

**49 USC 6703: National culvert removal, replacement, and restoration grant program**

Text contains those laws in effect on July 5, 2022

**From Title 49-TRANSPORTATION**

SUBTITLE III-GENERAL AND INTERMODAL PROGRAMS

CHAPTER 67-MULTIMODAL INFRASTRUCTURE INVESTMENTS

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**§6703. National culvert removal, replacement, and restoration grant program**

(a) DEFINITIONS.-In this section:

(1) DIRECTOR.-The term "Director" means the Director of the United States Fish and Wildlife Service.

(2) INDIAN TRIBE.-The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) PROGRAM.-The term "program" means the annual competitive grant program established under subsection (b).

(4) SECRETARY.-The term "Secretary" means the Secretary of Transportation.

(5) UNDERSECRETARY.-The term "Undersecretary" means the Undersecretary of Commerce for Oceans and Atmosphere.

(b) ESTABLISHMENT.-The Secretary, in consultation with the Undersecretary, shall establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts or weirs that-

(1) would meaningfully improve or restore fish passage for anadromous fish; and

(2) with respect to weirs, may include-

(A) infrastructure to facilitate fish passage around or over the weir; and

(B) weir improvements.

(c) ELIGIBLE ENTITIES.-An entity eligible to receive a grant under the program is-

(1) a State;

(2) a unit of local government; or

(3) an Indian Tribe.

(d) GRANT SELECTION PROCESS.-The Secretary, in consultation with the Undersecretary and the Director, shall establish a process for determining criteria for awarding grants under the program, subject to subsection (e).

(e) PRIORITIZATION.-The Secretary, in consultation with the Undersecretary and the Director, shall establish procedures to prioritize awarding grants under the program to-

(1) projects that would improve fish passage for-

(A) anadromous fish stocks listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

(B) anadromous fish stocks identified by the Undersecretary or the Director that could reasonably become listed as an endangered species or a threatened species under that section;

(C) anadromous fish stocks identified by the Undersecretary or the Director as prey for endangered species, threatened species, or protected species, including Southern resident orcas (*Orcinus orcas*); or

(D) anadromous fish stocks identified by the Undersecretary or the Director as climate resilient stocks; and

(2) projects that would open up more than 200 meters of upstream habitat before the end of the natural habitat.

(f) FEDERAL SHARE.-The Federal share of the cost of a project carried out with a grant to a State or a unit of local government under the program shall be not more than 80 percent.

(g) TECHNICAL ASSISTANCE.-The Secretary, in consultation with the Undersecretary and the Director, shall develop a process to provide technical assistance to Indian Tribes and underserved communities to assist in the project design and grant process and procedures.

(h) ADMINISTRATIVE EXPENSES.-Of the amounts made available for each fiscal year to carry out the program, the Secretary, the Undersecretary, and the Director may use not more than 2 percent to pay the administrative expenses necessary to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.-There is authorized to be appropriated to carry out the program \$800,000,000 for each of fiscal years 2022 through 2026.

(Added Pub. L. 117-58, div. B, title I, §21203(a), Nov. 15, 2021, 135 Stat. 676 .)