

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

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

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5 **671.01 Description.** The project site is located in a known flight corridor
6 for the threatened Newell's shearwater (*Puffinus auricularis newelli*) and the
7 endangered Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*),
8 hereinafter referred to as seabirds. The area in the vicinity of the Wailua River
9 Bridge has a high rate of Newell's shearwater fallout. Additional or increased
10 lighting exacerbates the problem of Newell's shearwater fallout.

11
12 Fallout shall be defined as the occurrence of seabirds being harmed,
13 injured or killed and falling to the ground due to: 1) collision with structures such
14 as wires, poles, or other objects; 2) light attraction and the resulting collision with
15 structure associated with or near the light source; or, 3) the exhaustion from
16 circling the light 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
29 seabirds 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
34 the training classes. The training plan shall be submitted to
35 the Engineer for acceptance at least 15 days in advance of
36 the class. If the Engineer rejects the training plan, the
37 Contractor shall revise and promptly propose another
38 training plan.

39
40 **(c)** Disseminate information regarding the protection of
41 seabirds and seabird fallout by conducting training classes
42 for all employees, subcontractors, suppliers and other
43 personnel working on the project, including HDOT
44 personnel, on such topics as the Save Our Shearwater
45 program, proper use of temporary lighting, procedures to
46 store and report downed seabirds, and the consequences of
47 non-compliance with the laws regarding threatened and
48 endangered seabirds. The Engineer may request for
49 additional topics related to seabirds to be included in the
50 training classes.
51

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

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

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

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

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

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

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

88 (5) If a downed dead seabird is found, the Contractor shall
89 contact the U.S. Fish and Wildlife Service (Ms. Megan Laut at 808-
90 792-9400) within 24 hours.
91

92 (6) If the downed seabird is alive, the Contractor shall:
93

94 (a) Pick up the seabird from behind as soon as possible
95 using a clean towel, t-shirt or cloth by gently wrapping it
96 around its back and wings.
97

98 (b) Place the seabird in the cat kennel and immediately
99 contact the Save Our Shearwater program (Ms. Heather
100 Young, Coordinator at 808-246-4348) for further instructions
101 on where to deliver the seabird.
102

(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.

(7) 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