

**Compliance Report for 2018: Biological Opinion for  
Stream-Crossing Projects Administered/Funded by the  
South Dakota Department of Transportation and the  
Federal Highway Administration**

By:

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Introduction:

In August of 2008 a new Biological Opinion (Opinion) was accepted by the United States Fish and Wildlife Service (FWS) for projects implemented by the South Dakota Department of Transportation (SDDOT) and the Federal Highway Administration (FHWA). The new 2008 Opinion replaced a prior 2004 Opinion which had included Terms and Conditions (TCs) that limited timing of construction and caused delays in post-construction site restoration. These TCs were designed to be protective of individual Topeka shiners, but further analysis revealed they were logistically problematic and did not appear to provide significant conservation benefit to Topeka shiner populations. The 2004 Opinion also contained detailed, numerous TCs that were drawn from the SDDOT's *Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner* (December 9, 2003 version). However, it was later determined that not all of these measures were feasible on every project, thus additional flexibility was needed, resulting in the 2008 Opinion. One aspect of the new 2008 Opinion is incorporation of several Reasonable and Prudent Measures (RPMs) for projects which affect the Topeka shiner and/or American burying beetle. These RPMs are non-discretionary and must be implemented on projects impacting the Topeka shiner and/or American burying beetle so that they become binding conditions of construction activities authorized, funded or carried out by FHWA/SDDOT.

Topeka shiner RPMs:

In the 2008 Opinion, policy changes allowed construction projects to proceed during the previous "blackout period" (May to August). However, for implementation of this "no

blackout” construction schedule, some new and additional RPMs were set in place for projects appended to the 2008 Opinion for Topeka shiner:

- 1) Habitat fragmentation/ Fish Passage
- 2) Minimize Fish Mortality
- 3) Sediment and Erosion Controls
- 4) Monitoring
- 5) Training
- 6) Reporting
- 7) Including Current or New Scientific Information

In this document, data will be included for 1) each RPM which can be found in the reporting forms (Appendix I) and in the text to follow, 2) the efforts to implement a monitoring program, 3) turbidity monitoring at construction sites, and 4) a brief section on recent scientific publications.

In addition to the new RPMs, three Conservation Recommendations (CR) were implemented in the Opinion:

- 1) Develop methodology to identify, track, and prioritize, for replacement, any existing structures that are found to fragment Topeka shiner habitat.
- 2) Develop strategies that can enhance riparian habitat along known and potential Topeka shiner streams.
- 3) Develop strategies to improve in-stream habitat for Topeka shiners.

During Type, Size, & Location (TS&L) and preconstruction meetings, riparian habitat protection measures are usually discussed with contractors and engineers.

Typically, this involves recommending bioengineering around the structure, maintaining

a section of natural stream bottom through the structure (if a bridge is going in), and ensuring all erosion and sediment control Best Management Practices (BMPs) will be used and maintained accurately. Development of construction practices which will protect or improve habitat available to stream fish (including the Topeka shiner) is under consideration.

Summary of Construction Activities - Topeka Shiner:

In this Annual Compliance Report, data related to construction completed in 2018 (2017 for PCN 01WB) at five bridges and culverts will be documented (Tables 1 and 2). This data will relate to Reasonable and Prudent Measures (RPMs) and Conservation Measures (CMs) indicated in the Biological Opinion: Stream-Crossing projects funded/administered by the South Dakota Department of Transportation and the Federal Highway Administration. All but one project reported on in this document were completed between January 1<sup>st</sup>, 2018 and December 31<sup>st</sup>, 2018. Clay County project BRF 6475(08), PCN 01WB (bridge replacement) was accidentally omitted in the 2017 Annual Compliance Report and has been inserted into this report.

Weather conditions limited stream-crossing construction projects substantially in 2018. Snowstorms and resulting snow cover persisted well into April. Beginning in June, several months of intense rainfall events, and resulting flooding, slowed progress of many projects. This weather pattern continued into November 2018. As a result, several stream-crossing projects with expected 2018 completion dates remain uncompleted. In all likelihood, these uncompleted projects will be completed in 2019, and reported in the 2019 Annual Compliance Report.

For five construction projects completed during 2018 (2017 for PCN 01WB) that were “Likely to Adversely Affect” the Topeka shiner, 9.28 acres of riparian area were temporarily affected by vehicles or construction activities. Four of the five projects listed in the SDDOT Project Reporting Forms affected over 1.0 acre; three of which affected  $\geq$  2.0 acres. One of the five projects affected approximately 0.80 acres. Observations of projects under construction indicated that the reported 0.80 acres may be greater than the area that is actually affected by activities.

*Summary of Problems Encountered During Construction:*

Contractors and Project Engineers were informed of requirements listed in the *Biological Opinion* and the *Topeka Shiner Special Provision*. To our knowledge, requirements were followed for projects completed in 2018 with one exception. During project inspection, it was observed that erosion control was insufficient and installed incorrectly at structures 42-080-052 in Lincoln County (pages 29-30 of this report). The SDDOT Project Engineer and the primary contractor were notified of these problems. Erosion and sediment control BMPs were corrected.

*Summary of Habitat Impacts:*

Stream-crossing projects completed in 2018 (2017 for PCN 01WB) which were listed to “Affect, Likely to Adversely Affect” the Topeka shiner totaled five; and no completed projects were listed “Affect, Not Likely to Adversely Affect” the Topeka shiner (Table 1). The RPMs of the Opinion are applied on projects which will “Adversely Affect.” This is due to the assumption that anticipated “take” of Topeka shiner is expected to be zero at sites “Not Likely to Adversely Affect.”

The five stream crossing projects permanently impacted 832 total feet of stream channel. This length of channel impact is primarily due to placement of structures, scour protection in and along the stream, and riprap erosion protection along the banks of the stream. Riprap placement comprised 752 feet of the 832 total feet of stream channel impact. The remaining 80 feet of the 832 feet of total stream channel impact was due to replacing an old structure with a new longer structure (PCN 03C9) or extending the ends of an existing structure.

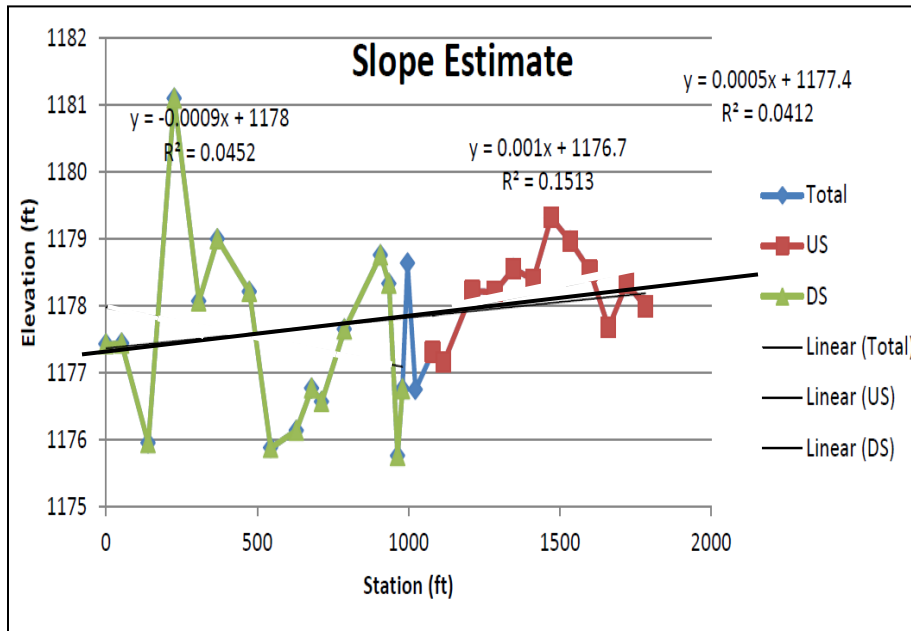
The majority of the 752 feet of permanent riprap impact to stream channels was accounted for by placement of riprap for scour protection projects at bridge abutments, and upstream and downstream of bridge abutments (728 total feet). The balance of the 752 feet of permanent riprap impact to stream channels (24 total feet) occurred at the inlet and outlet of one box culvert. Additional information on the permanently impacted stream channels due to the five newly completed stream-crossing projects is provided in Table 2.

#### *Flowlines and Bankfull Width in Relation to Fish Passage*

The first RPM for projects affecting the Topeka shiner requires that stream-crossing projects will not impact stream connectivity or fish movement. In general, culvert projects affect more stream channel than bridge projects. Lengths of stream impacts reported in this document do not make any suggestion of the severity of impacts at individual project sites. Although culverts impacted more stream length than bridges, RPMs implemented at culvert projects minimized impacts to stream channels. All new culverts were lowered at least twelve inches based on elevations of the stream



channel per the 2008 Opinion’s Fish Passage RPM. From these elevations, linear regressions were conducted and provided an estimation of flowlines; and the expected depth culverts should be countersunk to allow natural geomorphic processes to occur within the box culvert.



**Figure 1:** Flowline regression example for a project in Clay County (PCN 025D). Colored points are actual elevations provided by our consultants. With this data a trendline is set (and can be seen in the heavy solid black line). This is the expected flowline given the data and an elevation for the structure can be identified at the roadway station (in this example the roadway is at station 1000). Elevation of culvert floor is set 12” below expected flowline.

Furthermore, the U.S. Army Corps of Engineers (COE) has also required new culverts and pipes at stream-crossing projects to be countersunk a minimum of 12 inches since March 2012.

In addition to ensuring fish passage by sinking the culvert floor, bankfull width of the channel is also measured based on the Q2 (normal discharge elevation) at five locations upstream and five locations downstream of the culvert or bridge. All channel

profiles are provided by our consultants and have been standardized to every hundred feet for each measurement. Anomalies in the stream are bypassed, such as the area near the structure or an area in which two streams come together, to give a more accurate representation of the stream channel. From this data, an average bankfull width is determined, multiplied by 1.2 and then compared to the widths of potential structure options. Structure options typically take this measurement into consideration already; if they have not then SDDOT requires redesign of the structure.

### *Fish Mortality Minimization*

The second RPM for the 2008 Opinion is to minimize fish mortality. RPM 2 is listed for each project in Table 3. Fish rescue/relocation (by seining) was conducted in 2018 at one site where work was determined 'Likely to Adversely Affect' Topeka shiners (Lincoln 03C9). Construction activities were completed at Lincoln 03C9 in calendar year 2018. Fish rescue was conducted at six additional sites where construction was not completed in 2018. It is expected that these six unfinished stream-crossing project sites (Beadle 01Y1, McCook 03DQ, McCook 01DV, Turner 036L (three structures)) will be included in the Annual Compliance Report for calendar year 2019.

### *Sediment and Erosion Control*

The third RPM for the 2008 Opinion is to implement, monitor, and maintain comprehensive and effective sediment/erosion control plans during all phases of construction, including post-construction, until sites are permanently stabilized. RPM 3 is listed for each project in Table 3.

Turbidity Monitoring:

For projects appended to the Opinion for Topeka shiner, monitoring of turbidity 100 feet downstream of the construction area is required by the *SDDOT Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner* (2010 version) to ensure that sediment and erosion control BMPs are functioning properly and not significantly raising stream turbidity. The *SDDOT Special Provision for Construction Practices in Streams Inhabited by the Topeka Shiner* requires that stream water measurements remain within 50 NTUs of the background turbidity. All SDDOT Project Engineers have been provided with our Turbidity Reporting Form (DOT-283). Engineers are informed during preconstruction meetings of the need to monitor turbidity at stream crossing construction projects. They are also informed of the need to provide copies of completed Turbidity Reporting Forms to the DOT Environmental Office within 14 days of each measurement.

Observations were made through the field season to check condition of turbidity meters for quality assurance purposes.

Reporting and Monitoring

RPM 4 refers to the monitoring of all replaced structures found to “Adversely Affect” Topeka shiners. During development of the Monitoring Program, numerous data sources were examined. Wayne Stancill (FWS), Nathan Morey (COE), and Ryan Huber (SDDOT) provided necessary information on measurements for such a program. The Monitoring Program Plan “*South Dakota Fish Passage Monitoring Protocol for Projects Regulated by the 2008 Programmatic Biological Opinion: Stream Crossing*

*Projects Administered/Funded by the South Dakota Department of Transportation and the Federal Highway Administration*” was completed and approved by FWS, FHWA, and SDDOT in July 2012 (Appendix III). After approval of the Monitoring Program Plan, representatives from FWS, FHWA, and SDDOT continued to discuss and revise data collection methods and guidelines. In October 2012, this group agreed upon a set of data collection guidelines and a ‘*SDDOT Fish Passage Assessment Work Sheet*’ for use beginning in 2012.

Scheduled initial post-construction monitoring at nine structures with ‘May Affect, Likely to Adversely Affect’ Topeka shiner determinations; and 2018 (2017 for PCN 01WB) completion dates, was conducted in July and August 2018. Scheduled third-year monitoring was also conducted at twenty structures constructed in 2015, as indicated in the Monitoring Plan. Scheduled fifth-year monitoring, as indicated in the Monitoring Plan was also conducted at twelve structures where construction was completed in 2013.

As a condition of the Monitoring Plan, the *2018 Monitoring Report* is submitted with the *2018 Annual Compliance Report*. Within one month of distribution of the *2018 Monitoring Report* (or other time agreed to by all parties), the FWS, FHWA, and SDDOT will meet to review the *2018 Monitoring Report* findings. Revisions will be discussed and implemented as needed to meet the terms and conditions of the Opinion.

RPM 6 refers to the requirement that an annual report will be provided which reviews activities conducted under the Opinion. RPM 6 is satisfied by submission of this annual Compliance Report for 2018.

## Training

As listed in the Opinion, RPM 5 is carried out at preconstruction meetings where we ensure that contractors are aware of all requirements for fish passage, any diversion channel work, and all erosion control methods. In addition, turbidity meters are also discussed (when, where, and how to use) for quality assurance. Reporting forms for turbidity meters have been covered and a copy is taken to each preconstruction meeting in case Area Engineers or Project Engineers do not have a copy with them. These forms are completed during construction; and observed turbidity, over the background, is double checked for any anomalies.

SDDOT employees and contractors continue to attend Sediment and Erosion Control Training each spring. As of December 31, 2018, approximately 518 people have gone through the Sediment and Erosion Control Training and have maintained their certification.

Maintaining competency in small fish identification is critical during fish rescue (seining) operations at stream crossing projects. On June 5-6, 2018 the SDDOT wildlife biologist, two summer interns, and two environmental scientists from the SDDOT Environmental Office participated in a small fish identification workshop near Mitchell, SD. Participating in these training exercises improves and reinforces the fish identification skills needed during fish rescue (seining). Continued participation in these types of experiences for all SDDOT Environmental Office staff who might participate in seining is recommended as a means of developing and maintaining small fish identification skills.

*New Scientific Information*

RPM 7 states that new scientific information will be integrated as it becomes available.

The Minnesota DOT recently sponsored research examining effects of longer box culverts on fish passage (MnDOT Technical Report 2017-44). As box culverts become longer, there has been a need to examine the effects of these longer, darker structures on movement of Topeka shiner and other small fishes. Longest and darkest box culverts showed some reduced fish movement, compared to control structures in the study. However, the Minnesota research indicated that the lower light levels in longer culverts did not solely hinder movement of Topeka shiner and other small prairie stream species. The Minnesota DOT plans to sponsor additional research investigating effects of box culverts on fish passage.

Researchers at Iowa State University are currently conducting research investigating distribution of Topeka shiners in restored and unrestored oxbows in central Iowa (Iowa Chapter of the American Fisheries Society, 2018; 36, 18-19; also *Aquatic Conserv: Mar Freshw Ecosyst.* 2018; 1-11). Oxbow restorations have been used in recent years in attempts to increase the number and quality of oxbows for Topeka shiners. The Iowa State University research suggests that oxbow restoration planning should incorporate oxbows that flood frequently, and restoration methods that promote alternating periods of isolation from and connection to streams.

American Burying Beetle RPMs:

As part of the Opinion, Reasonable and Prudent Measures (RPMs) were also set in place for projects affecting the American burying beetle:

- 1) Avoidance or Minimizing Habitat Disturbance (Ground-disturbing Activities) in Riparian and Grassland Habitats
- 2) Training
- 3) Reporting
- 4) Including Current or New Scientific Information

In this document, data is included on each RPM, which can be found in the reporting forms (Appendix II) and in the text to follow.

Summary of Construction Activities - American Burying Beetle:

In this Annual Compliance Report, data related to construction at one structure replacement project built in the State of South Dakota by the Department of Transportation will be documented (Table 5 and 6). This data will relate to Reasonable and Prudent Measures (RPMs) and Conservation Measures (CMs) indicated in the Biological Opinion: Stream-Crossing projects funded/administered by the South Dakota Department of Transportation and the Federal Highway Administration. All structures reported in this document were completed between January 1<sup>st</sup>, 2018 and December 31<sup>st</sup>, 2018. It should be noted that with limited resources and the complications of locating projects, it is possible that a minimal number of “Affect, Not Likely to Adversely Affect” projects may be missing from this document. It is certain that all “Affect, Likely to Adversely Affect” projects have been located and totaled for this report. At present, a

way to collect and file documents related to the Biological Assessments (BAs) is being devised.

For one structure replacement project completed within the American burying beetle range during 2018, approximately 0.60 acres were temporarily affected by vehicles or construction activities.

Summary of Habitat Impacts:

One project completed in 2018 was determined to “Affect, Likely to Adversely Affect” the American burying beetle (Table 5). The four RPMs of the Opinion specific to American burying beetle are applied on projects which will affect the American burying beetle.” This is due to the assumption that anticipated “take” of American burying beetle is expected to be zero at sites “Not Likely to Adversely Affect.”

This project did occur in a partially wooded area associated with stream habitat. Project work limits were pulled in to the greatest extent possible to reduce the area impacted by ground-disturbing activities (Table 5).

Avoidance/Minimizing Habitat Disturbance (Ground-disturbing Activities)

The first RPM for the Opinion is to minimize riparian and grassland habitat during construction of stream crossing structures. During the environmental clearance process, we ensure that contractors, Area Engineers, and Project Engineers are aware of all requirements for minimizing ground-disturbing activities in riparian and grassland communities located within Tripp, Todd, Gregory, and Bennett counties. We continue to provide this information at TS&L and preconstruction meetings within known American



burying beetle range. Riparian and grassland habitats are avoided with exception of activities critical to the construction process and that are specified in the project plans. Ground-disturbing activities outside of the project work limits are reviewed by the SDDOT environmental office and are not allowed if those activities may impact the American burying beetle. All efforts are made to minimize the construction footprint at these sites.

### Training

As listed in the Opinion, RPM 2 is carried out at preconstruction meetings where we ensure that contractors and Project Engineers are aware of all requirements for minimizing ground-disturbing activities in riparian and grassland communities. Area Engineers and Project Engineers within known American burying beetle range are made aware of all requirements of the 2008 Biological Opinion.

### Reporting

RPM 3 refers to the requirement that an annual report will be provided which reviews activities conducted under the Opinion. RPM 3 is satisfied by submission of this annual Compliance Report for 2018.

### New Scientific Information

RPM 4 states that new scientific information will be integrated as it becomes available. During 2018, no new scientific information involving American burying beetle was located.

**Table 1. Project identification, location, and Topeka shiner impact determination for completed stream crossing projects that involved construction between January 1, 2018 and December 31, 2018\*.**

PCN	County	Project Number	Structure Number	Stream	Latitude	Longitude	Topeka shiner Status
021X	Minnehaha	IM 0909(81)406	50-284-165	Split Rock Creek	43.60863	-96.5630	ALTA
01DZ	Union	BRO 8064(27)	64-010-119	Brule Creek	42.91207	-96.78566	ALTA
01WB	Clay	BRF 6475(08)	14-130-011	Ash Creek	43.06588	-96.90432	ALTA
03C9	Lincoln	BRF 6591(06)	42-080-052	Nine Mile Creek	43.4285	-96.7673	ALTA
022C	Brookings	IM 0295(35)127	06-184/185-139	Six Mile Creek	44.3426	-96.7582	ALTA

Only projects affecting the Topeka shiner are included in this table. Projects determined to “Affect, likely to adversely affect” this species are signified by ALTA. Projects determined to “Affect, not likely to adversely affect” this species are signified by ANLTA.

\* Structure number 14-130-011 in Clay County (PCN 01WB) is included in the 2018 Annual Compliance Report, since it was omitted in the 2017 Annual Compliance Report.

**Table 2. Stream length impacted by the new stream crossing (2018\*) and stream length impacted by the previous stream crossing.**

<b>PCN</b>	<b>Structure Number</b>	<b>Old Structure Type</b>	<b>Old Structure Length (ft)</b>	<b>Old Structure Width (ft)</b>	<b>New Structure Type</b>	<b>New Structure Length (ft)</b>	<b>New Structure Width (ft)</b>	<b>Total Impacted Length (ft)</b>
021X	50-284-165	Bridge	32.00	337.50	Bridge	42.75	375.50	160.00
01DZ	64-010-119	Bridge	33.00	122.00	Bridge	30.40	132.00	182.00
01WB	14-130-011	Bridge	25.00	60.00	Bridge	30.00	114.50	152.00
03C9	42-080-052	Bridge	30.50	31.50	Box Culvert	80.00	24.00	104.00
022C	06-184/185-139	Bridge	84.00	128.50	Scour Protection	NA	NA	234.00
								<b>Ttl 832.00</b>

Structure width was defined as the opening width of a culvert including all barrels or the opening width of a bridge measured from abutment to abutment. Structure length was defined as the longitudinal length of stream channel impacted by a culvert, bridge abutment, or bridge column. Total impacted length was defined as the longitudinal stream length impacted by both the stream crossings structure and riprap scour protection.

\* Structure number 14-130-011 in Clay County (PCN 01WB) is included in the 2018 Annual Compliance Report, since it was omitted in the 2017 Annual Compliance Report.

**Table 3. A summary of RPMs implemented at 2018\*\* projects that were “Likely to Adversely Affect” the Topeka shiner.**

PCN	Structure #	RPM 1	RPM 2	RPM 3	RPM 4	RPM 5	RPM 6	RPM 7
021X	50-284-165	Yes*	Not Applicable ‡	Yes	Yes	Yes	Yes	Yes
01DZ	64-010-119	Yes*	No: unsafe to seine	Yes	Yes	Yes	Yes	Yes
01WB	14-130-011	Yes*	Not Applicable ‡	Yes	Yes	Yes	Yes	Yes
03C9	42-080-052	Yes	Yes	Yes	Yes	Yes	Yes	Yes
022C	06-184/185-139	Yes*	Not Applicable ‡	Yes	Yes	Yes	Yes	Yes

A description of the RPMs listed in this table is given on page 1 of this report.

‡ Project did not require dewatering or isolating work zones within a stream, therefore, not requiring fish removal. However, all projects did maintain stream connectivity.

\* These structures were bridges, which by USFWS permission did not require countersinking but all other fish passage measures were implemented.

\*\* Structure number 14-130-011 in Clay County (PCN 01WB) is included in the 2018 Annual Compliance Report, since it was omitted in the 2017 Annual Compliance Report.

**Table 4. A summary of seining information at projects completed in 2018\* that were “Likely to Adversely Affect” the Topeka shiner.**

PCN	Structure #	County/Stream	Seined	Topeka Shiners/ Mortality	Comments
021X	50-284-165	Minnehaha/Split Rock Creek	No	NA	Project was bridge. Work zones isolated with floating silt curtain and ‘Porta-dam’ barrier. Dewatering did not occur.
01DZ	64-010-119	Brule Creek	No	NA	Cofferdams were not seined, due to unsafe conditions within the cofferdams.
01WB	14-130-011	Clay/Ash Creek	No	0/0	Cofferdams were installed under dry conditions. No fish were trapped inside the cofferdams, making fish rescue unnecessary.
03C9	42-080-052	Lincoln/Nine Mile Creek	Yes	0/0	Species: green sunfish, largemouth bass, white sucker, black bullhead.
022C	06-184/185-139	Brookings/ Six Mile Creek	No	NA	Project was bridge berm scour protection. Work zones isolated with floating silt curtain. Dewatering did not occur.

Additional information for individual structures listed in this table is provided in Appendix I of this report.

\* Structure number 14-130-011 in Clay County (PCN 01WB) is included in the 2018 Annual Compliance Report, since it was omitted in the 2017 Annual Compliance Report.

**Table 5. Project identification, location, and American burying beetle determination for stream crossing projects covered that involved construction between January 1, 2018 and December 31, 2018.**

<b>PCN</b>	<b>County</b>	<b>Project Number</b>	<b>Structure Number</b>	<b>Stream</b>	<b>Section</b>	<b>Township &amp; Range</b>	<b>American Burying Beetle Status</b>
00JY	Gregory	BRO 8027(28)	27-019-100	Bull Creek	Sec. 32	T96N R73W	ALTAA

Only projects affecting the American burying beetle are included in this table. Projects determined to “Affect, likely to adversely affect” this species are signified by ALTAA. Projects determined to “Affect, not likely to adversely affect” this species are signified by ANLTAA.

**Table 6. Stream length impacted by the new stream crossing (2018) and stream length impacted by the previous stream crossing.**

<b>PCN</b>	<b>Structure Number</b>	<b>Old Structure Type</b>	<b>Old Structure Length (ft)</b>	<b>Old Structure Width (ft)</b>	<b>New Structure Type</b>	<b>New Structure Length (ft)</b>	<b>New Structure Width (ft)</b>	<b>Total Impacted Length (ft)</b>
00JY	27-019-100	Bridge	16.00	32.50	Low water crossing	64.00	20.00	119.00

Structure width was defined as the opening width of a culvert including all barrels or the opening width of a bridge measured from abutment to abutment. Structure length was defined as the longitudinal length of stream channel impacted by a culvert, bridge abutment, or bridge column. Total impacted length was defined as the longitudinal stream length impacted by both the stream crossings structure and riprap scour protection.

**Table 7. A summary of RPMs implemented at 2018 projects that were “Likely to Adversely Affect” the American burying beetle.**

<b>PCN</b>	<b>Structure #</b>	<b>RPM 1</b>	<b>RPM 2</b>	<b>RPM 3</b>	<b>RPM 4</b>
00JY	27-019-100	Yes	Yes	Yes	Yes

A description of the RPMs listed in this table is given on page 12 of this report.



**Appendix I**  
**Individual stream crossing reporting forms for projects that  
were constructed in 2018\* and also impacted Topeka shiner.**

\* Structure number 14-130-011 in Clay County (PCN 01WB) is included in the 2018 Annual Compliance Report, since it was omitted in the 2017 Annual Compliance Report.

## SDDOT Project Reporting Form

PCN: 021X	DOT Region: Mitchell
Project Number: IM 0909(81)406	DOT Area: Sioux Falls
Structure Number: 50-284-165	Project Biologist: Craig Olawsky
Latitude: 43.60863	Project Engineer: Kirk Henderson
Longitude: -96.5630	Primary Contractor: Duinick, Inc
County: Minnehaha	Start Date: 03/22/2018
Stream Name: Split Rock Creek	Completion Date: 11/14/2018
Watershed: Big Sioux	Existing Structure: Bridge
Structure Ownership: State	New Structure: Bridge

### Stream Habitat

Description of stream habitat: Wide, slow moving stream.

Impacts to Stream Habitat:

Disturbed Area (acres):	2.00
Structure Length (ft):	42.75
Permanent Impacted Length (ft):	160.00
Structure Width (ft):	375.50
Length Previous Structure (ft):	32.00
Width of Previous Structure (ft):	337.50
Countersink Depth (inches):	Not applicable

Comments: This project was an Interstate 90 bridge and had minimal impact to the active stream channel. Structure 50-284-166 (east-bound lane) was completed in 2017. Work on twin structure 50-284-165 (west-bound lane) was conducted in 2018.

### Diversion Channel

Diversion channel type:	Porta-Dam water barrier
Temporary water barrier type:	Steel sheet pile
Date installation:	05/04/2018
Date removed:	06/12/2018

Description of stream flow: Typical to low flow.

Comments: Construction zone was isolated with floating silt curtain. Instead of an excavated diversion channel, a 'Porta-Dam' was placed in the same manner as a floating silt curtain (pushed out into the stream channel from the shore to avoid fish entrapment) to allow continued stream flow and maintain fish passage.

## **Erosion and Sediment Control**

BMPs implemented: Low flow silt fence, floating silt curtain, erosion control wattles, type 3 erosion control blanket, straw mulching, soil stabilizer, permanent seeding, class B riprap.

Comments: BMPs appear to have been effective and functional.

## **Fish Removal**

Topeka shiners present: Construction zone was isolated with floating silt curtain and 'Porta-Dam' to maintain fish passage. No fish rescue was required.

Topeka shiner mortality: Presumed to be zero.

Comments:

**Impacts to Other Endangered Species:** None

**Conservation Recommendations:**

## SDDOT Project Reporting Form

PCN: 01DZ	DOT Region: Mitchell
Project Number: BRO 8064(27)	DOT Area: Yankton
Structure Number: 64-010-119	Project Biologist: Craig Olawsky
Latitude: 42.91207	Project Engineer: Joe Sestak
Longitude: -96.78566	Primary Contractor: Graves Construction
County: Union	Start Date: 05/16/2017
Stream Name: Brule Creek	Completion Date: 06/05/2018
Watershed: Big Sioux	Existing Structure: Bridge
Structure Ownership: County	New Structure: Bridge

### Stream Habitat

Description of stream habitat: Wide, slow moving stream with high turbidity, due to upstream production agriculture with few vegetated buffers.

#### Impacts to Stream Habitat:

Disturbed Area (acres):	2.00
Structure Length (ft):	30.40
Permanent Impacted Length (ft):	182.00
Structure Width (ft):	132.00
Length Previous Structure (ft):	33.00
Width of Previous Structure (ft):	122.00
Countersink Depth (inches):	Not applicable

Comments: This project was a bridge and had minimal impact to the active stream channel. Dewatering of stream habitat only occurred within cofferdams surrounding bridge piers.

### Diversion Channel

Diversion channel type:	A diversion channel was not used.
Temporary water barrier type:	Steel sheet pile (cofferdams only)
Date installation:	06/18/2017 (pier 2 cofferdam); 08/27/2017 (pier 3 cofferdam)
Date removed:	07/30/2017 (pier 2 cofferdam); 10/15/2017 (pier 3 cofferdam)

Description of stream flow: Typical to low flow.

Comments: Construction zone was isolated with floating silt curtain to maintain stream flow. Steel sheet pile cofferdams were installed around the two piers and at riprap placement sites. Water was then pumped out of the area inside the cofferdams.

## **Erosion and Sediment Control**

BMPs implemented: High flow silt fence, floating silt curtain, erosion control wattles, type 3 erosion control blanket, straw mulching, vegetation buffer strips, cover crop seeding, permanent seeding, class B riprap.

Comments: BMPs appear to have been effective and functional.

## **Fish Removal**

Topeka shiners present: No fish rescue was conducted.

Topeka shiner mortality: Presumed to be zero.

Comments: Seining was not conducted within either cofferdam during attempted fish rescue site visits (6/22/2017, 8/28/2017). It was determined that the depth and consistency of the mucky substrate within each cofferdam, combined with the amount of debris present, made seining unsafe. In addition, based on prior fish rescue activities within cofferdams in nearby stretches of Brule Creek (2016-2017), the probability of encountering Topeka shiner was low.

**Impacts to Other Endangered Species:** None

**Conservation Recommendations:**

## SDDOT Project Reporting Form

PCN: 01WB	DOT Region: Mitchell
Project Number: BRF 6475(08)	DOT Area: Yankton
Structure Number: 14-130-011	Project Biologist: Craig Olawsky
Latitude: 43.06588	Project Engineer: Eric Prunty
Longitude: -96.90432	Primary Contractor: Grangaard Construction
County: Clay	Start Date: 04/11/2017
Stream Name: Ash Creek	Completion Date: 10/19/2017
Watershed: Vermillion River	Existing Structure: Bridge
Structure Ownership: County	New Structure: Bridge

### Stream Habitat

Description of stream habitat: Slow moving stream.

Impacts to Stream Habitat:

Disturbed Area (acres):	2.88
Structure Length (ft):	30.00
Permanent Impacted Length (ft):	152.00
Structure Width (ft):	114.50
Length Previous Structure (ft):	25.00
Width of Previous Structure (ft):	60.00
Countersink Depth (inches):	Not applicable

Comments: This project was a bridge and had minimal impact to the active stream channel. Only minimal dewatering (subsurface seepage) occurred within the two cofferdams. Despite completion in 2017, this structure was accidentally not reported in the 2017 Annual Compliance Report. The structure was correctly placed on the 2018 monitoring schedule, the first season after construction was completed.

### Diversion Channel

Diversion channel type: A diversion channel was not used.  
 Temporary water barrier type:  
 Date installation:  
 Date removed:

Description of stream flow: Typical summer flow.

Comments: Construction zone was isolated with floating silt curtain. During construction, a riprap work platform was installed across the stream on 5/12/2017, and removed 10/12/2017. A 60" diameter pipe, running through the riprap work platform, provided fish passage and maintained stream flow. A 50' x 20' cofferdam was installed around the pier 2 work area; and residual water

was pumped out of the area inside the cofferdam. After work was completed, the cofferdam was removed; and the process was repeated for pier 3 work area. At the time of cofferdam installation, the areas around piers 2 and 3 were dry. Therefore, no fish rescue was needed.

## **Erosion and Sediment Control**

BMPs implemented: High flow silt fence, floating silt curtain, erosion control wattles, type 2 erosion control blanket, straw mulching, vegetation buffer strips, permanent seeding, class D riprap.

Comments: BMPs appear to have been effective and functional.

## **Fish Removal**

Topeka shiners present: Cofferdams were installed during dry conditions. No fish rescue was required.

Topeka shiner mortality: Presumed to be zero.

Comments:

**Impacts to Other Endangered Species:** None

**Conservation Recommendations:**

## SDDOT Project Reporting Form

PCN: 03C9	DOT Region: Mitchell
Project Number: BRF 6591(06)	DOT Area: Sioux Falls
Structure Number: 42-080-052	Project Biologist: Craig Olawsky
Latitude: 43.4285	Project Engineer: Steve Neumeister
Longitude: -96.7673	Primary Contractor: Riley Bros. Construction
County: Lincoln	Start Date: 10/24/2018
Stream Name: Nine Mile Creek	Completion Date: 11/2/2019
Watershed: Big Sioux	Existing Structure: Bridge
Structure Ownership: County	New Structure: Box Culvert

### Stream Habitat

Description of stream habitat: Perennial, slow moving prairie stream with gravel bottom and overhanging herbaceous vegetation.

#### Impacts to Stream Habitat:

Disturbed Area (acres):	0.80
Structure Length (ft):	80.00 (56.00 barrel +24' wingwalls)
Permanent Impacted Length (ft):	104.00 24' is riprap
Structure Width (ft):	24.00 (2 - 12' x 6')
Length Previous Structure (ft):	30.50
Width of Previous Structure (ft):	31.50
Countersink Depth (inches):	12

Comments: The new culvert is wider than the bankfull stream channel width and is not expected to impact channel morphology or fish movement.

### Diversion Channel

Diversion channel type:	Fabric lined excavated channel
Temporary water barrier type:	Sand bags covered with sheet plastic
Date installation:	10/24/2018
Date removed:	11/02/2018

Description of stream flow: Typical autumn flow.

Comments: None



## **Erosion and Sediment Control**

BMPs implemented: High flow silt fence, floating silt curtain, erosion control wattles, type 2 erosion control blanket, straw mulching, permanent seeding, class B riprap.

Comments: BMPs appear to have been effective and functional. One soil pile was located too close to the diversion channel. The Project Engineer was notified, and the soil pile was relocated.

## **Fish Removal**

Topeka shiners present: No Topeka shiners were found during seining event (10/25/2018).

Topeka shiner mortality: Presumed to be zero.

Comments: Species included largemouth bass, green sunfish, white sucker, black bullhead.

**Impacts to Other Endangered Species:** None

**Conservation Recommendations:**

## SDDOT Project Reporting Form

PCN: 022C	DOT Region: Aberdeen
Project Number: IM 0295(35)127	DOT Area: Watertown
Structure Numbers: 06-184/185-139	Project Biologist: Craig Olawsky
Latitude: 44.3426	Project Engineer: Tyler Brunsvig
Longitude: -96.7582	Primary Contractor: K&L Construction
County: Brookings	Start Date: 06/05/2018
Stream Name: Six Mile Creek	Completion Date: 09/01/2018
Watershed: Big Sioux	Existing Structure: Bridge
Structure Ownership: State	New Structure: Same – Scour Protection Only

### Stream Habitat

Description of stream habitat: Intermittent prairie stream habitat.

Impacts to Stream Habitat:

Disturbed Area (acres):	1.60
Structure Length (ft):	No change from previous
Permanent Impacted Length (ft):	234.00
Structure Width (ft):	No change from previous
Length Previous Structure (ft):	84.00
Width of Previous Structure (ft):	128.50
Countersink Depth (inches):	Not applicable

Comments: Scour protection (Class C riprap) placed on berm embankments under and around the bridge; and lining the entire width of stream channel under the bridge and extending out 40' both upstream and downstream of the bridge.

### Diversion Channel

Diversion channel type: A diversion channel was not used. See comments.  
 Temporary water barrier type:  
 Date installation:  
 Date removed:

Description of stream flow: Normal stream flow at time of construction.

Comments: Construction zones were isolated in phases with floating silt curtain, anchored with posts and large sand bags with plastic sheet liner to allow continued stream flow and maintain fish passage. Floating silt curtain was pushed out into the stream channel from the shore to avoid fish entrapment.

## **Erosion and Sediment Control**

BMPs implemented: High flow silt fence, floating silt curtain, erosion control wattle, vegetated buffer strips, straw mulching, permanent seeding, Class C riprap.

Comments: BMPs appear to have been effective and functional.

## **Fish Removal**

Topeka shiners present: Construction zone was isolated with floating silt curtain to allow continued normal stream flow; no seining was required.

Topeka shiner mortality: Presumed to be zero.

Comments:

**Impacts to Other Endangered Species:** None

**Conservation Recommendations:**

**Appendix II**  
**Individual stream crossing reporting forms for projects that were  
constructed in 2018 and also impacted American burying beetle.**

## SDDOT Project Reporting Form

PCN: 00JY	DOT Region: Mitchell
Project Number: BRO 8027(28)	DOT Area: Mitchell
Structure Number: 27-019-100	Project Biologist: Craig Olawsky
Lat/Long: 43.35662/-99.49511	Project Engineer: Kent Gates
Legal Descrip.: Sec. 32, T99N, R73W	Primary Contractor: Midwest Contracting
County: Gregory	Start Date: 05/14/2018
Stream Name: Bull Creek	Completion Date: 07/09/2018
Watershed: Not Applicable	Existing Structure: Bridge
Structure Ownership: County	New Structure: RCP Low Water Crossing

### Stream Habitat

Description of stream habitat: Slow moving, but intermittently flashy stream.

Impacts to Stream Habitat:

Disturbed Area (acres):	0.58	
Structure Length (ft):	64.00	
Permanent Impacted Length (ft):	119.00	23' is riprap
Structure Width (ft):	20.00	(4 - 48" + 12" between pipes)
Length Previous Structure (ft):	16.00	
Width of Previous Structure (ft):	32.50	
Countersink Depth (inches):	12"	

Comments: This project was a low water crossing, composed of four 48" diameter pipes, with approximately 12" of concrete between pipes.

### Diversion Channel

Diversion channel type:	Fabric lined excavated channel
Temporary water barrier type:	Steel sheet pile
Date installation:	05/15/2018
Date removed:	06/01/2018

Description of stream flow: Minimal summer flow

Comments:

## **Erosion and Sediment Control**

BMPs implemented: Low flow silt fence, straw mulching, erosion control wattle, vegetation buffer strips, Class B riprap, permanent seeding.

Comments: BMPs appear to have been effective and functional.

## **Fish Removal**

Topeka shiners present: Gregory County is not located within Topeka shiner range.

Topeka shiner mortality: Not applicable.

Comments: No fish removal required. Project was not located within Topeka shiner range.

**Impacts to Other Endangered Species:** Gregory County falls within the known range of the American burying beetle. Earth disturbing activities were kept to a minimum. Work limits were pulled in to the greatest extent possible.

**Conservation Recommendations:** Earth disturbing activities were kept to a minimum. Work limits were pulled in to the greatest extent possible during the preconstruction meeting.

**Appendix III**  
**Monitoring Plan for structures which ‘may adversely affect’**  
**Topeka shiners**

South Dakota Fish Passage Monitoring Protocol for Projects Regulated by the  
2008 Programmatic Biological Opinion: Stream Crossing Projects Administered/Funded by the  
South Dakota Department of Transportation and the Federal Highway Administration

Office of Project Development-Environmental  
South Dakota Department of Transportation  
2012

Submitted to:

United States Fish and Wildlife Service  
Mountain-Prairie Region 6  
South Dakota Ecological Services Office  
Pierre, SD



### **Background and Purpose:**

Construction of bridges and culverts by South Dakota Department of Transportation (SDDOT) and the Federal Highway Administration (FHWA) have and will continue to affect the streams and rivers of South Dakota. In 2008, SDDOT, FHWA, and the US Fish and Wildlife Service (FWS) developed and implemented a Programmatic Biological Opinion (Opinion) that evaluates potential impacts of stream-crossing projects on all federally listed Threatened and Endangered species in South Dakota. The Opinion specifically addresses adverse impacts to the Topeka Shiner (*Notropis topeka*) and the American Burying Beetle (*Nicrophorus americanus*), identifying nondiscretionary 'Reasonable and Prudent Measures' (RPMs) and their implementing Terms and Conditions (TCs) that, if followed, ensure the Incidental Take Statement issued with the Opinion remains valid and that any take resulting from stream-crossing projects is exempt under section 7(o)(2) of the Endangered Species Act. The RPMs and TCs relative to the Topeka Shiner are intended to minimize take primarily by preventing decreases in Topeka Shiner population and their occupied range in South Dakota.

Monitoring and reporting is required in the Opinion to ensure the RPMs and TCs for the Topeka shiner are appropriate and effective, and the level of take exempt by the Opinion is not exceeded. Development of a monitoring program is required under RPM 4 of the Opinion. The purpose of this monitoring program is to verify that SDDOT structures, as designed, constructed, and maintained are not influencing stream geomorphology or prohibiting fish movement.

The monitoring, to include field work and observations, will be done by SDDOT Environmental staff scientists and biologists, consultants, or temporary employees. Consultants and temporary employees will be trained by qualified SDDOT Environmental staff to ensure consistency in the assessments.

### **Fish Passage and Stream Crossing Design:**

During project scoping, the Project Identification Coordinators (PICs) in cooperation with the Environmental Staff will identify structures where fish passage is required based on the Opinion. These structures are located in the eastern part of South Dakota where Topeka Shiners occur. Anomalous structures may also be included if it is determined that the structures may affect Topeka shiners. Anomalous structures may include features such as rock check dams to aid in fish passage or fish ladders when unusual methodology is determined necessary for fish passage. The USFWS will be notified if there are structures outside the main scope of this protocol.

TCs within the Opinion require that stream crossings be designed in a manner that facilitates development of normal channel features within the crossing. The SDDOT hydraulic design procedures have been established to meet or exceed the TCs of the BO. These procedures and definitions are documented in the South Dakota Drainage Manual hyperlinked at: <http://sddot.com/business/design/forms/drainage/Default.aspx>. Chapter 10 and sections 10.3.4.6 titled "Fish Passage" and Appendix 10.A titled "Fish Passage Guidelines" include additional design parameters used for fish passage.

The hydraulic design procedures for fish passage reference FHWA's Aquatic Organism Passage Design Guidelines for Roadway Culverts, Hydraulic Engineering Circular No. 26 (HEC 26). SDDOT design procedures and the USACE 404 nationwide permit further require culverts be sunk below the stream flow line to allow development of natural channel features within the culvert and to prevent outlet perching that may lead to restricted fish movement.

Specifically, the natural channel forming process is to be maintained by sizing stream crossings according to bankfull ( $Q_2$ ) channel size, streambed slope, and channel complexity. The floor elevation of culverts is to be set below flow line of the stream as appropriate to facilitate the development of normal channel features within the culvert. At a minimum the culvert floor elevation will be set 1 foot below the stream flow line but not less than the adjustment profile line. Depth of counter sinking will be determined through design analysis tools and programs as discussed in the hydraulics design procedures. The culvert width will be at least 1.2 times the  $Q_2$  channel width unless special circumstances dictate otherwise and shall be estimated using project survey data and peak flow estimation models or other models as appropriate. Finally, any installed diversion channels must be at grade with the stream bed with no fish passage obstructions.

The bankfull channel can generally be defined as the  $Q_2$  stream channel or the elevation at which stream flow spills into the floodplain, whichever is less. In most cases, culverts will be sized much greater than the bankfull channel based solely on hydraulic criteria. In some rare cases, culverts may constrict the bankfull channel, especially if the culvert is designed for a very low flood recurrence frequency or the culvert is being placed in a watershed with a very large drainage area (i.e., > 100 sq mi). In some special cases, an exemption to the minimum culvert width may be allowed if strong evidence is available to suggest that fish passage will not be adversely impacted due to the width of the culvert. The USFWS will be notified if there are structures outside the main scope of this protocol and these projects will be processed through individual formal consultation. While exemptions do not fall under the terms and conditions of the BO, these structures will be monitored under this monitoring plan.

### **Site Inspections:**

Monitoring in the late summer or fall will take place to adequately assess channel and streambed conditions resulting from past seasonal flows. Low flows of late summer and fall provide the best opportunity to access the site, evaluate channel and streambed conditions, take photos, and assess how the structure is functioning with regards to fish passage during low flows. Monitoring will be completed after the first high flow season following project completion and in the third and fifth year after construction<sup>1</sup>. For example, a structure built in the summer of 2012 will be assessed in the fall of 2013, 2015 and finally 2017. In order to limit stream degradation and harm to fish during these assessments, stream disturbance will be limited to the greatest extent practicable.

The SDDOT will make a reasonable effort to perform surveys for each structure appended to the 2008 B.O. in accordance with this monitoring protocol however; the FWS recognizes there may be conditions and limitations that may preclude completion of surveys at each site. It is also noted that structures built between 2009 and 2011 have not been reviewed to date (pending an approved monitoring protocol). These structures will be given initial priority and the first assessment observations of these structures will be compared to the original design drawings and NBI photos (if available).

The inspection and findings documentation will be recorded on the 'SDDOT Fish Passage Assessment' form (See Attachment A).

The 'SDDOT Fish Passage Assessment' form includes the following:

**General Project Information:** This information will include specific project information, year

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<sup>1</sup> Opinion, p.46 RPMs/TCs B-1, Monitoring will be conducted on an annual or biennial basis

constructed, county, structure location, stream name, date of assessment, and name of person completing the assessment.

- **Structure Type:** The structure type and size will be documented.
- **Structure Shape Comment:** The structure shape will be recorded using descriptions defined in the data sheet. The intent of recording structure shapes is to document whether the stream transition to and from the structure maintains and promotes fish passage. Terms used to describe the applicable outlet configuration are as follows:

### Inlet Type

**Projecting:** The barrel simply extends beyond the embankment. No additional support is used.

**Wing wall:** A wing wall is a retaining wall placed adjacent to a culvert to retain fill and to a lesser extent direct water.

**Head wall:** Used along with wing walls to retain the fill, resist scour and improve the hydraulic capacity of the culvert

**Apron:** Aprons are usually made of concrete or riprap and installed to prevent or reduce scour. If an apron exists, a brief description will be provided in the observation section, including any low flow concentration structures.

**Other:** Could be Energy dissipaters, Bridge, etc...

### Outlet Type

**At Stream Grade:** No perched condition at the outlet exists

**Cascade over Riprap:** Culvert flows onto either a rough riprap surface causing turbulence or a riprap / bedrock surface where flow depth decreases as it exits the culvert. If this condition exists, observation will be made to document whether or not this condition may prevent fish passage.

**Free fall into Pool:** Culvert outlet is perched directly over a pool, requires migrating fish to jump into culvert from outlet pool. If this condition exists, observation will be made to document whether or not this condition may prevent fish passage.

**Free fall onto riprap:** Culvert outlet is perched and exiting water plunges onto riprap or bedrock with no pool. If this condition exists, observation will be made to document whether or not this condition may prevent fish passage.

**Outlet apron:** Aprons are usually made of concrete or riprap and installed to prevent or reduce scour. If an apron exists, provide a brief description in the observation section, including any low flow concentration structures.

- **Observations:**
  1. *The structure is installed generally in accordance with plans (width, depth, location, size, countersunk, etc...).* This question will be answered during the first assessment only.

2. *Overall structure width is wider than the average stream width upstream and downstream.* This measurement will be compared to background information from the hydraulic data and cross sections developed and used during design. If the background information does not exist, the stream width will be determined during the 1<sup>st</sup> assessment by taking an average of 3 measurements upstream and 3 measurements downstream.
  3. *Natural streambed material exists throughout structure (i.e. structure remains counter sunk approximately 1 foot).*
  4. *Stream channel is free of scour activity that may impede fish passage.*
  5. *A natural low flow channel exists through the structure or if not the streambed surface within the structure simulate the streambed beyond the structure inlet and outlet similar to design conditions.*
  6. *Stream is free of channelizing along the surface of the structure.* Presence of a Thalweg allows the stream to flow in a narrower defined low flow channel within the stream which is suitable for fish passage and not along the surface of the structure. If a Thalweg is not present, a wider shallower stream may impede fish movement due to limited depths, elevated water temperatures, and/or other conditions that are not ideal for fish passage.
  7. *Up & downstream channel appears stable (no apparent erosion).*
  8. *Vegetation is/has re-established on the stream banks within the construction area.*
- **Stream Cross-Sections:** To evaluate whether the SDDOT structures are performing as intended, stream cross-sections will be taken perpendicular to the stream at the following locations:

3 cross sections will be taken at the following locations to determine if a Thalweg exists within the structure (see Figure 1): 1) within 10 feet of the structure inlet, 2) within 10 feet of the structure outlet, and 3) inside the structure (if accessible). Visual observations will be used instead of the 3<sup>rd</sup> cross section if this location is not be accessible (i.e. structure is too small to access with survey equipment, soil conditions are not stable, water volumes are excessive).

If a Thalweg does not exist within the structure (the area is flat or there is only a slight depression with no true defined low flow channel), a 4<sup>th</sup> cross section will be taken downstream of the structure at a distance of approximately 7 times the width of the stream (refer to Figure 2) to determine whether the structure appears to be changing the stream profile.

If a Thalweg does not exist within the structure or downstream of the structure, a 5<sup>th</sup> cross section will be taken upstream of the structure at approximately 7 times the width of the stream (refer to Figure 3) to determine whether the structure appears to be changing the stream profile.

Analysis of cross sections taken will be used as follows and findings will be documented in the report as shown below:

1. If a Thalweg exists within the structure (cross sections 1, 2, and 3), no additional cross-sections will be taken and the assessment will document the structure is performing as intended. Else...
2. If a Thalweg does not exist within the structure (cross sections 1, 2, and 3) and does not exist downstream (cross section 4), no additional cross-sections will be taken. The assessment will document “no further conclusion can be made at this time as fish restriction (if occurring) is below the structure”. Else...
3. If a Thalweg does not exist upstream, exists downstream but does not exist within the structure the report will document “the structure is no more of a barrier than the stream

upstream and no further conclusion can be made at this time”.

4. If a Thalweg exists upstream and downstream of the structure but does not exist within the structure a detailed survey and correction plan will be required.

- **Stream Velocity:** A natural earthen and/or granular stream bank edge is a good indicator the stream is acting independent of the structure. If the edge of the stream is in contact with the structure during  $Q_2$  or lower conditions, material within the structure may have shifted or water velocities, turbulence, and friction along the structure walls may have an effect on fish movement.

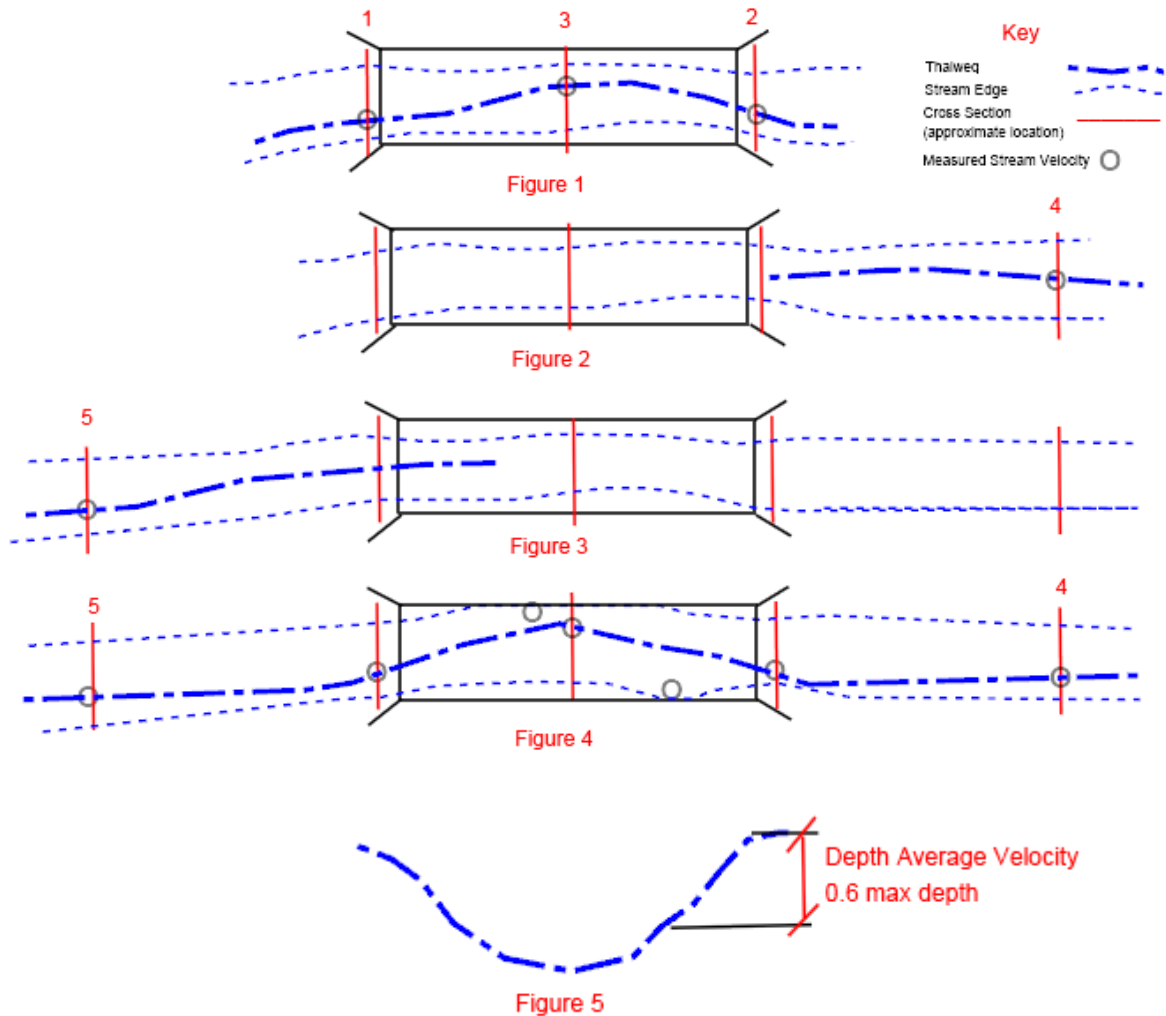
If the stream is in contact with one or both sides of the structure during the time of the assessment, the stream bed depth and reveal along the edges shall be evaluated to determine how the velocities compares to the natural stream edge outside the structure. The depth average velocity measured at a depth of 0.6 times the depth of the stream at the thalweg (see Figure 5) will be recorded and compared to the depth average velocity a distance approximately 7 times the width of the stream upstream and downstream of the structure within the Thalweg (see Figures 4) if a Thalweg exists.

Analysis of stream velocities taken will be used as follows and documented in the report findings.

1. If the stream is dry or water velocities are beyond the equipment's specified accuracy limits (i.e. <0.5 ft/s for March McBirney) at the locations where velocities are to be taken, the condition will be noted and no velocities will be taken. Else...
2. If the depth average velocities within the structure are at or below those recorded upstream and downstream, the assessment will document the structure is not considered to be impeding fish passage. Else...
3. If the depth average velocities within the structure are higher than those recorded upstream and downstream the structure and exceed the sustained swimming capabilities of Topeka shiner (0.9 ft./s -1.31ft./s. with burst swimming observed in water velocities of 1.31ft./s-2.46 ft./s (Adams 2000)<sup>2</sup>), the structure may be influencing the stream. A more detailed survey may be required. Further assessment and the need for a correction plan will be discussed with the FWS.

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<sup>2</sup> S. Reid Adams, Jan Jeffrey Hoover and K. Jack Kilgore 2000. Swimming Performance of the Topeka Shiner (*Notropis topeka*) an Endangered Midwestern Minnow. *American Midland Naturalist* Vol. 144, No. 1 pp. 178-186 Published by the University of Notre Dame



- Comments:** Unique observations that have or may impact stream morphology or fish passage in the future such as widening of the channel, forming/changing pool locations/sizes, bank erosion, new deposits, isolated unusual channelization within the streambed, etc... will be noted. Changes to channel widths on structures designed narrower than the stream channel that were processed by Formal Consultation will be discussed.
- Photographs:** A minimum of 2 photographs will be taken in the direction of the structure inlet and 2 in the direction of the structure outlet within a distance of 7 times the width of the structure. Photograph locations will be documented and recorded (i.e. GPS latitude and longitude coordinates) such that photographs taken during subsequent inspections will be from the same location and direction. The intent of these photographs is to document whether 1) the stream channel width, location, and/or depth is changing over time and 2) whether changes in the channel may obstruct fish passage at the site. It is most important to select locations that capture the intended need for the photograph therefore locations shall be selected both upstream and downstream that are representative of: undisturbed channel beyond the construction area, disturbed channel, and the structure.

### **Assessment, Notifications, Corrective Actions:**

Upon completion of the site inspection and assessment, each report will be filed with the project records and in an electronic Fish Passage file folder.

If it is determined a structure is not passable to fish, a report will be submitted to the FWS and FHWA within two weeks and a corrective action plan will be developed in coordination with FWS and FHWA. Where fish passage has been obstructed by debris or some other condition not related to the design or construction, the SDDOT Environmental Staff will coordinate with Operations to have the obstruction removed within three months of the inspection. Depending upon seasonal conditions, this timeframe may need to be extended. If necessary, extensions will be coordinated with FWS. Obstructions identified and corrected by the Area Offices, through normal roadway maintenance inspections, will be reported to the Environmental Office for further review and corrective actions if needed. Documentation of corrective actions will be made available to FWS within two weeks of completion. Any corrective actions taken will be documented in the annual report and a corrective action database will be maintained by the Environmental Office.

### **Annual Reporting:**

Per RPM#6 in the Opinion, a hard copy of the annual report will be provided to the FWS by March 1 of each year that reviews activities conducted under the Opinion. In an effort to disseminate monitoring findings in a timely manner, monitoring reports will be completed, included, and disseminated with the Annual Report. These reports will also be available by request as well as online to the FWS, FHWA and any other interested entities at the SDDOT website:

<http://www.sddot.com/transportation/highways/environmental/endangered/Default.aspx>

Within 1 month of distribution of the annual report (or other agreed time agreed to by all parties), the FWS, FHWA and SDDOT will meet to review report findings. If no corrective actions have been required within the first 5 years of monitoring, the need for further monitoring by site will be determined at this meeting. If systemic issues are identified, a corrective action plan will be developed and the group will determine whether any specific sites will be monitored beyond 5 years. During the annual meeting the group will also evaluate effectiveness of the data being collected on the 'SDDOT Fish Passage Assessment Work Sheet'. Revisions will be discussed and implemented as needed to meet the terms and conditions of the BO.

**Appendix IV**  
**Forms Referenced Within Body of Compliance Report for 2018**



## Stream Turbidity Inspection Form

<b>Project Number:</b>	
<b>County:</b>	
<b>PCN:</b>	
<b>Date:</b>	
<b>Inspector:</b>	
<b>Description of Stream Discharge:</b>	
<b>Description of Construction Activity During Inspection:</b>	

	Upstream Site	Downstream Site
Measurement 1		
Measurement 2		
Measurement 3		
Measurement 4		
Measurement 5		
Mean Turbidity		
Distance (ft) from work limit along stream centerline		

<b>Comments:</b>	
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## SDDOT Fish Passage Assessment Work Sheet-Attachment A

South Dakota Department of Transportation  
 Office of Project Development—Environmental  
 Becker-Hansen Building  
 700 E. Broadway Ave. (605) 773-3268  
 Pierre, SD 57501-2586 <http://www.sddot.com/business/environmental/Default.aspx>

### General Project Information

Project #  PCN  Date  /  /  Year Constructed   
 County  Structure Location   
 Assessed By  Stream Name

### Structure Length and Width or Diameter

Structure Type	Number of Barrels			
	X Width (ft) x		Height (ft)	
Box	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Arch	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Pipe Diameter	<input type="text"/>			
Bridge	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### Structure Shape Comments

Inlet Type	Outlet Type <small>(Document any potential fish passage barriers)</small>
<input type="checkbox"/> Projecting	<input type="checkbox"/> At Stream Grade
<input type="checkbox"/> Wing Wall	<input type="checkbox"/> Cascade Over Riprap
<input type="checkbox"/> Headwall	<input type="checkbox"/> Free Fall Into Pool
<input type="checkbox"/> Apron	<input type="checkbox"/> Free Fall Onto Riprap
<input type="checkbox"/> Riprap	<input type="checkbox"/> Apron
<input type="checkbox"/> Other	<input type="checkbox"/> Other

### Rapid Visual Assessment

Observation	Yes, No or NA
1. The structure is installed generally in accordance with plans (height, width, elevation, location, etc. <i>This item is to be completed on the initial survey only.</i> )	<input type="text"/>
2. Overall structure width is wider than the average stream widths upstream and downstream.	<input type="text"/>
3. Natural streambed material exists throughout structure (i.e., countersunk approximately 1 foot).	<input type="text"/>
4. Stream channel is free of scour activity that may impede fish passage.	<input type="text"/>
5. A natural low flow channel exists through the structure or if not the streambed surface within the structure simulates the streambed beyond the structure inlet and outlet similar to design conditions.*	<input type="text"/>
6. Stream is free of channelizing along the surface of the structure.*	<input type="text"/>
7. Upstream and downstream channel appears stable (no apparent erosion).	<input type="text"/>
8. Vegetation is/has re-established on the stream banks within the construction area.	<input type="text"/>

If "no" is selected for items 5 or 6, additional field observation and measurements may be required. Refer to "Stream Crossing Section in the Monitoring Protocol for additional measurements and evaluation procedures. figures 1-4 are included for ease of reference.


### Field Measurements

Stream Depth and Velocities at Structure (Take velocities at 0.6 times the total depth measured from the water's surface. Refer to Figure 5 on page 2 of this form.)

Location	Left		1/4 Pt		1/2 Pt		3/4 Pt		Right		Thalweg	
	Depth	Vel.	Depth	Vel.	Depth	Vel.	Depth	Vel.	Depth	Vel.	Depth	Vel.
Outlet	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
MidStr	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Inlet	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
7xWUpStrm	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
7xWDwnStrm	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Describe observations used in making above determinations. Describe whether unusual channelizing exists within the structure or stream. Note other unique site conditions that may/may not warrant corrective actions. Document with additional photographs if needed.

SDDOT Fish Passage Assessment Work Sheet-Attachment A (continued)

Photos		Location Description (optional)	
		Latitude	Longitude
<p>Include description of photograph location for future reference. Photos should include: approximately 7xW upstream/downstream from structure in the direction of the structure showing undisturbed channel beyond the construction limits, the upstream/downstream channel disturbed by the project, and the structure inlet and outlet.</p>			
Upstream			
1			
2			
Downstream			
3			
4			
Other (optional)			
5			
6			
7			
8			

Report Findings

