



## *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: SP0070104-6 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 sea turtle 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](mailto: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 5-25-171-31-17)**

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

**7-1.4.1 Additional Requirements for Sea Turtles (*Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, *Lepidochelys kempi*, *Eretmochelys imbricata*):**

The Department has determined that the project occurs within the known habitat of sea turtles.

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 sea turtle cannot become entangled. Secure and monitor the sediment and turbidity barriers to avoid protected species entrapment. Sediment and turbidity barriers may not block sea turtle 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 sea turtles. When sea turtles are observed, follow the sea turtle species 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 Sea Turtles (*Caretta caretta*, *Chelonia mydas*, *Dermochelys coriacea*, *Lepidochelys kempi*, *Eretmochelys imbricata*):**

The Department has determined that the project occurs within the known habitat of sea turtles.

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 sea turtle cannot become entangled. Secure and monitor the sediment and turbidity barriers to avoid protected species entrapment. Sediment and turbidity barriers may not block sea turtle 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 sea turtles. When sea turtles are observed, follow the sea turtle species guidelines posted in the URL address in 7-1.4.