

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*), the endangered Hawaiian petrel  
8 (*Pterodroma phaeopygia sandwichensis*), and the Wedged-tailed shearwater  
9 (*Puffinus pacificus*), hereinafter referred to as seabirds. There is a high rate of  
10 shearwater fallout in the area. Additional or increased lighting exacerbates the  
11 problem of shearwater 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 with 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 If a downed seabird is found, dead or alive, the Contractor shall  
91 contact the Save Our Shearwater program at 808-635-5117 as  
92 soon as possible. Do not move a carcass unless it presents a  
93 safety 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 808-635-5117 for further instructions  
102 on where to deliver the seabird.

103  
104 (b) Deliver the seabird to the location determined by the  
105 coordinator of the Save Our Shearwater program and as  
106 directed by the Engineer.

107  
108 (c) Keep the seabird in a cool, quiet location and out of  
109 direct sunlight with adequate ventilation.

110  
111 The Contractor shall not feed, provide water, handle or  
112 release the seabird.

113  
114 (5) The Contractor shall maintain records of all downed seabirds  
115 for the duration of the project. The records shall include the  
116 date, time, location and condition (dead or alive) the seabird  
117 was found and delivered. Submit a copy of the records to the  
118 County Engineer and HDOT-Highways Division, Kauai District  
119 Engineer after finding each and every downed seabird.  
120

121 **671.04 Measurement And Payment.**

122  
123 (A) **Measurement.** The Engineer will only measure Protection of  
124 Seabirds, if required and requested by the Engineer, on a force  
125 account basis, in accordance with Subsection 109.06 - Force  
126 Account Provisions and Compensation.

127  
128 (B) **Payment.** The Engineer will pay for the accepted Protection of  
129 Seabirds on a force account basis for the pay item contained in the  
130 proposal.  
131

132 An estimated amount for the force account is allocated in the  
133 proposal schedule under "Protection of Seabirds", but the actual  
134 amount to be paid will be the sum shown on the accepted force  
135 account records, whether this sum be more or less than the  
136 estimated amount allocated in the proposal schedule."  
137

138  
139 **END OF SECTION 671**