health

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18-months ODOT and ODFW have negotiated a solution to:

- allow temporary culvert repairs
- while improving fish passage in strategic locations
- do no harm to fish and habitat



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BALANCED SOLUTION

- We have developed a solution within existing fish passage policy framework that balances:
 - public safety
 - interstate mobility
 - watershed health
 - consistent with Oregon Plan

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PASSAGE LAW AND USE OF PROGRAMMATICS

- OAR 635-412-0020(3)(b) allows Programmatic Approvals for multiple AO's of the same type if:
 - structures meet criteria determined by Department
 - owner demonstrates prior experience providing fish passage
 - owner annually reports to Department and allows inspection of repairs

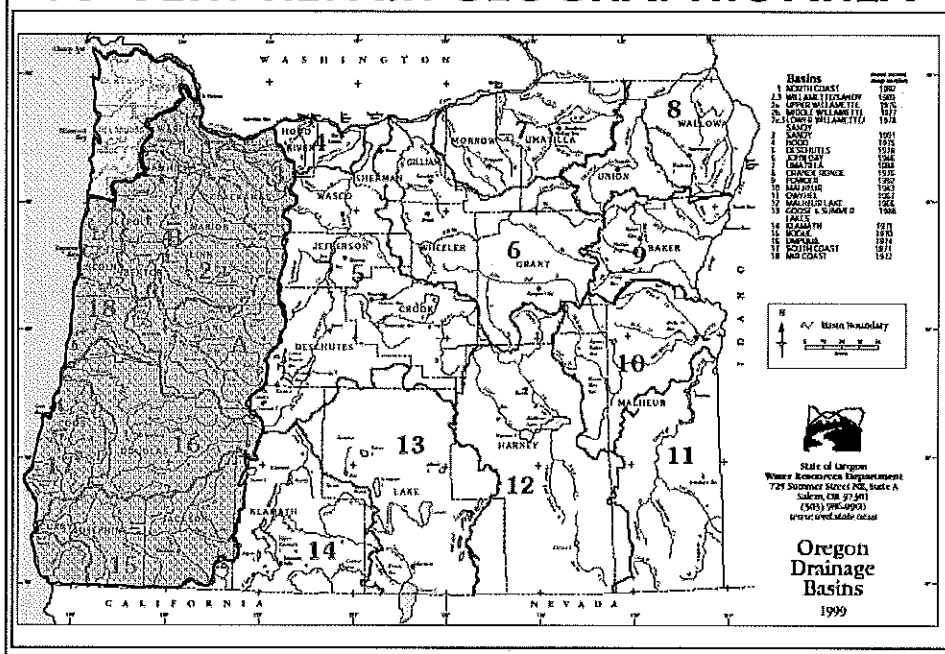
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PILOT PROJECT AGREEMENT FRAMEWORK

- Scope
 - limited 3-year (2015- '17) west of Cascades
 - allows specific short-term culvert repairs
 - requires improved site specific fish passage conditions
 - excludes high priority fish passage sites
 - ODFW will pre-approve sites
 - ODOT will monitor & report annually
 - post program evaluation reports (ODFW and ODOT)

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CULVERT REPAIR GEOGRAPHIC AREA



CULVERT REPAIRS AUTHORIZED

- Short term repairs (10-25 years) of culvert life
- Repairs include (see Appendix A of Agreement):
 - spot & localize repairs and spray coatings
 - spiral wound repairs
 - paving or patching bottoms
 - adding or extending end treatments

Slip-lining, culverts with tide gate, and culvert replacements are specifically excluded from Agreement

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ODOT AGREEMENT PROVISIONS

- Fish passage improvements at each culvert site
- Compensation - \$1.80 million
 - fund highest priority passage projects regardless of location
 - ODFW will administer and manage
- Fund new ODFW-ODOT liaison
 - senior level fish biologist to help develop, administer, and evaluate the pilot project

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\$1.80 MILLION FISH PASSAGE FUND

- Offset the delay in fish passage at repair sites
- ODFW will manage and administer
- Fix statewide high priority passage projects regardless of location
 - ODFW 2013 Statewide Fish Passage Priority List

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POST-PROJECT OBLIGATIONS

- Annual coordination meetings
- ODOT - maintenance requirements to ensure fish passage improvements continue
- Inspection and record keeping
- Annual monitoring & reporting
 - pre & post treatment analyses of repairs and passage improvements
- Final pilot project reports
 - ODOT
 - ODFW
- Report to Commission on program success

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CONCLUSIONS

- Allows ODOT to make vital culvert repairs to ensure transportation safety and watershed health
- Provides a net benefit versus status quo
- Partnership between agencies and avoids changing policy framework for culvert repairs
- “win – win” for public safety, fish, and watershed health

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PUBLIC PROCESS

- June 2014 – Passage Task Force – Informational
- July 2014 – Initiated a 3-week public comment solicitation through an ODFW News Release
- Aug 2014 – ODOT – Tribal Nat. Res. Working Group
- Aug 2104 – Passage Task Force – Action

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PUBLIC COMMENTS

3-week public comment solicitation news release -
July 31, 2014

All comments are included in Attachment 6

General theme of public comments were
supportive of Pilot Project Agreement

Agreement has been changed to address comments

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FISH PASSAGE TASK FORCE

- Meeting Aug 21, 2014
- Task Force requested a number of changes to Agreement:
 - scope & scale of repair sites
 - program goals
 - monitoring and reporting (both agencies)
 - transparent project selection process - \$1.80 million
- Unanimous support of Agreement

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COMMISSION ACTIONS

Commission options:

1. Approve The Culvert Repair Pilot Programmatic Agreement
2. Modify and Approve the Agreement
3. Deny the Agreement – status quo

Staff recommends Commission approve the ODOT request for this 3-year Culvert Repair Fish Passage Pilot Programmatic Agreement in Western Oregon.

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QUESTIONS AND DISCUSSION

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THANK YOU

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POCKET SLIDES

- For Use By Greg Apke or Dept. Staff as necessary for Oct. 10th 2014 Commission Meeting in Medford Oregon.

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TRIGGER EVENTS – ROADS & CULVERTS

- new road, culvert, overflow pipe, apron, or wingwall in channel
- widens/extends road, culvert, apron, or wingwall in channel
- fills or removes 50% of roadbed directly above culvert, unless the 50% is only the top 1' of roadbed
- cumulative repairs or patches to 50% of culvert length
- replaces any section of culvert, except misaligned or eroded ends
- reduces the entire inside perimeter of a culvert (i.e., slip-lines)
- any change to culvert from original configuration that reduces current passage, even if only partial passage

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