

## **WSDOT Fish Exclusion Protocols and Standards**

Work below the Ordinary High-Water Mark (or Mean Higher High-Water Mark) shall, in general, be conducted in isolation from flowing waters. Exceptions to this general rule or performance measure include: 1) implementation of the work area isolation and fish capture and removal protocols described in this document; 2) placement or removal of small quantities of material (e.g., wood or rock), or structural best management practices (e.g., turbidity curtain), under site conditions where potential exposures and effects to fish life are minimized without isolation from flowing waters<sup>1</sup>; and, 3) work conducted under a declared emergency, under emergency conditions, or where flow conditions prevent safe implementation of work area isolation and fish capture and removal protocols.

Implementation of the work area isolation and fish capture and removal protocols shall be planned and directed by a WSDOT biologist, or qualified biologist under contract to WSDOT, possessing all necessary knowledge, training, and experience (the directing biologist). If electrofishing will or may be used as a means of fish capture, the directing biologist shall have a minimum of 100 hours electrofishing experience in the field using similar equipment, and any individuals operating electrofishing equipment shall have a minimum of 40 hours electrofishing experience under direct supervision. All individuals participating in fish capture and removal operations shall have the training, knowledge, skills, and ability to ensure safe handling of fish, and to ensure the safety of staff conducting the operations.

The directing biologist shall work with Maintenance, Construction, and/or Environmental staff (as appropriate) to plan the staging and sequence for work area isolation, fish capture and removal, and dewatering. This plan should consider the size and channel characteristics of the area to be isolated, the method(s) of dewatering (e.g., diversion with bypass flume or culvert; diversion with sandbag, sheet pile or similar cofferdam; etc.), and what sequence of activities will provide the best conditions for safe capture and removal of fish. Where the area to be isolated is small, depths are shallow, and conditions are conducive to fish capture, it may be possible to isolate the work area and remove all fish life prior to dewatering or flow diversion. Where the area to be isolated is large, depths are not shallow, where flow volumes or velocities are high, and/or conditions are not conducive to easy fish capture, it may be necessary to commence with dewatering or flow diversion staged in conjunction with fish capture and removal. The directing biologist shall use his/her best professional judgment in deciding what sequence of activities is likely to minimize exposure of fish to conditions causing stress or injury (including stranding, exposure to extremes of temperature or reduced dissolved oxygen, risk of injury resulting from electrofishing, etc.).

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<sup>1</sup> WSDOT shall make this determination with consultation or input from the regulatory agencies with jurisdiction, including the Washington State Department of Fish and Wildlife (WDFW), U.S. Fish and Wildlife Service (FWS), and NOAA-National Marine Fisheries Service (NMFS) as appropriate; also, this exception shall not permit work that requires in-water excavation or that presents a risk of increased turbidity beyond the immediate work area or for a duration of more than 15 minutes.

The directing biologist shall plan work area isolation, fish capture and removal, and dewatering with consideration for the following: habitat connectivity and fish habitat requirements; the duration and extent of planned in-water work; anticipated flow and temperature conditions over the duration of planned in-water work; and, the risk of exposure to turbidity or other unfavorable conditions during construction. If the area to be isolated includes only a portion of the wetted channel width (e.g., large or deep rivers where diversion from the entirety of the wetted channel is difficult or impossible), or if the bypass flume or culvert will effectively maintain connectivity and fish passage for the duration of construction activities, it may be less important whether the fish are herded (and/or captured and released) upstream or downstream of the isolated work area. However, if the area to be isolated includes the entire wetted channel width, and especially if conditions make it unlikely that connectivity (i.e., upstream/downstream fish passage) can be effectively maintained for the duration of construction activities, then the directing biologist should carefully consider whether to herd fish (and/or capture and release fish) upstream or downstream of the isolated work area.

If conditions upstream of the isolated work area will or may become unfavorable during construction, then fish should not be herded or released to an upstream location; this situation is probably most common where the waterbody in question is small, where seasonal flows are substantially diminished, and conditions of elevated temperature and/or reduced dissolved oxygen are foreseeable. However, the directing biologist shall also consider whether planned in-water work presents a significant risk of downstream turbidity and sedimentation; fish herded or released to a downstream location may be exposed to these conditions.

If large numbers of fish are to be herded (and/or captured and released), and in order to avoid overcrowding or concentrating fish in areas where their habitat needs cannot be met, it may be appropriate to relocate fish both upstream and downstream of the isolated work area. At locations where habitat connectivity or quality is poor, including along reaches upstream and/or downstream of the isolated work area, the directing biologist should carefully consider whether relocated fish can meet their minimum habitat requirements for the duration of planned in-water work. On rare occasions it may be appropriate to relocate fish at a greater distance upstream and/or downstream (e.g., thousands of feet or miles), so as to ensure fish are not concentrated in areas where their habitat needs cannot be met, or where they may be exposed to unfavorable conditions during construction. On those rare occasions where relocation to a greater distance is deemed necessary, the WSDOT shall provide notice to the agencies with jurisdiction in advance of the operations.

Plans for staging work area isolation, fish capture and removal, and dewatering must comply with WSDOT safety requirements. Safe implementation is a high priority. The directing biologist shall design and adjust the plan as necessary to ensure the safety of all individuals implementing the plan. Under some conditions it may be appropriate to conduct work without isolation from flowing waters, without placement of block nets, fish capture or removal; for a discussion of this topic see page 1.

In order to comply with WSDOT safety requirements, work in or around water outside of daylight hours is not generally permissible. If, under unusual circumstances, the directing biologist identifies work that will or may be necessary outside of daylight hours, he/she shall coordinate and gain approval for this work with appropriate managers (including the WSDOT safety officer and/or supervisors with authority).

## **Work Area Isolation**

The directing biologist shall determine appropriate locations for the placement of block nets, based on site characteristics and a consideration of the type and extent of planned in-water work. Sites that exhibit reduced flow volume or velocity, uniformity of depth, and good accessibility are preferred; sites with heavy vegetation, large cobble or boulders, undercut banks, deep pools, etc. should be avoided due to the difficulty of securing and/or maintaining nets. Sites with a narrow channel cross-section (“constriction”) should be avoided if foreseeable flow conditions might overwhelm or dislodge the block nets, posts, or anchors.

Except when planning and intending to herd fish upstream, and upstream block net shall be placed first. With a block net secured to prevent movement of fish into the work area from upstream, a second block net should be used as a seine to herd fish in a downstream direction. Where the area to be isolated includes a culvert(s), deep pools, undercut banks, or other cover attractive to fish (e.g., thick overhanging vegetation, rootwads, logjams, etc.) it may be appropriate to isolate a portion or portions of the work area, rather than attempting to herd fish from the entirety of the work area in a single downstream pass. Fish capture and removal will be most successful if an effort is made to strategically focus and concentrate fish in areas where they can be easily seined and netted. Care shall be taken not to concentrate fish where they are exposed to sources of stress, or to leave them concentrated in such areas for a long duration (e.g., more than 30 minutes).

Depending upon site characteristics, and the planned staging and sequence for work area isolation and dewatering, it may or may not be necessary to place a downstream block net. Typically, however, site characteristics and/or the duration of planned in-water work will necessitate placement of a net(s) to prevent movement of fish into the work area from downstream. If groundwater seepage or site drainage has a tendency to re-wet the area, if the area to be isolated is low-gradient or subject to a backwatering influence, or if the area to be isolated is large and considerable effort will be expended in capturing and removing fish life, a downstream block net should be placed. If foreseeable flow conditions over the duration of planned in-water work might enable fish to re-enter the work area from downstream, a downstream block net should be placed.

In most instances where gradual dewatering or flow diversion is staged in conjunction with fish capture and removal, it is appropriate to delay installation of the downstream block net(s) until after fish have been given sufficient time to move downstream by their own choosing. If flows are reduced gradually over the course of several hours, or the length of an entire workday, some (perhaps many) fish will make volitional movements downstream beyond the area to be isolated. Gradual dewatering can be an effective

means by which to reduce the risk of fish stress or injury. Gradual dewatering and the encouragement of volitional movement are particularly important where the area to be isolated is large and may hold many fish. However, where the area to be isolated includes a culvert(s), deep pools, undercut banks, or other cover attractive to fish, some (perhaps many) fish will not choose to move downstream regardless of how gradually flows are reduced. The directing biologist should use his/her best professional judgment in deciding what sequence of activities is likely to minimize fish stress or injury (including stranding).

Where the area to be isolated is small, depths are shallow, and conditions are conducive to fish capture, it may be possible to remove all fish life prior to dewatering, or to implement plans for dewatering staged with fish capture over a relatively short timeframe (e.g., 1-2 hours). Where the area to be isolated is large, depths are not shallow, where flow volumes or velocities are high, and/or conditions are not conducive to easy fish capture, dewatering or flow diversion should be staged in conjunction with fish capture and removal over a longer timeframe (e.g., 3-6 hours). The largest areas and/or most difficult site conditions may warrant or require that plans for dewatering and fish capture proceed over the length of an entire workday, or multiple workdays. Where this is the case, fish should be given sufficient time and a means to move downstream by their own choosing so as to reduce the total number of fish exposed to sources of stress and injury (including fish handling).

The directing biologist shall select suitable block nets. Type of material, length, and depth may vary based on site conditions. It may be necessary and appropriate to contact other WSDOT Regions or offices with access to nets (or other materials) suitable for placement under unique or unusual circumstances. Typically block nets will be composed of 9.5 millimeter stretched nylon mesh and should be installed at an angle to the direction of flow (i.e., not directly perpendicular to flow) so as to reduce the risk of impinging fish. Anchor bags filled (or half-filled) with clean, washed gravel are preferred over sandbags, especially for nets and anchors that will or may remain in-place for a long duration (i.e., more than two weeks). Any use or movement of native substrates or other materials found on-site should be incidental and shall not appreciably affect channel bed or bank conditions.

Block nets shall remain in place until work is complete and conditions are suitable for the reintroduction of fish<sup>2</sup>. Block nets require frequent inspection and debris removal. A qualified biologist, or other field staff trained in safe fish handling, shall be assigned the responsibility of inspecting the nets and safely capturing and relocating any impinged fish. The frequency of these inspections shall be determined on a case-by-case basis. However, block nets shall, at a minimum, be inspected for impinged fish (especially

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<sup>2</sup> If plans for work area isolation and fish capture and removal include the installation of temporary cofferdams, and once the directing biologist has confirmed fish life have been successfully excluded from the entire area enclosed by the cofferdam(s), it may be appropriate to remove block nets and allow fish to re-enter the previously isolated work area; this approach is particularly relevant and appropriate where many weeks or months of construction are planned for completion within temporary cofferdams (i.e., isolated from flowing waters).

juvenile fish) at least three times daily for the first 48 hours after installation (approximate), and for the first 24 hours after significant rainfall (or change in flow volume or velocity). In the event fish are found impinged on the net(s), or if weather or flow conditions change significantly, the directing biologist shall reconsider and adjust the frequency of net inspections so as to minimize the risk of impinging and injuring fish.

Field staff shall be assigned the responsibility of frequently checking and maintaining the nets for accumulated debris, general stability, and proper function. The frequency of these inspections shall be determined on a case-by-case basis, dependent upon the site, seasonal, and weather conditions. Block nets must be secured along both banks and the channel bottom to prevent failure as a result of debris accumulation, high flows, and/or flanking. Some locations may require additional block net support (e.g., galvanized hardware cloth, affixed metal fence posts, etc.).

## **Fish Capture and Removal**

If dewatering and/or flow diversion are deemed necessary, this work (including related fish capture and removal operations) shall comply with any provisions contained in the Hydraulic Project Approval (HPA), or applicable General HPA, issued by the WDFW. If the FWS and/or NMFS have provided relevant Terms and Conditions from a Biological Opinion addressing the work (or action), this work shall also comply with those Terms and Conditions.

If pumps are used to temporarily bypass water or to dewater residual pools or cofferdams, pump intakes shall be screened to prevent aquatic life from entering the intake. Fish screens or guards shall comply with Washington State law (RCW 77.57.010 and 77.57.070), with guidelines prescribed by the NMFS<sup>3</sup>, and any more stringent requirements contained in the HPA or General HPA issued by the WDFW. If pumps are to be used on a more permanent basis, as the primary or secondary method for diverting flow around the isolated work area, plans for dewatering shall address contingencies (i.e., extremes of flow or weather). These plans shall include ready access to a larger or additional “back-up” pump with screened intake. If the directing biologist has confirmed that all fish life has been successfully excluded from the area, if there is no risk of entraining fish, and adequate plans are in-place to address contingencies (including a routine schedule for inspection), then pumps may be operated without a screened intake.

### Fish Capture and Removal Methods:

Methods for safe capture and removal of fish from the isolated work area are described below. These methods are given in order of preference. At most locations, a combination of methods will be necessary. In order to avoid and minimize the risk of injury to fish, attempts to seine and/or net fish should always precede the use of electrofishing equipment. Visual observation techniques (e.g. snorkeling, surveying with

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<sup>3</sup> National Marine Fisheries Service. 2011. Anadromous Salmonid Passage Facility Design. Chapter 11: Fish Screen and Bypass Facilities. NMFS Northwest Region, July 2011, 140 p..

polarized glasses or Plexiglas bottomed buckets, etc.) may be used to assess the effectiveness of these methods, to identify locations where fish are concentrating, or otherwise adjust methods for greater effectiveness.

If the planned fish capture and removal methods have not been addressed through consultation (or programmatic consultation), if seining and netting are impracticable (i.e., electrofishing is deemed the only viable means of fish capture), and fish listed under the ESA will or may be present, the directing biologist shall provide notice to the FWS and/or NMFS (as appropriate). This notice shall be provided in advance of the operations, and shall include an explanation of the unique site conditions or circumstances. Work conducted under a declared emergency (or emergency conditions) shall follow established ESA notification protocols. Projects that operate under conditions of the NMFS or USFWS 10(a)1(A) Scientific Collection or the WDFW Scientific Collection permit may have additional notification requirements.

Where fish listed under the ESA will or may be present, the directing biologist shall insure that fish capture and removal operations adhere to the following minimum performance measures or expectations:

- 1) Only dip nets and seines composed of soft (non-abrasive) nylon material shall be used.
- 2) The operations shall not resort to the use of electrofishing equipment unless and until other, less injurious methods have been effective in removing most or all of the adult and sub-adult fish (i.e., fish in excess of 300 millimeters, ~ 12 inches); the operations shall conduct a minimum of three complete passes without capture using seines and/or nets.
- 3) The operations shall confirm success of fish capture and removal before completely dewatering or commencing with other work within the isolated work area; the operations shall conduct a minimum of two complete passes without capture using electrofishing equipment.
- 4) Fish listed under the ESA shall not be held in containers for more than 10 minutes, unless those containers are dark-colored, lidded, and fitted with a portable aerator.
- 5) A plan for achieving efficient return to appropriate habitat will be developed before the capture and removal process.
- 6) Every attempt will be made to release ESA-listed specimens first.

• **Seining** shall be the preferred method for fish capture. Other methods shall be used when seining is not possible, or when/after attempts at seining have proven ineffective. Seines, once pursed, should remain partially in the water while fish are removed with dip nets. Seines with a “bag” minimize handling stress and are preferred. Seines with a bag

are also preferred where obstructions make access to the water (or deployment/retrieval of the seine) difficult.

In general, seining will be more effective if fish, especially juvenile fish, are moved (or “flushed”) out from under cover. Methods which may increase effectiveness and/or efficiency include conducting seining operations at dawn or dusk (i.e., during low-light conditions), in conjunction with snorkeling, and/or flushing of the cover. In flowing waters, and especially where flow volume or velocity is high or moderately-high, seines that employ a heavy lead line and variable mesh size are preferred. Small mesh sizes are more effective across the full range of fish size (and age class), but also increase resistance and can make deployment/retrieval more difficult in flowing waters. Seines which use a small mesh size in the bag (or body), and a larger, less resistant mesh size in the wings may under some conditions be most effective and efficient.

- **Baited Minnow Traps** are typically used before and in conjunction with seining. Traps may be left in the isolated work area overnight. Traps shall be inspected at least four times daily to remove captured fish and thereby minimize predation within the trap. Traps should be checked more frequently if temperatures are in excess of 15 degrees C (59°F).

Predation within the trap may be an unacceptable risk when/where minnow traps are left in-place overnight; large sculpin and other predators that feed on juvenile fish are typically much more active at night. The directing biologist shall consider the need and plan for work outside daylight hours (i.e., inspection and removal) before leaving minnow traps in-place overnight.

- **Dip Nets** shall be used in conjunction with seining. This method is particularly effective when employed during gradual dewatering or flow diversion. To be most effective, and to minimize stress and risk of injury to fish (including stranding), the directing biologist shall coordinate fish capture operations with plans for dewatering or flow diversion. Plans for dewatering and/or flow diversion should proceed at a measured pace (within constraints), to encourage the volitional downstream movement of fish, and reduce the risk of stranding. Plans for dewatering and/or flow diversion shall not proceed unless there are sufficient staff and materials on-site to capture and safely remove fish in a timely manner. Generally, this will require a minimum of two persons (three if electrofishing), but the directing biologist may find that some sites (especially large or complicated sites) warrant or require a more intensive effort (i.e., additional staffing).

Once netted, fish shall remain partially in water until transferred to a bucket, cooler, or holding tank. Dip nets which retain a volume of water (“sanctuary nets”) are preferred. However, sanctuary nets may be ineffective where flow volume or velocity is high or moderately-high (i.e., increase resistance lessens ability to net or capture fish). In addition, where water depths are very shallow and/or fish are concentrated in very small receding pools or coarse substrate, “aquarium” nets may be a better, more effective choice. Use of dip nets in conjunction with snorkeling, flushing of the cover, or around the hours of dawn or dusk (i.e., during low light conditions), can be effective for capturing fish sheltered below cover.

• **Connecting Rod Snakes** may be used to flush fish out of stream crossing structures (i.e., culverts). Connecting rod snakes are composed of wood sections approximately three feet in length. Like other cover attractive to fish, culverts (especially long culverts), can present a challenge to fish capture and removal operations. The directing biologist should plan a strategy for focusing and concentrating fish in areas where they can be easily seined and netted, and should take active steps to prevent fish from evading capture. When first implementing plans for work area isolation, fish capture and removal, and dewatering, it may be appropriate to place block nets immediately upstream and/or downstream of culverts so as to minimize the number of fish that might seek cover within the culvert(s). Once most or all of the fish have been removed from other parts of the work area, the block net placed downstream of the culvert(s) should be removed to encourage volitional downstream movement of fish.

• **Electrofishing** shall be performed only when other methods of fish capture and removal have proven impracticable or ineffective at removing all fish. The directing biologist shall ensure that attempts to seine and/or net fish always precede the use of electrofishing equipment. Larger fish (i.e., adult and sub-adult fish with comparatively longer spine lengths) are more susceptible to electrofishing injury than smaller fish. To minimize the risk of injury (and the number of fish potentially injured), the directing biologist shall confirm that other methods have been effective in removing most or all of the adult and sub-adult fish before resorting to the use of electrofishing equipment; see the related performance measure appearing on page 6. As a general rule or performance measure, electrofishing should not be conducted under conditions that offer poor visibility (i.e., visibility of less than 0.5 meter).

The following performance measures shall apply to the use of electrofishing equipment as a means of fish capture and removal:

1. If the planned fish capture and removal operations have not been addressed through consultation (or programmatic consultation), and fish listed under the ESA will or may be present, WSDOT shall provide notice to the FWS and/or NMFS prior to the initiation of electrofishing attempts. Upon request, the WSDOT shall permit the FWS, NMFS, and/or their designated representative to observe fish capture and removal operations. Work conducted under a declared emergency (or emergency conditions) shall follow established ESA notification protocols.
2. Electrofishing shall only be conducted when a biologist with at least 100 hours of electrofishing experience is on-site to conduct or direct all related activities. The directing biologist shall be familiar with the principles of electrofishing, including the effects of voltage, pulse width and pulse rate on fish, and associated risk of injury or mortality. The directing biologist shall have knowledge regarding galvanotaxis, narcosis and tetany, their relationships to injury/mortality rates, and shall have the ability to recognize these responses when exhibited by fish.

3. The directing biologist shall ensure that electrofishing attempts use the minimum voltage, pulse width, and rate settings necessary to create the desired response (galvanotaxis). Water conductivity shall be measured in the field prior to each electrofishing attempt to determine appropriate settings. Electrofishing methods and equipment shall comply with guidelines outlined by the NMFS<sup>4</sup>.

4. The initial and maximum settings identified below shall serve as guidelines when electrofishing in waters that may support ESA-listed fish. Only DC or pulsed DC current shall be used. [Note: some newer, late-model electrofishing equipment includes a “set-up” or initialization function; the directing biologist shall have the discretion to use this function as a means to identify proper initial settings.]

**Guidelines for initial and maximum settings for backpack electrofishing.**<sup>5</sup>

	<b>Initial Settings</b>	<b>Conductivity (<math>\mu\text{S}/\text{cm}</math>)</b>	<b>Maximum Settings</b>
<b>Voltage</b>	100 V	$\leq 300$ 300-350	800 V 400 V
<b>Pulse Width</b>	500 $\mu\text{s}$		5 ms
<b>Pulse Rate</b>	15 Hz		60 Hz (In general, exceeding 40 Hz will injure more fish)

Each attempt shall begin with low settings for pulse width and pulse rate. If fish present in the area being electrofished do not exhibit a response, the settings shall be gradually increased until the appropriate response is achieved (galvanotaxis). The lowest effective settings for pulse width, pulse rate and voltage shall be used to minimize risks to both personnel and fish. Safe implementation is a high priority. The directing biologist shall ensure the safety of all individuals assisting with electrofishing attempts; this includes planning for and providing all necessary safety equipment and materials (e.g., insulated waders and gloves, first aid/CPR kit, a current safety plan with emergency contacts and phone numbers, etc.). Only individuals that are trained and familiar with the use of electrofishing equipment should provide direct assistance during electrofishing attempts.

5. Electrofishing shall not be conducted where spawning adults or redds with incubating eggs may be exposed to the electrical current. As a general rule or performance measure, waters that support anadromous salmon should not be electrofished from October 15 through May 15, and resident waters from November 1 through May 15. If located within waters that may support bull trout, especially waters located within a local bull trout population (i.e., that support spawning and rearing), seasonal limitations on the use of electrofishing equipment may be more restrictive; if you have questions, contact the

<sup>4</sup> National Marine Fisheries Service. 2000. Guidelines for electrofishing waters containing salmonids listed under the Endangered Species Act

<sup>5</sup> Adapted from NMFS Backpack Electrofishing Guidelines, June 2000, and WDFW Electrofishing Guidelines for Stream Typing, May 2001

FWS. If any more restrictive work windows have been identified through consultation, those windows shall apply. The directing biologist shall ensure that electrofishing attempts are made only during appropriate times of year, and not where spawning adults or redds with incubating eggs may be exposed to the electrical current.

6. An individual shall be stationed at the downstream block net(s) during electrofishing attempts to recover stunned fish in the event they are flushed downstream and/or impinged against the block net(s).

7. The operator shall use caution so as to prevent fish from coming into direct contact with the anode. Under most conditions, the zone of potential fish injury extends approximately 0.5 meter from the anode. Netting shall not be attached to the anode, as this practice presents an increased risk of direct contact and injury. Extra care shall be taken near in-water structures or undercut banks, in shallow waters, or where fish densities are high. Under these conditions fish are more likely to come into close or direct contact with the anode and/or voltage gradients may be intensified. Voltage and other settings shall be readjusted to accommodate changing conditions in the field, including channel depth. When electrofishing areas near undercut banks, overhanging vegetation, large cobble or boulders, or where structures provide cover, fish that avoid capture may be exposed to the electrical current repeatedly. Repeated or prolonged exposures to the electrical current present a higher risk of injury, and therefore galvanotaxis should be used to draw fish out of cover.

8. Electrofishing shall be conducted in a manner that minimizes harm to fish. Once an appropriate fish response (galvanotaxis) is achieved, the isolated work area shall be worked systematically. The number of passes shall be kept to a minimum, but is dependent upon the numbers of fish and site characteristics and shall be at the discretion of the directing biologist. Electrofishing shall not be conducted unless there are sufficient staff and materials on-site, to both minimize the number of passes required and to locate, net, recover, and release fish in a timely manner. Generally, this will require a minimum of three persons, but the directing biologist may find that some sites (especially large or complicated sites) warrant or require a more intensive effort (i.e., additional staffing). Care shall be taken to remove fish from the electrical field immediately and to avoid exposing the same fish repeatedly. Fish shall not be held in dip nets while electrofishing is in progress (i.e., while continuing to capture additional fish). [Note: where flow velocity or turbulence is high or moderately-high (e.g., within riffles) it may be difficult to see and net fish; these fish may evade capture (resulting in repeated exposure), or may become impinged on the downstream block net(s); a “frame” net, or small portable block net approximately 3 feet in width, can be effective under these conditions when held downstream in close proximity to the anode.]

9. The condition of captured fish shall be carefully observed and documented. Dark bands on the body and/or extended recovery times are signs of stress or injury. When such signs are noted, settings for the electrofishing unit may require readjustment. The directing biologist should also review and consider changes to the manner in which the electrofishing attempt is proceeding. If adjustments to the electrofishing attempt do not

lessen the frequency (or severity) of observed stress, the directing biologist shall have the authority to postpone fish capture and removal operations<sup>6</sup>. Each fish shall be capable of remaining upright and actively swimming prior to release (*See Fish Handling, Holding and Release*).

10. Electrofishing shall not be conducted when turbidity reduces visibility to less than 0.5 meter, when water conductivity exceeds 350  $\mu\text{S}/\text{cm}$ , or when water temperature is above 18°C (64°F) or below 4°C (39°F).

Fish Handling, Holding and Release:

- Fish handling shall be kept to the minimum necessary to remove fish from the isolated work area. Fish capture and removal operations shall be planned and conducted so as to minimize the amount and duration of handling. The operations shall maintain captured fish in water to the maximum extent possible during seining/netting, handling, and transfer for release.
- The directing biologist shall document and maintain accurate records of the operations, including: fish species, number, age/size class estimate, condition at release, and release location. Fish shall not be sampled or anesthetized, unless for valid purposes consistent with the WSDOT's Section 10 scientific collection permits.
- Individuals handling fish shall ensure that their hands are free of harmful and/or deleterious products, including but not limited to sunscreen, lotion, and insect repellent.
- The operations shall ensure that water quality conditions are adequate in the buckets, coolers, or holding tanks used to hold and transfer captured fish. The operations shall use aerators to provide for clean, cold, well-oxygenated water, and/or shall stage capture, temporary holding, and release to minimize the risks associated with prolonged holding. The directing biologist shall ensure that conditions in the holding containers are monitored frequently and operations adjusted appropriately to minimize fish stress. If fish listed under the ESA will or may be held for more than a few minutes prior to release, the directing biologist should consider using dark-colored, lidded containers only. Fish listed under the ESA shall not be held in containers for more than 10 minutes, unless those containers are dark-colored, lidded, and fitted with a portable aerator; small coolers meeting this description are preferred over buckets.
- The operations shall provide a healthy environment for captured fish, including low densities in holding containers to avoid effects of overcrowding. Large fish shall be kept separate from smaller fish to avoid predation. The operations shall use water-to-water transfers whenever possible.

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<sup>6</sup> If the FWS and/or NMFS have provided an Incidental Take Statement from a Biological Opinion addressing the work (or action), the directing biologist shall ensure limits on take have not been exceeded; if the limits on take are exceeded, or if take is approaching these limits, the directing biologist shall postpone fish capture and removal operations and immediately notify the federal agency (or agencies) with jurisdiction.

- The release site(s) shall be determined by the directing biologist. The directing biologist should consider both site characteristics (e.g., flow, temperature, available refuge and cover, etc.) and the types of fish captured (e.g., out-migrating smolt, kelt, prespawn migrating adult, etc.) when selecting a release site(s). More than one site may be designated to provide for varying needs, and to separate prey-sized fish from larger fish. The directing biologist shall consider habitat connectivity and fish habitat requirements, seasonal flow and temperature conditions, and the duration and extent of planned in-water work when selecting a fish release site(s). If conditions upstream of the isolated work area will or may become unfavorable during construction, then fish should not be released to an upstream location. However, the directing biologist shall also consider whether planned in-water work presents a significant risk of downstream turbidity and sedimentation; fish released to a downstream location may be exposed to these conditions. Site conditions may warrant releasing fish both upstream and downstream, or relocating fish at a greater distance (e.g., thousands of feet or miles), so as to ensure fish are not concentrated in areas where their habitat needs cannot be met. For a fuller discussion of this topic see page 2.

- The directing biologist shall ensure that each fish is capable of remaining upright and has the ability to actively swim upon release.

- Any ESA-listed fish incidentally killed as a result of fish capture and removal operations shall be preserved and delivered to the appropriate authority upon request (see Documentation).

- If the limits on take of ESA-listed species are exceeded (harm or harassment), or if incidental take is approaching and may exceed specified limits, the directing biologist shall postpone fish capture and removal operations and immediately notify the federal agency (or agencies) with jurisdiction. If dewatering or flow diversion is incomplete and still in-progress, WSDOT shall take remedial actions directed at maintaining sufficient quantity and quality of flow and lessening sources of fish stress and/or injury. If conditions contributing to fish stress and/or injury may worsen before the federal agency with jurisdiction can be contacted, WSDOT should attempt to move fish to a suitable location near the capture site while keeping fish in water and reducing stress as much as possible.

Invasive or exotic fish species may be encountered during fish handling. WDFW is currently working on protocols for disposal of some of these species. WDFW does require the disposal of all prohibited fish species under WAC 220-12-090 (see Appendix for species list). The WDFW Area Habitat Biologist should be notified after the capture/disposal of any prohibited species.

## **Reintroduction of Flow and Fish to the Isolated Work Area**

If conducting work in isolation from flowing waters has required placement of a block net(s), fish capture and removal, and temporary dewatering, the directing biologist shall

ensure that the block net(s) remain in place until work is complete and conditions are suitable for the reintroduction of fish. Flows shall be gradually reintroduced to the isolated work area, so as to prevent channel bed or bank instability, excessive scour, or turbidity and sedimentation. The directing biologist shall inspect the work area and downstream reach to ensure no fish are stranded or in distress during reintroduction of flows. If conditions causing or contributing to fish stress and/or injury are observed, WSDOT shall take remedial actions directed at lessening these sources of stress. This may include a more gradual reintroduction of flow, so as to reduce resulting turbidity and sedimentation.

All temporary structures and materials (e.g., block nets, posts, and anchors; bypass flume or culvert; sandbag, sheet pile or similar cofferdam; etc) shall be removed at the completion of work. The directing biologist shall document in qualitative terms the final condition of the isolated work area (including temporary bypass). The directing biologist shall identify and document any obvious signs of channel bed or bank instability resulting from the work, and shall report these conditions to the appropriate Maintenance, Construction, and/or Environmental staff for remedy. WSDOT shall document any additional actions taken to correct channel instability, and the final condition of the isolated work area (including temporary bypass).

To avoid and minimize the risk of introducing or spreading nuisance or invasive species, aquatic parasites, or disease, the directing biologist shall ensure that all equipment and materials are cleaned and dried before transporting them for use at another site or waterbody. See WDFW's "Invasive Species Management Protocols" (2011) for more information on decontamination methods.<sup>7</sup>

## **Documentation**

- All work area isolation, and fish capture and handling shall be documented in a log book with the following information: project location, date, methods, personnel, water temperature, conductivity, visibility, electrofishing equipment settings, and other comments.
- All fish captured or handled shall be documented: species, number of each species, age/size class estimate, condition at release, and location of release.
- If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), WSDOT shall provide immediate notification to the WDFW consistent with any provisions contained in the HPA (or applicable General HPA). Notification shall consist of a phone call or voice mail message directed to the Area Habitat Biologist identified on the HPA and/or the Washington Military Department Emergency Management Division at (800) 258-5990, as appropriate.

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<sup>7</sup> Tweit, B. A. Pleus, J. Kerwin, M. Hayes, C. Klein, S. Kelsey, M. Schmuck, L. Phillips, B. Hebner. 2011. Invasive Species Management Protocols. Version 1-2011. Washington Department of Fish and Wildlife.

- Any ESA-listed species incidentally killed as a result of fish capture and removal operations shall be documented with the notification provided to the appropriate authority (FWS and/or NMFS) consistent with any provisions contained in the applicable biological opinion. Initial notifications shall consist of a phone call or voice mail message. Initial notifications shall be directed to the following: (FWS) the nearest FWS Law Enforcement Office, and the Washington Fish and Wildlife Office at (360) 753-9440; (NMFS) the NMFS Office of Law Enforcement at (800) 853-1964, and the Washington State Habitat Office at (360) 753-9530. Any dead specimens shall be kept whole and preserved on-ice or frozen until WSDOT receives a response and further directions from the appropriate authority; if WSDOT receives no response within 5 working days, the directing biologist shall have the discretion to dispose of specimens. Initial notifications shall be followed by a second notification in writing. All notifications shall provide at a minimum the following: date, time, WSDOT point-of-contact (the directing biologist and/or supervisor), project name (and FWS and/or NMFS tracking number if available), precise location of any incidentally killed or injured and unrecovered fish, number of specimens and species, and cause of death or unrecoverable injury. If the limits on incidental take are exceeded (harm or harassment), the written notification shall also include an explanation of the circumstances causing or contributing to observed levels of take.
- The final condition of the isolated work area (including temporary bypass) shall be documented in qualitative terms, including any obvious signs of channel bed or bank instability resulting from the work. WSDOT shall document any additional actions taken to correct channel instability, and the final condition of the isolated work area (including temporary bypass).

Appendix A. Prohibited Species under WAC 220-12-090

Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Rooseveltiella*, and *Serrasalmus*.

Family Clariidae: Walking catfish: All members of the family.

Family Cyprinidae:

- Fathead minnow, *Pimephales promelas*.
- Carp, Bighead, *Hypophthalmichthys nobilis*.
- Carp, Black, *Mylopharyngodon piceus*.
- Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.
- Carp, Silver, *Hypophthalmichthys molitrix*.
- Ide, silver orfe or golden orfe, *Leuciscus idus*.
- Rudd, *Scardinius erythrophthalmus*.

Family Gobiidae: Round goby, *Neogobius melanostomus*.

Family Esocidae: Northern pike, *Esox lucius*: A person may possess and transport dead prohibited Northern pike obtained under the department's recreational sport fishing rules (WAC [220-56-100](#) and [220-56-115](#)). There is no minimum size, no daily limit, and no possession limit. Release of any live Northern pike into water other than the water being fished is prohibited.

Family Lepisosteidae: Gar-pikes: All members of the family.