

SP0070104-3 LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC-
COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER WILDLIFE
REGULATIONS.

COMMENTS FROM INTERNAL/INDUSTRY REVIEW

Arthur Berger

Comments: (Internal, 04-07-17)

Art Berger
4-7-17

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC –
COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER
WILDLIFE REGULATIONS – GOPHER TORTOISES.
(REV 1-31-17)

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

7-1.4.1 Additional Requirements for Gopher Tortoises: Certain gopher tortoise burrows are to remain within the project area, as shown on the plans, and must be protected. Avoid ground disturbing impacts within a 25 foot radius of each burrow. Install silt fence or barricade fence as a means of burrow avoidance, ensuring that it opens towards the offsite project limits and that burrows are not fully encircled. Install fence prior to any other construction activity. Maintain fence throughout the duration of the construction. Replace fence as soon as it is no longer functioning for burrow avoidance or as directed by the Engineer. Replace fence in the same location as the original fence. Remove fence upon construction completion.

completion
of

Silt fence intended for burrow avoidance may also double 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.

Response: Revised as suggested.

John Moore

885-5461

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Comments: (Industry, 04-19-17)

The Proposed Special Provision looks very similar to the versions that have been approved recently as MSPs. I have no comments regarding the protection of Gopher Tortoises remaining in place. I strongly recommend that we prepare a special provision for Gopher Tortoises that have to be relocated. Standards have been in existence for many years by the Fish and Wildlife conservation Commission has proven standards and we have recently received an MSP that addresses this effort.

Response: Recommendation taken under advisement and will be considered for future special provision development.

Megan Miller
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Comments: (Industry, 04-19-17)

SP0070104-3 references silt fence or barricade fence as a means of burro avoidance. If barricade fence is used, will there be a corresponding pay item for it?

Response: removed option for barricade fence.

District 5 Construction Operations Office
(386) 943-5347

Comments: (Industry, 05-5-17)

(Gopher Tortoises) – Clarify silt fence allowed for erosion control (payment methods too)

Response: Minor revision to try to clarify.

Casey Lyon
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Comments: (Industry, 05-11-17)

Gopher tortoise – it may be of benefit to have an environmental representative at the Pre-Construction meeting to alert the contractor to the items listed in the sea turtle, gulf sturgeon, manatee, and smalltooth sawfish SPs. Does it need to be stated that the exclusionary measures will not herd the gopher tortoise towards an obstacle, such as a ROW fence?

Response: Clarification regarding herding tortoises added.

Tiffany Crosby
(407) 264-3828

Comments: (Industry, 05-11-17)

Please include scientific name.

Response: Added.

Please clarify “Barricade” fence is included in the Standard Specifications ebook. Preliminary review of the July 2017 edition did not find reference to this item.

Response: removed option for barricade fence.

It appears the focus of this specification is to avoid/protect the burrow. Burrows should be excluded from the project activities to avoid impacts to tortoises. Barrier fence included in this specification should be only those types that are trenched in such as silt fence to provide exclusionary protection. Is “Barricade” fence trenched in and/or provide exclusion?

Response: removed option for barricade fence.

This specification does not include the option of requiring the Contractor to conduct/perform gopher tortoise relocation activities within the project area when an FWC relocation permit is obtained. Will an MSP be required for every project to notify the Contractor of these

responsibilities and associated costs? Can an additional specification be provided for these routine situations?

Response: At this time, yes, an MSP is required for the contractor to perform relocation if the project is a design-bid-build project. If the project is Design-Build, the RFP can direct the contractor regarding relocation. Recommendation to develop special provision for relocation by contractor taken under advisement and will be considered for future special provision development.
