



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

January 25, 2021
Subject: International Bridge
Rehabilitation
State WIN: 021736.00
Location: **Madawaska &
Edmundston, Canada
Amendment No. 2**

Dear Sir/Ms.:

Please make the following changes to The Bid Documents:

In the Bid Book:

CHANGE on page 14, NOTICE TO CONTRACTORS, the bid opening dated from “February 3, 2021”, to read “**February 17, 2021**”. Make this change in pen and ink.

REMOVE pages 195 – 196 SPECIAL PROVISION – SECTION 403 – HOT MIX ASPHALT PAVEMENT, 2 pages, dated October 8, 2020, and **REPLACE** with the attached, revised SPECIAL PROVISION – SECTION 403 – HOT MIX ASPHALT PAVEMENT, 2 pages, dated January 7, 2021.

ADD the attached “Edundston-Madawaska International Bridge Replacement – *Fisheries Act* Authorization”, 2 pages, dated January 21, 2021.

ADD the attached “Paragraphs 34.4(2)(b) and 35(2)(b) *Fisheries Act* Authorization”, 6 pages, dated January 21, 2021.

Consider these changes and information prior to submitting your bid on **February 17, 2021**.

Sincerely,

A handwritten signature in blue ink that reads "George Macdougall".

George M. A. Macdougall P.E.
Contracts & Specifications Engineer

SPECIAL PROVISION

SECTION 403

HOT MIX ASPHALT PAVEMENT

Desc. Of Course	Grad Design.	Item Number	Total Thick	No. Of Layers	Comp. Notes
<u>3" – International Bridge Deck</u>					
Wearing	12.5 mm	403.2081	1½"	1	2,4,7,23,31
Base	12.5 mm	403.2081	1½"	1	2,4,7,23,31

COMPLEMENTARY NOTES

2. The required PGAB shall be a storage-stable, homogeneous, polymer modified asphalt binder that meets **PG 64E-28** grading requirements in AASHTO M 332. All polymer modified asphalt grades utilized on the Project shall be treated with an approved liquid anti-strip. PG binders shall be treated either at the asphalt source terminal with the required dose rate on the delivery documentation, or at the hot mix asphalt plant utilizing a system integrated with the plants controls that will introduce a minimum 0.50 percent anti-strip by weight of asphalt binder used unless a rate is otherwise recommended by the anti-strip manufacturer. The PGAB and anti-strip blend shall meet the **PG 64E-28** requirements. The Contractor shall provide supporting test data showing the PGAB and anti-strip blend meet the required criteria.
4. The aggregate qualities shall meet the design traffic level of 3 to <10 million ESALS for mix placed under this contract. The design, verification, Quality Control, and Acceptance tests for this mix will be performed at **65 gyrations**.
7. Section 106.6 Acceptance, (1) **Method A** as specified Section 401.20 - Quality Assurance Methods A and B.
23. The mixture shall meet the minimum requirements of Special Provision 401 – HMA Hamburg Wheel Tracker Specification.
31. Compaction of the new Hot Mix Asphalt Pavement will be obtained using a minimal roller train consisting of a **10 ton** vibratory, **12 ton** pneumatic, and a **10 ton** finish roller for roadway work. A **Quality Control Technician (QCT) equipped with a density meter** shall be required for all roadway mixtures placed under this contract. Density testing of the mixture will be performed by the QCT in accordance with AASHTO T355 or AASHTO T343. The mixture will be rolled until the density readings show less than 1 pcf change for the final roller passes. This density will be used as the target TMD for the mixture. The remaining mixture shall be compacted to a minimum density of 95% of the target density as determined in the control section. The Contractor shall make density test results, including randomly sampled densities, available to the Department’s representative onsite. Summaries of each day's results, including a daily paving report, summarizing the mixture type, mixture temperature, equipment used, environmental conditions, and number of roller passes, shall be recorded and signed by the QCT and presented to the Department’s representative by the **end of the working day**. The Department may require cores for informational purposes.

Tack Coat

A tack coat of emulsified asphalt, RS-1, RS-1h, CRS-1 or CRS-1h, Item 409.15 shall be applied to any existing pavement at a rate of approximately 0.030 gal/yd², and on milled pavement approximately 0.05 gal/yd² prior to placing a new course. A fog coat of emulsified asphalt shall be applied between shim /base courses and surface course as well as to any bridge membrane prior to the placement of HMA layers at a rate not to exceed 0.030 gal/yd². Tack used will be **paid for at the contract unit price** for Item 409.15 Bituminous Tack Coat.



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Fish and Fish Habitat Protection Program
343 Université Avenue
P.O. Box 5030
Moncton, New Brunswick
E1C 9B6

JAN 21 2021

NB EIA Registration: 4561-3-1517
WAWA: 49032'20
DFO file: 20-HGLF-00052

Ms. Danielle Amos
Environmental Coordinator
New Brunswick Department of Transportation and Infrastructure
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1

Dear Ms. Amos:

Subject: Edmundston-Madawaska International Bridge Replacement – *Fisheries Act* Authorization

Pursuant to Paragraphs 34.4(2)(b) and 35(2)(b) for the authorization for work/ undertaking/activity resulting in harmful alteration, disruption or destruction of fish habitat under the *Fisheries Act*, Fisheries and Oceans Canada (DFO) authorizes the carrying on of your proposed work, undertaking or activity that results in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*.

The proposed project of which is authorized involves the construction of a new international bridge spanning across the Saint John River between Edmundston, New Brunswick, and Madawaska, Maine. The new bridge is being constructed upstream of the existing international bridge and will be a six-span, 556.5 m structure. Construction of the bridge will include in-water temporary work trestles for construction access and sealed temporary cofferdams for in-water pier construction. To avoid ice jams during the spring freshet, trestles will be put in place in the spring and removed in the fall of each construction year. Only the north abutment, four spans, and three piers (two in water) to be constructed as part of the Project are within Canadian jurisdiction and subject to this authorization. The existing bridge structure will be decommissioned and removed upon completion of the new bridge. Decommissioning is anticipated to take approximately one year and will also require the use of temporary work trestles. The authorization under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* is attached.

Failure to comply with any of the terms or conditions of the attached authorization may lead to prosecution under the *Fisheries Act*.

A copy of this authorization should be kept on site while the work is in progress and upon request be provided to relevant federal or provincial officials. The authorization holder is responsible for ensuring work crews are familiar with, and able to adhere to, the conditions.

As you are aware, Bill C-68 included new provisions (sections 42.2 to 42.5) in the *Fisheries Act* that require the Minister of Fisheries and Oceans to establish a public registry to facilitate public access to certain records, including amongst other items, authorizations issued pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*. While the public registry provisions of the *Fisheries Act* are not yet in force, the Department has begun to post a list of authorizations issued since August 28, 2019, when amendments to the fish and fish habitat protection provisions of the Act came into force.

Information pertaining to this authorization will be posted to the *Fisheries Act* Registry and accessible from the Department's website at <https://www.dfo-mpo.gc.ca/pnw-ppe/registry-registre-eng.html> as well as from the Open Government Portal at: <https://open.canada.ca/data/en/dataset/2c09d2fd-9a8e-4d8c-b5af-95747e36eaac>. Information and data will be updated as the Department continues to develop the *Fisheries Act* Registry.

Any disclosure of information will be conducted in accordance with the *Access to Information Act* and the *Privacy Act*. Should you have any documents that contain sensitive or proprietary information that you believe should be protected from public disclosure, please contact us to discuss whether and how the information may be protected.

If you or anyone conducting work on your behalf have any questions please contact Angeline LeBlanc at our Moncton office at 506-871-5607, or by email at Angeline.LeBlanc@dfo-mpo.gc.ca.

Yours sincerely,



Serge Doucet
Regional Director General, Gulf Region

Attachment: Authorization

c.c.: wawa@gnb.ca
Catherine Lambert (NBDELG)
Rachelle Voisine (NBDELG)



Paragraphs 34.4(2)(b) and 35(2)(b) *Fisheries Act* Authorization

JAN 21 2021

Authorization issued to

The New Brunswick Department of Transportation and Infrastructure (*hereafter referred to as the "Proponent"*)

Attention to: Ms. Danielle Amos
Environmental Coordinator
New Brunswick Department of Transportation and Infrastructure
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1

Location of Proposed Project

Nearest community (city, town, village): City of Edmundston
Municipality, district, township, county: Madawaska County
Province: New Brunswick
Name of watercourse, waterbody: Saint John River
Longitude and latitude, UTM Coordinates: 68.328635°W, 47.360634°N

Valid Authorization Period

This Authorization remains in force from date signed by the Regional Director General, Gulf Region until December 31, 2025.

Please note that this Authorization may contain more specific timing requirements and limitations. These are set out in the Conditions of Authorization section.

Description of Proposed Project

The proposed project of which the work, undertaking or activity authorized is a part involves:

The construction of a new international bridge spanning across the Saint John River between Edmundston, New Brunswick, and Madawaska, Maine. The new bridge is being constructed upstream of the existing international bridge and will be a six-span, 556.5 m long structure. Construction of the bridge will require in-water temporary work trestles for construction access and sealed temporary cofferdams for in-water pier construction. To avoid ice jams during the spring freshet, trestles will be put in place in the spring and removed in the fall of each construction year (a three-year construction period is anticipated for the project). Only the north abutment, four spans, and three piers (two in water) to be constructed as part of the project are within Canadian jurisdiction and subject to this authorization. The existing bridge structure will be

decommissioned and removed upon completion of the new bridge. Decommissioning is anticipated to take approximately one year and will also require the use of temporary work trestles.

Description of Authorized work(s), undertaking(s) or activity(ies) likely to result in the death of fish by means other than fishing:

The work(s), undertaking(s), or activity(ies) associated with the proposed project described above, that are likely to result in the death of fish by means other than fishing, are:

Pile driving associated with the installation of temporary trestle bridges and the construction of the bridge piers.

Description of Authorized work(s), undertaking(s) or activity(ies) likely to result in the harmful alteration, disruption or destruction of fish habitat:

The work(s), undertaking(s), or activity(ies) associated with the proposed project described above, that are likely to result in the harmful alteration, disruption or destruction of fish habitat, are:

- The construction of bridge piers in the Saint John River;
- The placement of rip rap to protect the bridge abutments;
- The construction of temporary access roads;
- The installation of temporary trestle bridges for the construction of the new bridge and for the decommissioning of the existing bridge.

The authorized work(s), undertaking(s), or activity(ies) are likely to result in the following impacts to fish and fish habitat:

- The pile driving required to build the bridge piers and to install the temporary trestle bridges will likely cause death of fish. However, the effects of sound and vibration associated with pile driving on fish and fish habitat are unknown. The work will be carried out during sensitive time periods such as spawning and overwintering periods and several resident fish species likely spawn and overwinter in the vicinity of the project.
 - The construction of the bridge piers and the placement of rip rap will result in the permanent destruction of 344 m² of fish habitat used by various fish species to carry out their life cycle in the Saint John River and 4,860 m² of habitat used by various fish species for feeding and resting at the aquatic and riparian zone interface.
 - The construction of temporary access roads will result in the disruption of 10,776 m² of fish and fish habitat in the riparian zone. The impact will be temporary (approximately 4 years) due to the removal of the fill after project completion. However, fish will not be able to use the area for feeding and resting during the construction of the bridge.
 - The installation of temporary trestle bridges will result in the disruption of fish habitat in the Saint John River for the duration of the project, approximately 4 years. Habitat will become available again when the trestle bridges are removed after project completion.
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Conditions of Authorization

The above described work, undertaking or activity must be carried on in accordance with the following conditions.

1. **Conditions that relate to the period during which the work, undertaking or activity can be carried on**
 - 1.1. The work, undertaking or activity that is/are authorized to be carried on during the following period:

From the date signed by Regional Director General, Gulf Region to December 31, 2025.
 - 1.2. If the Proponent cannot complete the work, undertaking or activity during this period, DFO must be notified in advance of the expiration of the above time period. An application for amendment, suspension or cancellation of the authorization should be submitted to DFO.
 - 1.3. The periods during which other conditions of this authorization must be complied with are provided in their respective sections below.
2. **Conditions that relate to measures and standards to avoid and mitigate impacts to fish and fish habitat.**
 - 2.1. Sediment and erosion control:
 - 2.1.1. Sediment and erosion control measures must be in place and shall be upgraded and maintained, such that release of sediment is avoided at the location of the authorized work, undertaking, or activity.
 - 2.1.2. Turbidity levels shall not exceed 8 NTUs above background levels when background levels are between 8 and 80 NTUs or exceed 10% of control background levels when background is > 80 NTUs. Background levels shall be measured in the closest undisturbed area adjacent to the work. Background and in-plume turbidity samples shall be measured in as close a timeframe to each other as technically possible. Turbidity measurements will be taken in accordance with condition **Error! Reference source not found.**
 - 2.1.3. All material removed from or brought to the site must be stored in a place and manner to prevent the release of sediment or other material into any watercourse.
 - 2.1.4. All exposed soils must be stabilized as soon as possible in order to control sediment runoff during and after construction.
 - 2.1.5. All rock material that will be used for the project must be free of excessive fines.
 - 2.2. List of measures and standards to avoid and mitigate impacts to fish and fish habitat:
 - 2.2.1. Unimpeded fish passage shall be provided at all times.
 - 2.2.2. Machinery shall be operated on land, on ice, from floating platforms or approved temporary structures.
 - 2.2.3. Any construction debris that enters the aquatic environment must be removed immediately and be disposed of in a provincially approved manner.
 - 2.2.4. Capture, relocate and monitor for fish trapped within isolated, enclosed, or dewatered areas. Fish salvages must be conducted by a qualified person(s).
 - 2.2.5. Prevent fish from re-entering enclosed areas.
 - 2.2.6. Invasive Species
 - 2.2.6.1. All equipment must be clean and free of invasive species, noxious weeds and free of fluid leaks prior to entering the waters.
 - 2.3. Contingency measures shall be put in place if monitoring required in section 3 below indicates that the measures and standards to avoid and mitigate impacts to fish and fish habitat are not successful.
 - 2.3.1. If condition 2.1.2 above indicates that the measures and standards to avoid and mitigate harm to fish are not successful, corrective measures must be undertaken, that could include stopping work and the addition of site-specific sedimentation control measures.

2.4. Dates by which these measures and standards shall be implemented: Measures and standards to avoid and mitigate impacts to fish and fish habitat shall be implemented prior to the initiation of works, undertakings or activities and shall be in place for the duration of the project.

3. Conditions that relate to monitoring and reporting of measures and standards to avoid and mitigate impacts to fish and fish habitat.

3.1. Monitoring of avoidance and mitigation measures: The Proponent shall monitor the implementation of avoidance and mitigation measures referred to in section 2 of this authorization and report to DFO, on a monthly basis for the duration of the proposed project, and indicate whether the measures and standards to avoid and mitigate impacts to fish and fish habitat were conducted according to the conditions of this authorization. This shall be done, by:

3.1.1. Demonstration of effective implementation and functioning: Providing dated photographs and inspection reports to demonstrate effective implementation and functioning of mitigation measures and standards described above to limit the impacts to fish and fish habitat to what is covered by this authorization.

3.1.2. Contingency measures: Providing details of any contingency measures that were followed, to prevent impacts greater than those covered by this authorization in the event that mitigation measures did not function as described.

3.2. Other monitoring and reporting conditions:

3.2.1. Each day the activity is occurring and there is sediment observed in the water from onsite activities, turbidity measurements (NTUs) shall be collected. Samples shall be obtained approximately midway through daily activities both within 30 metres of the in-water activity (in-plume) and at a background location (at least 100 metres outside the plume). A sampling protocol must be developed by a qualified person.

3.2.2. Weekly turbidity reports shall be sent to DFO from the start of the in-water work and shall include, but not limited to, the following information: date, time, weather conditions, in-water activity, GPS location where the sample was taken, and measurement in NTUs. To ensure accurate records, consistency in methods and instruments must be maintained.

3.2.3. The Proponent shall submit to DFO an “as-built” report within one year of the completion of the in-water construction. The “as-built” report must include the location and surface area of the piers and of the rip rap.

4. Conditions that relate to offsetting

4.1. Letter of credit: The Proponent is Her Majesty in right of the province of NB therefore a letter of credit is not required, as per paragraph 2(2) of the *Applications Concerning Fish and Fish Habitat Protection Regulations*.

4.2. Scale and description of offsetting measures: The Madawaska Maliseet First Nation (MMFN) and the Wolastoqey Nation in New Brunswick (WNNB) opposed the use of banked credits originally proposed by the Proponent to offset the death of fish and the harmful alteration, disruption and destruction (HADD) of fish habitat caused by the project. Because of timelines imposed by the Maine Department of Transportation (Maine DOT), there was not enough time to develop an offsetting plan that would satisfy DFO’s offsetting policy as well as the WNNB and MMFN’s requests. As such, DFO has accepted a letter of intent from the Proponent that an offsetting project will be developed in collaboration with MMFN and WNNB and submitted to DFO for approval by September 30, 2021. The offsetting project must be completed prior to the completion of the authorized works. Ratios to offset the death of fish and HADD will be applied as follows: a 2:1 ratio for the bridge piers ($344 \text{ m}^2 \times 2 = 688 \text{ m}^2$), a 1.5:1 ratio for the rip rap protecting the abutments ($4,860 \text{ m}^2 \times 1.5 = 7,290 \text{ m}^2$) and a 1:1 ratio for the temporary access road and trestle bridges ($10,776 \text{ m}^2$).

- 4.3. Offsetting criteria to assess the implementation and effectiveness of the offsetting measures: All fish habitat offsetting measures shall be completed and functioning according to the criteria included in the offsetting plan referred to in 4.2
 - 4.4. Contingency measures: If the results of monitoring as required in section 5 indicate that the offsetting measures are not completed by the date specified and/or are not functioning according to the above criteria in 4.3, the Proponent shall give written notice to DFO and shall implement the contingency measures and associated monitoring measures, as contained within the approved offsetting plan and as set out in section 5 of this authorization, to ensure the implementation of the offsetting measures is completed and/or functioning as required by this authorization.
 - 4.4.1. Scale and description of contingency measures: Contingency measures shall be included in the offsetting plan referred to in 4.2.
 - 4.4.2. Monitoring measures to ensure offsetting contingency is completed and/or functioning as required: The monitoring of the offsetting contingency shall be conducted according to the conditions outlined in the offsetting plan referred to in 4.2.
 - 4.5. The Proponent shall not carry on any work, undertaking or activity that will adversely impact the offsetting measures.
 - 4.6. The Proponent shall obtain written permission for the Proponent, DFO, and anyone authorized to act on behalf of DFO, to access lands, water sources, or water bodies that are not owned by or under the care, control, or administration of the Proponent that must be accessed in order to implement the offsetting measures in this section and the monitoring of said measures.
 - 4.7. The Proponent shall provide the written permission to DFO prior to the commencement of the Authorized work(s), undertakings(s) or activity(ies) that are likely to result in impacts to fish and fish habitat, described herein, and prior to the commencement of the implementation of the Proponent's offsetting plan referred to in condition 4.2 that is to take place on lands or in water sources or water bodies not owned by or under the care, control, or administration of the Proponent.
 - 4.8. Other conditions related to offsetting: If at any time the Proponent becomes aware that the offsetting measures are not functioning as agreed upon, the Proponent shall carry out any works which are necessary to ensure the offsetting measures are functioning as required by this Authorization.
- 5. Conditions that relate to monitoring and reporting of implementation of offsetting measures (described in section 4):**
- 5.1. Schedule(s) and criteria: The Proponent shall conduct monitoring of the implementation of offsetting measures according to the timeline and criteria in the offsetting plan approved by DFO, referred to in section 4.2 which are the following:
 - 5.1.1. List of timeline(s) and monitoring and reporting criteria: The monitoring of the offsetting measures shall be conducted according to the conditions outlined in the offsetting plan referred to in 4.2.
 - 5.2. List of reports to be provided to DFO: The Proponent shall report to DFO on whether the offsetting measures were conducted according to the conditions of this authorization by providing the following:
 - 5.2.1. Reporting of the monitoring of the offsetting measures shall be conducted according to the conditions outlined in the offsetting plan referred to in 4.2.
 - 5.3. Other monitoring and reporting conditions for offsetting: All other monitoring and reporting conditions shall be outlined in the offsetting plan referred to in 4.2.

Authorization Limitations and Application Conditions

The Proponent is solely responsible for plans and specifications relating to this authorization and for all design, safety and workmanship aspects of all the works associated with this authorization.

The holder of this authorization is hereby authorized under the authority of Paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*, R.S.C., 1985, c.F-14, to carry on the work(s), undertaking(s) and/or activity(ies) that are likely to result in impacts to fish and fish habitat as described herein.

This authorization does not purport to release the applicant from any obligation to obtain permission from or to comply with the requirements of any other regulatory agencies.

This authorization does not permit the deposit of a deleterious substance in water frequented by fish. Subsection 36(3) of the *Fisheries Act* prohibits the deposit of any deleterious substances into waters frequented by fish unless authorized by regulations made by Governor in Council.

This authorization does not permit the killing, harming, harassment, capture or taking of individuals of any aquatic species listed under the *Species at Risk Act* (SARA) (s. 32 of the SARA), or the damage or destruction of residence of individuals of such species (s. 33 of the SARA) or the destruction of the critical habitat of any such species (s. 58 of the SARA).

At the date of issuance of this authorization, no individuals of aquatic species listed under the *Species at Risk Act* (SARA) were identified in the vicinity of the authorized works, undertakings or activities.


It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the unauthorized death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/CONTACT-eng.html>).

The failure to comply with any condition of this authorization constitutes an offence under Paragraph(s) 40(3)(a) of the *Fisheries Act*, and may result in charges being laid under said Act.

A copy of this authorization should be kept on site while the work is in progress and upon request be provided to relevant federal or provincial officials. The authorization holder is responsible for ensuring work crews are familiar with, and able to adhere to, the conditions.

This authorization cannot be transferred or assigned to another party. If the work(s), undertaking(s) or activity(ies) authorized to be conducted pursuant to this authorization are expected to be sold or transferred, or other circumstances arise that are expected to result in a new Proponent taking over the work(s), undertaking(s) or activity(ies), the Proponent named in this authorization shall advise DFO in advance.

Date of Issuance: JAN 21 2021

Approved by: 
Serge Doucet
Regional Director General
Gulf Region
Fisheries and Oceans Canada