

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

2
3 **"SECTION 671 – PROTECTION OF SEABIRDS**

4
5 **671.01 Description.** The project site is located in a known flight corridor
6 for the threatened Newell's shearwater (*Puffinus auricularis newelli*), Band-
7 Rumped Storm-Petrel (*Oceanodroma castro*) and the endangered Hawaiian
8 petrel (*Pterodroma phaeopygia sandwichensis*), hereinafter referred to as
9 seabirds. There is a high rate of Newell's shearwater fallout in the area.
10 Additional or increased lighting exacerbates the problem of Newell's shearwater
11 fallout.

12
13 Fallout shall be defined as the occurrence of seabirds being harmed,
14 injured or killed and falling to the ground due to: 1) collision with structures such
15 as wires, poles, or other objects; 2) light attraction and the resulting collision with
16 structure associated with or near the light source; or, 3) the exhaustion from
17 circling the light source.

18
19 **671.02 Materials.** None.

20
21 **671.03 Construction.**

22
23 **(A) Preconstruction Requirements.** Comply to the following
24 conditions:

25
26 **(1)** Before beginning any work at the worksite, the Contractor
27 shall:

28
29 **(a)** Collect information regarding the protection of
30 seabirds and seabird fallout.

31
32 **(b)** Submit to the Engineer for acceptance a protection of
33 seabirds training plan including a detailed description of
34 information and materials the Contractor intends to use in
35 the training classes. The training plan shall be submitted to
36 the Engineer for acceptance at least 15 calendar days in
37 advance of the class. If the Engineer rejects the training
38 plan, the Contractor shall revise and promptly propose
39 another training plan.

40
41 **(c)** Disseminate information regarding the protection of
42 seabirds and seabird fallout by conducting training classes
43 for all employees, subcontractors, suppliers and other
44 personnel working on the project, including HDOT
45 personnel, on such topics as the Save Our Shearwater
46 program, proper use of temporary lighting, procedures to
47 store and report downed seabirds, and the consequences of
48 non-compliance with the laws regarding threatened and
49 endangered seabirds. The Engineer may request for
50 additional topics related to seabirds to be included in the
51 training classes.

52
53 Training classes shall be taught by authorized
54 representatives of the U.S. Fish and Wildlife Service, the
55 Department of Land and Natural Resources, the Save Our
56 Shearwater program or other qualified personnel accepted
57 by the Engineer.
58

59 (d) Furnish the Engineer with evidence that the
60 Contractor has held training classes, including the dates of
61 the classes, identify who conducted the training, and the
62 content and nature of the training.
63

64 **(B) Construction Requirements.**
65

66 (1) As directed by the Engineer, the Contractor shall conduct
67 additional training classes during the project to update all
68 employees, subcontractors, suppliers, HDOT personnel and other
69 personnel on new and/or updated information regarding the
70 protection of seabirds and seabird fallout.
71

72 (2) All temporary lights used for night work (between sunset and
73 sunrise) shall be downward-facing and shielded. Temporary lights
74 shall include but are not limited to flood lights, light towers, lights for
75 construction equipment and other lights as determined by the
76 Engineer. All traffic control devices, including warning lights, arrow
77 boards, portable changeable message signs and other lighting
78 device as determined by the Engineer shall be shielded.
79

80 (3) Night work and the use of all temporary lights shall cease
81 during the peak fallout period from September 15 through
82 December 15.
83

84 (4) The Contractor shall furnish and maintain a small
85 (approximately 10" x 12" x 19"), portable cat kennel on site to
86 temporarily hold a downed seabird. The Contractor shall obtain
87 acceptance of the cat kennel from the Engineer prior to use. Line
88 floor of the kennel with a cloth or towel.
89

90 (5) If a downed seabird is found, dead or alive, the Contractor
91 shall contact the Save Our Shearwater program at 808-632-0610 or
92 808-635-5117 as soon as possible. Do not move a carcass unless
93 it presents a safety issue. If the downed seabird is alive, the
94 Contractor shall:
95

96 (a) Pick up the seabird from behind as soon as possible
97 using a clean towel, t-shirt or cloth by gently wrapping it
98 around its back and wings. The cloth should cover the head
99 to minimize the bird's stress response.
100

101 (b) Place the seabird in the cat kennel and contact the
102 Save Our Shearwater program at 808-632-0610 and/or

808-635-5117 for further instructions on where to deliver the seabird.

(c) Deliver the seabird to the location determined by the coordinator of the Save Our Shearwater program and as directed by the Engineer.

(d) Keep the seabird in a cool, quiet location and out of direct sunlight with adequate ventilation.

The Contractor shall not feed, provide water, handle or release the seabird.

- (6) The Contractor shall maintain records of all downed seabirds for the duration of the project. The records shall include the date, time, location and condition (dead or alive) the seabird was found and delivered. Submit a copy of the records to the Engineer after finding each and every downed seabird.

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

671.05 Payment. The Engineer will pay for the accepted protection of seabirds 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 will pay for the following pay item when included in the proposal schedule:

Pay Item	Pay Unit
Protection of Seabirds	Force Account

An estimated amount may be allocated in the proposal schedule under “Protection of Seabirds”, 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