



## Terms of Reference

### 2018 Habitat Enterprise Fish Passage Program Review

The National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA Fisheries) is responsible for the stewardship of the nation’s ocean resources and their habitat. Fish passage is important for the protection and restoration of diadromous fish and their habitats. Dams and other barriers fragment a river system, impede or block fish movement, to spawning, rearing and migratory habitats. The sustainability of fish species populations that would otherwise move to and from different habitats within the river system may diminish substantially, if not completely, due to dams and other barriers. For this reason, NOAA works to maintain unimpeded access to habitat where barriers do not yet exist, open access to habitat where fish are prevented from passing, and ensure that the passage for fish is safe, timely, and effective.

Through authority granted by legislation, including the [Federal Power Act](#) (FPA), the [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA), [Endangered Species Act](#) (ESA), and the [Fish and Wildlife Coordination Act](#) (FWCA), NOAA Fisheries applies multiple strategies to conserve, protect and restore fish and their habitats, and ensure safe and effective fish passage.

This review is being coordinated by the Office of Habitat Conservation (OHC), with support from the Habitat Enterprise<sup>1</sup>. For the purpose of this review, the NOAA Fisheries fish passage program consists of activities managed by various national and regional offices within NOAA Fisheries whose purpose is to maintain or improve access for migrating fish that need to reach riverine habitats for various life stages.

NOAA programs included within this review are the Restoration Center’s Community-Based Restoration Program, which funds dam removals and other fish passage projects; and the Hydropower Program, which is coordinated by OHC’s Habitat Protection Division and is executed by the NMFS Regional Offices through review of and comment on FERC licenses under the Federal Power Act.

### Purpose of the Review

The purpose of this review is to obtain external input into our NOAA Fisheries fish passage programs – where we are doing well, and where may we want to implement changes to improve upon our program successes in increasing access to historic riverine rearing and spawning habitat for targeted diadromous fish species. This review will cover our mission/goal, prioritization, coordination, effectiveness, and external engagement of our fish passage activities.

### Overarching Questions for Reviewers

#### Mission/Goal:

In the Habitat Enterprise strategic plan, our goal is to, “conserve habitat for managed fisheries and protected resources,” and one of the strategies for achieving this goal is expanding available habitat type by “increasing access to historic riverine rearing and spawning habitat for targeted diadromous fish species.” Where do you see us

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<sup>1</sup> The Habitat Enterprise includes the Office of Habitat Conservation, the Assistant Regional Administrators for Habitat Conservation and their staff, and habitat management-related components for the West Coast Region and their staff.

excelling in achieving this goal? What kinds of things could we be doing or doing more of to help us achieve this goal?

#### **Prioritization:**

How do we better integrate Hydropower regulatory requirements and timelines with voluntary habitat restoration opportunities into a strategy for addressing highest priority barriers?

How do we better incorporate a “watershed” approach into high priority fish passage habitat restoration?

#### **Coordination:**

How can we better coordinate our Hydropower and Community-based Restoration projects to build momentum within a watershed to open and create more opportunities for accessible habitat?

#### **Evaluating Fish Passage Effectiveness:**

How can we improve our strategy and structure for evaluating agency-wide fish passage program outcomes?

Within our program activities, what is the most effective balance for investing in implementation and monitoring and evaluation?

#### **Engagement:**

What are steps we can take to improve our outreach to ensure we are effectively communicating the importance of fish passage?

## **Briefing and Background Materials**

Staff of the Office of Habitat Conservation will collect background information and materials and provide them to the panelists approximately six weeks prior to the review meeting. Background materials will include the applicable statutes and agency policies, guidance, and practices related to fish passage. Case studies will be selected based on diverse attributes that encompass the evaluation questions. Additional briefing and background materials may be provided at the request of panel members.

## **Review Format**

The review meeting will last four days. The venue will allow public access to open sessions and have wireless internet access, audio visual capability (e.g., teleconferencing, overhead projector, microphone amplification).

The four-day review will include three days of open sessions, followed by a fourth day for panelists only.

#### **Day 1:**

- Presentation about fish passage planning and implementation from OHC leadership
- Presentations and discussion related to questions
- Public comment (varied times)
- Panel deliberation (closed session 1 hour)

#### **Day 2:**

- Presentations and discussion related to questions
- Public comment (varied times)
- Panel deliberation (closed session 1 hour)

#### **Day 3:**

- Presentations and discussion related to questions
- Public comment (varied times)
- Panel deliberation (closed session 1 hour)

#### Day 4:

- Report Preparation
- Opportunity for discussions (clarifying questions, guidance, etc.) with OHC leadership and presenters, as needed.

## Products

Each panelist will produce a report outlining his or her observations of and recommendations for the questions provided within this Terms of Reference. Individual reports are required for NOAA to comply with the Federal Advisory Committee Act (FACA, 1972), and will not represent a consensus of panelists' observations and recommendations. Panelists' draft reports will be submitted to the facilitator and the Office of Habitat Conservation at the close of the review, with final versions submitted by the panelists to the facilitator two weeks after the close of the review.

The facilitator will prepare a draft report, which will include workshop notes, and a summary of the program review proceedings (e.g., process, overview, salient issues, public comments, and recurring themes across individual panelist reports, etc.). Four weeks after the review, the draft facilitator report will be submitted to panelists and the Office of Habitat Conservation for review prior to finalization. The final report will be submitted approximately seven weeks after the close of the review.

## Agency Response

The Director of the Office of Habitat Conservation will prepare a response, to the summary report within approximately a month after receipt of the report package.

All documents – (a) facilitator's summary of the program review proceedings (e.g., process overview, salient issues, public comments, and recurring themes across individual panelist reports, etc.); (b) individual panelist reports; and (c) Director's response, to the individual panelist reports – will be posted on the Office of Habitat Conservation website. Authorship of the individual panelist reports will remain anonymous to the public.

# Reviewer Report

## Fish Passage Program Review

Name/Affiliation

Address/Dates

Background

General Observations and Recommendations

Key (specific) Findings and Recommendations (as reviewer has comments on)

### Question 1

- Observations
  - Strength
  - Challenges
- Recommendations to address issue

### Question 2

- Observations
  - Strength
  - Challenges
- Recommendations to address issue

### Question 3

- Observations
  - Strength
  - Challenges
- Recommendations to address issue

### Question 4

- Observations
  - Strength
  - Challenges
- Recommendations to address issue

Conclusions