

1 Make the following section a part of the Standard Specifications:

2
3 **“SECTION 671 – PROTECTION OF ENDANGERED SPECIES**

4
5 **671.01 Description.** The endangered Hawaiian Hoary Bat (*Lasiurus cinereus*
6 *semotus*), Hawaiian goose (*Branta (Nesochen) sandvicensis*), Hawaiian petrel
7 (*Pterodroma sandwichensis*), band-rumped storm-petrel (*Oceanodroma castro*),
8 and the threatened Newell’s shearwater (*Puffinus newelli*) are in the general
9 vicinity of the proposed project that may transit or visit the proposed project. The
10 contractor shall protect these endangered species throughout the construction
11 duration. The Contractor shall also minimize the spread of Rapid Ohia Death.

12
13 **671.02 Materials.** None

14
15 **671.03 Construction.**

16
17 **(A) Pre-Construction and Construction Requirements.** Comply with
18 the following conditions:

- 19
20 **(1)** Hawaiian Hoary Bats nest in both exotic and native woody
21 vegetation. To minimize impacts to the Hawaiian Hoary Bat,
22 there shall be no disturbance, removal, or trimming of woody
23 plants greater than 15 feet (4.6 meters) tall during the birthing
24 and pup rearing season (June 1 through September 15).

25
26 Additionally, barbed wire shall not be used for fencing.

- 27
28 **(2)** Any Hawaiian Goose in or near the project area will not be
29 approached, fed, or disturbed in any way.

30
31 If Hawaiian Goose are observed loafing or foraging within the
32 project area during the breeding season (September 1
33 through April 30), a nest survey shall be conducted in and
34 around the project area by a biologist familiar with the nesting
35 behavior of Hawaiian Goose prior to the resumption of any
36 work. Surveys will be repeated after any delay of work of
37 three or more days. If a nest is identified within 150 feet of the
38 work area, all work shall cease and the United States
39 Department of Interior Fish and Wildlife Service (USFWL)
40 shall be contacted immediately for further guidance.

41
42 In areas where Hawaiian Goose are known to be present,
43 reduced speed limits will be posted and implemented and
44 project personnel and contractors will be informed of the
45 presence of endangered species on-site.
46

- 47 (3) Hawaiian seabirds, Newell's shearwater, and band-rumped
48 storm-petrel may traverse the project area at night. If night
49 time work will be required in conjunction with the development
50 of the project, all lights shall be fully shielded so the bulb can
51 only be seen from below bulb height to reduce the potential
52 for interactions of nocturnally flying seabirds with external
53 lights and man-made structures. All outdoor lights shall be
54 turned off when human activity is not occurring in the lighted
55 area.

56
57 No night time construction shall be permitted to occur during
58 the peak seabird fledging period (September 15 through
59 December 15).
60

61 Any streetlights that are installed, as part of this action will be
62 shielded. This minimization measure would serve the dual
63 purpose of minimizing the threat of disorientation of downing
64 of seabirds, while at the same time complying with the Hawaii
65 County Code Section 14-50 et seq. which requires the
66 shielding of exterior lights so as to lower the ambient glare
67 caused by unshielded lighting to the astronomical
68 observatories located on Maunakea
69

- 70 (4) For Rapid Ohia Death, ensure that all work will be completed
71 within the existing, pre-disturbed right of way and implement
72 the following minimization measures should tree clearing
73 occur to minimize the potential spread of Rapid Ohia Death
74 (ROD):
75

76 (a) A survey of any locations where tree cutting may occur
77 shall be conducted within two weeks prior to tree
78 cutting to determine if there are infected ohia trees.
79

80 (b) If infected trees are identified, the following measures
81 shall be implemented:
82

- 83 i. The Service, University of Hawaii Cooperative
84 extension Service, U.S. Department of
85 Agriculture (USDA) Forest Service, and USDA
86 Agricultural Research Service shall be
87 contacted for further guidance.
88

89 (c) Both prior to cutting and after the project is complete,
90 the following measures shall be implemented:
91

- 92 i. Tools used for cutting infected ohia trees will be

cleaned with a 70% rubbing alcohol solution or a freshly-prepared 10% solution of chlorine bleach and water as long as the tools are oiled afterwards. Chainsaw blades will be brushed clean.

ii. Vehicles used off-road in infected areas shall be thoroughly cleaned and tires and the undercarriage shall be pressure washed with detergent.

iii. Shoes and clothing worn in infected area shall be cleaned by dipping shoe soles in 70% alcohol and washing clothing in hot water with detergent.

iv. All cut wood shall be left on-site to avoid spreading ROD.

a.

(B) Compliance Requirements. The Contractor shall protect Hawaiian Hoary Bats, Hawaii Goose and Hawaiian seabirds, Newell's shearwater, and band-rumped storm-petrel for the duration of construction. Failure to comply with the construction requirements, harming or a taking of an individual during the construction duration shall be enforceable by the U.S. Fish and Wildlife Service as set forth by the Endangered Species Act. Resultant penalties and/or fines shall be at the Contractors expense without cost or liability to the State.

671.04 Measurement. The Engineer will measure the work required for the protection of endangered species on a force account basis in accordance with Subsection 109.06 – Force Account Provisions and Compensation and as ordered by the Engineer.

The Engineer will not measure the work required for minimizing spread of Rapid Ohia Death for payment.

671.05 Payment. The Engineer will pay for the accepted protection of endangered species on a force account basis in accordance with Subsection 109.06 – Force Account Provisions and Compensation. Payment will be full compensation for the work prescribed in this section, by the Engineer, and in the contract documents.

The Engineer shall consider the cost for minimizing the spread of ROD as included in the contract price of the various contract items.

The Engineer will pay for the following pay item when included in the proposal schedule:

| Pay Item | Pay Unit |
|----------------------------------|-----------------|
| Protection of Endangered Species | Force Account |

An estimated amount may be allocated in the proposal schedule under “Protection of Endangered Species”, but the actual amount to be paid will be the sum shown on the accepted force account records, whether this sum be more or less than the estimated amount allocated in the proposal schedule.”

END OF SECTION 671