

Senate Committee on Environment and Public Works
Hearing Entitled “IIJA Investments in Habitat and Ecosystem Restoration, Pollinators, and Wildlife Crossings”

December 6, 2023

Questions for the Record for Associate Administrator Fouch

Chairman Carper:

1. The last time Congress received a complete analysis on the issue of wildlife-vehicle collision reduction was over 15 years ago. Since then, we have learned much more about opportunities to address this challenge for public health and wildlife safety. The Bipartisan Infrastructure Law directed the Federal Highway Administration to submit a new report to Congress on this topic within 18 months of its passage. What are you learning from this new study and when can we expect to receive this report?

FHWA is working diligently to develop this report and improve wildlife crossing safety. Pursuant to requirements in the Bipartisan Infrastructure Law, FHWA has conducted consultations with stakeholders through workshops and is working to complete the required study on the state of the practice of methods to reduce wildlife-vehicle collisions (WVCs). FHWA plans to solicit input on the findings of the study from Federal, Tribal, state, academic, and other experts in the field of WVCs and the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species. FHWA is aiming to have the study completed by the end of calendar year 2024. After the study is completed, FHWA will prepare a report to Congress on the results of the study.

2. The Bipartisan Infrastructure Law tasked the Federal Highway Administration with creating a workforce development and technical training program on methods to reduce wildlife vehicle collisions and improve habitat connectivity. Would you provide an update on the agency's efforts to develop this program?

The Bipartisan Infrastructure Law requires that, based on the study described above, FHWA develop workforce development and technical training courses to reduce WVCs and improve habitat connectivity for terrestrial and aquatic species. Therefore, the courses cannot be fully developed until that study is complete. FHWA has completed a preliminary plan to develop these courses once the information from the study is available. FHWA sees opportunities to partner with other Federal agencies, including the United States Fish and Wildlife Service (FWS), the United States Forest Service (USFS), and National Marine Fisheries Service (NMFS) in workforce development and technical training required under the Bipartisan Infrastructure Law. FHWA has done the initial coordination with these agencies to leverage expertise and learning platforms.

- a. The Federal Highway Administration also has several other new responsibilities to consider wildlife in its programs, including standardization of wildlife collision and carcass data and national threshold guidance (23 USC 172), and considering species movement when evaluating replacement or rehabilitation of bridges and tunnels (23 USC 144). Would you please provide an update on your agency's progress on fulfilling each of these requirements?

FHWA sponsored and participated in the National Academy of Sciences Transportation Research Board (TRB) in January 2023 and the biennial International Conference on Ecology and Transportation in June 2023. FHWA hosted workshops at each conference soliciting input from practitioners on a methodology for collecting and reporting spatially accurate wildlife collision and carcass data and national threshold guidance. FHWA has drafted standardized methodologies for collecting and reporting wildlife collision and carcass data for the National Highway System. Following statutory consultation requirements, FHWA engaged with transportation safety experts in each State to complete the data collection needed and plans to further engage stakeholders on the draft methodologies.

With respect to the national threshold guidance, FHWA is developing such guidance for States to determine whether a highway should be evaluated for potential mitigation measures to reduce WVCs and increase habitat connectivity for terrestrial and aquatic species. FHWA has conducted workshops and collected input from various stakeholders. FHWA will continue to develop ideas through stakeholder engagement as we finalize the guidance.

FHWA has updated training course materials to train appropriate inspection personnel in assessing aquatic and terrestrial passage opportunities. The information was incorporated into the Bridge Inspection Refresher Course. Because wildlife passage assessments are specialized and vary geographically or biologically, the training seeks to inform inspectors of such situations, allowing them to share these potential restoration opportunities with others who have such skillsets and experience. Every bridge inspection program manager and team leader is required to complete 18 hours of bridge inspection refresher training during a five-year period. See 23 CFR 650.309.

3. Would you please provide additional details on what actions your agency is taking to utilize the expertise of the U.S. Fish and Wildlife Service for habitat connectivity and the Wildlife Crossings Pilot Program?

FHWA is engaging with the transportation and wildlife communities and has invited members of Tribes, Federal Agencies including the FWS, State DOTs, State Fish and Wildlife agencies, colleges and universities, non-governmental organizations (NGOs), the American Association of State Highway and Transportation Officials (AASHTO), the Association of Fish and Wildlife Agencies, and other experts in the field to consult on various activities and provisions related to habitat connectivity and wildlife crossings in the Bipartisan Infrastructure Law. FHWA hosted several workshops related to habitat connectivity attended by the FWS, including during the January 2023 Transportation Research Board (TRB) conference; the June 2023 International Conference on Ecology and Transportation (ICOET) in Burlington, Vermont; and the Annual Meeting of the Association of Fish and Wildlife Agencies (AFWA) in September 2023 in Calgary,

Canada. The FHWA participates in the Connectivity and Corridors Subcommittee hosted by CEQ under President Biden's America the Beautiful initiative. The Subcommittee includes FHWA, FWS, and many other Federal agencies working together to identify opportunities to improve protection, enhancement, conservation, and restoration of ecological connectivity and wildlife corridors.

FHWA developed the Wildlife Crossings Pilot Program NOFO after considering input from wildlife conservation groups, foundations, Tribal governments, and other relevant stakeholders. Given that the FWS is an eligible applicant to receive the grant funding, FHWA did not collaborate with the FWS in developing the NOFO. FHWA recognizes the FWS's expertise on wildlife needs and data collection and will look to leverage the FWS's extensive knowledge on habitat connectivity and conservation while also ensuring the integrity of the competitive grant process, considering the FWS is an eligible applicant for the program.

- a. Would you please share a bit about your involvement on the Federal Interagency Fish Passage Task Force? What steps has your agency taken to help improve coordination for fish passage efforts?

FHWA has participated in the Federal Interagency Fish Passage Task Force since its inception at the July 2022 Fish Passage Workshop hosted by the FWS at their National Conservation Training Center in Shepherdstown, West Virginia. FHWA has taken multiple steps to improve coordination for fish passage efforts both within the Department of Transportation (DOT) and with other Task Force members. FHWA hosts weekly update meetings among DOT agencies. FHWA established Interagency Agreements with FWS and the NMFS to fund their assistance in the administration of the National Culvert Removal, Replacement, and Restoration Grant Program (Culvert Aquatic Organism Passage (AOP) Program). As required by statute, FHWA has coordinated with the FWS and NMFS on our Culvert AOP program, soliciting their help in aligning and simplifying FHWA's Notices of Funding Opportunity (NOFOs) to improve the applicant experience; participating in FHWA's grant review and selection process; providing technical assistance to applicants; and completing environmental reviews for Culvert AOP Program grants. FHWA is currently collaborating with FWS and NMFS on the development of the Year 2 (FY23) NOFO for the Culvert AOP Program. FHWA staff have also participated in FWS's and NMFS's grant program application reviews. FHWA supports the FWS-hosted online interagency Portal¹ with information and data summarizing DOT-related fish passage grant opportunities and showcasing the results of our efforts. FHWA is working with the U.S. Geological Survey (USGS), FWS, and NMFS to develop and implement a culvert monitoring protocol and tool to assess the long-term performance of culvert designs in providing aquatic organism passage that can inform future design choices. Most recently, FHWA sponsored and participated in the December 2023 Fish Passage Partners Workshop in

¹ <https://www.fws.gov/story/2023-04/federal-interagency-fish-passage-portal>

Charleston, South Carolina. FHWA is committed to continuing to support what has been a very effective interagency partnership.

4. Have you heard any feedback from Tribal nations about barriers or challenges they may be facing in applying for the pilot program funding? Are there ways to improve this program to better meet the needs of Tribal nations?

FHWA has conducted targeted outreach to Tribes. FHWA has leveraged the strong and long-standing relationships between FHWA's Office of Tribal Transportation and Tribes to provide continued information and ongoing technical assistance. FHWA held a webinar and listening session on the Wildlife Crossings Pilot Program specifically for Tribes and attended the Native American Fish and Wildlife Society's Wildlife Crossings Workshop to provide technical assistance. Through this engagement, FHWA received feedback that the statutory match requirement may be a barrier to program participation for Tribes. There were four successful applications from Tribes in the first round of awards under the Wildlife Crossings Pilot Program. FHWA is committed to ensuring that Federal funding for Tribes is accessible, flexible, and equitable in accordance with Executive Order 14112, *Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*. FHWA also provided Tribes with information on the potential use of other Federal funds to meet the matching share requirement for this program. FHWA continues to prioritize the critical technical assistance tools that help Tribes plan projects, and identify appropriate funding sources, such as the online resource Transportation Funding Opportunities for Tribal Nations.² Further, in addition to delivering valuable training and technical assistance services on the Tribal Transportation Program (TTP), FHWA's regional Tribal Technical Assistance Program (TTAP) Centers also serve as a conduit for the advertisement of discretionary grant opportunities and may provide grant application and administration trainings along with technical assistance services that are coordinated with the respective FHWA Program Office.

Senator Markey:

1. In Massachusetts, wildlife crossings would promote health and safety for both the people and wildlife that call the Bay State home. Fast-moving vehicles are dangerous to wildlife and pedestrians alike. Crossings for wildlife are an example of a Complete Street, where roads and their impacts are designed with the safety and equity of users and all those affected in mind. Do you see an opportunity for IIJA-funded projects to reconnect wildlife corridors to also help communities reconnect?

Projects that reconnect wildlife corridors have a positive benefit to the overall health of animals, people, and our shared environment.

² https://highways.dot.gov/sites/fhwa.dot.gov/files/docs/federal-lands/programs-tribal/36311/transportation_funding_opportunities_for_tribal_nations_1.pdf

The Bipartisan Infrastructure Law provides increased support for a variety of programs aimed at reducing fatal and serious injury crashes through road designs that provide for the safety of all road users. FHWA has recently issued a resource³ that lists the many funding sources that can support safety for all. FHWA is also providing Federal highway recipients with technical assistance to support the context-sensitive planning and development of complete streets, and this can be helpful in reducing crashes involving wildlife.

Crossing structures that are used by both wildlife and humans can be less effective for wildlife movement because the presence of humans can inhibit usage by wildlife. Wildlife and transportation professionals should work collaboratively on wildlife crossing projects to determine the appropriate approach to best meet the needs for people and wildlife on individual projects.

2. The Massachusetts Department of Transportation recently identified potential candidates for wildlife crossings that could receive Bipartisan Infrastructure Law funding, including a proposed Appalachian Trail crossing over busy I-90. This project would double as a wildlife and pedestrian crossing, helping protect animals like the black bear, moose and bobcat, while also keeping hikers, mountain bikers, and drivers safe from life-threatening collisions. The incredible work underway in Massachusetts demonstrates our great commonwealth's commitment to providing safe passage for all, especially as climate change continues to exacerbate threats to vulnerable species. With many exciting projects in the pipeline, Massachusetts could stay pretty busy over the next decade, and we're not alone—with five times more funding requested by states than what is available, the program is clearly in high demand. In your opinion, do you believe that the Wildlife Crossing Pilot Program should be made permanent with additional funding to meet the needs of Massachusetts and other eligible applicants?

The Bipartisan Infrastructure Law provides up to \$350 million for the Wildlife Crossings Pilot Program over 5 years (Fiscal Years 2022-2026). This is a first-of-its-kind pilot program to make roads safer, prevent wildlife-vehicle collisions, and improve habitat connectivity. The response to the first Wildlife Crossings Pilot Program NOFO demonstrated substantial demand for funding wildlife crossings across the country. In response to that NOFO, FHWA received 67 applications from applicants in 34 States requesting \$549 million in Wildlife Crossings Pilot Program funds.

As the requests for funding far exceeded the nearly \$112 million available for the first round NOFO, FHWA expects there will continue to be strong interest in the Wildlife Crossings Pilot Program in future rounds. FHWA looks forward to continuing the pilot's success.

³ https://highways.dot.gov/sites/fhwa.dot.gov/files/2023-10/complete_streets_poster_funding_safety_for_all_09132023.pdf

3. It's important that we don't create more disconnected habitats while working to reconnect the corridors we already broke. Is the Federal Highway Administration considering habitat connectivity considerations and climate resiliency in its everyday operations, including as metrics in inspections?

FHWA is making efforts to change the state of practice to incorporate habitat connectivity and resiliency in transportation infrastructure. More resilient infrastructure better accommodates terrestrial and aquatic organism passage and facilitates larger, more resilient species populations. Changing decades-old practices will take time. FHWA is committed to working with Federal, Tribal, State, and local stakeholders to assess existing programs, regulations, policies, and guidance to improve habitat connectivity and climate resiliency considerations in everyday operations.

FHWA is working to identify best practices for preventing WVCs and improving habitat connectivity, as required by the Bipartisan Infrastructure Law, and is also developing training on methods to reduce WVCs and improve habitat connectivity as required by statute (23 U.S.C. 172). FHWA is currently incorporating habitat connectivity into the Wildlife Crossing Pilot Program as performance metrics for grant agreements. FHWA has also incorporated wildlife passage assessments into the Bridge Inspection Refresher Course to identify potential restoration opportunities. FHWA has updated training course materials to train appropriate inspection personnel in assessing aquatic and terrestrial passage opportunities. Because wildlife passage assessments are specialized and vary geographically or biologically, the training seeks to inform inspectors of such situations, allowing them to share these potential restoration opportunities with others who have such skillsets and experience. Every bridge inspection program manager and team leader is required to complete 18 hours of bridge inspection refresher training during a five-year period. See 23 CFR 650.309. FHWA also participates in the 13-member Federal Interagency Fish Passage Task Force which promotes the benefits of fish passage projects, provides technical advice and capacity across federal agencies, and better coordinates funding, creating transformational impact across the landscape.