



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



August 28, 2020

Ms. Jessica Damon
Maine Department of Environmental Protection
106 Hogan Road
Bangor, Maine 04401

RE: A Survey of Breeding Birds at the Silver Maple Wind Project Mitigation Parcel in Hancock, Maine; Implications for Adequate and Appropriate Mitigation of Project Impacts to Migrating Songbirds.

Dear Jessica,

Per your request, the Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed Biodiversity Research Institute's (BRI's) report, A Survey of Breeding Birds at the Silver Maple Wind Project Mitigation Parcel in Hancock, Maine, provided on August 19, 2020. The BRI report indicates, *"The goal of the survey was to provide information on the value that the property currently provides to breeding birds by collecting baseline data."* MDIFW finds the BRI report to be very interesting for the subject matter addressed, including general observations of the habitat types currently provided, but notes that it does not resolve concerns related to mitigation of impacts from Silver Maple Wind (SMW).

MDIFW previously recommended that the objective of a mitigation plan for SMW should be to provide *"adequate and appropriate mitigation of anticipated and potential impacts to songbirds"* through *"acquisition and active management of a sufficient quality and quantity of land for stop-over and nesting habitat for land-bird migrants in the Downeast Coastal Plain"*. In developing a plan to address this objective, it should be noted that land preservation/conservation, general forest and wildlife management, and habitat management specifically for migrating songbirds, are all valid but very different proposals. The goal of a mitigation plan for SMW is related to active habitat management for migrating songbirds, which includes very specific components. As previously noted, requirements and needs for migrating songbirds are different from those for breeding songbirds.

BRI's report describes conditions for breeding songbirds on a large property proposed for acquisition by Frenchman Bay Conservancy (FBC) and not on *"the Silver Maple Wind Project Mitigation Parcel"*, as the title implies. As compensation for impacts to songbirds, SWEB Development (owner of Silver Maple Wind) proposes to donate toward FBC's larger endeavor to acquire an approximately 1,458-acre parcel to form the Frenchman Bay Community Forest. FBC indicated that it intends to develop a management plan for the property following purchase, anticipating that their plan will involve an initial harvest to even out different aged stands and accelerate the transition to FBC's ultimate goal of an ecological reserve with no active management. It should be noted that MDIFW supports the conservation work of FBC but, must consider SWEB's proposal relative to the affected resources and needs for impact mitigation. The proposed SMW project site is located within the Downeast Coastal Plain, an area noted for the increased presence of, and risks to, migrating songbirds.

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To accomplish the stated goal for SMW, the habitat management plan would have specific objectives promoting and expanding existing habitats that are favorable to avian migrants, such as shrub and open areas, combined with active management for other habitats and successional stages to ensure suitability for a broad suite of species potentially impacted by SMW. This would include providing energy-dense fruit and mast bearing trees and shrubs, native plant species that support fall insect populations, and necessary cover for migrants. In order to write this plan, information on the current habitat conditions, including current forest typing at the forest stand level with species composition, age class distribution, basal area, trees per acre, volumes, presence and extent of protected natural resources and sensitive habitats, and ground conditions are required. That information would then be used to create a management focus on migrant bird communities by creating and preserving maritime shrub habitats with interspersed mixed forest patches consisting of shrubs and trees such as native bayberry, Rubus, Ilex, Aronia, Mountain Ash, black/red/white spruce, Betula, and Alnus. Optimal stopover habitat likely represents mosaics with 66-75% of the parcel providing high quality habitat. The plan suggested by MDIFW requires data-derived characterizations of existing habitats and cover types, to inform and guide specific plans to achieve habitat management goals for migrating songbirds, with a detailed scope of work and schedule.

The BRI report describes the proposed FBC property's current use as breeding habitat for songbirds, which MDIFW believes is not as strongly associated with, and less valuable for, migrant communities. Further, FBC's stated intentions for the property do not include long term active management. The FBC property will abut another, approximately 3,100-acre, conservation parcel. There is little doubt that there is ecological value in conserving a parcel of this size adjacent to an even larger conservation property. However, FBC's plan to grow an even-aged, mature community forest can be anticipated to only meet the conditions needed for migrating songbirds noted above for a few years, until those vegetation types and successional stages are passed. After that time, as the community forest continues to mature, it is anticipated that habitat for migrating songbirds for stopover and refueling will be suboptimal. MDIFW observes that FBC's approach to habitat management in its community forest will benefit some forms of wildlife and songbirds in general, but not migrant songbird communities specifically or over the long term.

In summary, MDIFW finds that the FBC acquisition and management plan as presented that SWEB proposes to participate in as mitigation for the SMW project does not meet the objectives set forth by MDIFW for acceptable mitigation for wildlife impacts from the proposed Silver Maple Wind project. MDIFW anticipated a dedicated parcel of land with a habitat management plan that would facilitate efforts to offset impacts to migrating songbirds in the Downeast coastal plain. If you have any questions or concerns, please feel free to contact me at robert.d.stratton@maine.gov or (207) 287-5659.

Thank you,

Handwritten signature of Robert D. Stratton in cursive, with the initials "R.D.S." written below the signature.

Robert D. Stratton
Environmental Program Manager
Maine Department of Inland Fisheries & Wildlife

Cc: Jim Connolly, Director, Bureau of Resource Management, MDIFW