

## **ENDANGERED SPECIES.**

**(REV 2-27-96) (FA 3-26-96) (1-03)**

SUBARTICLE 7-1.4 (Pages 57 and 58) is expanded as follows:

Suitable habitat for the Manatee is located within the limits of this project and the water management district permit contains specific conditions in regard to Manatee protection.

The Contractor will be held responsible for any Manatees harmed, harassed, or killed as a result of project construction.

Take the following precautions to protect the Manatee:

(1) Advise construction personnel of the Manatees, of its endangered status, and of the need to avoid any actions that would jeopardize the existence of Manatees.

(2) Advise all work crews that there are civil and criminal penalties for harming, harassing, or killing Manatees.

(a) The Florida Manatee Act states: It shall be unlawful for any person at any time, by any means, or in any manner intentionally or negligently to annoy, molest, harass, or disturb any Manatee; capture or collect or attempt to capture or collect any Manatee; pursue, hurt, wound, or kill any Manatee; or possess literally or constructively, any Manatee or any part of any Manatee. Any person violating the provisions of this paragraph shall be guilty of a misdemeanor of the first degree.

(b) Additional penalties of fines up to \$20,000 and one year imprisonment, or both, are provided for under the Federal Endangered Species Act of 1973, as amended, and the Marine Mammal Protection Act of 1972.

(3) Instruct appropriate work shift personnel in the appearance, habits, biology, migratory patterns, and preservation of the Manatee. At least one of these trained personnel shall be present on-site during construction activities to maintain a constant surveillance for Manatees, assure the cessation of ensure activities (such as dredging, excessive turbidity, and construction barge activity), that may endanger Manatees cease, and assure that uninhibited passage for the animal is provided.

Instruct all work crews associated with the project of Manatees and the need to avoid collisions with Manatees.

(4) Post signs in the waterway to safeguard Manatees in the project area. Specific warning sign and design placement is a condition of the Water Management District.

The Contractor shall abide by the following permit conditions:

(1) Reporting of Manatee activity is required:

(a) Post the Manatee Hotline Number (1-888-404-FWCC) at on-site telephones to be used for information or help in dealing with Manatee problems. Telephone reports must be made immediately to the Florida Fish and Wildlife Conservation Commission (Manatee Hotline Number) and the U.S. Fish and Wildlife Service (Jacksonville - North Florida Field Office: 904-232-2580 or Vero Beach - South Florida Field Office: 561-562-3909) in the event of any injury, collision with, or killing of Manatees.

(b) Keep a log detailing sightings, collisions or other contact with Manatees as events occur during construction. When work is completed, forward this data to Florida Department of Environmental Protection, Marine Research Institute, Office of Protected Species Research, 100 Eighth Ave., S.E., St. Petersburg, FL 33701-5095; and the U.S. Fish and Wildlife Service, 6620 South Point Drive, South, Suite 310, Jacksonville, FL 32216-0758 Attn: Bob Turner.

(2) Operate all vessels associated with the project at "no wake/idle" speed at all times.

(3) Cease all construction activity in open water when a Manatee is sighted within 300 feet [90 m] of the project area. Construction may not resume until the Manatee has departed the area.

(4) No construction debris shall be disposed of into the water.

(5) Prior to blasting and bridge demolition activity, conduct a visual survey of the affected areas to determine if any Manatees are present. If Manatees are present, cease work until they are safely out of the area.

Take the following precautions if the project area contains suitable habitat for sea turtles:

Prior to blasting activity, conduct a visual survey for an area with a 500 foot [150 m] radius from the center of each blast site for sea turtles.

This visual survey consists of an underwater search by a scuba dive team and a surface search by boat(s). Conduct the underwater search within a 160 foot [50 m] radius from the blast site. The boat(s) will search the total survey area (500 foot [150 m] radius from center of blast) for free swimming turtles in the water column. If any turtles are located within the survey area, take the following measures:

a. Relocate all turtles found as permitted under the provisions of the National Marine Fisheries Service (NMFS), Southeast Fisheries Center Research Permit, or under a new research permit obtained from U.S. Department of Interior, applied for by the Department specifically for turtle relocation. Coordinate elements of the survey and relocation plan with NMFS, Southeastern Regional Office.

b. Do not begin blasting until the survey is complete and turtles found have been satisfactorily relocated.