

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

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

18 **671.02 Materials.** None.
19

20 **671.03 Construction.**
21

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

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

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

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

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

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

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

62 **(B) Construction Requirements.**
63

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

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

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

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

88 If a downed seabird is found, dead or alive, the Contractor shall
89 contact the Save Our Shearwater program at 808-632-0610,
90 Extension 109 and direct line 808-635-5117 as soon as possible. If
91 no answer, leave a detailed message with your name and contact
92 phone number. Do not move a carcass unless it presents a safety
93 issue. If the downed seabird is alive, the Contractor shall:
94

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

100 Place the seabird in the cat kennel and contact the Save Our
101 Shearwater program at 808-632-0610 Extension 109 and

102 direct line 808-635-5117 for further instructions on where to
103 deliver the seabird.

104
105 (b) Deliver the seabird to the location determined by the
106 coordinator of the Save Our Shearwater program and as
107 directed by the Engineer. County Fire Department stations
108 may supply cubbyholes to accept downed seabirds.

109
110 (c) Keep the seabird in a cool, quiet location and out of
111 direct sunlight with adequate ventilation.

112
113 The Contractor shall not feed, provide water, handle or
114 release the seabird.

115
116 (5) The Contractor shall maintain records of all downed seabirds for
117 the duration of the project. The records shall include the date,
118 time, location and condition (dead or alive) the seabird was found
119 and delivered. Submit a copy of the records to the Engineer after
120 finding each and every downed seabird.

121
122 **671.04 Measurement.** The Engineer will measure the work required for the
123 protection of seabirds on a force account basis in accordance with Subsection
124 109.06 – Force Account Provisions and Compensation and as ordered by the
125 Engineer.

126
127 **671.05 Payment.** The Engineer will pay for the accepted protection of
128 seabirds on a force account basis in accordance with Subsection 109.06 – Force
129 Account Provisions and Compensation. Payment will be full compensation for the
130 work prescribed in this section, by the Engineer, and in the contract documents.

131
132 The Engineer will pay for the following pay item when included in the
133 proposal schedule:

134
135

| Pay Item | Pay Unit |
|------------------------|---------------|
| Protection of Seabirds | Force Account |

136
137
138
139 An estimated amount may be allocated in the proposal schedule under
140 "Protection of Seabirds", but the actual amount to be paid will be the sum shown
141 on the accepted force account records, whether this sum be more or less than the
142 estimated amount allocated in the proposal schedule."

143
144
145 **END OF SECTION 671**