

Recommendations for Projects Affecting Waters Inhabited by Topeka Shiners (*Notropis topeka*) in Minnesota

**U.S. Fish and Wildlife Service
Twin Cities Field Office
(612) 725-3548**

Background

Topeka shiner (*Notropis topeka*) occurs throughout the Big Sioux and Rock River Watersheds in five southwestern Minnesota counties (Figure 1). The U.S. Fish and Wildlife Service (Service) listed Topeka shiner as an endangered species in 1998 and designated critical habitat¹ for it in 2004. The Endangered Species Act (ESA) prohibits the taking² of this species.

Endangered Species Act Guidance for Actions Affecting Topeka Shiner Habitat

Federal Agency Actions

Federal agencies or their designated non-federal representatives must consult with the Service on any action that they fund, authorize, or carry out that may affect Topeka shiner or its critical habitat. If an agency proposes to implement an action that is likely to result in adverse effects to Topeka shiner, it must undergo formal consultation with the Service. If the agency determines that an action may affect Topeka shiners, but that those effects are not likely to be adverse, it may avoid formal consultation by receiving written concurrence on this determination from the Service.

For general information regarding the section 7 process, contact the Service's Twin Cities Field Office at (612)725-3548 or review our internet site - <http://www.fws.gov/midwest/Endangered/section7/index.html>.

Private or Local (Non-federal) Actions

Private landowners, corporations, state or local governments, and other non-federal entities or individuals who wish to conduct activities that might incidentally take Topeka shiners must first

¹ See 69 Federal Register 44,736 (July 27, 2004) or <http://www.fws.gov/midwest/endangered/fishes/index.html#topeka> for further information about Topeka shiner critical habitat.

² The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

obtain an incidental take permit from the U.S. Fish and Wildlife Service (Service). To determine whether an action may require an incidental take permit, coordinate with the Service when planning actions that may affect streams or off-channel habitats in the Rock River or Big Sioux River watersheds in Minnesota. Contact the Service's Twin Cities Field Office (612/725-3548) for further information or see the following website for information regarding Endangered Species permits – <http://endangered.fws.gov/permits/index.html?#forms>.

Project Recommendations

The following recommendations are provided to help design actions that would avoid or minimize adverse effects to Topeka shiner. These recommendations may not address every way in which proposed actions may affect this species and may not preclude the need for formal consultation for federal actions or for an incidental take permit for non-federal actions.

Therefore, we highly recommend that you coordinate as early in the planning process as possible with the Service's Twin Cities Field Office (612/725-3548) when contemplating any action that may affect streams or associated off-channel habitats (oxbows, abandoned channels, etc.) in the Big Sioux River or Rock River watersheds in Minnesota (Fig. 1).

In some cases, projects may not be implemented without going against one or more of these recommendations. In those cases, project planners, landowners, etc. should promptly coordinate with the Service's Twin Cities Field Office to determine whether formal section 7 consultation (federal agencies) or an incidental take permit (private landowners, local government agencies, etc.) would be required.

1. Do not dewater stream reaches or temporarily divert streams for construction. Pumping to dewater stream areas or off-channel habitats will almost always require formal section 7 consultation (federal actions) or an incidental take permit (non-federal actions, see above) if Topeka shiners are likely to be present.
2. To avoid disrupting Topeka shiner spawning, do not conduct in-stream work before August 15.
3. Follow all applicable requirements and best management practices for stormwater and erosion control – for example, requirements contained within stormwater permits from Minnesota Pollution Control Agency (MPCA).³
4. Minimize removal of riparian (streamside) vegetation; if such removal is necessary, it

³ Resources for designing effective erosion control – Protecting Water Quality in Urban Areas Manual (MPCA, see <http://www.pca.state.mn.us/water/pubs/sw-bmpmanual.html>); Minnesota Department of Transportation Erosion Control Handbook for Local Roads (<http://www.mnltap.umn.edu/pdf/erosioncontrolhandbook.pdf>). Also see <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html#factsheets>.

should occur sequentially as needed over the length of the project and it should be replaced as soon as if feasible upon project completion.

5. Mulch areas of disturbed soils and reseed promptly with non-invasive plant species, preferably native species.
6. Implement appropriate erosion and sediment prevention measures to the maximum extent practicable. Inspect devices frequently to ensure that they are effective and in good repair, especially after precipitation.
7. Leave existing features, such as bridge abutments, retaining walls, and riprap, in place as much as is feasible.
8. Ensure that erosion prevention measures are in place and in adequate condition when leaving work site.
9. Design and install instream structures in a manner that will not impair passage of Topeka shiners and other fish species during and after construction.
10. Where feasible, replace bridges with bridges or other open-bottomed structures to avoid altering the natural stream bottoms.
11. Do not operate motorized vehicles instream. Excavation, culvert placement, etc. should be conducted from streambanks outside of standing or flowing water.
12. Backfill placed in the stream shall consist of rock or granular material free of fines, silts, and mud. Machinery parts (i.e., backhoe buckets, etc.) shall be cleaned of all such material and free of grease, oil, etc. before their instream use.
13. Prevent materials and debris from falling into the water during construction.
14. If the project is modified, or if field conditions change, the applicant or agency representative should contact U.S. Fish and Wildlife Service before proceeding.
15. Ensure that contractors and subcontractors understand all permit provisions that are necessary to avoid or minimize adverse effects to Topeka shiners.

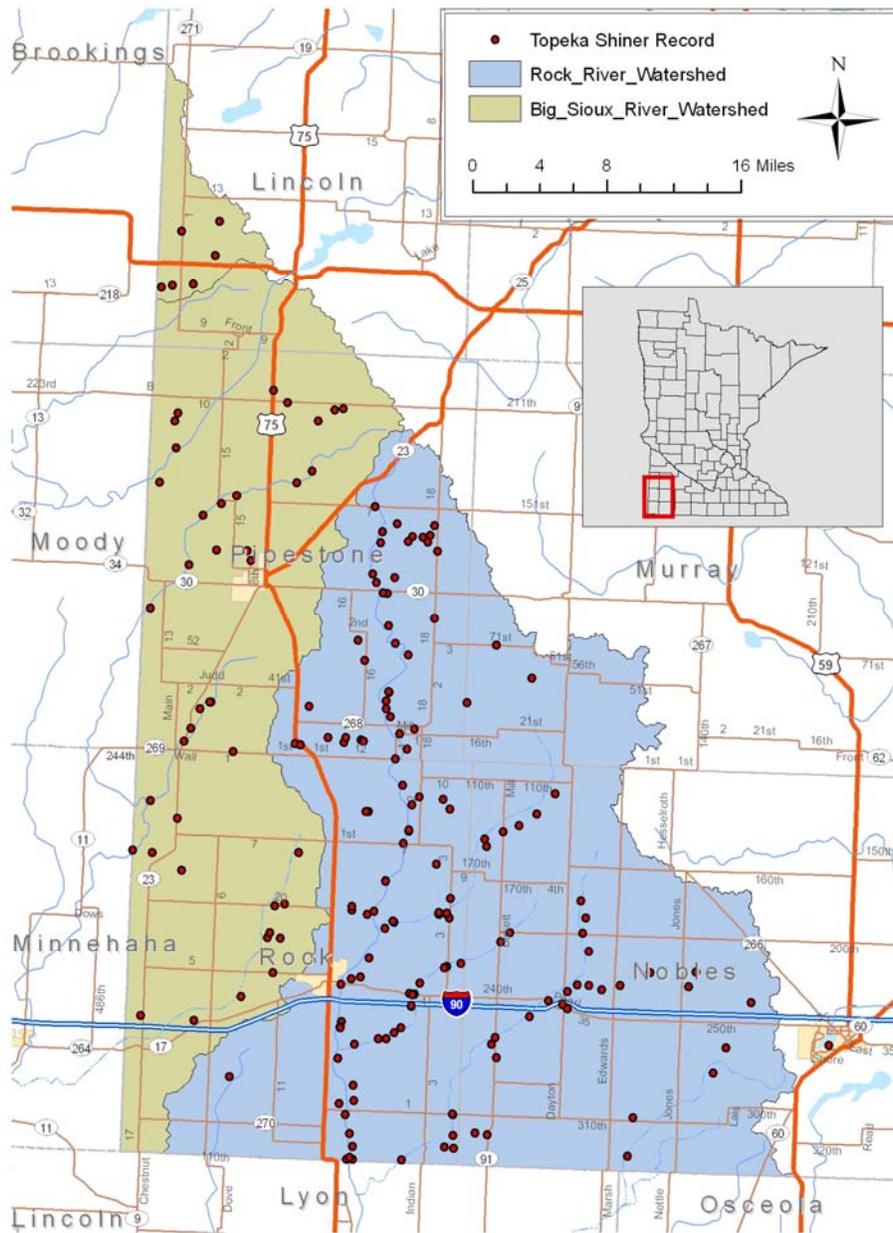


Figure 1. Recorded occurrences of Topeka shiner in Minnesota. Data included here were provided by the Natural Heritage and Nongame Research Program of the Division of Ecological Services, Minnesota Department of Natural Resources (DNR), and were current as of March 2008. These data are not based on an exhaustive inventory of the state. The lack of data for any geographic area shall not be construed to mean that Topeka shiners are absent. For information on a specific area, contact U.S. Fish and Wildlife Service, (612) 725-3548.