



THE SAN FRANCISCO-OAKLAND BAY BRIDGE SEISMIC SAFETY PROJECTS

CALTRANS BAY AREA TOLL AUTHORITY CALIFORNIA TRANSPORTATION COMMISSION

SPECIES PROTECTION

Attention is directed to the existence of environmental work restrictions that require special precautions to be taken by the Contractor to protect the species of concern in conforming with the provisions in "Bird Protection" and "Establish Marine Access" of these special provisions.

The Contractor shall comply with the California Endangered Species Act, the Federal Endangered Species Act, the Federal Migratory Bird Treaty Act, Magnuson-Stevens Fishery Conservation and Management Act, and the Marine Mammal Protection Act, which govern the protection of the following regulated species:

Central California Coast Coho Salmon (*Oncorhynchus kisutch*)
Central California Coast Steelhead (*Oncorhynchus mykiss*)
Central Valley Spring Run Chinook Salmon (*Oncorhynchus tshawytscha*)
Central Valley Steelhead (*Oncorhynchus mykiss*)
Green Sturgeon (*Acipenser medirostris*)
Sacramento River Winter Run Chinook Salmon (*Oncorhynchus tshawytscha*)
Longfin Smelt (*Spirinchus thaleichthys*)
Pacific Herring (*Clupea pallasii*)
California Sea Lion (*Zalophus californianus*)
Harbor Porpoise (*Phocoena phocoena*)
Gray Whale (*Eschrichtius robustus*)
Pacific Harbor Seal (*Phoca vitulina rishardii*)
American Peregrine Falcon (*Falcon peregrines anatum*)
California Brown Pelican (*Pelecanus erythrorhynchos*)
California Least Tern (*Sternula antillarum browni*)
Double-Crested Cormorant (*Phalacrocorax auritus*)
Western Gull (*Larus occidentalis*)

CONSTRUCTION

Protective Radius

Upon discovery of a regulated species, Contractor shall stop construction activities within a 30.5 m radius of the discovery or as specified elsewhere (attention is directed to "Bird Protection" and "Establish Marine Access"), and immediately notify the Engineer. Contractor shall resume construction activities only when provided written notification from the Engineer. The Contractor shall notify the Engineer immediately if any dead or injured regulated species are encountered.

Protection Measures

Within the project limits, implement the following protection measures:

1. The Contractor must implement the Terms and Conditions of the project permits, licensees, agreements, and certifications (PLACs) and must comply with the laws associated with those PLACs.
2. The Contractor must cooperate with biological monitors designated by the Department.

Pacific Herring

Between December 1st and March 31st of any year, a biologist provided by the State will monitor for herring spawn. If spawning is observed during this time, The Engineer shall have the authority to suspend construction operations that are wholly or partially in the water within 200 meters of the herring spawn, if it is deemed necessary to protect the herring spawn. The Contractor shall comply within 8 hours with the written order of the Engineer to suspend the work. The work shall be suspended for a minimum of 14 days or until the State biologist determines that the herring hatch has been completed.

If, in the opinion of the Engineer, completion of the work is delayed or interfered with due to herring spawning, an extension of time will be granted, in the same manner as provided for in Section 8-1.09, "Right of Way Delays," of the Standard Specifications. No additional compensation will be provided to the Contractor.

Central California Coast Coho Salmon, Central California Coast Steelhead, Central Valley Spring Run Chinook Salmon, Central Valley Steelhead, Green Sturgeon, Longfin Smelt, Sacramento River Winter Run Chinook Salmon, California Sea Lion, Harbor Porpoise, Gray Whale and Pacific Harbor Seal

Requirements related to the protection of the above species are discussed in the "Establish Marine Access" section of these special provisions.

American Peregrine Falcon, California Brown Pelican, California Least Tern, Double-Crested Cormorant, Western Gull

Attention is directed to the provisions in "Bird Protection" of these special provisions.

PAYMENT

Full compensation for conforming to the requirements of this section shall be considered as included in the contract prices paid for the various contract items of work and no additional compensation will be allowed therefore.

5-1. BIRD PROTECTION

Regulatory requirements

The Federal Migratory Bird Treaty Act (16 USC §703-711.), 50 CFR 10, and Fish & Game Code §3503, §3513, and §3800, protect migratory and nongame birds, their occupied nests, and their eggs.

The Federal Endangered Species Act of 1973 (16 USC §1531,§1543) and California Endangered Species Act (Fish & Game Code §2050-§2115.5) prohibit the take of listed species and protect occupied and unoccupied nests of threatened and endangered bird species.

The Bald Eagle Protection Act (16 USC §668) prohibits the destruction of bald and golden eagles occupied and unoccupied nests.

Permits are included in the Project Information Handout.

CONSTRUCTION

To Implement Bird Protection

The Contractor shall retain the services of qualified bird experts, approved by the Engineer, who have demonstrated knowledge of the bird species that nest in the project site and field experience in implementing bird protection on bridge structures, with a minimum of four years of relevant experience. This expert will be responsible for implementing the CDFG approved bird protection plan as required by the CDFG Incidental Take Permit.

Submittals:

1. Within 45 days after contract approval, submit each qualified bird expert's name, resume, and statement of qualifications to the Engineer. Allow 15 days for the Engineer's review. If the submittal is incomplete or bird expert's qualifications are inadequate, the Engineer will provide comments. Within 7 days after receiving Engineer's comments, update and re-submit qualifications. Do not start construction activities until the qualified bird experts are authorized by the Engineer.
2. Bird Control **Implementation** Plan: Within 120 days after contract approval, submit a Bird Control **Implementation** Plan to the Engineer which is consistent with methods outlined in the Conceptual Bird Management Plan (provided in Information Handout). Allow 15 days for Engineer's review. If the submittal is incomplete or inadequate the Engineer will provide comments. Within 7 days after receiving Engineer's comments, update and re-submit Bird Control **Implementation** Plan to the Engineer. Do not start construction activities until the Bird Control Plan is approved by the Engineer.
3. Pre-Construction Survey Report: Submit a Pre-Construction Survey Report to the Engineer within 14 days before beginning construction activities.
4. Initial Monitoring Report: Submit an Initial Monitoring Report to the Engineer within 48 hours after commencement of construction activities that includes, at a minimum the requirements for Monitoring Report submittals.
5. Monitoring Report: Submit a Monitoring Report to the Engineer every 5 working days during the monitoring period.
6. Incident Report: Submit an Incident Report to the Engineer within 24 hours of the incident.
7. Annual Monitoring Report: Submit to the Engineer no later than January 15 each year of construction.
8. Final Monitoring Report: Submit to the Engineer no later than 20 days after completion of the project.

Quality Assurance: The Bird Control **Implementation** Plan must be prepared and signed by a qualified bird expert approved by the Engineer who is knowledgeable of the bird species that nest in the project site and address bird control measures.

Quality Control: At minimum, the Bird Control **Implementation** Plan will:

1. Be consistent with methods outlined in the Conceptual Bird Management Plan (provided in Information Handout)
2. Provide a list of species and nesting habitats expected in the project area
3. Include a schedule of when and where specific protection, exclusion **and avoidance** measures will be implemented over the life of the project
4. Include schedule for inspecting protection and exclusion measures
5. Include schedule for maintaining protection and exclusion measures
6. Include schedule for removing protection and exclusion measures
7. **Include schedule for nesting surveys**

Migratory Bird Treaty Act

Nesting or attempted nesting by migratory and nongame birds is anticipated to occur but is not limited to February 1st through August 31st. The Department will conduct initial nesting surveys prior to start of construction and will conduct additional nesting surveys during construction as required. When work occurs during the nesting period, the Contractor shall remove unoccupied nests, not protected by the Bald Eagle Protection Act, from all affected structures to remain through any portion of the construction period.

The Contractor shall use exclusion techniques, approved by the Engineer and consistent with the Conceptual Bird Management Plan (provided in Information Handout), to prevent migratory birds from nesting on the ground, on structures, or in trees, shrubs, or other vegetation within the project limits. Exclusion techniques may include but are not limited to:

1. Clearing and grubbing areas required by the contract
2. Tree removal required by the contract
3. **Installation of exclusion devices and deterrents**
4. Mechanical removal of:
 - a. Nests outside of the nesting period
 - b. Nests that do not have eggs or young birds present during the nesting period, not protected by the Bald Eagle Protection Act, from all affected structures to remain through any portion of the construction period

When **occupied** migratory or nongame bird nests **or eggs** are discovered which may be adversely affected by construction activity, or when a bird is found injured or killed as a result of construction activity, immediately stop work within 30.5 meters of the nest, **egg** or bird and notify the Engineer. Work must not resume until the Engineer provides written notification that work may resume at that location.

Stop all work within a 30.5 meters radius of the discovery except as shown in the following table:

Radius Exceptions

Species	Work stoppage radius (feet)
Raptors including but not limited to: American Peregrine Falcon	76.2 m

When an **occupied** nest **or egg** is discovered, the Contractor shall establish a bird protection zone with a radius of 15.2 meters. No work shall be performed within the bird protection zone. **Occupied** nests of raptors require a protection zone with a radius of 76.2 m.