

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

(REV 5-25-17) (FA 6-28-17) (1-18)

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

7-1.4.1 Requirements for Atlantic Sturgeon, Gulf subspecies (Acipenser oxyrinchus desotoi): The Department has determined that the project occurs within the habitat of gulf 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.
6. 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 at appropriate times of the year during in-water construction activities to maintain constant surveillance for the species; 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.

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

Use floating turbidity barriers 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.