



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

MIKE DEW
SECRETARY

June 8, 2017

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

Re: State Specifications Office
Section: 007
Proposed Specification: **SP0070104-5 Legal Requirements and Responsibility to the Public – Compliance with Federal Endangered Species Act and other Wildlife Regulations.**

Dear Mr. Nguyen:

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

The changes are proposed by Katasha Cornwell of the Office of Environmental Management to expand the existing requirements when it is known that smalltooth sawfish involvement exists within the project limits. This will also eliminate the need for modified special provisions.

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

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

Sincerely,

Signature on File

Dan Hurtado, P.E.
State Specifications Engineer

DH/rf

Attachment

cc: Florida Transportation Builders' Assoc.
State Construction Engineer

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC –
COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER
WILDLIFE REGULATIONS.**

(REV ~~5-25-17~~ ~~1-31-17~~)

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

7-1.4.1 Additional Requirements for Smalltooth Sawfish (*Pristis pectinata*):

The Department has determined that the project occurs within the known habitat of smalltooth sawfish.

The Department will provide instruction at a Pre-Construction meeting regarding:

1. The presence of species and limits of critical habitat.
2. The appearance, habits and biology 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.

Advise all work crews of this information.

Provide sediment and turbidity barriers constructed of material in which a smalltooth sawfish cannot become entangled. Secure and monitor the sediment and turbidity barriers to avoid protected species entrapment. Sediment and turbidity barriers may not block smalltooth sawfish entry to or exit from designated critical habitat without prior approval of the Engineer and concurrence from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

Operate all vessels at "Idle Speed/No Wake" at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. Follow marked channels or routes of deep water whenever possible.

All on-site project personnel are responsible for observing water-related activities for the presence of smalltooth sawfish. When smalltooth sawfish are observed, follow the smalltooth sawfish guidelines posted in the URL address in 7-1.4.

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC –
COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT AND OTHER
WILDLIFE REGULATIONS.**

(REV 5-25-17)

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

7-1.4.1 Additional Requirements for Smalltooth Sawfish (*Pristis pectinata*):

The Department has determined that the project occurs within the known habitat of smalltooth sawfish.

The Department will provide instruction at a Pre-Construction meeting regarding:

1. The presence of species and limits of critical habitat.
2. The appearance, habits and biology 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.

Advise all work crews of this information.

Provide sediment and turbidity barriers constructed of material in which a smalltooth sawfish cannot become entangled. Secure and monitor the sediment and turbidity barriers to avoid protected species entrapment. Sediment and turbidity barriers may not block smalltooth sawfish entry to or exit from designated critical habitat without prior approval of the Engineer and concurrence from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

Operate all vessels at "Idle Speed/No Wake" at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. Follow marked channels or routes of deep water whenever possible.

All on-site project personnel are responsible for observing water-related activities for the presence of smalltooth sawfish. When smalltooth sawfish are observed, follow the smalltooth sawfish guidelines posted in the URL address in 7-1.4.