

Protection Specifications for Contracts

Migratory Bird Protection

1.0 — Protection of Migratory Bird Species. The Contractor shall keep construction activities under surveillance, management, and control to prevent impacts to migratory birds and their nests. All construction personnel shall be advised that migratory birds are protected by the Florida Endangered and Threatened Species Act of 1977, Title XXVIII, Chapter 372.072, and the U.S. Fish and Wildlife Service pursuant to the Migratory Bird Treaty Act of 1918 and the Endangered and Threatened Species Act of 1982, as amended. The Contractor may be held responsible for harming or harassing the birds, their eggs or their nests as a result of the construction.

2.0 — In order to meet these responsibilities, the Contractor shall conduct monitoring of the construction area beginning 1 April through 31 August, if construction activities occur during that period. Daily monitoring using the attached forms will be conducted during the dawn or dusk time frames by a bird monitor approved by the Contracting Officer or the Contracting Officer's Representative. (Caution will be taken by the monitor to avoid disturbance to the nesting birds.) The Contractor shall maintain a daily log detailing monitoring and nesting activity. Within 30 days after completion of construction, a summary of monitoring shall be submitted to the Corps detailing nesting and nesting success/failure including species, number of nests created, location, number of eggs, number of offspring generated during the project and reasons for nesting success or failure, if known.

3.0. — Any nesting activity observed by the Contractor will be reported immediately to the Contracting Officer or the Contracting Officer's Representative who shall have sole authority for any work stoppages, creation of the buffer area, or restart of construction activities.

4.0. — Should nesting begin within the construction area, a temporary, 200-foot buffer will be created around the nests and marked to avoid entry (the Contracting Officer will provide signs). The area will be left undisturbed until nesting is completed or terminated, and the chicks fledge. The decision to allow construction in a former nesting site will be determined by the Contracting Officer in consultation with the U.S. Fish and Wildlife Service and the Florida Game and Freshwater Fish Commission. Access to the nesting sites by humans (except limited access when accompanied by the bird monitor or Contracting Officer), equipment or pets under control of the Contractor is prohibited.

5.0. — If nesting occurs within the construction area, a bulletin board will be placed and maintained by the Contractor in the contracting shed with the location map of the construction site showing the bird nesting areas and a warning, clearly visible, stating that "BIRD NESTING AREAS ARE PROTECTED BY THE FLORIDA THREATENED AND ENDANGERED SPECIES ACT AND THE FEDERAL MIGRATORY BIRD TREATY ACT".

6.0. — NOTE: Birds will find the top of the dike or the flat interior desirable nesting habitat. If construction activity ceases for any period of time, nesting may occur before work can resume. Any stoppage of activity could induce nesting, subsequently, construction could be altered or stopped to avoid impacting the birds unless the State of Florida and the U.S. Fish and Wildlife Service authorizes the interruption of nesting and/or destruction of the eggs. (NOTE: This authorization is highly unlikely.) Areas which are potentially suitable for nesting can be altered to make the area undesirable. One approved method is the placement of stakes at 10- to 15-foot intervals and tie flagging between the stakes in a web fashion. This may dissuade bird nesting until construction can be resumed. In addition, the disposal area basin can be flooded prior to the beginning of nesting season to the elevation required for displacement from the disposal of dredged material in order to make the basin undesirable for bird nesting.

7.0. — The Contractor's Environmental Protection Plan shall contain the qualifications of the bird monitor and the steps to be taken to construct the project in such a manner as not to impact migratory birds or

induce their nesting. The qualifications of the bird monitor are a demonstrated ability to identify bird species, general and nesting behavior characteristics, nests and eggs, and a knowledge of habitat requirements. In addition, references must be provided to verify non-educational experience.

8.0. — Delays in work due to the fault of negligence of the Contractor or the Contractor's failure to comply with this specification shall not be compensable. Any adjustments to the contract performance period or price that are required as a result of compliance with this section shall be made in accordance with the Contract Clause entitled "SUSPENSION OF WORK".

DAILY MIGRATORY BIRD MONITORING REPORT	
PROJECT:	DATE:
MONITOR:	
MORNING SITE VISIT (before 9 a.m.)	
Were migratory birds present? YES NO	
If yes, attach species list, map detailing location and indicate activities exhibited by each species.	
AFTERNOON SITE VISIT (after 5 p.m.)	
Were migratory birds present? YES NO	
If yes, attach species list, map detailing location and indicate activities exhibited by each species.	
If migratory birds are exhibiting nesting tendencies, please contact Dr. Hanley K. Smith at 904-232-1685. Send reports to:	SIGNED:
US Army Corps of Engineers Jacksonville District Attn: CESAJ-PD-ER P.O. Box 4970 Jacksonville, Florida 32232-0019	

BIRDS OBSERVED

ACTIVITIES OBSERVED **Feeding** **Nesting** **No. of**
Individuals

BIRDS YOU MIGHT ENCOUNTER			
Brown Pelican	Double-crested cormorant	Anhinga	Great blue heron
Green heron	Little blue heron	Cattle egret	Reddish egret
Great egret	Snowy egret	Louisiana heron	Black-crowned night heron
Yellow-crowned night heron	Glossy ibis	White ibis	Roseate spoonbill

BIRDS YOU MIGHT ENCOUNTER			
Laughing gull	Gull-billed tern	Common tern	Roseate tern
Least tern	Royal tern	Sandwich tern	Caspian tern
Black skimmer	Gadwall	Osprey	American bittern
Least bittern	Common gallinule	American oystercatcher	Black-necked stilt
Piping plover	Snowy plover	Wilson's plover	Killdeer
	Willet		

(If nesting is observed, please prepare a location map of the site)

BIRD MONITOR QUALIFICATION SHEET

NAME: _____
 (Please complete the appropriate segments detailing the qualifications of the person applying for position as bird monitor.)

EDUCATIONAL EXPERIENCE:

Degree Ornithology Ecology Biology

Course Work

1. EXPERIENCE (Job related or recreational, surveys, when, where, length of time):

- a. Bird identification (See monitor form).
- b. Nesting behavior.
- c. Nest and egg identification.
- d. Habitat requirements.

2. REFERENCES.

I CERTIFY, BASED ON THE EDUCATIONAL OR WORK EXPERIENCES LISTED ABOVE, THAT I CAN IDENTIFY THE BIRDS LISTED ON THE MONITOR FORM AND THEIR NESTING HABITS.

 (Date)

 (Signature)