

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

2
3 **“SECTION 671 – PROTECTION OF ENDANGERED SPECIES**

4
5 **671.01 Description.** The endangered Hawaiian Hawk (*Buteo solitaires*),
6 Hawaiian Hoary Bat (*Lasiurus cinereus semotus*), Hawaiian goose (*Branta*
7 (*Nesochen sandvicensis*), Hawaiian petrel (*Pterodroma sandwichensis*), band-
8 rumped storm-petrel (*Oceanodroma castro*), and the threatened Newell's
9 shearwater (*Puffinus newelli*) are in the general vicinity of the proposed project that
10 may transit or visit the proposed project. The contractor shall protect these
11 endangered species throughout the construction duration. The Contractor shall also
12 minimize the spread of Rapid Ohia Death.

13
14 **671.02 Materials.** None

15
16 **671.03 Construction.**

17
18 **(A) Pre-Construction and Construction Requirements.** Comply with
19 the following conditions:

20
21 **(1)** Hawaiian Hawks nest in both exotic and native woody
22 vegetation. To minimize potential impact to Hawaiian Hawks
23 during the breeding season (March 1 through September 30), a
24 nest search will be conducted of the project footprint and
25 surrounding areas immediately prior to the start of construction
26 activities by a biologist familiar with the specie.

27
28 **(2)** Hawaiian Hoary Bats nest in both exotic and native woody
29 vegetation. To minimize impacts to the Hawaiian Hoary Bat,
30 any removal of trees and shrubs 15 feet or taller, there will be
31 no disturbance, removal, or trimming of woody plants greater
32 than 15 feet (4.6 meters) tall during the birthing and pup
33 rearing season (June 1 through September 14).

34
35 Additionally, barbed wire will not be used for fencing.

36
37 **(3)** Any Hawaiian Goose in or near the project area will not be
38 approached, fed, or disturbed in any way.

39
40 If Hawaiian Goose are observed loafing or foraging within the
41 project area during the breeding season (September 1 through
42 April 30), all work should stop and a nest survey will be
43 conducted in and around the project area by a biologist familiar
44 with the nesting behavior of Hawaiian Goose prior to the
45 resumption of any work. Surveys will be repeated after any
46 delay of work of three or more days. If a nest is identified

47 within 150 feet of the work area, all work will cease and the
48 United States Department of Interior Fish and Wildlife Service
49 (USFWS) will be contacted immediately for further guidance.
50

51 In areas where Hawaiian Goose are known to be present,
52 reduced speed limits will be posted and implemented and
53 project personnel and contractors will be informed of the
54 presence of endangered species on-site.
55

- 56 **(4)** Hawaiian seabirds, Newell's shearwater, and band-rumped
57 storm-petrel may traverse the project area at night. If night
58 time work will be required in conjunction with the development
59 of the project, all lights will be fully shielded so the bulb can
60 only be seen from below bulb height to reduce the potential for
61 interactions of nocturnally flying seabirds with external lights
62 and man-made structures. All outdoor lights will be turned off
63 when human activity is not occurring in the lighted area.
64

65 No night time construction will occur during the peak seabird
66 fledging period (September 15 through December 15).
67

- 68
69 **(5)** For Rapid Ohia Death, ensure that all work will be completed
70 within the existing, pre-disturbed right of way and implement
71 the following minimization measures should tree clearing occur
72 to minimize the potential spread of Rapid Ohia Death (ROD):
73

- 74 **(a)** A survey of any locations where tree cutting may occur
75 will be conducted within two weeks prior to tree cutting
76 to determine if there are infected ohia trees.
77

- 78 **(b)** If infected trees are identified, the following measures
79 will be implemented:
80

- 81 i. The United States Department of Interior Fish
82 and Wildlife Service, University of Hawaii
83 Cooperative extension Service, U.S. Department
84 of Agriculture (USDA) Forest service, and USDA
85 Agricultural Research Service will be contacted
86 for further guidance.
87

- 88 **(c)** Both prior to cutting and after the project is complete,
89 the following measures will be implemented:
90

- 91 i. Tools used for cutting infected ohia trees will be
92 cleaned with a 70% rubbing alcohol solution or a

93 freshly-prepared 10% solution of chlorine bleach
94 and water as long as the tools are oiled
95 afterwards. Chainsaw blades will be brushed
96 clean.

97
98 ii. Vehicles used off-road in infected areas will be
99 thoroughly cleaned and tires and the
100 undercarriage will be pressure washed with
101 detergent.

102
103 iii. Shoes and clothing worn in infected area will be
104 cleaned by dipping shoe soles in 70% alcohol
105 and washing clothing in hot water with detergent.

106
107 iv. All cut wood will be left on-site to avoid spreading
108 ROD.

109
110 **(B) Compliance Requirements.** The Contractor shall protect Hawaiian
111 Hawks, Hawaiian Hoary Bats, Hawaii Goose and Hawaiian seabirds,
112 Newell's shearwater, and band-rumped storm-petrel for the duration of
113 construction. Failure to comply with the construction requirements,
114 harm or a taking of an individual during the construction duration shall
115 be enforceable by the USFWS as set forth by the Endangered
116 Species Act. Resultant penalties and/or fines shall be at the
117 Contractors expense without cost or liability to the State.

118
119 **671.04 Measurement.** The Engineer will measure the work required for the
120 protection of endangered species on a force account basis in accordance with
121 Subsection 109.06 – Force Account Provisions and Compensation and as ordered
122 by the Engineer.

123
124 The Engineer will not measure the work required for minimizing spread of Rapid
125 Ohia Death for payment.

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

132
133 The Engineer shall consider the cost for minimizing the spread of ROD as
134 included in the contract price of the various contract items.

135
136 The Engineer will pay for the following pay item when included in the
137 proposal schedule:

139	Pay Item	Pay Unit
140		
141	Protection of Endangered Species	Force Account
142		
143	An estimated amount may be allocated in the proposal schedule under	
144	“Protection of Endangered Species”, but the actual amount to be paid will be the	
145	sum shown on the accepted force account records, whether this sum be more or	
146	less than the estimated amount allocated in the proposal schedule.”	
147		
148	END OF SECTION 671	