

## **SECTION 1.10 ENVIRONMENTAL COMPLIANCE**

### **Article 1.10.03 Water Pollution Control:**

*Add the following after Required Best Management Practices Number 13.*

14. The Contractor is hereby notified that Bald Eagles (*Haliaeetus leucocephalus*) may be present at or near the project site during the construction period. Specifically, there is the potential that Bald Eagles may roost in some of the trees within or adjacent to the project area, or forage in the river near the bridge site. Roosting activity would include perching in the trees, either temporarily or for over-night periods. Bald Eagles are currently listed as a state threatened species as well as protected under both the Federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. These laws prohibit disturbing the birds while they are roosting, feeding, or nesting. Though Bald Eagles are not known to nest within or near the project site, new activities such as the bridge repair construction work may present an increased risk of disturbance when the birds are roosting or feeding nearby. In order to protect this species, the proposed construction activities at the bridge shall be completed during non-nesting season months (Aug –Jan), if a nest is observed and confirmed within 600’ of the project area. Also during the non-breeding months, machinery and equipment shall maintain a minimum of 600’ from areas of high eagle usage, most importantly winter roosting sites. The cutting of large trees must be reviewed and approved by a biologist from the Department of Transportation’s Office of Environmental Planning (OEP). This Best Management Practice outlines Bald Eagle protection measures and special requirements to be followed by the Contractor at the project site, as listed below.

1. All Contractors, subcontractors, and their employees must be informed of this Best Management Practice and the fact that Bald Eagles are protected from disturbance or bothering by federal laws and that certain construction activities may constitute disturbance when Bald Eagles are present within or near the project site. Such activities include, but are not limited to, clearing of roosting trees, loud noises, leaving exposed trash or hazardous materials, and use of helicopters for project support.
2. To protect the roosting habitat in the project area, the Contractor shall construct the planned staging area in strict accordance with the plans in regard to clearing limits and tree preservation (Refer to Plan Sheet PLN-01). Efforts shall be taken to minimize the amount of tree clearing associated with constructing and maintaining the staging area. Prior to any clearing and grubbing or ground disturbing activities the Contractor shall arrange with a biologist from OEP to be on site and conduct a walkthrough of the area depicted on Plan Sheet PLN- 01.
3. Contractors must not remove or alter specifically-designated trees in the project area where Bald Eagles may roost. These trees will be marked with flagging by CT DOT prior to construction, and the Contractor shall maintain the flagging for

the duration of the project so as to inform workers that the trees are to be protected from clearing activities. The approximate locations of the roosting trees to remain are shown on Plan Sheet PLN-01.

4. The Contractor shall inform the Engineer when Bald Eagles are observed using the roosting trees. In particular, the Contractor shall look for roosting Bald Eagle use during the early morning and evening hours (e.g., suggesting over-night roosting is occurring), or during the daylight hours (e.g., suggesting potential use of roosting trees associated with foraging for fish in the river). The patterns of use reported by the Contractor may be used by CTDOT OEP to modify the guidelines and restrictions presented herein. The Contractor shall keep a log of Bald Eagle use at the site and present this information to the Engineer on a weekly basis. Information to be recorded shall include:
  - a. Date and time of observations;
  - b. Number of eagles observed;
  - c. Type of use observed (e.g., roosting in trees, flying over the site, foraging for fish in the river, "other", etc.).
5. The Contractor shall keep the construction site clean of trash at all times to avoid the potential for scavenging by Bald Eagles. Bald Eagles are scavengers by nature, and may attempt to consume discarded food items or other materials left on site. All trash shall be kept in securely closed containers or removed from the site daily. The Contractor shall also promptly remove any animal carcasses (e.g., resulting from vehicle collisions) that are found in the project area.
6. When Bald Eagles are observed at or near the site, the Contractor shall avoid extremely loud or sudden noises that may disturb these birds. If loud activities are necessary, they shall be scheduled to occur during the middle of the day, only when eagles are not present. Prior to conducting any activities involving loud or sudden noises, particularly blasting, the Contractor shall scan the trees and air at and near the project site to check for the presence of eagles, and shall prohibit the activity from occurring until eagles are no longer present.
7. Helicopter use shall be avoided to the extent practicable due to the typically high level of Bald Eagle disturbance caused by this activity. Helicopters shall not be used at the project when eagles are present or potentially nearby.

Photographs and the laws protecting Bald Eagles will be provided by OEP in the form of species ID sheets. These ID sheets shall be posted in the Contractor's and DOT field offices.