



Migratory Bird Protection During Construction

CONSTRUCTION BULLETIN

Colorado Department of Transportation
Project Management Branch

Migratory Birds
20th Edition of Page 1 of 4
July, February 2011

IMPLEMENTATION OF THE PROTECTION OF MIGRATORY BIRD REGULATIONS

The construction activities described in this bulletin are subject to the Migratory Bird Treaty Act and the Migratory Bird Conservation Act. These laws protect migratory birds and their habitats from destruction or alteration. There are three types of projects that may require a permit under the Migratory Bird Conservation Act (MBCA):

1. Construction of a new building, structure, or other man-made structure.
2. Construction of a new road, highway, or other transportation facility.
3. Construction of a new airport, runway, or other aviation facility.

The appropriate use of these special permits is described in the following sections. The protection of migratory birds is based upon a permit process. The permit process is as follows:

1. Permit application
2. Field inspection
3. Review
4. Permit issuance
5. Construction
6. Permit expiration

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Photo Source: Colorado Department of Transportation



03-0022-11



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To comply with provisions of the Migratory Bird Treaty Act (MBTA), the Colorado Department of Transportation (CDOT) has detailed specifications regarding how to avoid adverse impacts to migratory birds and their nests during roadway construction activities.

CDOT has three special MBTA provisions that may be included in construction contracts:

- A provision applicable to projects consisting only of structure work
- A provision applicable to projects involving soil and vegetation disturbance, where bird surveys are conducted by CDOT biologists.
- A provision applicable to projects involving soil and vegetation disturbance, where bird surveys are conducted by the Contractor's biologist

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