



FDOT and the Endangered Species Act Consultation Process

Webinar Series – ESA Consultation Process – Part 2

February 22, 2022



With Presentation's from:



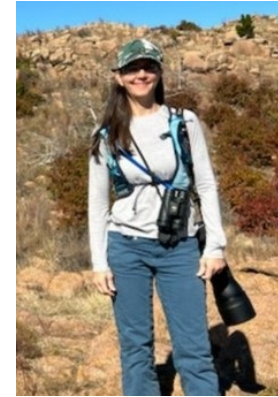
Welcome and Introduction to Workshop



Purpose of Workshop:

- The sessions are anticipated to provide a basic overview of the ESA consultation process for transportation projects. These webinars are intended for NEPA and Environmental Permitting practitioners and participants should have a base level understanding of the NEPA process and/or Environmental Permitting as it relates to the Federally listed species consultation process.
- **Workshop Format:**
 - The sessions are being held every Tuesday from 9:00 to 12:00 EST for four (4) consecutive weeks beginning on February 15th, 2022, and continue through
 - ◆ February 22nd,
 - ◆ March 1st, and
 - ◆ March 8th
 - **Each session requires a separate registration.** Participation and feedback are welcome

FDOT HOSTS:



Katasha Cornwell

State Environmental Process
Administrator

Office of Environmental Management
Florida Department of Transportation

Denise Rach

Project Delivery Coordinator
Office of Environmental Management
Florida Department of Transportation

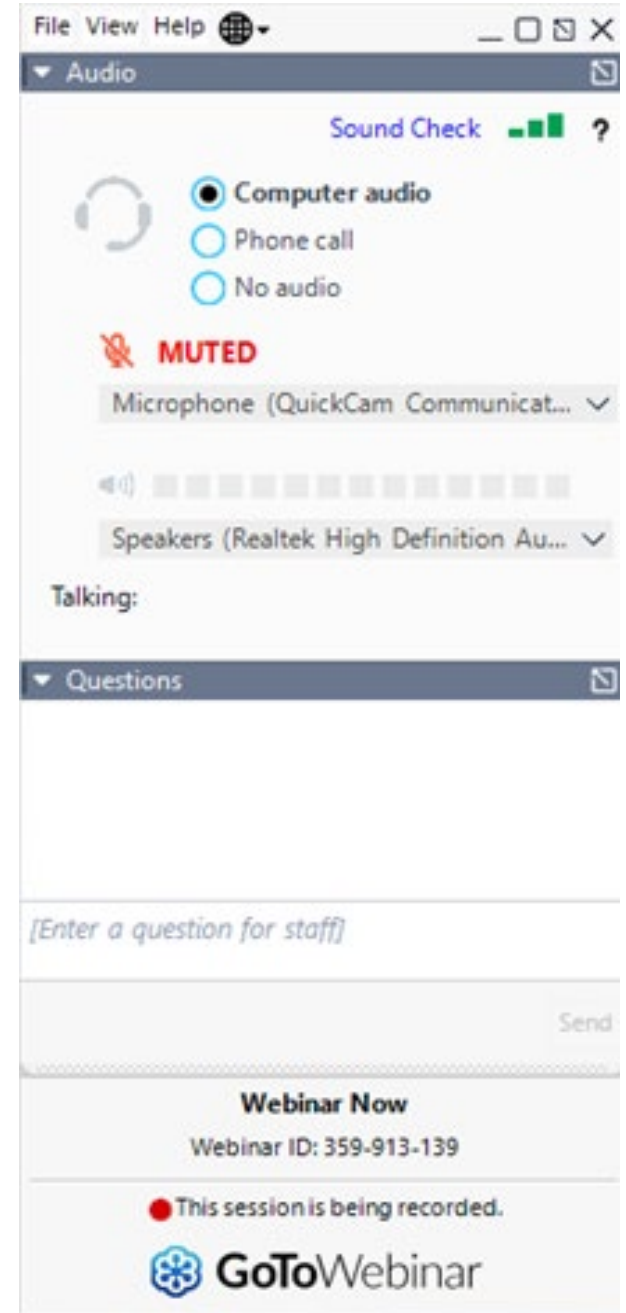
Orientation to the Go To Webinar Platform



Kendra Pewtress
Stantec
Webinar
Administrator

How to...

- Send your questions and comments to the presenters through the Question box
- Questions and comments can be submitted any time during the workshop presentation
- These session will be recorded
- Materials from the webinar will be available

A screenshot of the GoToWebinar interface. The top section is titled 'Audio' and includes a 'Sound Check' indicator with a green bar and a question mark. Below this are three radio button options: 'Computer audio' (selected), 'Phone call', and 'No audio'. A red 'MUTED' indicator is visible. The microphone is set to 'Microphone (QuickCam Communicat...)' and the speakers to 'Speakers (Realtek High Definition Au...'. There is a volume slider and a 'Talking:' indicator. The bottom section is titled 'Questions' and contains a text input field with the placeholder text '[Enter a question for staff]' and a 'Send' button. At the bottom of the interface, it says 'Webinar Now' with 'Webinar ID: 359-913-139' and a red dot indicating 'This session is being recorded.' The GoToWebinar logo is at the very bottom.

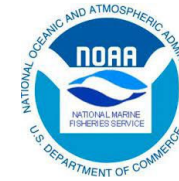
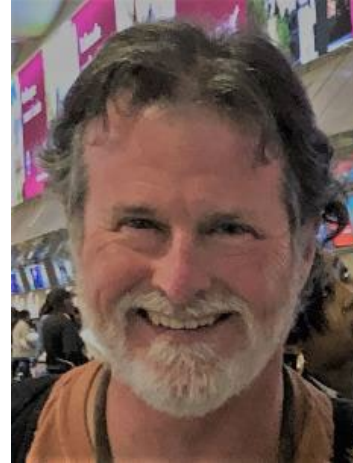
Speaker Introductions



Mark Cantrell – U.S. Fish and Wildlife Service (USFWS), Panama City



John M Wrublik – U.S. Fish and Wildlife Service (USFWS), Jacksonville



David Rydene- National Marine Fisheries Service (NMFS)-West Coast, Habitat Conservation Division (EFH)



Kurtis Gregg- National Marine Fisheries Service (NMFS)-East Coast, Habitat Conservation Division (EFH)

Species Spotlight- Sawfish



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Adam Brame- National Marine Fisheries Service (NMFS)-
Sawfish Recovery Coordinator,
Southeast Regional Office



Session 2 – Overview of ESA Consultation from USFWS, NMFS

Consultation Process

- John Wrublik
 - Initiating Consultation
 - Informal Consultation and Concurrence
- Dave Rydene
 - Formal Consultation
 - Biological Opinions - Incidental Take
 - Reinitiation & Post-Consultation Processes
- Species Highlight **Smalltooth Sawfish** – Adam Brame, NMFS
- FDOT Specifications – Katasha Cornwell, FDOT



Objectives

To provide an understanding of the consultation process with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries

- Why the FDOT needs to consult with USFWS/NOAA Fisheries on their projects
- How the FDOT initiates consultation with USFWS/NOAA Fisheries
- Informal Consultation and Concurrence
- Formal Consultation and Biological Opinions



Why is consultation With USFWS /NOAA Fisheries necessary ?

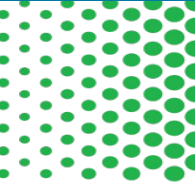


Section 7(a)(2) of the Endangered Species Act Requires:

“...Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which is determined... to be critical (i.e., designated critical habitat)....”



Who consults with USFWS /NOAA Fisheries?



The **Federal Agency** that is authorizing, funding or carrying out an action,
or



A **non-Federal representative**,* when that entity has been designated by the Federal agency through written notice to the Director of USFWS or NOAA Fisheries - Source 50 CFR 402.08

- The **Florida Department of Transportation (FDOT)** is the designated non-Federal Representative of the **Federal Highways Administration (FHWA)**

* Normally applies to conducting informal consultations and preparation of biological assessments, but FDOT has assumed all consultation responsibilities per MOU with FHWA dated 12/14/2016.

Who consults with USFWS /NOAA Fisheries?



- As a non-federal representative, the FDOT consults with the USFWS and/or NOAA Fisheries on projects/actions that are funded or authorized by the Federal Highway Administration (FHWA).
- State Funded FDOT projects are not subject to Section 7 consultation with the USFWS and NOAA Fisheries if they don't require authorization by the FHWA.
- Other Federal Agencies consult the USFWS/NOAA Fisheries on FDOT projects when FDOT requires a permit or authorization from those agencies (e.g., Corps, Coast Guard) to complete the project and no nexus with FHWA occurs.
- Only one action agency and consultation per FDOT project
- Consultants of FDOT or other Federal Agencies cannot request consultation



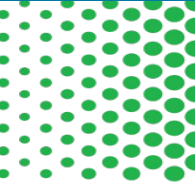
Initiating Consultation with USFWS /NOAA Fisheries



Now that we know why the FDOT needs to consult with the USFWS and NOAA Fisheries on their actions, lets discuss the process.



Who Should FDOT Consult with, USFWS or NOAA Fisheries?

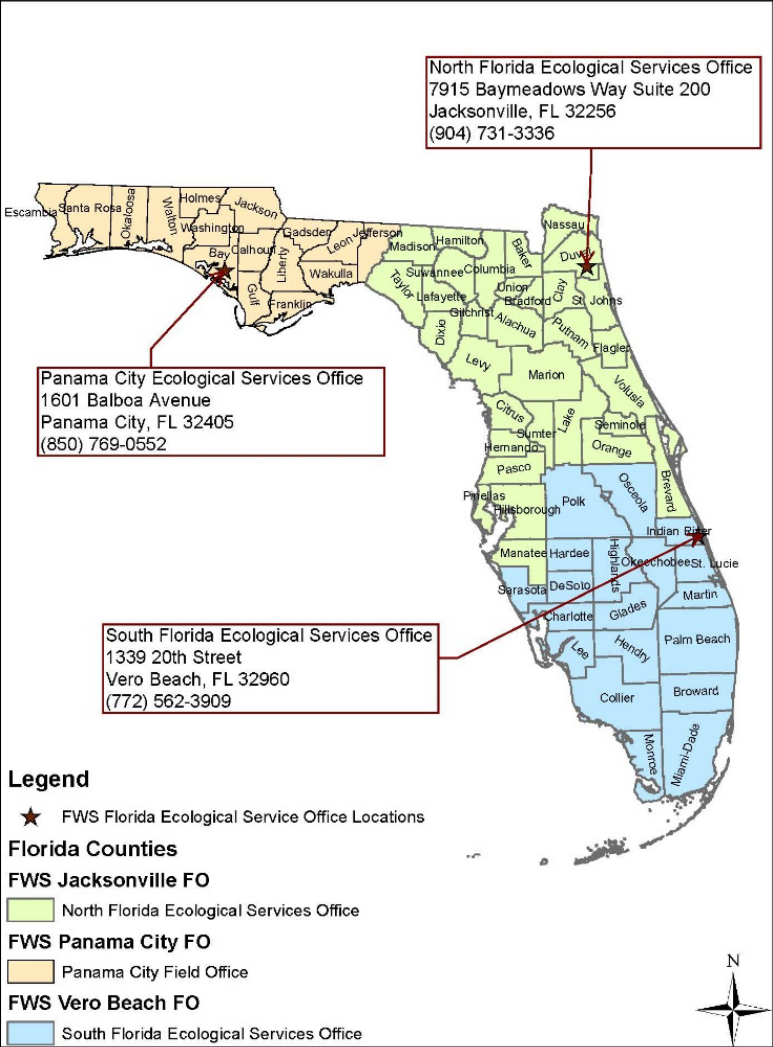
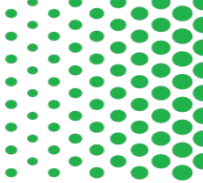


It depends on which Federally-listed species could be affected by FDOT's action.

- In general, NOAA Fisheries (Department of Commerce) regulates marine listed species in Florida and the USFWS (Department of Interior) regulates freshwater fish and all other listed species in Florida pursuant to the Act.
- Shared species: Gulf Sturgeon and Listed sea turtles (lead agency depends on where the species occurs).
- FDOT may consult with one or both agencies depending on the action.



Consulting with the USFWS – Contact Information



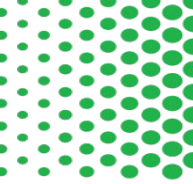
USFWS Transportation Biologists

Jacksonville – Zakia Williams
(Zakia_Williams@fws.gov)

Vero Beach – John Wrublik
(John_Wrublik@fws.gov)

Panama City – currently vacant (contact Jose Rivera at Jose_Rivera@fws.gov)

Consulting with NOAA Fisheries– Contact Information

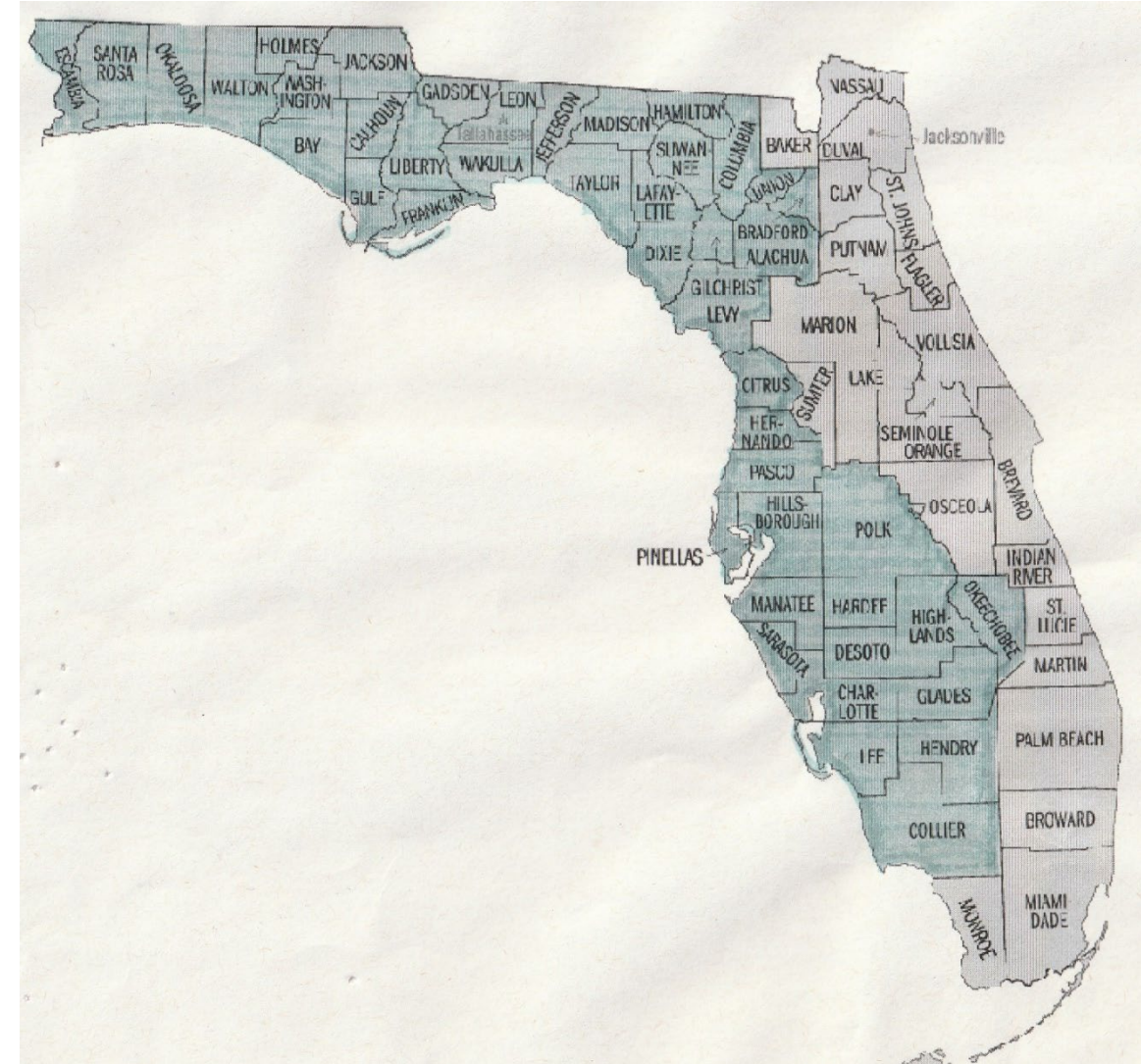


For transportation projects In Gulf Coast Counties (Blue)

Contact: Dr. David Rydene
NOAA Fisheries (National Marine Fisheries Service)
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Phone: 727-824-5379
Email: David.Rydene@noaa.gov

For transportation projects in the Atlantic Coast Counties (Gray)

Contact: Kurtis Gregg
NOAA, Fisheries (National Marine Fisheries Service)
Southeast Regional Office
400 North Congress Avenue, Suite 270
West Palm Beach, Florida 33401
Phone: 727-824-5379
Email: Kurtis.Gregg@noaa.gov



Obtain Information on Listed Species and critical habitat



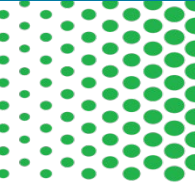
The regulations related to consultation procedures require that the action agency (i.e., FDOT) request a list of any listed or proposed species or designated or proposed critical habitat may be present in the action area of their project - see CFR 50 402.12(c)

The purpose of this is ensure that FDOT is fully aware of any listed or critical habitat, that has the potential to occur In or near their project site and may be affected.

In practice, the USFWS/NOAA Fisheries does not insist that FDOT make a request for a species list, because this information is now available on the internet.



Obtain Information on Listed Species and critical habitat



For Federally-listed species and critical habitat regulated by the U.S. Fish and Wildlife Service see the “Information for Planning and Consultation” (IPAC) website located at:

<https://ipac.ecosphere.fws.gov/>

For Federally-listed species regulated by NOAA Fisheries see the link for “Species and Critical Habitat Lists available at “NOAA Fisheries Southeast Regional Office” website located at:

<https://www.fisheries.noaa.gov/southeast/consultations/threatened-and-endangered-species-and-critical-habitats>



Information regarding, Listed and proposed species, critical Habitat, Candidate Species and Consultation



Further information can be found at the following websites -

USFWS - South Florida Ecological Services Office: <http://www.fws.gov/verobeach/>

USFWS - North Florida Ecological Services Office: <http://www.fws.gov/northflorida/>

USFWS - Panama City Ecological Services Office; <http://www.fws.gov/panamacity/>

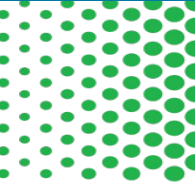
NOAA Fisheries Southeast Regional Office website:

<https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/esa-section-7-interagency-consultation-southeast-united-states>

Or by contacting the USFWS or NOAA Fisheries biologists previously mentioned



Will the project affect listed species or their designated critical habitat?



If listed species and/or designated critical habitat are present in or near FDOT's project, the FDOT must determine if their proposed action may affect them.

- If FDOT determines that their project or action will have **“no effect”** on listed species or their designated critical habitat, then no further coordination with the USFWS/NOAA Fisheries is needed
- IF FDOT determines that their project or action **“may affect”** listed species or their designated critical habitat, then further coordination with the USFWS and/or NOAA Fisheries is needed. “May affect” refers to actions that are **“not likely to adversely affect”** as well as actions that are **“likely to adversely affect”** listed species and/or designated critical habitats.





Informal Consultation

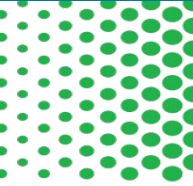
For FDOT projects that “may affect” Federally listed species or critical habitat, **Formal Consultation** with the USFWS/NOAA Fisheries is required, except

- If based on the preparation of a Biological Assessment or discussions with the Service, the FDOT determines that their action is “**not likely to adversely affect any listed species or critical habitat.**”
- In this case the effects of FDOT’s action are expected to be either entirely **beneficial, or insignificant or discountable**

This process is known as “**informal consultation**” (50 CFR 402.13).



Informal Consultation



Informal consultation is an optional process that includes all discussions, correspondence, etc., between the USFWS/NOAA Fisheries and the FDOT, and is designed to assist the FDOT in determining the effects of their action on listed species and critical habitat and whether formal consultation is required.

- During this process, USFWS/NOAA Fisheries may suggest modifications to the action that the FDOT could implement to avoid the likelihood of adverse effects to listed species or critical habitat.
- If FDOT determines (in writing) that their action may affect, but is **not likely to adversely affect** listed species and/or critical habitat, and the USFWS/NOAA Fisheries provides written concurrence for this finding, then the consultation process is terminated, and no further action is necessary.





If FDOT determines that their action is **likely to adversely affect** listed species and/or designated critical habitat, then it must request initiation of **formal consultation**. This request is made in writing to USFWS and/or NOAA Fisheries and includes a complete initiation package.



For all consultations



Section 7(a)(2) of the Endangered Species Act requires that each Federal Agency uses the best scientific and commercial data available when consulting with the Service



Informal Consultation – Concurrence request



- To receive concurrence, the FDOT must provide a written request to the USFWS or NOAA Fisheries. The request should include:
- A determination of “**May Affect, Not Likely to Adversely Affect**” for each listed species and/or for any critical habitat that is not expected to be adversely affected by the action.
- A request that the USFWS or NOAA Fisheries concur with FDOT’s determination(s)
- Sufficient information demonstrating that each “May Affect, Not Likely to Adversely Affect” determination is appropriate.
- The latter is typically transmitted to the USFWS/NOAA Fisheries in a document referred to **a Biological Assessment or Biological Evaluation**



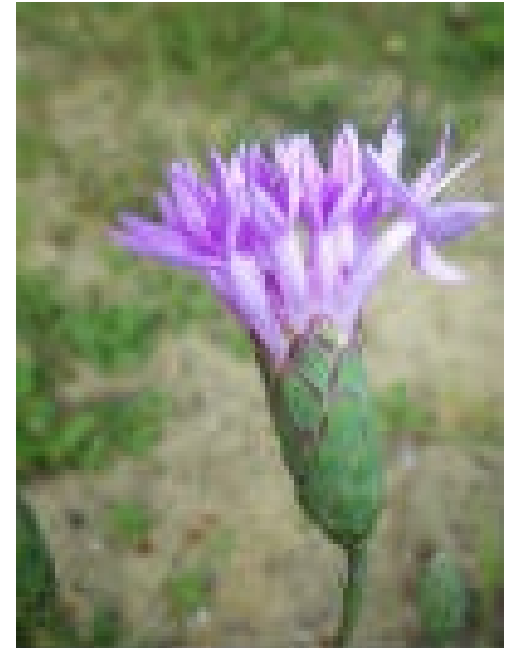
Photo: Barry Mansell

What is a Biological Assessment (BA)?



A BA is defined as information prepared by, or under the direction of, a Federal agency concerning:

- the listed species and proposed species and their designated or proposed critical habitat present in the action area of a proposed action
- It contains an evaluation of the potential effects of the action on these species and their critical habitat



Does the FDOT project require the preparation of a Biological Assessment ?



A Biological Assessment is required if the action is a “Major Construction Activity”

- A major construction activity is defined as a construction project (or an undertaking having similar effects) which is a major Federal action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).



Transportation Project Examples



Major Construction Activity: construction of a new road; widening of existing roadway from 2 to 4 lanes

Minor Construction Activity: resurfacing of existing roadway; construction of new sidewalk



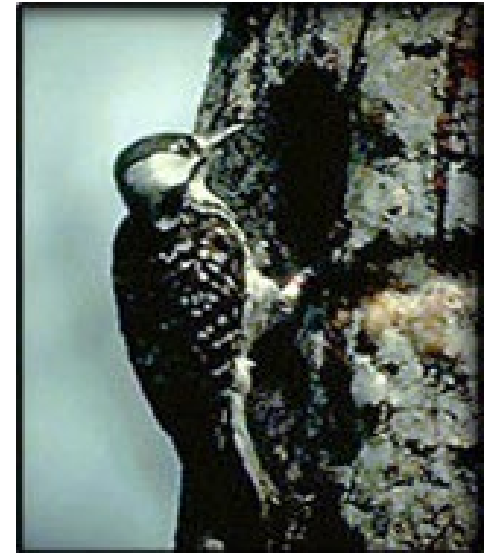
Contents of the Biological Assessment (BA)



Contents of a BA are up to discretion of the action agency, but the Federal Regulations for the Act recommend:

- 1) The results of an on-site inspection of the area affected by the action to determine if listed or proposed species are present or occur seasonally.
- 2) The views of recognized experts on the species at issue.
- (3) A review of the literature and other information.

50 CFR 402.12(f))



Contents of the Biological Assessment (BA)



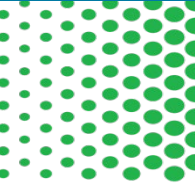
4) An analysis of the effects of the action on the species and habitat, including consideration of cumulative effects, and the results of any related studies.

5) An analysis of alternate actions considered by the Federal agency for the proposed action.

CFR 402.12(f))



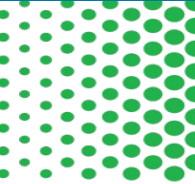
Actions that Don't Require Biological Assessments



- Projects that are not Major Construction Activities - although they still require consultation with the USFWS/NOAA Fisheries under Section 7 of the Act, and sufficient information should be provided to allow the Service/NOAA Fisheries to understand the project
- If no federally listed species or critical habitat are present in the action area of the project.



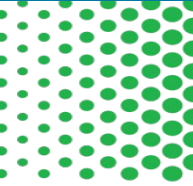
Informal Consultation Concurrence request



Other information to include:

- A detailed project description with maps and figures as needed.
- A description of action area (*The action area is defined as all areas to be directly or indirectly affected by the Federal action and not merely the immediate area involved in the action*).
- The Need for the project
- Any features of the project design that would minimize the likelihood for adverse affects to listed species or critical habitat.
- Results of listed species surveys conducted on or near project site.
- Any protective measures for listed species that will be followed during project construction (e.g., manatee in-water construction conditions).
- A discussion of the effects of the action and a justification of why they are not adverse to listed species or critical habitat.
- Certification that the FDOT has used the best scientific and commercial data available (NOAA Fisheries)

Informal Consultation Concurrence request



How to submit your concurrence request

USFWS – By letter or email (make sure that request is sent by FDOT, a concurrence request from a consultant is not acceptable).

NOAA Fisheries – electronically, see

<https://www.fisheries.noaa.gov/southeast/consultations/expedited-informal-consultations>

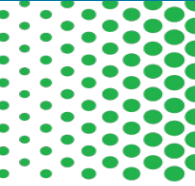


Informal Consultation Concurrence request

Upon receipt of a written request for concurrence, the USFWS or NOAA Fisheries may:

- 1) Provide written concurrence, ending consultation on the project;
- 2) Provide non-concurrence ,request additional information on the project and continue informal consultation, or;
- 3) Provide non-concurrence and recommend that FDOT request initiation of Formal Consultation for their project.

A response will be provided within 60 days and this timeframe may be extended upon mutual consent of the USFWS/NOAA Fisheries and the FDOT but shall not exceed 120 days total from the date of receipt of the Federal agency's written request for concurrence (50 CFR 402.13).



What cannot be done during consultation

Section 7(d) of the Endangered Species Act:



"Prohibits the action agency or applicant from making an irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of reasonable and prudent alternative measures....."*

*these are alternate methods that could be implemented in association with an action to avoid jeopardy of listed species or adverse modification of critical habitat (if the Service finds it likely during the consultation process)

The Ninth Circuit Court of Appeals described the purpose of section 7(d) as to "ensure that the status quo will be maintained during the consultation process" [Conner v. Burford, 848 F.2d 1441]. **It is thus reasonable to assume that section 7(d) prohibits any activity during consultation process that will cause significant effects to habitat, even if that activity does not result in take of listed species.**

What cannot be done during consultation



Section 7(d) – examples of compliance/ non-compliance

Compliance - The Federal agency or applicant has initiated consultation and proceeds with **planning** to construct a major highway. This action would be in compliance with Section 7(d) because plans can be ripped up and redone.

Non-Compliance - The Federal agency or applicant initiates consultation and proceeds with the **construction** of a major highway. This action would constitute an **irreversible or irretrievable commitment of resources**.

- Section 7d applies for the entire period of consultation



a district court decision [*Environmental Protection Information Center v. Pacific Lumber Company*, 67 F. Supp. 2d 1113 (N.D. Cal 1999)] asserted that section 7(d) applies to both formal and informal consultations

Formal Consultation



What happens when FDOT determines that their action will result in adverse affects to Federally-listed species and/or their designated critical habitat?

Or when the USFWS/NOAA Fisheries does not concur with FDOT's MANLAA determination and finds that adverse effects to Federally-listed species and/or their designated critical habitat will result from the action?

Formal Consultation with the USFWS and/or NOAA Fisheries is required.



Formal Consultation

- OK, so what happens when you determine that your project “*may affect, and is likely to adversely affect*” a listed species, or may result in “*adverse modification or destruction*” of designated critical habitat?





What needs to be submitted?

- Initiation Request – Letter
 - Biological Assessment
- Additional Information requests (If initiation package is incomplete)



Biological Opinions

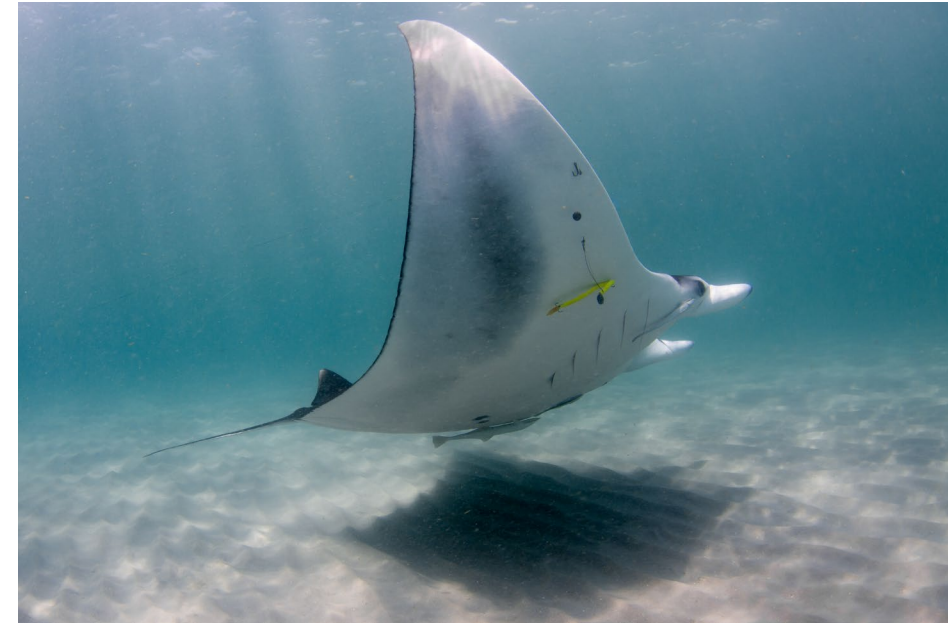


- Schedule - Once the Formal Consultation is **initiated (Complete Package)**:
- 90 days to consult with the Action Agency and the Applicant
- 45 days to prepare and submit a Biological Opinion
- So, 135 days total from initiation to submission of a Biological Opinion
- Can be extended by 60 days if Action Agency and Service agree
- Extensions beyond 60 days require Applicant permission as well

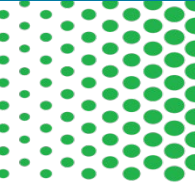
Biological Opinions



- A larger and more intensive document than the Letter of Concurrence you would get in an informal consultation
- Biological Opinions include a number of different sections including:
- Consultation History, Description of the Proposed Action and Action Area, Status of the Listed Species and/or Critical Habitat, Environmental Baseline, Effects of the Action on Listed Species and/or Critical Habitat, Cumulative Effects, Jeopardy Analysis and/or Destruction-Adverse Modification Analysis, Conclusion, Incidental Take Statement, Conservation Recommendations, Reinitiation of Consultation, Literature Cited

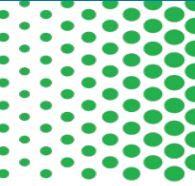


Biological Opinion Sections



- Consultation History: Describes the coordination and communications that have taken place between the Service, the Action Agency, and the Applicant
- Description of the Proposed Action and Action Area: Describes what the project is and how it will be carried out. Describes the Action Area where direct and indirect effects due to the project may occur
- Status of the Listed Species and/or Critical Habitat: Lists the species and/or critical habitat that may occur in the Action Area and whether they are not likely or likely to be adversely affected. Describes life history, distribution of species, population status, and threats. Describes which critical habitat unit may be adversely affected, its geographic extent, and its important biological and physical features and threats
- Environmental Baseline: Describes past and present actions that have or will affect listed species and/or critical habitat
- Cumulative Effects: Describes future actions that are reasonably certain to occur that will affect listed species and/or critical habitat

More Biological Opinion Sections



- Jeopardy Analysis and/or Destruction - Adverse Modification Analysis: Analyzes effects of the proposed action on listed species and/or critical habitat – Will there be “Jeopardy” to the continued existence of a species or “Destruction or Adverse Modification” of critical habitat, and will “Take” occur ?
- Conclusion: Summarizes the results of the analysis
- Incidental Take Statement: If “Take” will occur, this section authorizes how much is allowed
- Also includes “Reasonable and Prudent Measures”: Mandatory measures that must be implemented to minimize any take
- Conservation Recommendations: Are additional actions that could be taken to help conserve the species or critical habitat, but these are not mandatory
- Reinitiation of Consultation: Spells out what situations would warrant the need to reinitiate the consultation. I'll expand on that shortly.
- Literature Cited

Incidental Take

- Incidental take is the accidental or unintentional take of a listed species in the course of conducting an otherwise legal activity.
- For instance, shrimp fishers use trawl nets to catch shrimp but sometimes also catch sea turtles, which then drown before the net is retrieved.
- An analysis is done to estimate how much take will occur, whether that take will result in jeopardy to the species existence, and what measures can be implemented to reduce take.

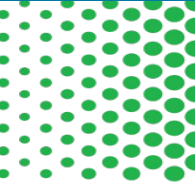


Reinitiation of Consultation

- Reinitiation of formal consultation must be requested by the action agency or by the Services if: a) the amount or extent of taking specified in the incidental take statement is exceeded; b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; c) the identified action is subsequently modified in a manner or to an extent that causes an effect to the listed species or critical habitat not previously considered in the biological opinion; or, d) a new species is listed or critical habitat is designated that may be affected by the identified action.



Post-Consultation Processes



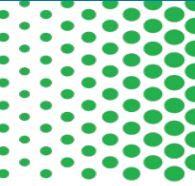
- The Action Agency and The Applicant must ensure that all mandatory measures required by the consultation are implemented.
- The Applicant must report any injured or dead listed species to the Services.
- The Applicant must monitor for any listed species encounters in the Action Area and send a Final Monitoring Report to the Services at the conclusion of the project.

.....And Furthermore

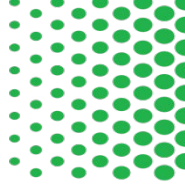
- Reasonable and Prudent Alternatives vs. Reasonable and Prudent Measures.....
- Reasonable and Prudent Alternatives: In Biological Opinions with Jeopardy or Adverse Modification/Destruction conclusions, these are alternative methods of project implementation that would avoid Jeopardy or Adverse Modification/Destruction conclusions
- Reasonable and Prudent Measures: Mandatory measures that must be implemented to minimize take



The bottom line is.....



- ◆ Avoid formal consultations whenever possible....Informal consultations are much simpler and cleaner and take less time to complete.
- ◆ You really, really, really do not want a Jeopardy or Adverse Modification/Destruction Opinion issued for your project





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A Brief Overview of Sawfish in the United States



© Dana M. Bethea

Adam Brame
NOAA Sawfish Recovery Coordinator
Adam.Brame@noaa.gov

Florida Department of Transportation
February 22, 2022

What is a Sawfish?

- Elasmobranch – skeleton made of cartilage instead of bone
- Type of ray – mouth and gills found on underside of body
- 5 species of sawfishes around the world
- Sawfish generally found in tropical and subtropical waters
- Named for their saw-like snout (rostrum) which is used for feeding
- Feed on fish and crustaceans

What is a Sawfish?



Smalltooth Sawfish



- Rostrum contains 22-29 unpaired teeth on each side
- Found in coastal areas of the tropical Atlantic Ocean
- **Historically:** from Brazil through the Caribbean and up the Atlantic coast of the United States
- **Now:** southeastern United States, Bahamas, Cuba?, Honduras?, and Belize?



Life History

- Reproduce sexually and mothers give live birth
- Gestation period is 12 months
- Extended period of pupping – (November-July)
- Females reproduce every other year
- Brood size 7-14 young
- ~61 cm (2 feet) at birth
- Slow-growing (with the exception of early juveniles)
- Late-maturing (7-11 years at a length of ~12 feet)
- Long lifespan (~30 years)
- Grow up to 5 meters (16 feet)

Habitat Use

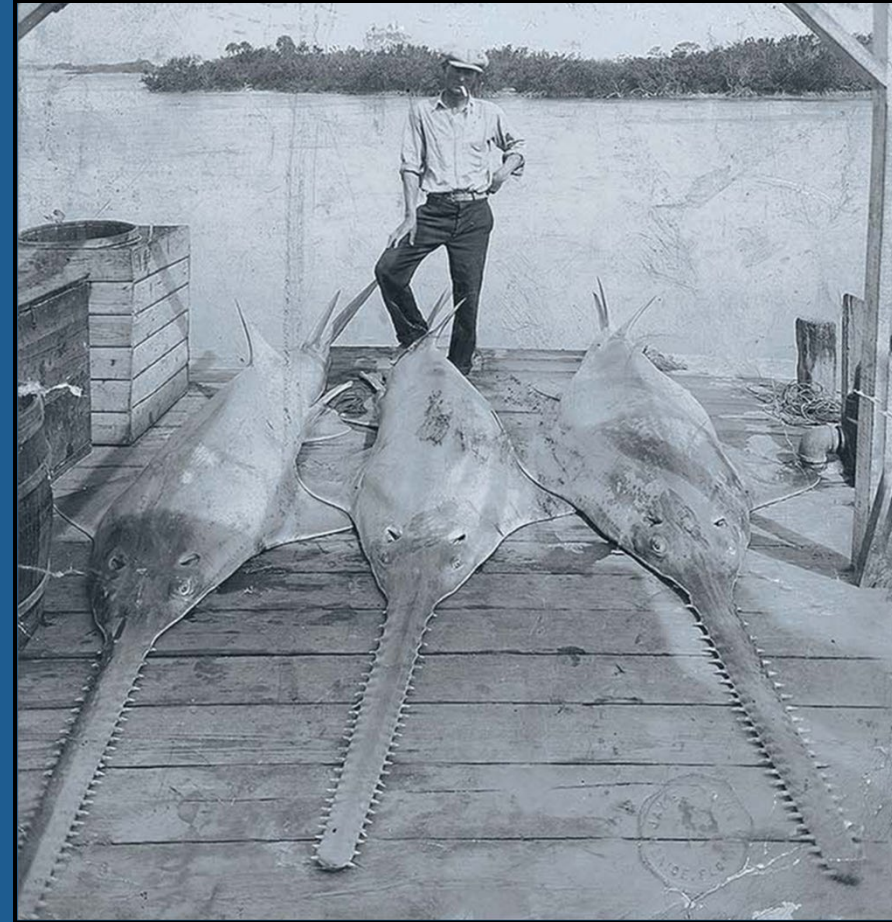
Juveniles:

- Shallow waters
 - Small juveniles: <3 ft
 - Larger juveniles: 3-12 ft
- Red mangroves
- Euryhaline waters: 18-30 psu
- Sand/mud substrate
- Gentle sloping shorelines
- Small activity spaces/home ranges

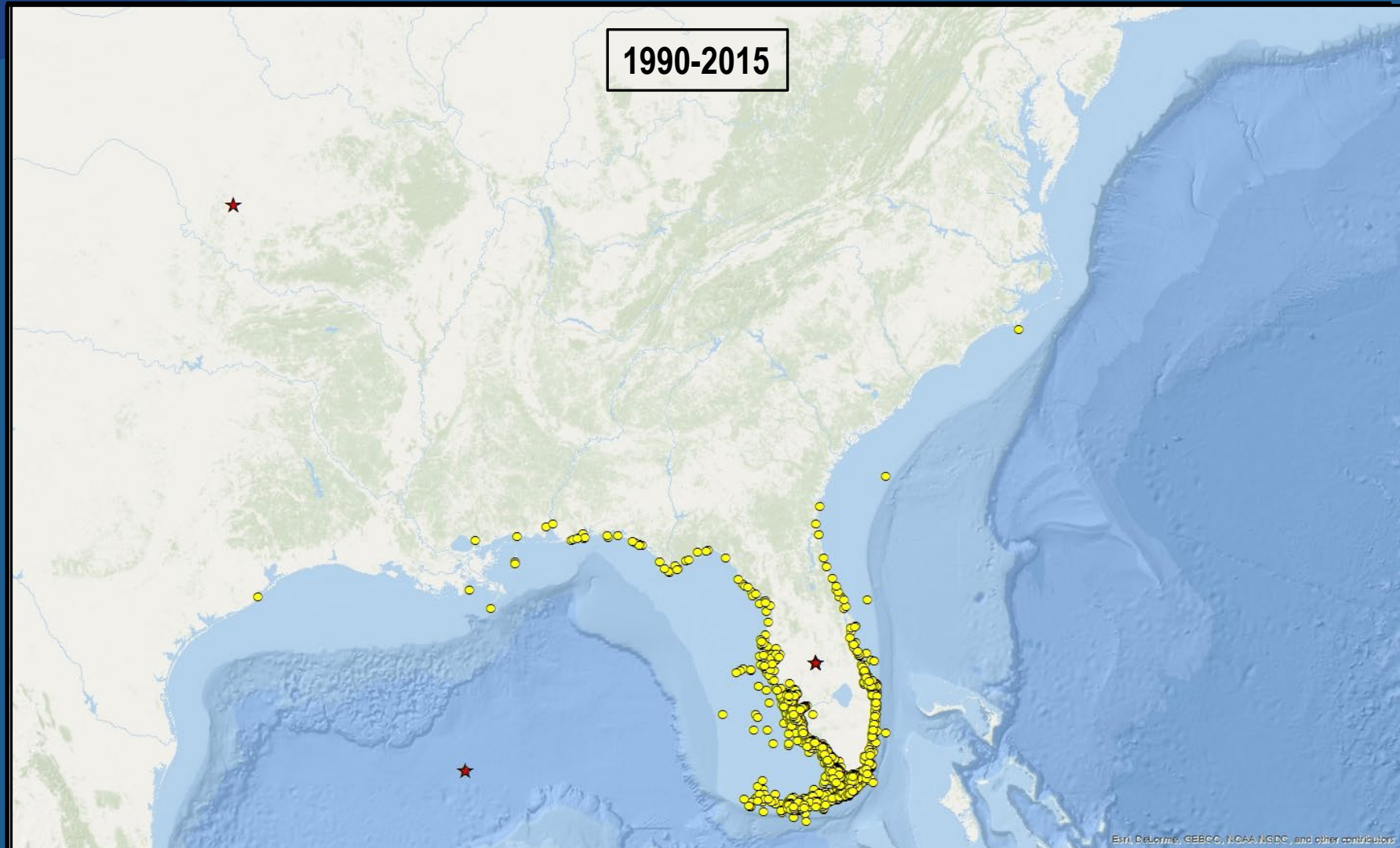
Adults:

- Variable water depths
- Larger activity spaces
- May wander up the Atlantic or Gulf Coast
- Associations with particular passes and deeper channels in South Florida

Historical Abundance

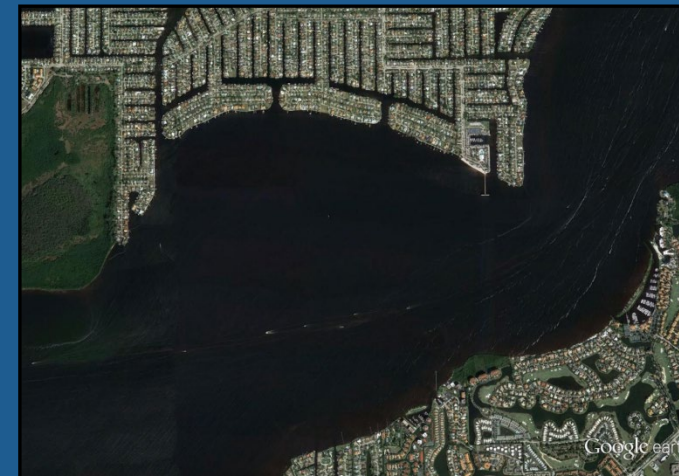


Contraction of Smalltooth Sawfish Range

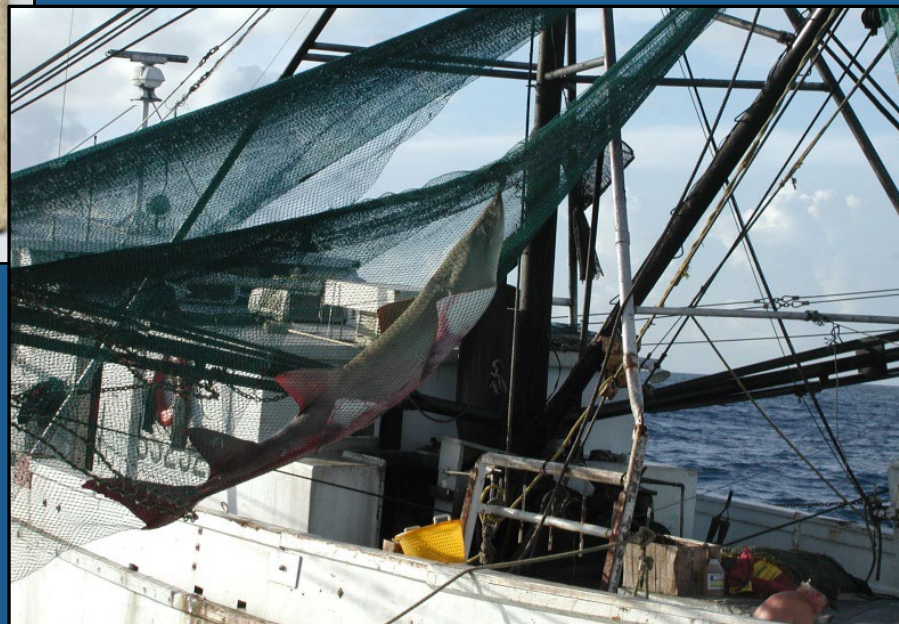


Major Threats Identified

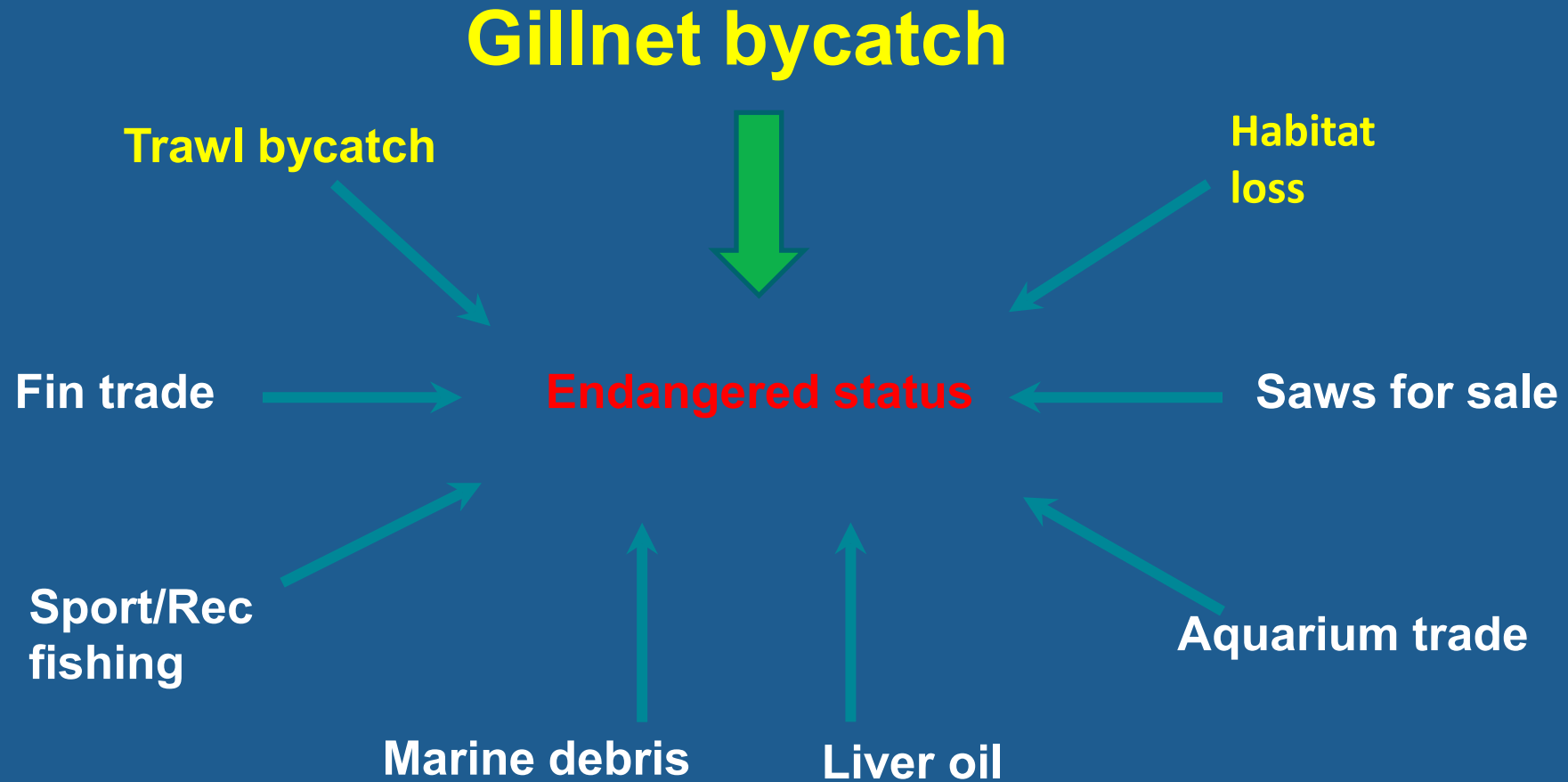
- Recreational fishery
- Commercial fisheries
- Illegal trade
- Coastal development
- Entanglement



Major Threats Identified



Causes of Decline



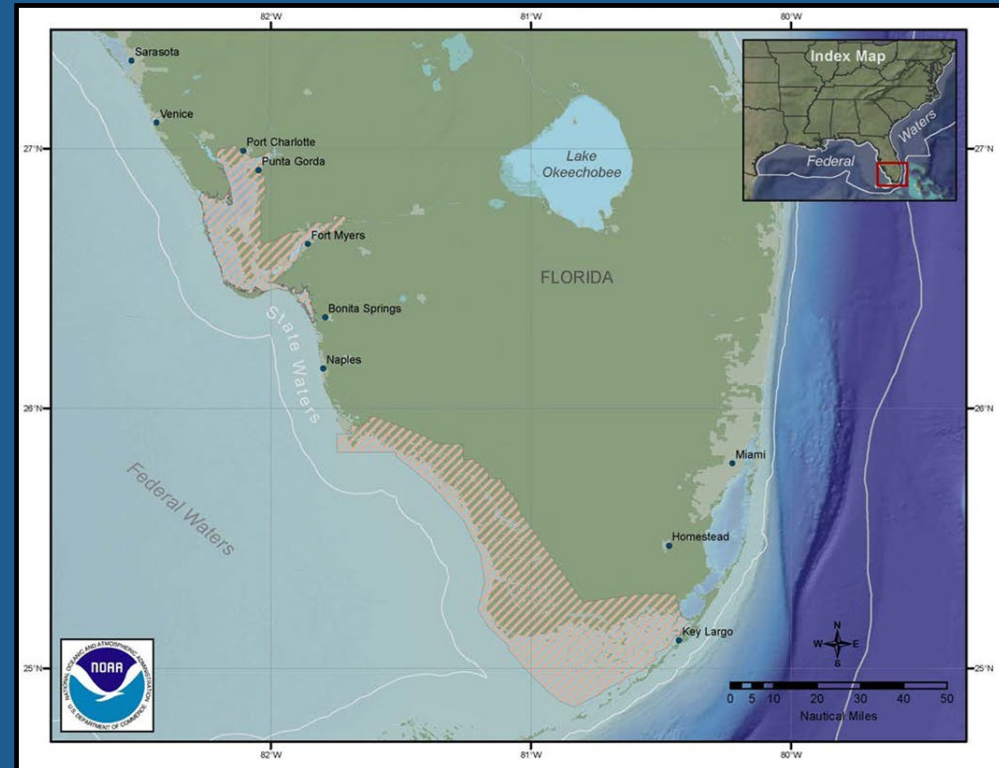
Response to the Decline

- 1992 – Protected from harvest in Florida
- 2003 – US distinct population segment of smalltooth sawfish listed under the Endangered Species Act (ESA)
- 2007 – Listed under Appendix I of CITES
- 2009 – Critical habitat designated in US
- 2009 – Recovery plan published
- 2014 – Global conservation strategy published
- 2014 – All sawfish worldwide listed under the ESA

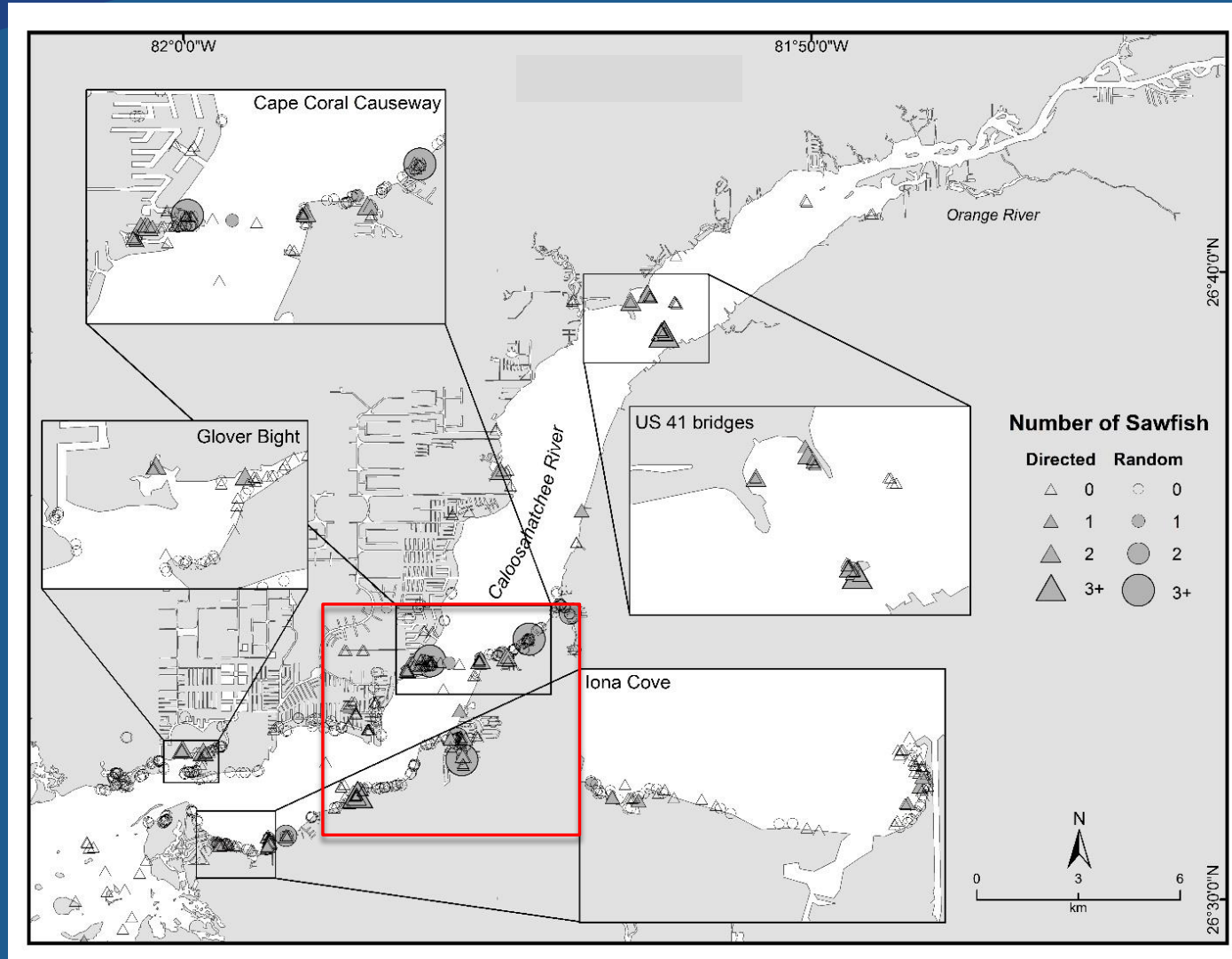
Habitat Protection

Critical habitat designated on September 2, 2009

- 2 units (Charlotte Harbor & Ten Thousand Islands)
- 2 essential features:
 - Red mangroves
 - Euryhaline waters (<3 ft @ MLLW)

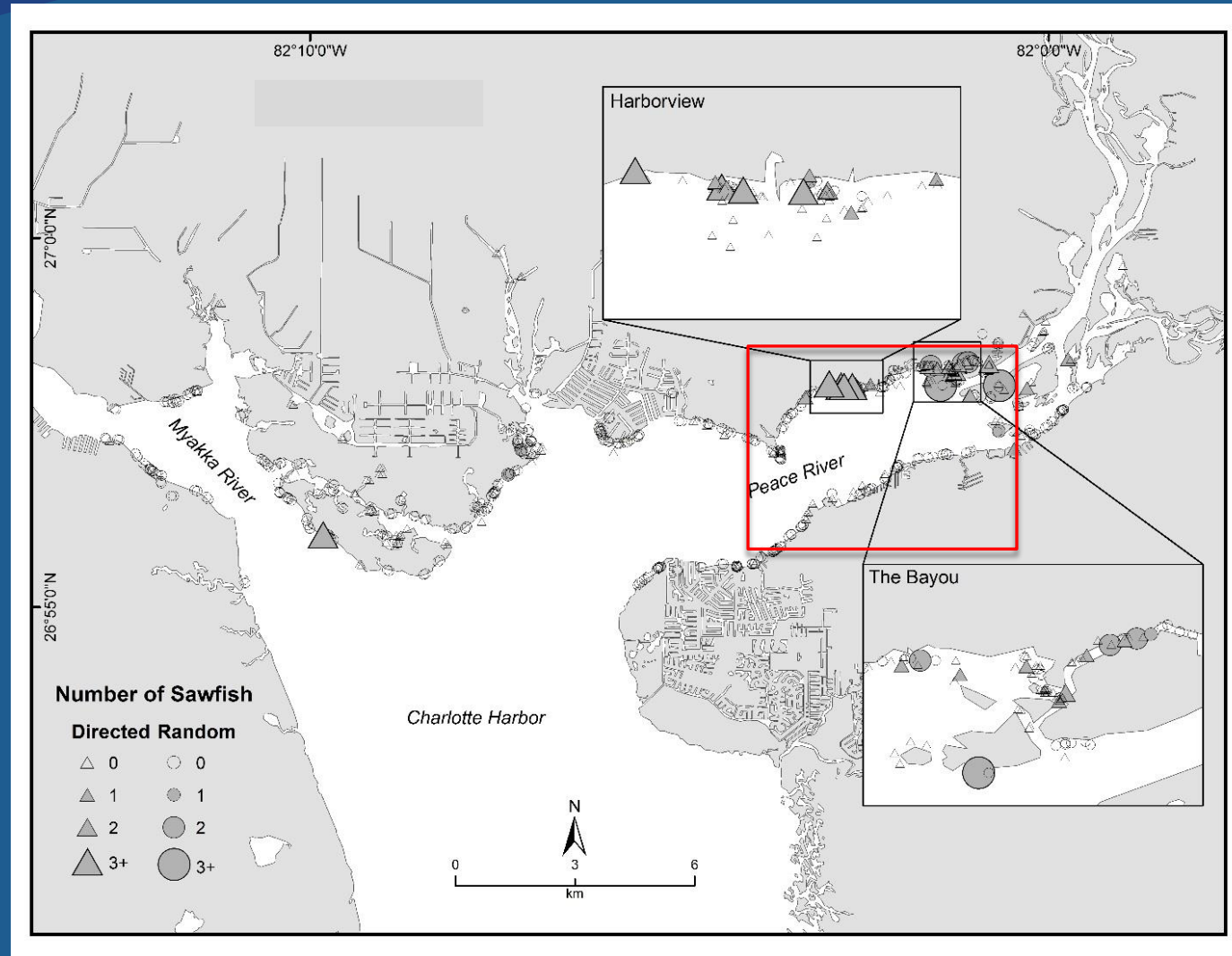


Caloosahatchee River "Hotspots"



Adapted from Poulakis et al. 2014

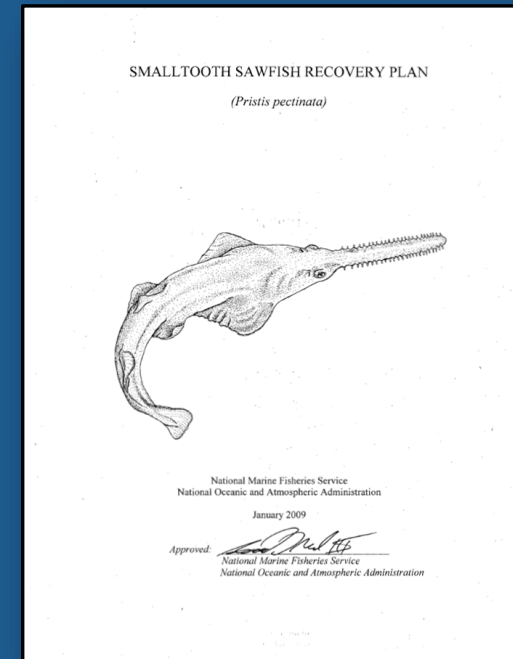
Peace River "Hotspots"



Adapted from Poulakis et al. 2014

NOAA's Roles in Conservation & Recovery

- Section 7 consultation with federal partners – avoid and minimize
- Recovery Plan
- Educational outreach and safe release guidance for fishers
- Track habitat loss and “take” associated with federal projects
- Support and participate in both research and monitoring



ESA Section 7

- 7(a)(1) – “All other Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species.”
 - Examples: data collection, monitoring, funding research needs, etc.
 - Use recovery plan to identify needs
- 7(a)(2) – “Each Federal agency shall...insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary...to be critical...”
 - Action agencies request consultation
 - Work to avoid and minimize effects
 - Results in letters of concurrence or biological opinions

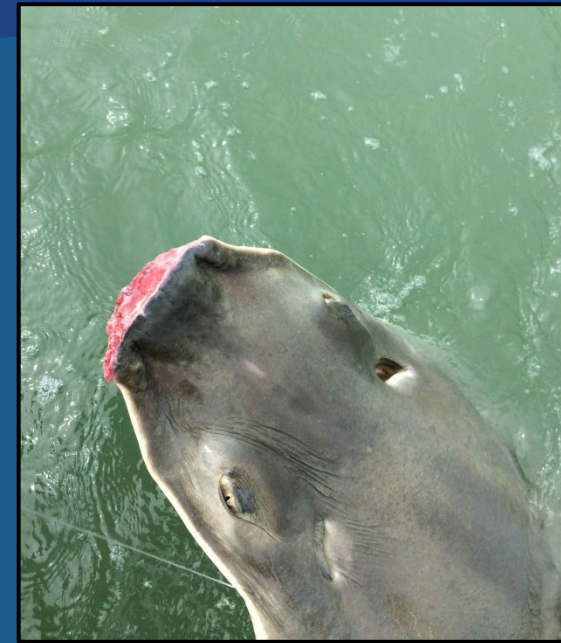
Recovery Plan Specifics

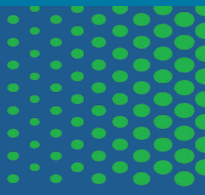
- Three objectives necessary for the conservation and survival of the US DPS of smalltooth sawfish
 1. Minimize human interactions and associated injury and mortality
 2. Protect and/or restore habitats
 3. Ensure abundance increases substantially and the species reoccupies areas from which it had been previously extirpated
- Numerous recovery criteria associated with each objective (downlisting and delisting criteria)
- Recovery actions for achieving each criterion



Ongoing Threats

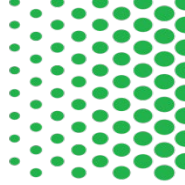
- Recreational fishery – mishandling
- Commercial fisheries – **Shrimp trawling**
- Illegal trade (small scale)
- Habitat loss - coastal development
- Entanglement





Future Outlook

- Considerable research & management progress since listing
- Increased public awareness
- Smalltooth population is at least stable and likely increasing
 - 1995 Florida net ban and ENP likely saved & continue to aid the species
 - Recovery is expected to take decades
- Remaining concerns...
 - Federal funding levels
 - Enforcement
 - Emerging threats as the species recovers
 - Building additional public awareness





FDOT and Endangered Species Act Compliance in Construction Contracts

February 22, 2022 – ESA Consultation Process Webinar
Series Part 2



FDOT Specifications Quick Overview



PERMITTING
COMPLETE



FINAL DESIGN
PLANS

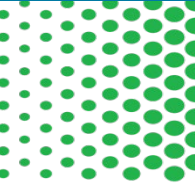


SPECIFICATIONS
PACKAGE



ADVERTISE
CONTRACT FOR
CONSTRUCTION

Contract Documents



From Section 1-3 Definitions of Standard Specification

The term “Contract Documents” includes: Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, **Specifications, Plans (including revisions thereto issued during construction)**, Estimated Quantities Report, Standard Plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, work orders and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract.

Definitions

Specifications.

The directions, provisions, and requirements contained herein, together with all stipulations contained in the Contract Documents, setting out or relating to the method and manner of performing the work, or to the quantities and qualities of materials and labor to be furnished under the Contract.

Standard Specifications: “Standard Specifications for Road and Bridge Construction” an electronic book, applicable to all Department Contracts containing adopted requirements, setting out or relating to the method or manner of performing work, or to the quantities and qualities of materials and labor.

Special Provisions: Specific clauses adopted by the Department that add to or revise the Standard Specifications or supplemental specifications, setting forth conditions varying from or additional to the Standard Specifications applicable to a specific project.

Modified Special Provisions Project-specific modification to an existing Specification, used to meet the needs of an individual project.

Specification Package

A signed and sealed document prepared for inclusion in the contract, comprised of the following components as applicable:

- Supplemental Specifications
- Special Provisions
- Developmental Specification
- Mandatory Revisions
- Modified Special Provisions
- Technical Special Provisions
- Supplemental Specifications Package



Governing Order of Documents

Special Provisions (includes MSPs)

Technical Special Provisions

Project Plans

Standard Plans

Developmental Specifications

Supplemental Specifications

Standard Specifications

FDOT Specifications Library



[Standard Specifications Library \(fdot.gov\)](https://www.fdot.gov/specifications)

[January 2022 Distribution Bulletin](#)

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Revisions to the published Standard Specifications for Road and Bridge Construction may be implemented to enhance safety; reduce costs; comply with new laws, rules or policies; incorporate new technology; update industry standards or practices; and other critical updates.

[January 2022 eBook - History of Revisions](#)

[January 2022 Redline eBook](#)

[January 2022 Workbook](#)

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SECTION 7 LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC

7-1 Laws to be Observed.

7-1.1 General: Become familiar with and comply with all Federal, State, and Local Rules and Regulations that control the action or operation of those engaged or employed in the work or that affect material used. Pay particular attention called to the safety regulations promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). In addition, comply with Chapter 403, of the Florida Statutes, regarding control of air pollution. Direct special attention to that portion of Chapter 62-256, Rules of the Department of Environmental Protection, Florida Administrative Code, pertaining to open burning in land clearing operations. Where work or structures included in the Contract are in "Navigable Waters of the U.S.," (reference 33 of the Code of Federal Regulations, Part 329); "Waters of the U.S.," (reference 33 of the Code of Federal Regulations, Parts 323 and 328); or "Waters of the State," (reference Part 4, Chapters 253 and 373 of the Florida Statutes and Section 62-340 of the Florida Administrative Code); comply with the regulatory provisions of Section 404 of the Federal Clean Water Act of 1977; Sections 9 and 10 of the Federal River and Harbor Act of 1899; Chapter 161 of the Florida Statutes; and any local authority having jurisdiction over such waters.

Comply with Part IV, Chapter 378, of the Florida Statutes regarding land reclamation. Direct special attention to Chapters 62C-36 and 62C-39 of the Florida Administrative Code. Submit the Notice of Intent to Mine to:

Department of Environmental Protection
Collins Building
2051 East Dirac Drive
Tallahassee, Florida 32310-3760

with a copy to the Engineer. The Engineer will determine consistency with the environmental documents prior to commencement of mining.

Obtain certification from the Construction Industry Licensing Board as required by Part I, Chapter 489, of the Florida Statutes, regardless of exemptions allowed by subsection 489.103, prior to removing underground pollutant storage tanks. Dispose of tanks and pollutants in accordance with the requirements and regulations of any Federal, State, or local, agency having jurisdiction.

Prior to building construction or renovation, submit current registrations or certifications issued by the Florida Construction Industry Licensing Board in accordance with Chapter 489, for the appropriate category of construction.

Corporations must be registered with the State of Florida, Department of State, Division of Corporations, and hold a current State Corporate Charter Number in accordance with Chapter 607, Florida Statutes.

The Contractor or the authorized subcontractor applying the roofing material must be licensed or be an approved dealer and applicator of the proposed roofing material.

Indemnify, defend, and save harmless the Department and all of its officers, agents, and employees, in the amount of the Contract price, against all claims or liability arising from or based on the violation of any such Federal, State, and Local Rules and Regulations, whether by himself or his employees.

Species Requirements during Construction



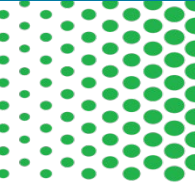
FDOT Standard Specification



FDOT Special Provisions



FDOT Modified Special
Provisions



7-1.4 Compliance with Federal Endangered Species Act and other Wildlife

Regulations: The Federal Endangered Species Act requires that the Department investigate the potential impact to a threatened or endangered species prior to initiating an activity performed in conjunction with a highway construction project. If the Department's investigation determines that there is a potential impact to a protected, threatened or an endangered species, the

Department will conduct an evaluation to determine what measures may be necessary to mitigate such impact. When mitigation measures and/or special conditions are necessary, these measures and conditions will be addressed in the Contract Documents or in permits as identified in 7-2.1.

In addition, in cases where certain protected, threatened or endangered species are found or appear within close proximity to the project boundaries, the Department has established guidelines that will apply when interaction with certain species occurs, absent of any special mitigation measures or permit conditions otherwise identified for the project.

These guidelines are posted at the following URL address:

https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/implemented/urlinspecs/files/endangeredwildlifeguidelines.pdf?sfvrsn=e27baf3f_2.

Take responsibility to obtain this information and take all actions and precautions necessary to comply with the conditions of these guidelines during all project activities.

Prior to establishing any off-project activity in conjunction with a project, notify

Standard Specification for Species

INCLUDED IN ALL CONSTRUCTION CONTRACTS

Standard Specification – Section 7-1.4

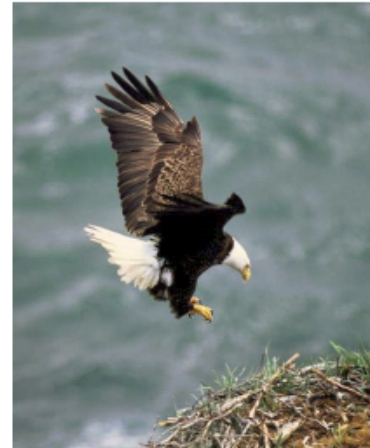
FDOT Contractor Requirements for Unanticipated Interaction with Protected Species

Revised 8-17-17

FDOT Contractor Requirements for Unanticipated Interaction with Protected Species

These requirements are included as part of all projects and must be followed by contractors for transportation projects where interaction with protected species is not anticipated and the following conditions exist: A no effect determination has been made, no commitments have been made (as described in FDOT Procedure # 700-011-035), and/or no permit conditions exist.

These requirements address common protected species that may be encountered on FDOT projects. These Requirements DO NOT address all protected species found in Florida. These species are protected under the Endangered Species Act or state regulations. Do not kill or harass (scare off, feed, capture, harm, etc.) these species, there are civil and criminal penalties associated with harming, harassing or killing them. In the event that a protected species is encountered during construction activities, immediately contact the Construction Project Administrator (CPA) who will coordinate with the District environmental staff.



Bald Eagle

Adult bald eagles (*Haliaeetus leucocephalus*) are identified by their black body with white head and tail. If a bald eagle(s) is observed in the active work area, do not disturb it and allow it to leave the area on its own.

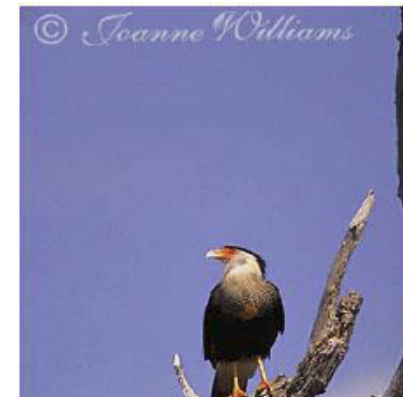
Report the sighting immediately to the CPA who will coordinate with the District environmental staff to determine follow up activities. Bald eagles typically nest from October- June. Bald eagle nests are very large and typically found at the top of tall trees. If a nest is identified within 660 feet of the active work area, the Contractor must stop work and report the sighting to the CPA. The CPA will coordinate with the District environmental staff which will determine if it is a bald eagle nest, and as appropriate, the District will consult with US Fish and Wildlife Service (USFWS) and inform the Contractor of any changes to the project. The Contractor shall not resume project activities within the affected areas until additional direction is provided by the CPA.

Audubon's Crested Caracara

Audubon's crested caracara (*Polyborus plancus audubonii*) are large birds of prey with a large head with a black cap and crest. If an Audubon's crested caracara(s) is observed in the active work area, do not disturb it and allow it to leave the area on its own.

Report the sighting immediately to the CPA who will coordinate with the District environmental staff which will determine follow up activities.

If a nest is identified within the construction area the District environmental staff will consult with FWC and USFWS. The CPA will





Work Not Covered By the Standard Specs?...There is a Standard Spec for That

4-2 Work not covered by Standard Specifications.

Proposed construction and any contractual requirements not covered by these Standard Specifications may be covered by Contract Plan notes or by Supplemental Specifications or Special Provisions for the Contract, and all requirements of such Supplemental Specifications or Special Provisions shall be considered as a part of these Specifications.

7-2 Permits and Licenses.

7-2.1 General: Except for permits procured by the Department, as incorporated by Special Provision expanding this Subarticle, if any, procure all permits and licenses, pay all charges and fees, and give all notices necessary and incidental to the due and lawful prosecution of the work.

[Return to Table of Contents](#)

Standard Specification for Permits

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – PERMITS AND LICENSES (PERMITS PROCURED BY THE DEPARTMENT).

(REV 11-10-16) (FA 1-26-17) (1-22)

SUBARTICLE 7-2.1 is expanded by the following:

All Permits procured by the Department are posted on the Department's website at the following URL address:
<https://ftp.fdot.gov/public/folder/HkSWIK59G0qRNsAJUh3xXg/permitsandorutilityworkschedules>. Take responsibility to obtain this information and comply with all requirements posted on this website up through five calendar days before the opening of bids.

Comply with the provisions contained in these permits.

If the Department's web site cannot be accessed, contact the Department's Specifications Office Web Coordinator at (850) 414-4101.

Special Provision for Permits

- ONLY INCLUDED IN CONTRACTS IF FDOT PROCURED PERMITS

Permit Conditions – Agency Developed Species Protection Measures

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE U.S. Fish and Wildlife Service August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least 30 days prior to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

FDOT Specifications Library



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[January 2022 Distribution Bulletin](#)

[January 2022 Standard Specifications eBook](#)

[Signed and Sealed Record Copy](#)

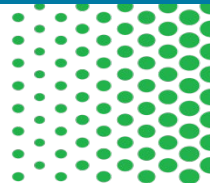
Revisions to the published Standard Specifications for Road and Bridge Construction may be implemented to enhance safety; reduce costs; comply with new laws, rules or policies; incorporate new technology; update industry standards or practices; and other critical updates.

[January 2022 eBook - History of Revisions](#)

[January 2022 Redline eBook](#)

[January 2022 Workbook](#)

Workbook



[Home](#) / [Program Management](#) / [Implemented](#) / [WorkBooks](#)

January 2022 Workbook

Implemented Modifications to the 2022 Standard Specifications

January 2022 Workbook

for Lettings Effective January - June 2022

[Special Provisions](#) - Specific clauses adding to or revising the Standard Specifications, setting forth conditions varying from or additional to the Standard Specifications for a specific project.

[Supplemental Specifications](#) - Additions or revisions to the Standard Specifications.

[History of Revisions](#) - To review the History of revisions for this Workbook.

Mandatory Revisions - Critical modifications implemented for the Workbook.

<p>ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (BEAR). (REV 6-6-17) (FA 6-13-17) (1-22)</p> <p>Changes to: 7-1.4.</p>	<p>SP0070104-1</p>	
<p>LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (EAGLE). (REV 6-16-17) (FA 6-28-17) (1-22)</p> <p>Changes to: 7-1.4.</p>	<p>SP0070104-2</p>	<p>Use when called for by the District Environmental Permit Office (Eagle)</p>
<p>LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (GOPHER TORTOISE). (REV 6-15-17) (FA 6-20-17) (1-22)</p> <p>Changes to: 7-1.4.</p>	<p>SP0070104-3</p>	<p>Use when called for by the District Environmental Permit Office (Gopher Tortoise)</p>
<p>LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (MANATEE). (REV 5-13-20) (FA 6-29-20) (1-22)</p>	<p>SP0070104-4</p>	<p>Use when called for by the District Environmental Permit Office (Manatee)</p>

Special Provisions for Species

- Florida Black Bear
- Bald Eagle
- Sea Turtles
- Manatee
- Non-listed Bat Exclusion
- Sea Grass
- Smalltooth Sawfish
- Sturgeon
- Gopher Tortoise
- Eastern Indigo Snake

- ONLY INCLUDED IN CONTRACTS IF APPLICABLE TO PROJECT

Example Special Provision

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (STURGEON).
(REV 6-24-20) (FA 8-24-20) (1-22)**

SUBARTICLE 7-1.4 is expanded by the following:

The Department has determined that the project occurs within the habitat of Atlantic, Gulf or Shortnose sturgeon.

The Department will provide instruction at a preconstruction meeting regarding:

1. The presence of the species.
2. The appearance, habits, biology, migratory patterns and preservation of the species.
3. Their protected status.
4. The need to avoid collisions with these species.
5. The civil and criminal penalties for harming, harassing, or killing these species.

Provide a spotter for the following:

Projects with Gulf sturgeon in estuarine/marine habitats from Tampa Bay Northward to Pensacola from November 1st through April 30th.

Projects with Gulf sturgeon in riverine habitats from March 1st through October 31st.

Projects with Atlantic and Shortnose sturgeon in all habitat types, from



Example Special Provision

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (GOPHER TORTOISE).
(REV 6-15-17) (FA 6-20-17) (1-22)**

SUBARTICLE 7-1.4 is expanded by the following:

Certain gopher tortoise (*Gopherus Polyphemus*) burrows are to remain within the project area, as shown in the Plans, and must be protected. Avoid ground disturbing impacts within a 25 foot radius of each burrow. Install and maintain silt fence in accordance with Section 104 as a means of burrow avoidance, ensuring that it opens towards the offsite project limits, does not herd tortoises toward an obstacle, and that burrows are not fully encircled. Install fence prior to any other construction activity. Replace fence in the same location as the original fence. Remove fence upon completion of construction.

Silt fence intended for burrow avoidance may also be used as silt fence for erosion control but shall not be considered as the only silt fence needed for erosion control purposes within the project limits.

Follow the gopher tortoise species requirements posted in the URL address in 7-1.4 when gopher tortoises are observed or previously unidentified burrows are discovered.

Example Special Provision

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – LAWS TO BE OBSERVED – COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (SEAGRASS BEDS).

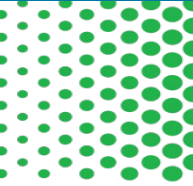
(REV 10-3-18) (FA 12-11-18) (1-22)

SUBARTICLE 7-1.4 is expanded by the following:

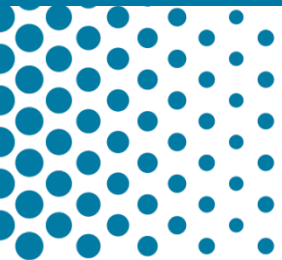
The Department has determined that seagrass beds are located within or nearby the project area. The approximate location of the seagrass beds is provided in the Plans.

Do not place material or equipment, including barge anchorage and turbidity barriers, over or within seagrass beds to prevent shading and scour impacts.

Avoid seagrasses whenever possible and operate at no wake speeds when transiting areas containing seagrass beds. Maintain a minimum one-foot vessel clearance over seagrass beds.



Example Modified Special Provisions



Example Modified Special Provision #1

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (GOPHER TORTOISE).

(REV 11-11-21)

SUBARTICLE 7-1.4 is expanded by the following:

Certain gopher tortoise (*Gopherus Polyphemus*) burrows are to remain within the project area, as shown in the Plans, and must be protected. Avoid ground disturbing impacts within a 25 foot radius of each burrow. Install and maintain silt fence in accordance with Section 104 as a means of burrow avoidance, ensuring that it opens towards the offsite project limits, does not herd tortoises toward an obstacle, and that burrows are not fully encircled. Install fence prior to any other construction activity. Replace fence in the same location as the original fence. Remove fence upon completion of construction.

Silt fence intended for burrow avoidance may also be used as silt fence for erosion control but shall not be considered as the only silt fence needed for erosion control purposes within the project limits.

Follow the gopher tortoise species requirements posted in the URL address in 7-1.4 when gopher tortoises are observed or previously unidentified burrows are discovered.

Provide an Authorized Gopher Tortoise Agent (AA) with a valid Florida Fish and Wildlife Conservation Commission (FWC) Permit allowing the AA to perform at a minimum the following activities as defined by the current FWC Gopher Tortoise Permitting Guidelines:

Gopher Tortoise Surveys; Capture Gopher Tortoises by Bucket Trap, Hand Shovel, and Backhoe Excavation; Supervision of Gopher Tortoise burrow excavation using mechanical equipment, and transportation and marking of recovered tortoises.

Prior to any gopher tortoise relocation, coordinate with the Engineer and Florida's Turnpike Enterprise Environmental Management Office to modify the issued original FWC Gopher Tortoise Conservation Permit to reflect the Contractor's AA as the one to carry out the permitted activities.

Capture and coordinate the transport and marking (if not completed by recipient site) of recovered gopher tortoises from the project site to the designated recipient site as required by the FWC Gopher Tortoise Conservation Permit. Provide a minimum of 48 hours notification to the designated recipient site to accept the recovered gopher tortoises from the project site. Recipient Site Contact will be provided in the FWC Gopher Tortoise Conservation Permit.

Install and maintain silt fence adjacent to and within the limits of gopher tortoise relocation activities to exclude tortoises from entering the areas that have been cleared of gopher tortoises. Install silt fence within 24 hours of any relocation activities. No clearing or ground disturbing work shall begin in gopher tortoise habitat until all tortoises have been properly removed and/or protected.



Example Modified Special Provision #2

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – LAWS TO BE OBSERVED - COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (FLORIDA SANDHILL CRANE).

(REV 12-3-20)

SUBARTICLE 7-14 is being expanded by the following new Sub article:

7-1.4.1 Additional Requirements for Florida Sandhill Crane (*Antigone canadensis pratensis*): An active Florida sandhill crane nest is located within 400 feet of the project as shown in the Plans:

The Department will provide instruction at a preconstruction meeting regarding:

1. The presence of the species and the documented nest site.
2. The appearance, habits and biology of the species.
3. Their protected status.
4. The need to avoid activities within 400 feet of the nest site.
5. The civil and criminal penalties for harming, harassing, or killing

these species.

Advise all work crews of this information.

No construction activities can occur, including staging of equipment, within 400 feet of any active Florida sandhill crane nest. No construction activities can occur within 1500 feet of the nest site when flightless young are present until 70 days old. Nesting most commonly occurs from December 1 through August 31. The FDOT, or its designated agent, will survey and monitor the nest and flightless young, and provide updates to the Engineer.

Construction activities more than 400 feet from a nest may be conducted, at any time of year, with no coordination required with the USFWS or FWC.

When new or alternate nests are observed, report the nest location to the Engineer to obtain further direction.

Example Modified Special Provision #3

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC - PRESERVATION OF EXISTING PROPERTY.

(REV 8-11-16)

SUBARTICLE 7-2 is expanded by the following new Subarticles:

7-2.5 Mangroves: Any trimming or disturbance to mangroves shall comply with Sec 403.9321-9333 F.S., "Mangrove Trimming and Preservation Act"; A Professional Mangrove Trimmer, designated per 403.9329 F.S., must be present on site throughout the duration of all mangrove trimming or disturbance activities.

Example Modified Special Provision #4

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE REGULATIONS (CORAL).

(REV 12-16-19)

SUBARTICLE 7-1.4 is expanded by the following new Subarticle:

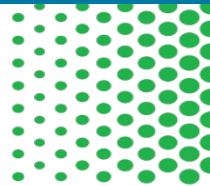
7-1.4.1 Additional Requirements for Coral: The Department has determined that hard/soft coral (coral) colonies are located within or nearby the project area. The approximate location of coral is provided in the Plans.

Avoid interaction with coral whenever/wherever possible. Operate at no-wake speeds when within a range, as determined by the Engineer, of areas containing coral, and maintain a minimum one-foot vessel clearance over coral.

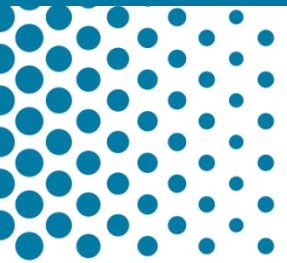
Place sedimentation and/or turbidity barriers upstream, as determined by the Engineer, of any coral location.

Do not place material or equipment, including barge anchorage and turbidity barriers, over, or within, the coral locations. Do not place equipment that may shade any coral location.

QUESTIONS



Session 2 Wrap-Up



Questions?

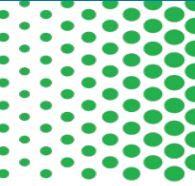
End of Session 2 – Overview of ESA Consultation from USFWS, NMFS



Consultation Process

- Initiating Consultation
- Effects determinations
- Concurrence
- Biological Opinions
 - Incidental Take
 - Reinitiation & Post-Consultation Processes
- Species Highlights
 - **Smalltooth Sawfish** – Adam Brame, NMFS
- FDOT Specifications – Katasha Cornwell, FDOT
- Questions, reflections?

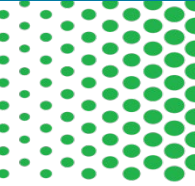
Wrap-Up: ESA Consultation Process- Part 2



Thank you for participating!

- Remember to register for ESA Webinar 3 – March 1, 2022
- Next weeks webinar will continue with the FWS and NMFS consultation process as it relates to example transportation projects as well as hear species specific presentations on the sea turtle, snail kite, and giant manta ray.

Session 3 – Practical examples/exercises regarding ESA consultation and species highlights



- Review of On-line Resources
- USFWS examples – walk us through a project.
- NMFS example – walk us through a project.
- **Specific species presentations and presenters**
 - Species Highlight **Sea Turtles** – Lucas Davis, USFWS
 - Species Highlight **Sea Turtles** – David Rydene, NMFS
 - Species Highlight **Snail Kite** – Victoria Garcia, USFWS
 - Species Highlight **Manta Ray** – Calusa Horn, NMFS

Thanks for participating and we will see you next week.

