



GDOT Publications

Policies & Procedures

Form Word: 2445-1b - Section 107- Legal Regulations and Responsibility to the Public

Section: Specifications Guidelines

Office/Department: Office of Engineering Services

Reports To: Engineering Services

Contact: 404-631-1000

See [Below](#)

**DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA**

SPECIAL PROVISION

Section 107 – Legal Regulations and Responsibility to the Public

Add the following to Subsection 107.23:

G. Protection of Federally and State Protected Environmentally Sensitive Species

The following conditions are intended as a minimum to protect this species and its habitat during any activities that are in close proximity to the known location(s) of this species.

1. The Contractor shall advise all project personnel employed to work on this project about the potential presence and appearance of the federally protected purple bankclimber, oval pigtoe, shiny-rayed pocketbook, Gulf moccasinshell, and fat three-ridge; the state protected bluestripe shiner, highscale shiner, Southern elktoe, inflated spike, Halloween darter, rayed creekshell, delicate spike, croomia, and shoals spider lily; and the federally protected eastern phoebe, barn swallow, cliff swallow, and bald eagle. All personnel shall be advised there are civil and criminal penalties for harassing, harming, pursuing, hunting, shooting, wounding, killing, capturing, or collecting federal-listed animal species in knowing violation of the Endangered Species Act of 1973; there are criminal penalties for capturing, killing, or selling state-listed animal species in violation of the Georgia Endangered Wildlife Act of 1973; there are criminal penalties for pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting federal-protected birds in violation of the Migratory Bird Treaty Act of 1918; and there are civil and criminal penalties for pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing the federal-protected eagles in violation of the Bald and Golden Eagle Protection Act of 1940. These special conditions are intended as a minimum to protect these species and their habitat during any activities over the Flint River, in the Flint River or any soil disturbing work along the Flint River banks. Pictures and habitat information are attached and shall be posted in a conspicuous location in the Project field office until such time that Final Acceptance of the Project is made.
2. The demolition of the existing bridge at STA 225+10 to STA 227+52 and the replacement of the existing culvert at STA 242+56 to STA 243+38 shall take place outside of the breeding and nesting season of phoebes and swallows, which begins April 1 and extends through August 31, unless exclusionary barriers are put in place to prevent birds from nesting. For bridges, exclusionary barriers may be netting made of plastic, canvas or other materials proposed by the Contractor and approved by the Project Engineer prior to installation. For box culverts, exclusionary barriers may be overlapping strips of flexible plastic (also called “PVC Strip Doors” or “Strip Curtains”) or an alternate material proposed by the Contractor and approved by the Project Engineer prior to installation. Exclusionary barriers must be installed on the bridge(s) and/or box culvert(s) prior to March 1 or after August 31, but in no time in between this period. Exclusionary barriers are not a guaranteed method of preventing migratory birds from nesting beneath bridges and work schedules shall take into account the possibility that barriers will not be successful. If exclusionary barriers are to be used, these steps shall be followed:
 - a. The Project ecologist shall be notified by phone (404) 631-1100 of the decision to install exclusionary barriers and the date of the proposed installation prior to the installation of any exclusionary devices.
 - b. The structure(s) shall be checked for nests prior to the placement of exclusionary barriers. If nests are present, they shall be inspected to ensure that eggs or birds are not present. If the nests are found to be occupied, construction activities associated with the bridge shall be postponed until after August 31 when the breeding season is complete.
 - c. For any box culvert(s) being replaced, exclusionary barriers shall be installed on both the inlet and outlet openings. For any box culvert(s) being extended, exclusionary barriers shall be placed on the opening(s) (inlet and/or outlet) where work is taking place. For bridge(s) being removed, barriers shall be installed along the full length of the bridge(s). In all cases, barriers shall be installed prior to March 1 and left in place until August 31 or until the culvert removal, culvert extension, or bridge demolition is complete. If the exclusionary netting fails to prevent nesting (i.e., birds are able to bypass barriers and build nests), construction activities associated with the bridge shall be postponed until after August 31.
 - d. During construction activities, exclusionary barriers shall be inspected daily for holes or other defects that impair its ability to exclude migratory birds from nesting beneath the bridge. Any holes or defects shall be repaired immediately.
 - e. Entanglement and/or entrapment of barn swallows, cliff swallows, and eastern phoebes in exclusionary netting constitutes harm to migratory birds. In the event that entanglement and/or entrapment of migratory birds in the netting occurs, the

Contractor shall report the incident immediately to the Project Engineer who in turn shall notify the State Environmental Administrator, Georgia Department of Transportation, Office of Environmental Services at (404) 631-1101.

3. In order to protect the habitat of the purple bankclimber, oval pigtoe, shiny-rayed pocketbook, Gulf moccasinshell, fat three-ridge, bluestripe shiner, highscale shiner, Southern elktoe, inflated spike, Halloween darter, rayed creekshell, delicate spike, croomia, and shoals spider lily, all surface water runoff from the undisturbed areas shall be diverted to prevent flow across disturbed areas. This may be accomplished through the use of permanent pipes, temporary pipes or slope drains. The Contractor may propose alternate methods provided prior approval of the Engineer is obtained.
4. All mass grading within 50 feet of the banks of the river shall be completed outside of the spawning season of the above listed species, which extends from February 1st through August 31st.
5. No grading of the river banks shall occur. Cranes shall access rock jetties or temporary work bridges via the crane mats or ramps constructed according to the Construction Exit Detail and be approved by the Project Engineer.
6. The Contractor shall maintain a buffer of existing vegetation on both stream banks of the Flint River by not clearing and grubbing in that zone except as needed and approved by the Project Engineer to complete construction.
7. No construction equipment shall bear directly on the riverbed, including portions of the riverbed exposed during low flow conditions.
8. In-stream construction activities disturbing the substrate of the river shall occur outside of the spawning season of the above listed species, which extends from February 1st to August 31st. Activities prohibited during this time period include construction or removal of any river bent, pile driving, work bridge, water-borne barge, rock jetty, stone ramp, or cofferdam. Activities within cofferdams shall be permitted during the restricted time period provided cofferdams are in place prior to February 1st.
9. The Contractor shall provide an Aquatic Biologist who is prequalified by the GDOT Office of Environmental Services and who holds appropriate federal and state aquatic survey permits. Within 45 days prior to the start of construction, the Aquatic Biologist shall conduct a survey of the work zone for protected mussels. The Aquatic Biologist shall notify the GDOT Ecologist at (404) 631-1101 and the U.S. Fish and Wildlife Service (USFWS) Biologist (GDOT Liaison) at (912) 832-8739 with the proposed survey date and a proposed relocation plan at least seven (7) days prior to the scheduled survey. The proposed relocation site shall have a stable substrate that meets the habitat requirements of the above listed mussel species. Any non-listed mussels found within the delineated work zone shall be relocated at the discretion of the Aquatic Biologist. The relocation area shall be identified and approved by a USFWS Biologist prior to the species survey. If any federal-listed or state-listed mussels are found within the delineated work zone during the species survey, the Aquatic Biologist shall:
 - a. Collect, tag and measure the specimen(s) and keep them moist inside a cooler with layered burlap (or other suitable medium) or in a live well. The mussels shall not be stacked on top of one another and no more than four layers shall be placed in a cooler. Ice packs may be used to maintain the temperature inside the cooler. The ice packs shall not be allowed to come in direct contact with a mussel. Collected mussels shall be relocated the same day the survey is conducted. Mussels shall not be stored overnight;
 - b. Immediately contact the GDOT Ecologist at (404) 631-1101, who shall initiate Formal Section 7 consultation (≤ 135 days) with the US Fish and Wildlife Service and the Federal Highway Administration. Section 7 consultation must be complete prior to project construction;
 - c. Complete a report detailing the results of this survey and any relocation efforts. This report shall be transmitted to the Office of Environmental Services, 600 West Peachtree Street NW, Atlanta, Georgia 30308 within 30 days of completed survey. In turn, the Office of Environmental Services shall transmit this report to the Department's Project Manager, the US Fish and Wildlife Service, and the Federal Highway Administration;
 - d. Monitor the relocated mussels for recovery, survival, movement, and growth each year for five years, starting one year after mussel relocation. Thirty days after the relocation, a visual survey shall be conducted to determine mortality of the relocated protected mussels. During the annual monitoring, the number of mussels and species composition shall be recorded. In addition, all protected mussels shall be measured and protected mussels not previously tagged shall be tagged. The annual surveys shall extend 10 meters downstream of the relocation area;
 - e. Record data on mussel quantity and location, stream stability, turbidity, bank vegetation, bank stability, water temperature, and sedimentation during each of the relocation and monitoring surveys. This information shall be compiled into a report. The report shall be submitted to the GDOT Office of Environmental Services (600 West Peachtree Street NW, Atlanta, Georgia 30308) for review before being submitted to the Federal Highway Administration, U.S. Fish and Wildlife Service, and Georgia Department of Natural Resources.
10. At least seven (7) days prior to the Aquatic Biologist conducting the survey and before construction or demolition activities begin on the Flint River Bridge, the Contractor shall submit construction and demolition plans, which must include:

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- a. The means and location of construction and demolition access (permitted limits shown on the attached *Permitted Access for Bridge Construction and Removal* plan sheet);
- b. The means and methods of construction and demolition;
- c. A projected project schedule.

The construction and demolition plans shall be subject to the review and approval of the Department, the Federal Highway Administration, the US Fish and Wildlife Service, and the US Army Corps of Engineers. The review period for a complete submittal is 30 days.

11. No unconfined blasting shall be allowed. Blast material shall not fall into the unprotected riverbed.
12. The Contractor shall notify the Project Engineer immediately if equipment, concrete debris, paving materials, litter, bridge falsework, demolition debris or any other material is allowed to fall or be placed into the river, incidentally or purposefully. The Project Engineer in turn shall notify the State Environmental Administrator, Office of Environmental Services, Georgia Department of Transportation at (404) 631-1101.
13. The existing bridge piers shall be cut off and removed at a depth of two feet below the channel substrate elevation. The remaining sub-surface pier segments and footing structures shall not be excavated. The removed bridge shall be disposed of in an approved waste area to be furnished by the Contractor. No approved waste area exists on site.
14. Protective material, such as tarps or wooden platforms, shall be installed under the bridge to contain any seepage or drips during construction and demolition of the bridges. The Contractor shall dispose of accumulated waste in an environmentally responsible manner. The Contractor shall maintain the protective material in good working order.
15. Work bridges, if necessary, shall meet the following requirements:
 - a. Work bridges shall be placed within the allowed work zone as shown on the *Permitted Access for Bridge Construction and Removal plan sheet* (attached) and shall not extend past the existing piers in the water except where necessary to contain demolition debris;
 - b. Work bridge pile bents shall be spaced a minimum of 10 feet in the longitudinal direction (perpendicular to the river flow);
 - c. No material shall be released into the river during stream bed disturbance associated with work bridge construction or removal, including the drilling of pilot holes and concreting of piles in pilot holes;
 - d. The work bridge(s) and each pile location shall be surveyed by an Aquatic Biologist who is prequalified by the GDOT Office of Environmental Services and who holds appropriate federal and state aquatic survey permits for the presence of protected mussels prior to the construction or removal of the work bridge(s).
16. Jetties, if necessary, shall meet the following requirements:
 - a. Work jetties shall not be constructed or removed during the spawning season of the above listed species, which extends from February 1st through August 31st;
 - b. Jetties shall be placed within the allowed work zone as shown on the *Permitted Access for Bridge Construction and Removal* plan sheet (attached);
 - c. Jetties shall be composed of stone meeting the requirements for Rock Embankment (GDOT Standard Specification Section 811);
 - d. Drainage pipes with a minimum diameter of 36 inches shall be placed near the bottom and along the entire width of each rock jetty to maintain adequate flow across the river width. The distance between the drainage pipes shall be no greater than twice the diameter of the drainage pipes used;
 - e. Jetty material shall be contained in such a manner as to prevent the escape of material during storm events up to the 100 year flood elevation;
 - f. The jetty location(s) shall be surveyed by an Aquatic Biologist who is prequalified by the GDOT Office of Environmental Services and who holds appropriate federal and state aquatic survey permits for the presence of protected mussels no more than 45 days prior to the construction or removal of the jetty(-ies).
17. The Contractor shall not use fertilizers, pesticides or herbicides within 300 feet of the river.
18. Equipment staging areas and equipment maintenance areas (particularly for oil changes) shall be located at least 300 feet from river banks to minimize the potential for wash water, petroleum products or other contaminants from construction equipment entering the stream.

19. The use of borrow sites or stockpiling of dirt is prohibited within 300 feet of the stream banks or elsewhere where runoff from the site would increase stream sedimentation.
20. The Contractor shall notify the Project Engineer immediately in the event an erosion control failure allows discharge of sediment into the river. The Project Engineer in turn shall notify the State Environmental Administrator, Georgia Department of Transportation, Office of Environmental Services at (404) 631-1101. All project activities shall cease, with the exception of necessary traffic control and erosion control activities, pending consultation by the Department with the US Fish and Wildlife Service and the Federal Highway Administration.
21. If a bald eagle enters the project area, it shall not be touched, moved, harassed, molested, or disturbed. Interference with the activities of a bald eagle is prohibited. If an eagle is observed nesting or constructing a nest within 660 feet of the project area, the Contractor shall report this immediately to the Project Engineer who in turn shall notify the State Environmental Administrator, Office of Environmental Services, Georgia Department of Transportation at (404) 631-1101. The State Environmental Administrator in turn shall notify the Federal Highway Administration and the U.S. Fish and Wildlife Service.
22. In the event any incident occurs that causes harm or injury to a barn swallow, cliff swallow, eastern phoebe, purple bankclimber, oval pigtoe, shiny-rayed pocketbook, Gulf moccasinshell, fat three-ridge, bluestripe shiner, highscale shiner, Southern elktoe, inflated spike, Halloween darter, rayed creekshell, delicate spike, croomia, shoals spider lily, and/or bald eagle along the Project corridor, the Contractor shall report the incident immediately to the Project Engineer who in turn shall notify the State Environmental Administrator, Georgia Department of Transportation, Office of Environmental Services at (404) 631-1101. All activity shall cease pending consultation by the Department with the U. S. Fish and Wildlife Service and the Federal Highway Administration.
23. The Contractor shall keep a log detailing any incidents that cause harm or injury to a barn swallow, cliff swallow, eastern phoebe, purple bankclimber, oval pigtoe, shiny-rayed pocketbook, Gulf moccasinshell, fat three-ridge, bluestripe shiner, highscale shiner, Southern elktoe, inflated spike, Halloween darter, rayed creekshell, delicate spike, croomia, shoals spider lily, and/or bald eagle in or adjacent to the project until such time that Final Acceptance of the project is made. Following Project completion, the log and a report summarizing any incidents that caused harm or injury to these species shall be submitted by the Contractor to the Project Engineer and the State Environmental Administrator, Georgia Department of Transportation, Office of Environmental Services, 600 West Peachtree Street NW, Atlanta, Georgia 30308. GDOT in turn shall provide copies of the report to the U.S. Fish and Wildlife Service, the Georgia Department of Natural Resources Wildlife Resources Division, and the Federal Highway Administration.
24. All costs pertaining to any requirement contained herein shall be included in the overall bid submitted unless such requirement is designated as a separate Pay Item in the Proposal.

References:

None.

History:

replaced Section 513 - Precast Reinforced Concrete Box Culvert Barrel and End Sections: 12/02/14;

copied to GDOT Publications v.02.00.00: 03/15/12

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