

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISIONS
FOR
MIGRATORY BIRD NEST PREVENTION FOR BRIDGE STRUCTURES AND CULVERTS
PROJECT SPECIFIC**

These Special Provisions revise, amend, and where in conflict, supersede applicable sections of the 2009 Standard Specifications for Highway Construction, English and Metric.

(Add the following:)

525.01 DESCRIPTION

A. General

Migratory Birds are protected by the Federal Migratory Bird Treaty Act. These species commonly use the vertical faces of bridges and culverts for nesting. Once Migratory Birds have nested in a bridge, they will return every year with their young to nest again. If Migratory Birds are allowed to build nests on the bridge, construction activities which disturb the nests or prevent the parent birds from feeding the young will be prohibited until the young birds are out of the nests.

The nesting season for these species runs from March 1 to August 31. Measures used to prevent the birds from establishing nest in the bridges and culverts will have to be completed prior to the start of the migratory birds nesting season. In the event the Contractor fails to prevent nesting of migratory birds, the Engineer may suspend work until the end of the nesting season. Time charges will continue during this work suspension if the nesting occurred due to the negligence or inattentiveness of the Contractor in installing the nest prevention measures.

B. Contract Administration

In observance of the nesting season, the Contractor is required to protect the bridge structure(s) immediately upon issuance of the Notice to Proceed, and prior to March 1st. Contract time will not be assessed for this activity if done during this time frame. Time charges for the project will begin on the date the Contractor begins contract work (other than nest prevention), or the Effective Date specified in the Notice to Proceed.

525.02 MATERIALS

A. Netting

Provide corrosion resistant bird netting or mesh that will withstand UV ray degradation. Ensure the lengths and widths of the netting/mesh openings are ¼ inch or smaller.

B. Lubricant

Provide a non-toxic, environmentally safe and ecologically sound lubricant which will adhere to the surface finish of the vertical face determined to be suitable for Migratory Bird nest establishment. While the Department does not specify a particular lubricant, products such as vegetable oil, Bird-X™ Bird Proof Bird Repellent, or equivalent environmentally safe, manufactured products are favorable considerations.

525.04 CONSTRUCTION METHODS

In order to be able to perform contract work which would normally disturb nesting Migratory Birds, use one of the following methods to prevent Migratory Birds from nesting in the bridge prior to the beginning of the nesting season:

A. Netting

Power wash the bridge of any empty nests prior to the beginning of the nesting season.

Wrap and secure the netting material around the bridge abutments, underneath the bridge deck, and any other locations where Migratory Birds could build their nests. Every two (2) to three (3) feet, nail wood-frame blocks (1" x 12") to the edges of the netting material to further secure its placement. The net should not have any loose pockets or wrinkles that could trap and entangle birds. If a plastic net is used, ensure the net is pulled taut in order to prevent flapping in the wind, which results in tangles or breakage at mounting points.

Maintenance of the netting is the responsibility of the Contractor. After the netting is installed, monitor the area for entry points and make adjustments as necessary.

B. Lubricating

Power wash the bridge of any empty nests prior to the beginning of the nesting season. Create a slick surface on possible nesting sites by covering the areas with an approved lubricant.

If lubricating the surface with a manufactured product, coat the surface in accordance with the manufacturers recommendations. Continue such application throughout the nesting season, or until all nest disturbing construction activities have been completed, whichever comes first.

If lubricating the surface with vegetable oil, coat the surface sufficiently as to prevent the adherence of swallow nest to the bridge structure. Repeat the application every two (2) weeks throughout the nesting season, or until all nest disturbing construction activities have been completed, whichever comes first. Obtain approval from the Engineer before resuming nest disturbing activities prior to August 31 when it is observed that nesting activities have ceased. The Engineer will notify the Department's Biologist to confirm that nesting has ceased, and approve the resumption of nest disturbing activities.

525.06 BASIS OF PAYMENT

Include the cost of nest prevention to be included in the contract unit price for other bid items.

Payment for nest prevention will be considered full compensation for all materials, labor, equipment, and incidentals to perform the work as specified in the plans and specifications. Methods other than those specified herein must be approved by the Department's Biologist.

When nest prevention measures are put in place prior to beginning the Contract time, payment will be made on the first progressive estimate approved for payment by the Engineer.