

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*) 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 with 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 calendar days in
36 advance of the class. If the Engineer rejects the training
37 plan, the Contractor shall revise and promptly propose
38 another 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

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

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

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

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

119 **671.04 Measurement.** The Engineer will measure the work required for
120 the protection of seabirds on a force account basis in accordance with
121 Subsection 109.06 – Force Account Provisions and Compensation and as
122 ordered by the Engineer.
123

124 **671.05 Payment.** The Engineer will pay for the accepted protection of
125 seabirds on a force account basis in accordance with Subsection 109.06 – Force
126 Account Provisions and Compensation. Payment will be full compensation for
127 the work prescribed in this section, by the Engineer, and in the contract
128 documents.
129

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

133 Pay Item	134 Pay Unit
135 Protection of Seabirds	136 Force Account

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

142 **END OF SECTION 671**
143