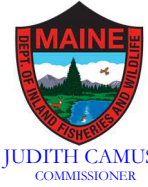




JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041



JUDITH CAMUSO
COMMISSIONER

August 28, 2019

Mr. Michael Carey
Development Manager
SWEB Development USA, LLC
6080 Young Street, Suite 106
Halifax, NS B3K 5L2

RE: Proposed Silver Maple Wind Project - Clifton, Maine

Dear Mr. Carey,

I am writing to follow up on my email to you of July 1, 2019, in response to your letter of June 28, 2019. I also wish to reference my letter to you, also of June 28, 2019. As promised, the Maine Department of Inland Fisheries and Wildlife (MDIFW) has further considered the issues discussed in the above referenced correspondences related to the proposed Silver Maple Wind Project in Clifton, Maine. The following information addresses several issues that we've been discussing.

1. Project Location in Relation to the Downeast Coastal Plain. MDIFW has further reviewed the proposed location of Silver Maple Wind and the boundaries of the region described as the "Downeast Coastal Plain". MDIFW finds that the proposed project location falls within this region as described both narratively and graphically in MDIFW's Maine Wind Power Preconstruction Recommendations and Turbine Curtailment Recommendations to Avoid/Minimize Bat Mortality (Wind Power) Guidance (March 5, 2018) and Avian Resources in Maine's Coastal Plain (Avian Resources) Guidance (March 5, 2018). As discussed and as represented in the Avian Resources Guidance, "*The concentration of migratory birds in the coastal plain is greater than in other areas of Maine and the seasonal and daily movement patterns are unique for represented guilds, creating a very complex dynamic.*" This has been demonstrated through high spring and fall passerine migration rates, relatively low migrating bird flight heights, and higher post-construction bird mortality levels at nearby wind energy project sites. Accordingly, MDIFW reiterates its earlier recommendation that, after it demonstrates avoidance and minimization of anticipated impacts to the extent practicable, SWEB will need to provide compensation for impacts to migrating songbirds. MDIFW is available to meet with your representatives to discuss these issues.

As also previously discussed, if SWEB wishes to further explore this issue, it can undertake MDIFW-approved nocturnal radar studies for songbird migration patterns and trends to formally determine if/that the proposed project site experiences similar elevated numbers and lower flight heights of migrating songbirds as other project sites in the Downeast Coastal Plain. For reference, please see the Coastal Plain Specific Recommendations in the Avian Resources Guidance.

2. Bat Curtailment Regimen. MDIFW requests clarification of SWEB's proposed operational measures to avoid or minimize adverse impacts to bats. In your email and letter of June 28, 2019, you indicated, "SWEB would like to propose the following Bat Curtailment regimen:
 - April 15th – Oct. 15th
 - Temperature above 30 degrees F
 - July 15th – September 1st: 6.3 m/s curtailment between sunset and sunrise".

Please clarify the wind speed curtailment proposed by SWEB from April 15 – July 14 and from September 2 – October 15. It is noted that the details provided by SWEB to date are different from the recommendations provided by MDIFW in our meeting of June 12, 2019 and follow up letter of June 28, 2019, which both referenced the Minimum Turbine Curtailment Recommendations in MDIFW's Wind Power Guidance. As noted in the Wind Power Guidance, "in most circumstances based on current research and recent project reviews, MDIFW recommends that turbines operate only at cut-in wind speeds exceeding 6.0 meters per second each night (from at least ½ hour before sunset to at least ½ hour after sunrise) during the period April 15 –September 30, whenever the ambient air temperature is at or above 32 degrees Fahrenheit, measured at both ground level and nacelle hub height. Proximity to hibernacula, documented maternity sites, rocky features, the coastal mainland, and migration patterns, may increase risks and thus possibly necessitate additional safeguards, such as extended timeframes (earlier and/or later) and/or higher wind speeds." "Additionally, based on higher bat mortality during July – September demonstrated through post-construction project monitoring in Maine and research elsewhere, applicants can anticipate a need for increased curtailment wind speeds during this period." As discussed, rocky outcrops, talus and steep slopes, and a potential bat maternity roost tree are located near the project site and winter activity has been confirmed for little brown bats (*Myotis lucifugus*) and eastern small-footed bats (*M. leibii*) at Eagle Bluff in Dedham, located approximately 2.5 miles away. MDIFW anticipates the presence of other at-risk bat species in the vicinity.

MDIFW is open to discussing alternate proposals that can be demonstrated to be appropriately protective of at-risk bat species. As example of this, please recall our discussions of two recent wind energy projects that incorporated 6.0 m/s curtailment regimens during most of the season. One adopted a July 16 – September 15 curtailment speed of 6.9 m/s, while the other adopted a curtailment speed of 6.5 m/s during the same time period. Based on the levels of protection anticipated for bats by these proposals, MDIFW agreed to an Incidental Take Plan/Permit for the first project and to forego post-construction mortality monitoring for both projects. As with the issue above, MDIFW is available to meet with your representatives to discuss these issues.

3. Great Blue Herons. As Charlie Todd noted following his aerial surveys in late June/early July, in addition to the historical nests already known, two new great blue heron nest sites were discovered in the project vicinity. The new nests were located outside of the 4-mile survey radius. MDIFW needs to evaluate if existing information will help determine heron flight paths, and thus potential risk in relation to the proposed project site, or if additional data is necessary.

As with earlier communications, MDIFW hopes that this information is of assistance to you in your project design. If you have any questions or concerns, please feel free to contact me at robert.d.stratton@maine.gov or (207) 287-5659 or John Perry at john.perry@maine.gov or (207) 287-5254. Please note, these comments should be considered preliminary until a formal application and final site plan for the project have been received and reviewed by our agency. We look forward to discussing these important issues with you at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bob Stratton" with a small "IFW" written below the name.

Robert D. Stratton
Environmental Program Manager
Fisheries and Wildlife Program Support Section Supervisor
Maine Department of Inland Fisheries & Wildlife

cc: John Perry, Charlie Todd, Josh Matijas, Carl Tugend (MDIFW)
Jessica Damon, Jim Beyer (MDEP)
Wende Mahaney (USFWS)
Paul Fuller (Silver Maple Wind, Pisgah Wind)
Tim Brochu (CES)