



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN J. THIBAUT, P.E.
SECRETARY

August 7, 2020

Khoa Nguyen
Director, Office of Technical Services
Federal Highway Administration
3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312

Re: State Specifications Office
Section: **SP0070104-8**
Proposed Specification: **SP0070104-8 Legal Requirements and Responsibility to the Public – Laws to be Observed – Compliance with Federal Endangered Species Act and other Wildlife Regulations (Sturgeon).**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Special Provision.

The changes are proposed by Katasha Cornwell by the Environmental Management Office to address all three species of sturgeon that may be encountered on transportation projects.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to daniel.strickland@dot.state.fl.us.

If you have any questions relating to this specification change, please call me at 414-4130.

Sincerely,

Signature on file

Daniel Strickland, P.E.
State Specifications Engineer

DS/vc

Attachment

cc: Florida Transportation Builders' Assoc.
State Construction Engineer

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)

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

7-1.4.1 Requirements for Atlantic Sturgeon, Gulf and Shortnose Sturgeon ; Gulf subspecies (*Acipenser oxyrinchus desotoi*): The Department has determined that the project occurs within the habitat of Atlantic, ~~G~~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 need to avoid any actions that would jeopardize the existence of these species.~~

56. The civil and criminal penalties for harming, harassing, or killing these species.

~~7. The times of year when the spotter will be required.~~

Provide a spotter for the following: ~~at appropriate times of the year during in-water construction activities~~

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 Cape Canaveral Northward to Jacksonville, year-round. During required timeframe, spotter ~~to~~will maintain constant surveillance for the species; during in water work activities, which include pile driving, vessel operations, both motorized, and non-motorized, and extending equipment or material in the water, and assure adherence to the requirements posted in the URL address in Spec 7-1.4.; ~~and assure that uninhibited passage for these fish is provided.~~

Do not restrict passage for these fish.

Post signs on site warning of the presence of sturgeon and their federal protection.

Use floating turbidity barriers made of material which sturgeon cannot become entangled or entrapped ~~of appropriate dimension to restrict sturgeon access to or entrapment in the work area~~. Properly secure, regularly monitor and maintain all deployed sediment and turbidity barriers ~~to prevent entanglement and entrapment~~. Immediately free sturgeon trapped in sediment or turbidity barriers.

Do not dredge the river bottom for barge access.

Lower all equipment or material to the mudline in a controlled descent. Do not allow freefall of any equipment or material below the water surface.