

SP0070104-11 LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC-LAWS
TO BE OBSERVED-COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND
OTHER WILDLIFE REGULATIONS (BATS IN BRIDGES)
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

Tom Andres
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Comments: (10-17-18, Internal)

- If the bats are rooting behind the MSE wall panels, and not in the bridge, then the specification as written is not sufficient. Expand specification to clarify intent, as necessary.
- Does “methodology for securing all openings half an inch or greater in size” infer that the openings are to be blocked – like with a polystyrene foam? Is this blocking element different from the exclusion devices? Should the blocking element(s) be removed at the end of construction? Clarify intent.

Response: Bullet #1: Change Incorporated. Bullet #2: Exclusions are designed to allow exit from openings, but prevent reentry of bats so that over the course of a few days all bats are humanely evicted from the structure. This is usually accomplished through some type of netting/funnel/similar material (not foam or any that is secured tightly over the entry/exit points, but is open on the bottom to allow bats to fall out and exit during the nightly emergencies. Yes, exclusion devices should be removed when construction is completed (incorporated).

Chris Sweitzer
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Comments: (10-26-18, Industry)

Last sentence of paragraph 2 seems to conflict with the first one in paragraph 3 unless you are limiting work on the bridge to that window. If the intent of the last sentence of paragraph 2 is to limit the initial installation of bat exclusion devices to the specified time window then I suggest a bit of clarification, such as "Initial installation of bat exclusion devices can only occur from...".

Response: Time period restriction is only for initial installation, once in place the exclusion devices can be maintained year-round. Will clarify with suggested language.

Ananth Prasad
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Comments: (10-26-2018, Industry)

Comment 1. Will there be a note on the plans or Specs that this is required? You can usually see the bat guano but I couldn't tell if it is current or from years ago. Why would this not be a change order situation? Why are we adding more incidental work on the contractors? What happens if bridge work is on critical path and we need to work at this location between April and August? 2. The first paragraph identifies that a bridge has bats. The second paragraph starts with: Exclude all bats from the structure prior to commencing work on the structure The verb exclude means to deny access.....but if the bats are present prior to construction, then is the contractor responsible

to REMOVE the existing bats? Do we wait until they fly out at night and then exclude them from coming back in? Or will the FDOT give us a bat free bridge and we go ahead and install the exclusion devices? 3. I echo the concern as it relates to schedule. Typically this concern or timeframe is not contemplated when FDOT lets a project or provides a notice to proceed. At a minimum, projects with a NTP within the timeframe in which you cannot exclude the bats should have special consideration Would like disposition of these comments send to aprasad@ftba.com

Response: Response: Response from Dan Hurtado: Ananth, thank you for your comments. This email will be included in the final Response to Comments at the end of the review period. The originator can provide more detailed answers then but, as an initial response:

- This Spec will not go into the Book as a Standard Spec. It will only be added to the Spec's package on projects where bats are known to already be in the bridge. We won't ask the contractor to make that determination.
- The Bat Exclusion devices (usually nets of some sort) are made to allow bats to fly out but not to fly back in again. The contractor is not directed to remove the bats. As the bats leave each night and are not able to re-enter, they gradually remove themselves.
- Since these bats are protected by state law, we are not allowed to exclude them from re-entering the structure between April and August due to their nesting season. This is a requirement of state law, we're just making it clear in the Spec.
- I understand the concern about the timing of lettings. I will forward this to our Design folks to see how this is considered during the schedule development process.
 - Districts do incorporate exclusion timing already into their project scope/schedules.

Dan Hurtado
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Comments: (10-26-18, Industry)

1st sentence, 2nd paragraph: Replace the words, "Exclude all bats from the structure" with the words, "Install bat exclusion devices on the structure". The direction to "exclude" bats can be misconstrued with a requirement to actively remove them.

Response: Change incorporated.

Brian Blair
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Comments: (11-2-2018, Industry)

Please clarify how the Contractor is compensated (pay item) for this work.

Response: We do not normally have any pay items associated with Division 1 specs (Sections 1-9). For the Section 7 spec, no payment is needed.

Ann Broadwell
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Comments: (11-21-2018, Industry)

Is it possible to require contractor to contact District Environmental Management Office regarding the re-installation of the exclusion devices? It is not something I am comfortable having a roadway contractor do.

Response: Considered but no change made. To avoid construction delays, we will require the contractor to have appropriate personnel to make repairs. If other circumstances warrant, the district can modify the language through an MSP to allow a district-wide contract personnel to repair the exclusion devices.

Martin Horwitz
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Comments: (11-21-2018, Industry)

The specification does not indicate any requirements or guidelines for the exclusion devices/required Bat Exclusion Plan. Should it reference the current FWC guidelines at a minimum? • Will EMO be responsible for reviewing/approving the Bat Exclusion Plan as well as coordinating with the Contractor for changes to their plan if needed or will Construction be handling this? • Will this specification remove the need to provide bat exclusion details within the Construction Plans as currently done for FTE projects?

Response: No we are not going to specify any specific guidelines, instead we are requiring the specialty contractor/biologist. Turnpike/Districts need to coordinate with the CEI team on who is responsible for reviewing the exclusion plan. Turnpike should use either plan sheets or this spec, we do not suggest using both since this spec requires a specialty contractor.
