

Question: "Does bid item 2881.3 Marine Mammal Work Stoppage Dredge Activity cover work stoppage associated with all "in water work" including Dredging and Offshore Disposal, Rock Dredging, and Armor Rock placement? Please clarify "in water work" not included in bid item 2881.3"

Response: Please reference Section 00852 – Permits contain the IHA that identifies in water work requiring work stoppage as paid under item 2881.3.”

Question: “Bid item 2205.2 Salvage Existing Armor Rock and Place on Dredge Slopes is a Lump Sum item with an estimated approximate quantity of 150-250 cy. Please identify the area/s where salvage of existing armor rock will be measured.”

Response: Sheet 1.04, Note 11 identifies general location of salvaged existing armor rock. Contractor’s means and methods of constructing the drill pads as designed on sheet 3.04 and as directed in Measurement and Payment, Section 01025, 2.11 CLASS II ARMOR ROCK.

Question: “Drawing 5.01 shows 297 LF of 24” storm Drain but Bid item 2501.1 is for only 140 LF.”

Response: This will be handled by contract change order at a later date.

Question: “Drawing 5.01 shows two each storm Drain MH, Type 11 but bid item 2502.2 is for only 1 EA.”

Response: This will be handled by contract change order at a later date.

PROJECT MANUAL:

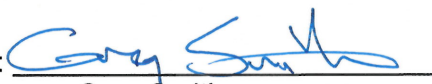
Item No. 1 **SECTION 00852 PERMITS**

Under Part 1 – GENERAL INDEX OF PERMITS - ***add*** attached US Fish and Wildlife Service – Permit MB75271C-0 and Authorization included and labeled as Addendum 3

Item No. 2 **SECTION 02881 – DREDGING AND DISPOSAL -**

Part 3-Execution, 3.6 MARINE MAMMAL OBSERVATION. ***Delete*** Paragraphs C and D in their entirety and ***Replace*** them with the following:

- C. The CONTRACTOR shall suspend and resume Dredging and Disposal Work (Dredging Activity) at the direction of the OWNER and shall log all such activities on a daily report provided to the ENGINEER.
- D. Compensation for Marine Mammal Work Suspension for any Dredging Activity shall be made at the contract bid unit price, provided the CONTRACTOR operations are in full compliance with all permit requirements and NMFS Mitigation Measures

By: 
Greg Smith,
Contract Administrator

Total number of pages contained within this Addendum: 6



Permit Number: MB75271C-0
Effective: 05/23/2019 Expires: 10/31/2020

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
1011 E. Tudor Rd (MS-201)
Anchorage, AK 99503
Tel: 907-786-3693 Fax: 907-786-3927

Tim J. Taylor 5/24/2019
CHIEF, DIVISION OF MIGRATORY BIRD MANAGEMENT - REGION 7

Permittee:

CITY AND BOROUGH OF JUNEAU - DOCKS AND HARBORS
ATTN: BRE AUSTIN
155 SOUTH SEWARD STREET
JUNEAU, AK 99801

Name and Title of Principal Officer:

CARL J. UCHYTIL - PORT DIRECTOR

Authority: Statutes and Regulations: 16 USC 668a; 50 CFR 13, 50 CFR 22.26.

Location where authorized activity may be conducted:

Statter Harbor, Juneau, AK

Reporting requirements:

See Conditions G, H, K, L, and M

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.
- C. Valid for use by permittee named above.
- D. This permit is only valid with authorization from Alaska Department of Fish and Game. Contact:

Alaska Department of Fish and Game

Division of Wildlife Conservation

PO Box 115526

Juneau, AK 99811-5526

(907) 465-4148

Dfg.dwc.permits@alaska.gov <mailto:Dfg.dwc.permits@alaska.gov>

- E. You are authorized to disturb bald eagles located among four nests (see coordinates below) within 0.5 mile of Stater Harbor.



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Authorized disturbance is limited to work associated with Statter Harbor Improvements Phase III as described in the City and Borough of Juneau's Eagle Take Permit Application submitted to U.S. Fish and Wildlife Service on January 26, 2018. Potential impacts to bald eagles include the loss of three years' productivity from two breeding pairs.

F. You must comply with the following avoidance, minimization, or other mitigation measures prescribed by the permit issuing office, including:

- i) The project shall be completed with the smallest footprint practicable while still meeting the purpose and need of the project;
- ii) You shall ensure all construction vehicles operated within 660' of nests shall have standard mufflers installed;
- iii) You shall maintain existing vegetation to screen project activities from nests;
- iv) You shall use vibratory hammers to initially set harbor piles and pile driving equipment only to set the piles to final load capacities; and
- v) To reduce blasting risks, temporary fill will be imported and placed over blast area prior to blasting.

G. You are required to monitor eagle use of the area including:

i. **OCCUPANCY SURVEY**

April 15 - May 25, 2020

Conduct ground or aerial-based nest surveys from a clear vantage point to determine both the status (active vs. inactive) and occupancy (number of eggs and/or chicks) of the nest. Status may be determined by adult behavior (incubating posture, food delivery, etc.) rather than direct observations of eggs or chicks.

ii. **PRODUCTIVITY SURVEY**

July 15 - July 31, 2020

Conduct ground or aerial-based nest surveys, from a clear vantage point, to determine both the status (active vs. inactive) and occupancy (number of eggs and/or chicks) of the nest if it was identified as active during the preceding occupancy survey.

iii. **NEST FIDELITY SURVEY**

April 15 - June 1, 2021

Conduct ground or aerial-based nest surveys, from a clear vantage point, to determine both the status (active vs. inactive) and occupancy (number of eggs and/or chicks) of the nest.

You must submit an annual report summarizing the information you obtained through monitoring to the Migratory Bird Permit Office by December 31 of the year in which the survey was conducted. Submit reports to:

U.S. Fish and Wildlife Service
Migratory Bird Management
ATTN: Jordan Muir
1011 E Tudor Road MS-201
Anchorage, AK 99503
907-786-3503

H. Any previously unidentified eagle nest located within a half mile radius of the project area discovered prior to June 1, 2017 must be reported to the migratory bird permit issuing office (**907-786-3503**) within 10 days of discovery.

I. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.



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- J. This permit does not authorize intentional take of live eagles, eggs or young.
- K. The authorizations granted by permits issued under this section apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Service to determine whether a permit amendment is required in order to retain take authorization.
- L. You must immediately notify the migratory bird permit issuing office (**907-786-3503 or 907-786-3693**) regarding any apparent injury or death occurring to any eagle, including viable eggs, during project activities. You must immediately transport any injured eagle to the Juneau Raptor Center (**907-790-5424 or 907-586-8393 or by emergency pager at 907-790-5424**).
- M. You must contact the migratory bird issuing office (**907-786-3503**) immediately upon discovery of any unanticipated take.
- N. While the permit is valid and for up to 3 years after it expires, you must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s).
- O. You may delegate the authority granted in this permit to the following subpermittee(s): any other person/business who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. Any subpermittee who has been delegated this authority may not re-delegate to another individual/business.
- P. Subpermittees must be at least 18 years of age. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.
- Q. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.
- R. All of the provisions and conditions of the governing regulations at 50 CFR 13 and 50 CFR 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. For copies of the regulations, visit: www.fws.gov/permits/mbpermits/birdbasics.html.
- S. This permit does not authorize you to conduct activities on Federal, State, Tribal, or other public or private property other than your own without additional prior written permits or permission from the agency/landowner.
- T. You must maintain records as required in 50 CFR 13.46. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
- U. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.46).
- V. Permittees and subpermittees operating under this permit may not take or disturb eagles contrary to the laws or regulations of any State, Tribal, or Municipal government, and none of the privileges of this authorization are valid unless the permittee possesses the appropriate State permits, or other authorizations, if required.
- W. The U.S. Fish and Wildlife Service is not liable for any damage or injury to person, wildlife, or property that occurs as the result of carrying out the activities associated with this permit.
- X. The terms and conditions of this permit that are not specifically prescribed by regulations at 50 CFR parts 10, 13, and 22, should not be construed as precedent and are subject to revision for purposes of any future permit issued under this section.

NEST ID LAT LONG

1

58.384025 -134.644835
STATTER HARBOR IMPROVEMENTS PHASE III(A)
CONTRACT No. DH18-013

ADDENDUM 3

July 16, 2019



EAGLE TAKE ASSOCIATED WITH BUT NOT THE PURPOSE OF AN ACTIVITY

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Effective: 05/23/2019 Expires: 10/31/2020

2	58.38351	-134.64583
3	58.38164	-134.64072
4	58.383996	-134.658281



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

DIVISION OF WILDLIFE CONSERVATION
Southeast Region

802 3rd Street
P.O. Box 110024
Juneau, Alaska 99811-5526
Main: 907.465.4265
Fax: 907.465.4272

June 28, 2019

Ms. Bre Austin
City and Borough of Juneau – Docks and Harbors
155 South Seward Street
Juneau, AK 99801

Dear Ms. Austin,

The Division of Wildlife Conservation has reviewed materials associated with your request to disturb four eagle nests located at Statter Harbor, Juneau, AK (58.384025, -134.644835, 58.38351, -134.64583, 58.38164, -134.64072, 58.383996, -134.658281) and the conditions of permit MB75271C-0. We concur that disturbing the nests in the manner described will have a negligible effect on the local eagle population and authorize disturbance of these nests consistent with the terms of your federal permit.

This authorization is valid in conjunction with federal permit MB75271C-0 and expires on October 31, 2020. This authorization may be renewed by submitting a request (paper or e-mail) and proof of the federal permit's renewal to ADF&G, Permits Section at dfg.dwc.permits@alaska.gov or P.O. Box 115526, Juneau, AK 99811-5526. If amendments are made to federal permit MB75271C-0, you must contact ADF&G, Permits Section for a concurrent authorization of the amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Krenz".

~~Maria Gladyszewski~~ Chris Krenz
Alaska Department of Fish and Game
Division of Wildlife Conservation
1255 W. 8th Street
Juneau, AK 99811