

ATTACHMENT B.15-5

Agency Consultation



STATE OF MAINE
DEPARTMENT OF CONSERVATION
93 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0093

JOHN ELIAS BALDACCI
GOVERNOR

PATRICK K. MCGOWAN
COMMISSIONER

February 9, 2009

Dana Valleau
TRC
249 Western Avenue
Augusta, ME 04330

Re: Rare and exemplary botanical features, Sisk Mountain, Chain of Ponds and Kibby Townships, Maine.

Dear Ms. Valleau:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request of February 5, 2009 for information on the presence of rare or unique botanical features documented from the vicinity of the project site in Chain of Ponds and Kibby Townships, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. We recommend that the site be inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed. Data from field surveys should be provided to the Maine Natural Areas Program for use in evaluating any future development at the site.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

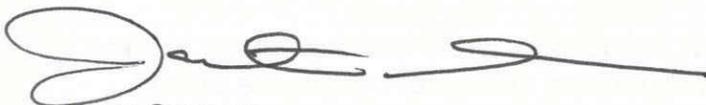
This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$75.00 for our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,



Janet Gannon
Associate Information Manager
Maine Natural Areas Program
207-287-8044

Janet.Gannon@maine.gov

Enclosures

Rare and Exemplary Botanical Features in the Project Vicinity

2/9/2009

Documented within a Four-Mile Radius of Sisk Mountain, Chain of Ponds and Kibby Townships, Maine.

<u>Scientific Name</u>	<u>Common Name</u>	<u>Last Seen</u>	<u>Global Rarity Rank</u>	<u>State Rarity Rank</u>	<u>State Protection Status</u>	<u>Habitat Description</u>
Pyrola minor	Lesser Wintergreen	2006-07-04	G5	S2	SC	Moist woods.
Pyrola minor	Lesser Wintergreen	1999-07	G5	S2	SC	Moist woods.
Galium kamtschaticum	Boreal Bedstraw	1999-07	G5	S2	T	Cool woods, thickets, streamsidcs.
Galium kamtschaticum	Boreal Bedstraw	1999-07	G5	S2	T	Cool woods, thickets, streamsidcs.
Galium kamtschaticum	Boreal Bedstraw	2006-09-14	G5	S2	T	Cool woods, thickets, streamsidcs.
Galium kamtschaticum	Boreal Bedstraw	2000-07-07	G5	S2	T	Cool woods, thickets, streamsidcs.
Goodyera oblongifolia	Giant Rattlesnake-plantain	2004-06-29	G5?	S1	E	Dry coniferous or mixed woods.

Rare and Exemplary Botanical Features in the Project Vicinity

2/9/2009

Documented within a Four-Mile Radius of Sisk Mountain, Chain of Ponds and Kibby Townships, Maine.

<u>Scientific Name</u>	<u>Common Name</u>	<u>Last Seen</u>	<u>Global Rarity Rank</u>	<u>State Rarity Rank</u>	<u>State Protection Status</u>	<u>Habitat Description</u>
Galium kamtschaticum	Boreal Bedstraw	2006-07-04	G5	S2	T	Cool woods, thickets, streamsides.

STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SH** Known historically from the state, not verified in the past 20 years.
- SX** Apparently extirpated from the state, loss of last known occurrence has been documented.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

Note: State Rarity Ranks are determined by the Maine Natural Areas Program.

GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Not yet ranked.

Note: Global Ranks are determined by NatureServe.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered** and **Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

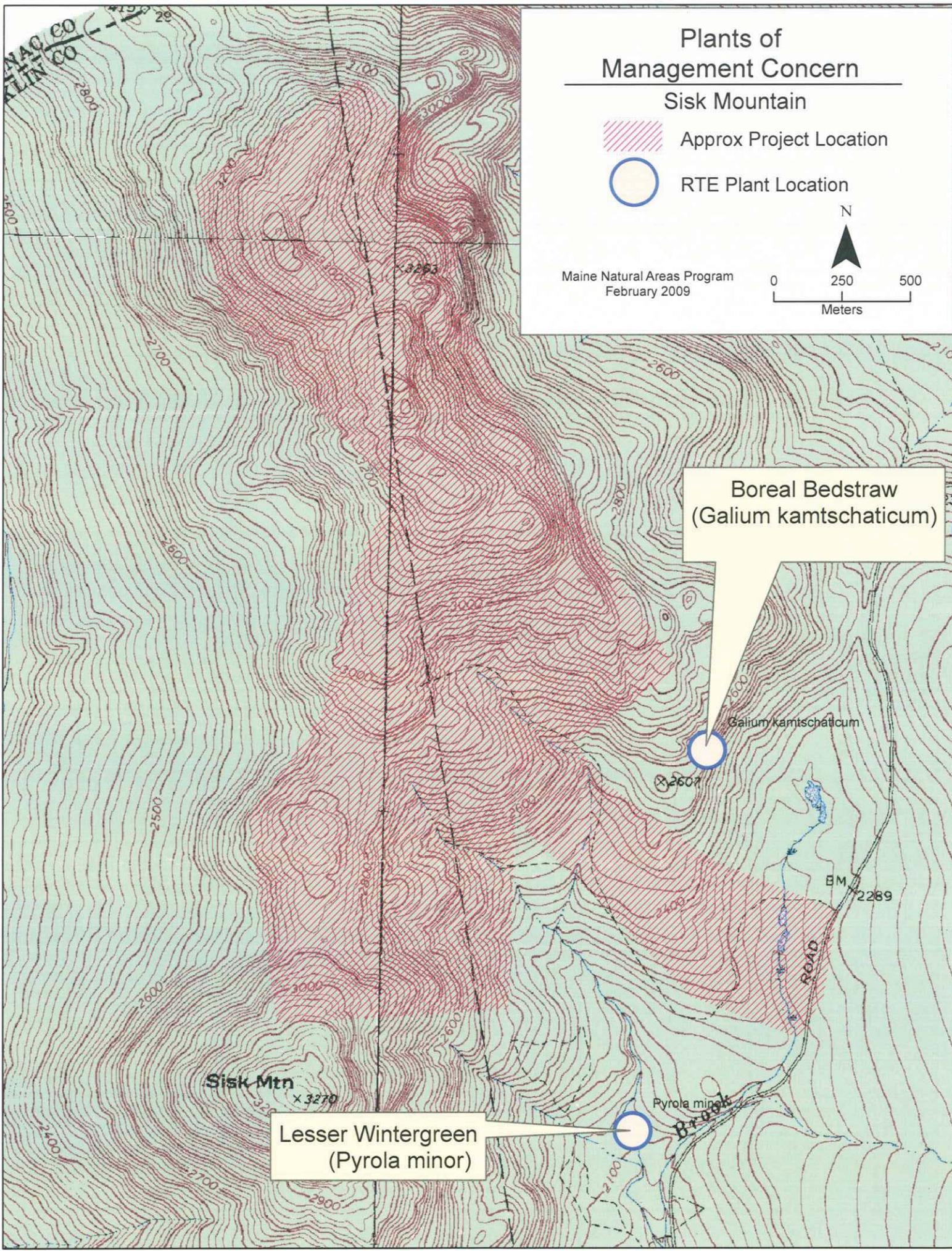
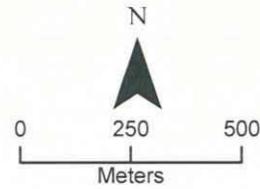
- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

Visit our website for more information on rare, threatened, and endangered species!
http://www.mainenaturalareas.org/docs/rare_plants/factsheets.php

Plants of Management Concern Sisk Mountain

-  Approx Project Location
-  RTE Plant Location

Maine Natural Areas Program
February 2009





JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF INLAND FISHERIES & WILDLIFE

WILDLIFE DIVISION
Region D
689 Farmington Road
Strong, Maine 04983



ROLAND D. MARTIN
COMMISSIONER

Phone (207) 778-3324 FAX (207) 778-3323

February 10, 2009

Dana Valleau
TRC Solutions
249 Western Ave.
Augusta, ME 04330

Dear Dana:

I received your 5 February 2009 letter requesting Significant and Essential Wildlife Habitat information associated with the proposed met tower location and potential wind facility in Chain of Ponds and Kibby Twps. Enclosed are the results of my review.

Essential Habitats:

Essential Habitats are defined as “areas currently or historically providing physical or biological features essential to the conservation of an endangered or threatened species in Maine and which may require special management considerations”. Essential Habitat protection in Maine currently applies to bald eagle, roseate and least tern, and piping plover nest sites, but additional listed species may receive attention in the future.

According to MDIFW records, there are no Essential Habitats known to be associated with this property.

Significant Wildlife Habitats:

The Natural Resources Protection Act, administered by the Maine Department of Environmental Protection, provides protection to certain natural resources including Significant Wildlife Habitats. Significant Wildlife Habitats are defined by the NRPA as:

- Habitat for state and federally listed endangered and threatened species.
- High and moderate value deer wintering areas (DWAs) and travel corridors.
- High and moderate value waterfowl and wading bird habitats (WWHs), including nesting and feeding areas.
- Shorebird nesting feeding and staging areas.
- Seabird nesting islands.

According to MDIFW records, there are no Deer Wintering Areas known to be associated with this property. However, you should contact the Maine Department of Environmental Protection (DEP) for information regarding WWH and wetlands. Due to a recent administrative decision, Regional Wildlife Staff will no longer be able to provide maps and associated information regarding these Significant Wildlife Habitats. The DEP is the official state agency with jurisdiction over these habitats and will now be the source of consultation regarding these habitats. I have included contact information for each of the DEP Regional Offices:

Augusta: 17 State House Station, Augusta, Maine 04333-0017 – 1-800-452-1942
Bangor: 106 Hogan Road, Bangor, Maine 04401 – 1-888-769-1137
Portland: 312 Canco Road Portland, Maine 04103 – 1-888-769-1036
Presque Isle: 1235 Central Drive, Skyway Park, Presque Isle, Maine 04769 – 1-888-769-1053

Threatened, Endangered or Special Concern Species

Finally, the department maintains a statewide database of Threatened and Endangered wildlife species and habitats, or Species of Special Concern. In general, these records are not the product of recent or intensive surveys for T/E species. Your project area contains a historic/traditional nesting site for golden eagles and has the potential to support eagles currently. We can further discuss the importance of this species relative to your project our scheduled meeting later this month.

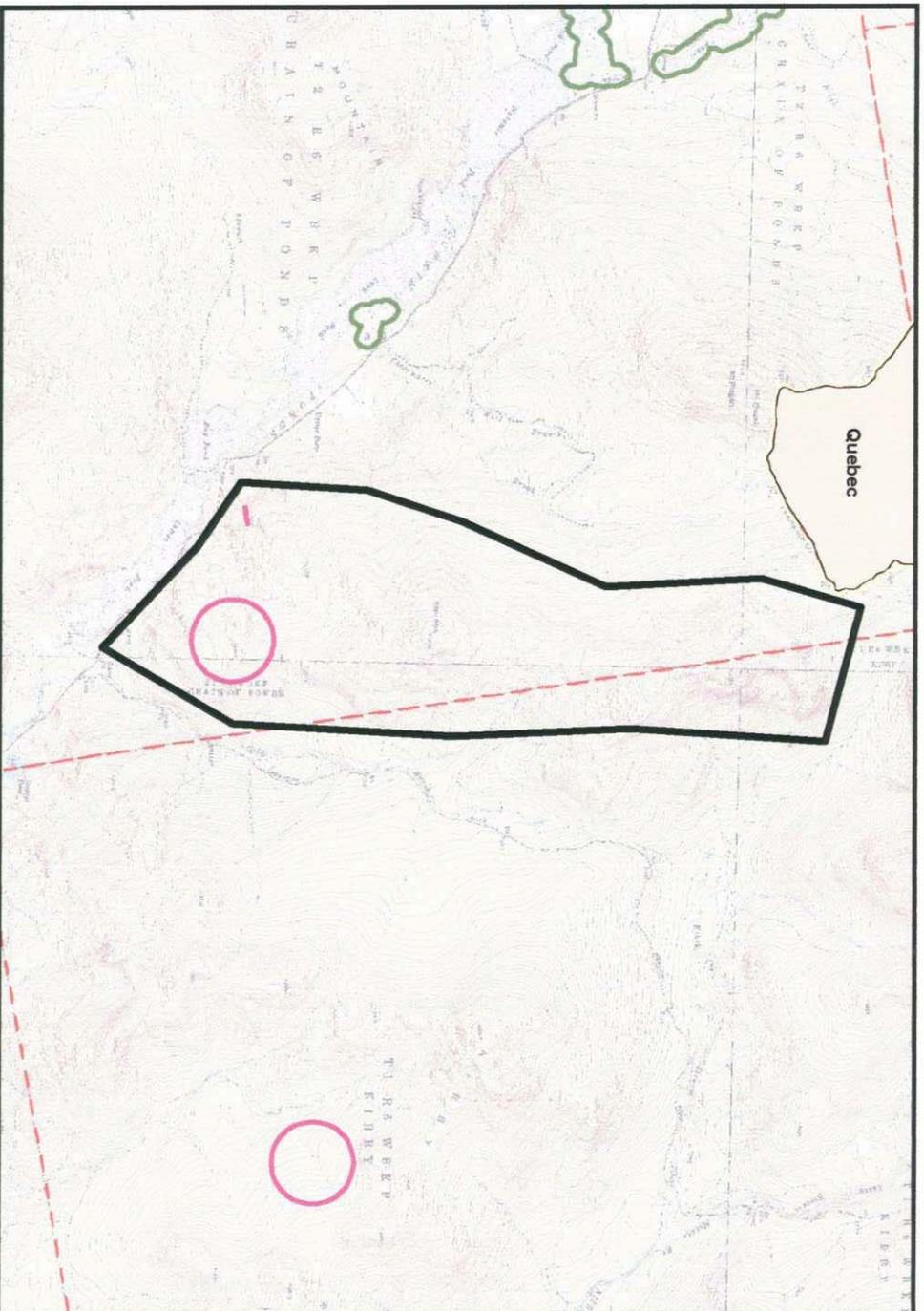
If you have any questions or would like further assistance please feel free to contact this office, we would be glad to help.

Yours truly,



Robert C. Cordes
Asst. Regional Wildlife Biologist

Search for Wildlife Observations & Habitat



- Bald Eagle Nest Site
- Piping Plover / Least Tern Nesting, Feeding, & Brood-rearing Area
- Roseate Tern Nesting Area
- Deer Winter Area
- Inland Waterfowl / Wading Bird Habitat
- Tidal Waterfowl / Wading Bird Habitat
- Seabird Nesting Island
- Shorebird Area
- Significant Vernal Pool
- Biological Conservation Database Rare Species or Habitat Observation
- Township Boundary
- County



1:67,747

UTM Projection, Zone 19N, NAD83



689 Farmington Road
 Strong, ME 04983-9419
 Voice: (207) 778-3324
 Fax: (207) 778-3323
 February 09, 2009





Maine Department of Inland Fisheries & Wildlife

689 Farmington Road, Strong, ME 04983-9419

Phone: (207) 778-3324, FAX: (207) 778-3323

Site-Specific Search of Wildlife Observations and Habitat

SEARCH PARAMETERS

County: Franklin
IF&W Region: D
Township(s): Chain of Ponds Twp, Kibby Twp
Search Center: 372226 east, 5023283 north (UTM NAD83 coordinates)
Search Area: 5.26 sq. miles
Date: Monday, February 09, 2009

RESULTS

Essential Wildlife Habitats

BALD EAGLE NEST SITES

None Found

PIPING PLOVER / LEAST TERN NESTING, FEEDING, AND BROOD-REARING AREAS

None Found

ROSEATE TERN NESTING AREAS

None Found

Natural Resource Protection Act (NRPA) Habitats

SEABIRD NESTING ISLANDS

None Found

DEER WINTER AREAS

None Found

INLAND WATERFOWL/WADING BIRD HABITATS

None Found

TIDAL WATERFOWL/WADING BIRD HABITATS

None Found

SHOREBIRD AREAS

None Found

SIGNIFICANT VERNAL POOLS

None Found

Land Use Regulation Commission (LURC) Deer Winter Areas and Seabird Nesting Islands

None Found

Rare, Threatened, or Endangered (RTE) Species Observations (Natural Heritage data)

This is an information management component of the Natural Heritage Program Network created by the Nature Conservancy. It is designed to track information on the status, life history, conservation needs, and occurrences for rare species and natural communities. MDIFW is responsible for maintaining the zoological portion of the database, which contains information on approximately 1050 animal species native to the State.

POINTS OBSERVATIONS BUFFERED BY 0.25 MILES

In the map, RTE points are surrounded by a 0.25-mile radius circle to represent the general area around the observation that should be considered for management. Ideally, the mapped polygon should show the extent of the important habitat(s) associated with the observation, but until a new landcover map of Maine becomes available, we are using simple circular buffers to approximate that area. This circular buffer is less appropriate for aquatic species for which the limit of the water body or a buffered stream segment may be more realistic. In all cases, an MDIFW biologist should investigate the habitat around a RTE observation to determine the most appropriate area for management consideration.

Classification of RTE observations as PubRev = 'Y' or PubRev = 'N' indicates whether the area around the observation should receive special management consideration based on the species involved (endangered, threatened, or rare), importance or rarity of the habitat, or whether the observation is recent or historical. Observations in RTE that are duplicated in other MDIFW datasets (e.g., Eagle Essential Wildlife Habitats) are classified here as PubRev = 'N', not because they are unimportant but because they should already be flagged elsewhere in this report. Any questions regarding RTE observations should be directed to MDIFW's Endangered & Threatened Species Group.

Code	Common Name	Survey Area
ABNKC22010*012*ME	Golden Eagle	SISK MOUNTAIN

CODE = unique identifier of observation

MAPPED HABITAT POLYGONS

Polygon observations of BCD data are based on the extent of the habitat considered important to the species or the extent of the area that was mapped by the biologist who recorded the observation. This database has not been updated since 2002 because the current map of landcover in Maine still is based on the 1992 GAP analysis.

Code	Description
GE012	Golden Eagle

CODE = unique identifier of observation



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACC
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

February 20, 2009

TRC Solutions
Dana Valleau
249 Western Avenue
Augusta, ME 04330

**Re: Request for Significant Wildlife Habitat Information
Significant Wildlife Habitat (IWWH) Map for Sisk Mountain, Kibby Township and
Chain of Ponds Township**

Dear Dana:

Enclosed please find maps in response to your request for information regarding the location of all Inland Wading and Waterfowl Habitats (IWWH's) in the vicinity of Sisk Mountain, which is located in Kibby Township and Chain of Ponds Township. These maps show the approximate project area and were generated using Maine Geographic Information System (GIS) habitat data layers that have been overlaid in Google Earth. This information has been provided and maintained by the Maine Department of Environmental Protection (DEP) and the Maine Department of Inland Fisheries and Wildlife (IF&W) and is now available via a link on the DEP website. *Based on this information, it appears that there are areas mapped as IWWH habitat located throughout these townships.*

Please note that GIS data layers showing mapped vernal pools are now currently available. The project area must still be screened by a qualified professional during the appropriate identification period to determine if any other significant vernal pools are present in the project area.

Thank you for consulting the Department during the project planning process. Please feel free to contact the Department if you have questions or require additional information.

Sincerely,

Becky Maddox
Project Manager
Bureau of Land and Water Quality
Division of Land Resource Regulation

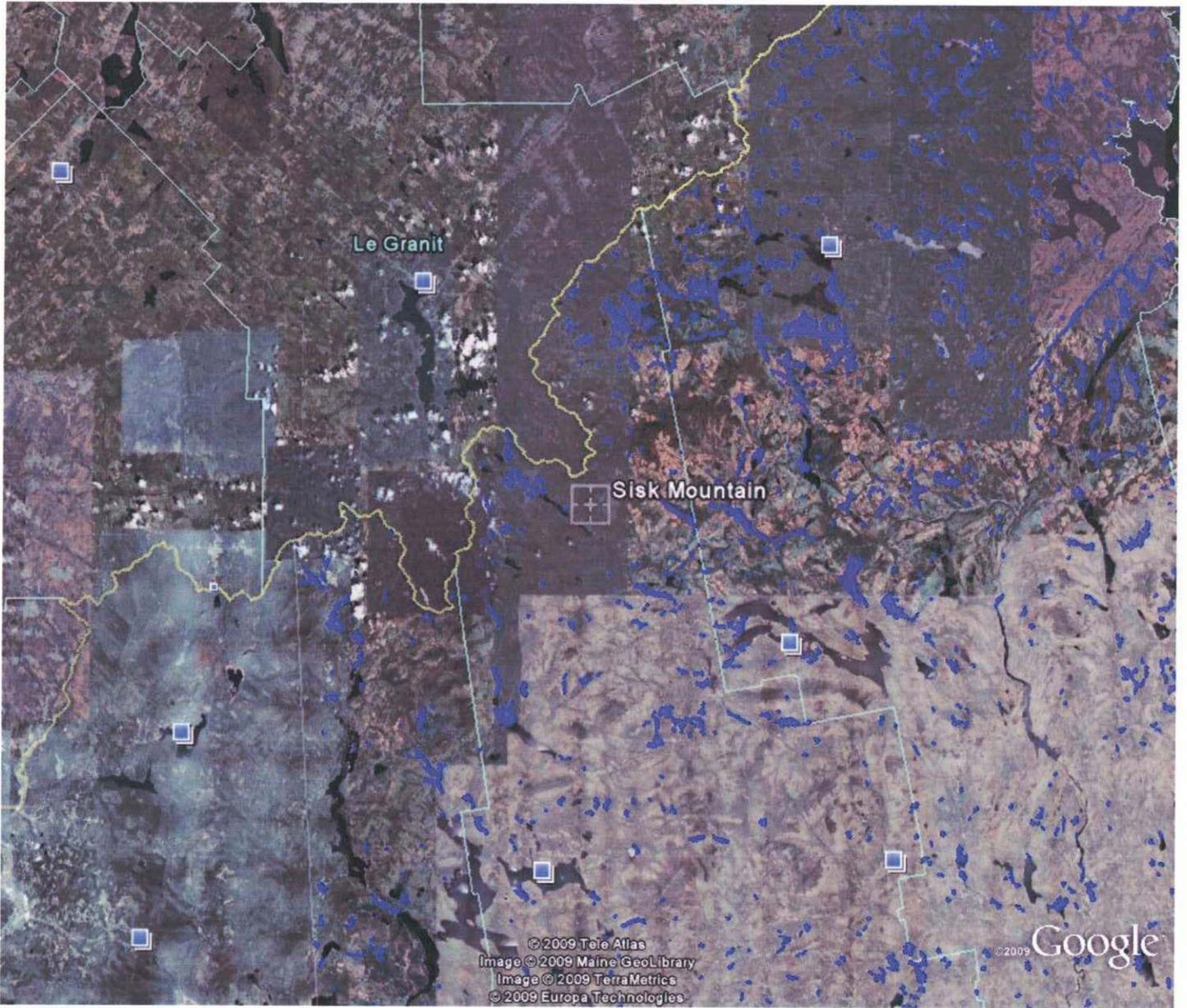
Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

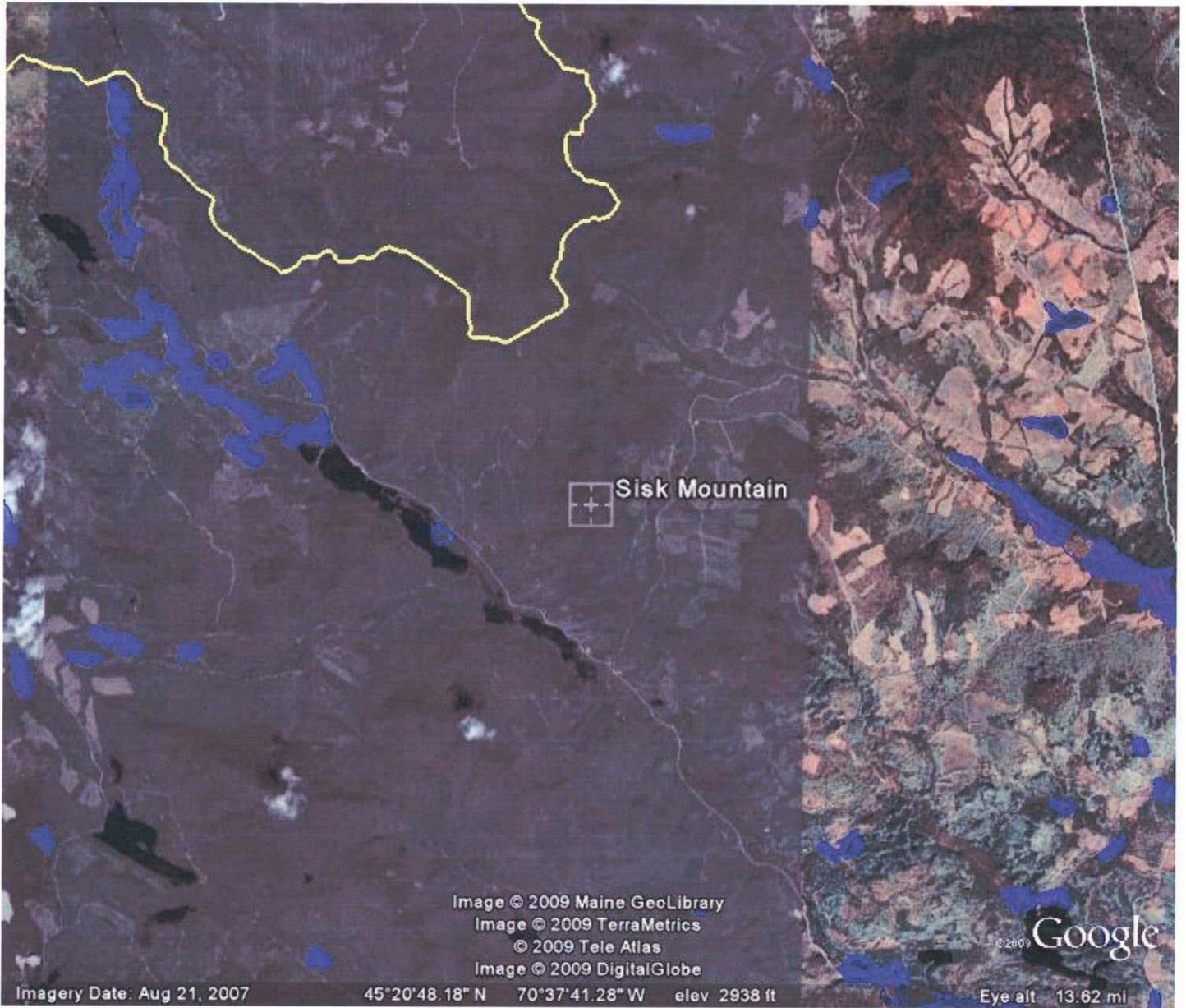


Le Granit

Sisk Mountain

© 2009 Tele Atlas
Image © 2009 Maine GeoLibrary
Image © 2009 TerraMetrics
© 2009 Europa Technologies

© 2009 Google



Sisk Mountain

Image © 2009 Maine GeoLibrary
Image © 2009 TerraMetrics
© 2009 Tele Atlas
Image © 2009 DigitalGlobe

© 2009 Google

Imagery Date: Aug 21, 2007

45°20'48.18" N 70°37'41.28" W elev 2938 ft

Eye alt 13.62 mi



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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February 20, 2009

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Becky Maddox
Project Manager
Bureau of Land and Water Quality
Division of Land Resource Regulation

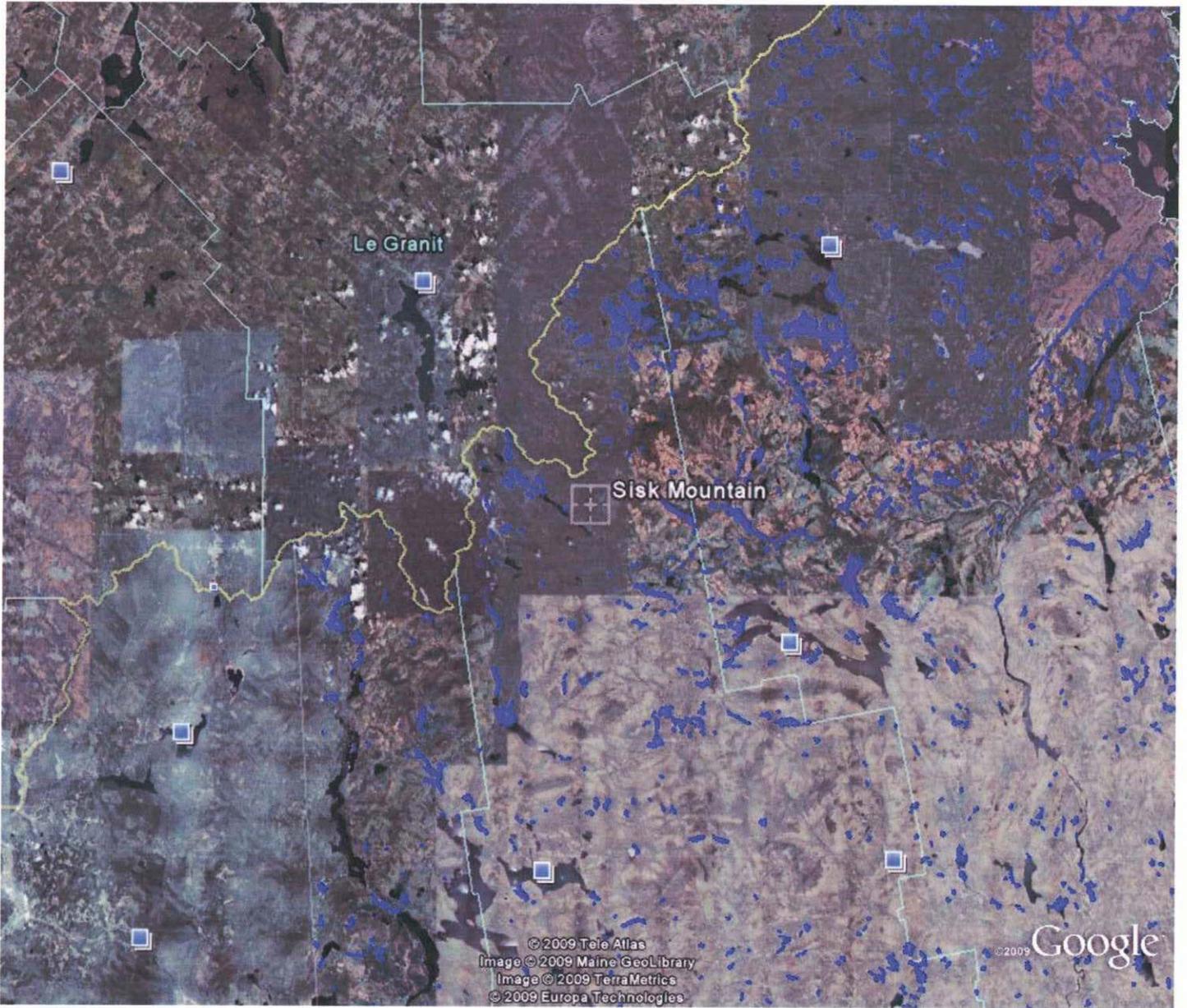
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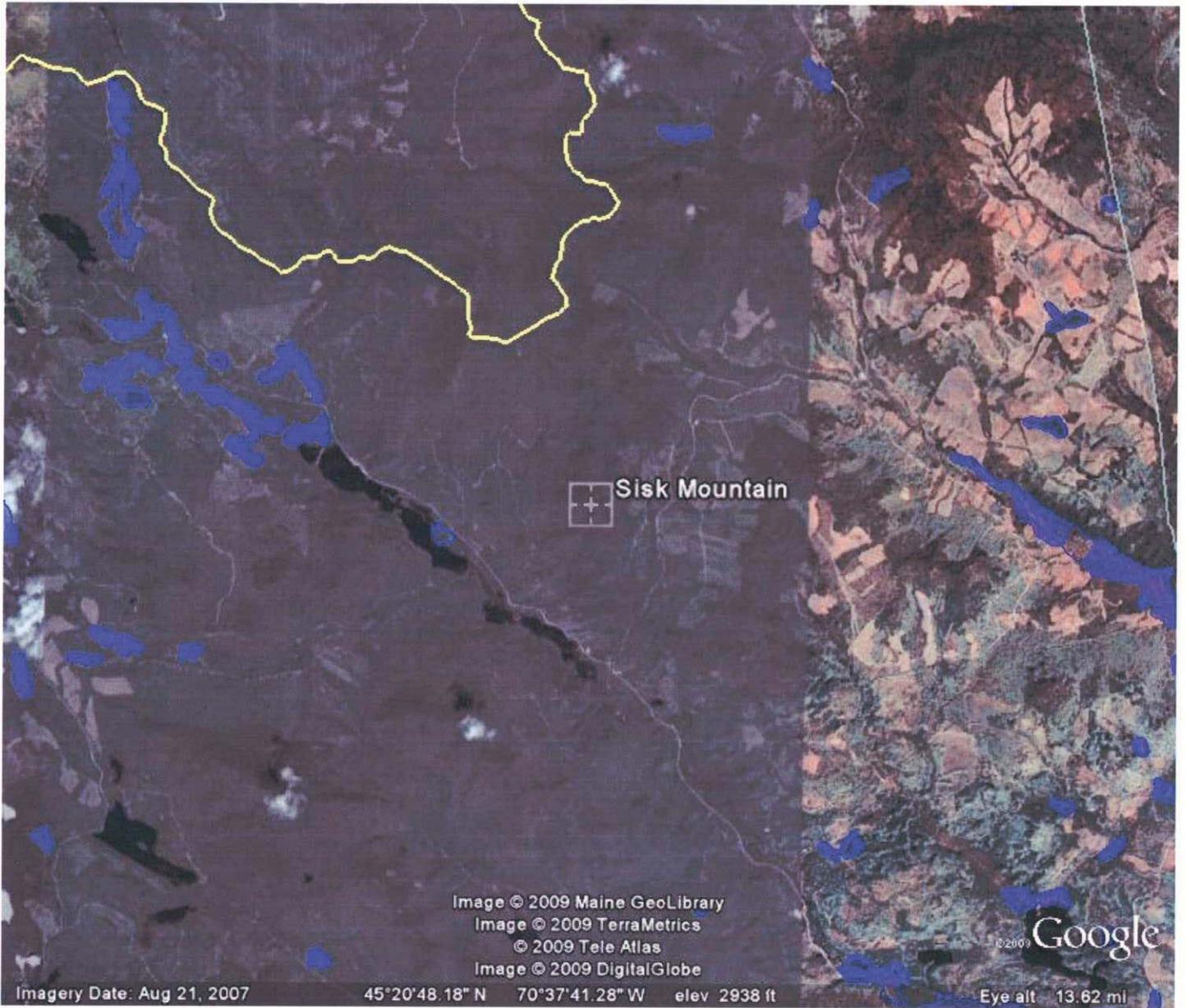


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Sisk Mountain

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Sisk Mountain

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Image © 2009 DigitalGlobe

© 2009 Google

Imagery Date: Aug 21, 2007

45°20'48.18" N 70°37'41.28" W elev 2938 ft

Eye alt 13.62 mi

Valleau, Dana (Augusta,ME-US)

From: Stancampiano, Robin [Robin.Stancampiano@maine.gov]
Sent: Friday, April 17, 2009 10:34 AM
To: Spencer-Famous, Marcia
Cc: Valleau, Dana (Augusta,ME-US); Mohny, Kirk; Spiess, Arthur
Subject: LURC application# DP 4830 TransCanada MaineWind (meteorological towers and geotechnical borings)

MHPC # 0433-09 (associated with the Sisk Wind project)

Marcia-

We received a request for review for the above project from the applicant on March 13, 2009 and the permit application from you for review on March 16, 2009.

Our office has concluded that the project area contains one or more prehistoric archaeological sites based on our predictive model of archaeological site location. Therefore, Phase I archaeological survey (specifically inspection for bedrock outcrops and possible Native American quarries) is necessary for this parcel prior to any ground disturbance. A list of qualified prehistoric archaeologists along with material explaining the Phase I/II/III approach to archaeological survey can be found on our website: http://www.maine.gov/mhpc/project_review/archaeological_survey_guidelines.html
This office must approve any proposal for archaeological fieldwork.

Regarding above ground resources, our office does not see an issue with the installation of the meteorological towers alone. However, if the development of the wind project proceeds, we require that the applicant submit a determination of the Area of Potential Effect (APE) for visual impacts. Based on our review of the APE, we will then determine whether above ground architectural survey will be necessary.

Once this information is received, we will forward a response regarding the results of our evaluation. Please contact Dr. Arthur Spiess of my staff concerning archaeology or me concerning architecture if we can be of further assistance in this matter.

Thank you for the opportunity to comment on this undertaking.

Robin Stancampiano
Architectural Historian
--Review & Compliance/CLG Coordinator
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333
phone: 207-287-2132 ext. 1
fax: 207-287-2335
<http://www.maine.gov/mhpc>



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Maine Field Office – Ecological Services
1168 Main Street
Old Town, ME 04468
(207) 827-5938 Fax: (207) 827-6099

In Reply Refer To: 53411-2009-TA-0142
FWS/Region5/ES/MEFO

April 20, 2009

Dana Valleau
TRC
249 Western Ave.
Augusta, ME 04330

Dear Mr. Valleau:

Thank you for your letter dated February 5, 2009 requesting information or recommendations from the U.S. Fish and Wildlife Service (Service) for a potential wind power sites in Sisk Mountain, Chain of Ponds and Kibby Townships, Maine. One of the purposes of this letter is to advise you of applicable federal wildlife laws, including the Endangered Species Act (ESA), the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. We do this so you can make an informed decision regarding site selection, project design, and the general requirements of these Acts. Preconstruction surveys may allow for the project to be designed in such a way to avoid or minimize the impacts to federally protected species.

Federally listed threatened and endangered species

This project occurs within the range of the Canada lynx (*Lynx canadensis*) in Maine, a federally-threatened species under the jurisdiction of the Service. Your project is within the recently-designated critical habitat for the Canada lynx.

Canada lynx occur throughout northern Maine and could occur within your project area. Canada lynx in Maine prefer to use regenerating spruce-fir habitats having high stem densities. These regenerating stands support high populations of snowshoe hare (*Lepus americanus*), the primary food of the Canada lynx. Highest hare densities are generally present about 12 to 30 years after clearcutting or heavy partial harvesting. Forest practices that diminish habitat quality for snowshoe hares may have an adverse affect on Canada lynx. We have developed *Canada lynx habitat management guidelines for Maine*. Please email (mark_mccollough@fws.gov) or call (207 827-5938 x.12) if you are interested in obtaining a copy.

Construction activities may cause adverse effects to the federally-threatened Canada lynx. The Service recommends that preconstruction surveys for Canada lynx as identified above be conducted using winter snow tracking surveys in the townships where construction of towers, roads, transmission lines, and other associated facilities are to be located. In the absence of snow



tracking data, Canada lynx will be assumed to be present at densities found elsewhere in northwestern Maine. Habitat modeling may be a useful tool in identifying where past, present, and future lynx habitat occurs in relation to proposed developments. We are willing to discuss the design of such surveys and information to be compiled. Ultimately, this information will be needed by permitting federal agencies and the Service to determine if adverse effects or take of lynx is anticipated. These data should be shared with the Service and federal permitting agencies (FERC, Army Corps of Engineers, or others) that will be required to consult with the Service according to Section 7 of the Endangered Species Act. We encourage project design to avoid and minimize adverse effects and take of lynx.

Section 9 of the Endangered Species Act prohibits the take of any federally listed animal species by any person subject to the jurisdiction of the United States. As defined in the ESA, take means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm is defined to mean “an act which kills or injures wildlife. Such acts may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR §17.3). “Harass” means “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.”(Id).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species will be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the ESA is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species, and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as a result of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the ESA may be obtained. The Service may issue such a permit upon completion of a satisfactory habitat conservation plan for the listed species that would be taken by the project.

Other protected species and rare natural communities:

We did not review this project for state-listed plants, natural communities and wildlife. We recommend that you contact the Maine Department of Inland Fisheries and Wildlife for additional information on state-threatened and endangered wildlife and wildlife species of special concern. The Maine Endangered Species Act may protect some of the species in your project area.

Steve Timapano
Maine Department of Inland Fisheries and Wildlife
284 State Street
State House Station 41
Augusta, ME 04333-0041
Phone: 207 287-5258

We recommend that you contact the Maine Natural Areas Program for additional information on state-threatened and endangered plant species, plant species of special concern, and rare natural communities.

Lisa St. Hilaire
Maine Natural Areas Program
Department of Conservation
93 State House Station
Augusta, ME 04333
Phone: 207 287-8046

Bald and golden eagles

Sisk Mountain is the site of one of Maine last golden eagle eyries. Golden eagles nested on the south side of the mountain until at least 1970. Golden eagles also nested on at least two other mountains in the Chain of Ponds area. Charlie Todd from Maine Inland Fisheries and Wildlife reports recent breeding season activity of golden eagles nearby in Quebec. Several pairs of golden eagles nest just north of Maine in the mountainous Gaspé region of Quebec. The Chain of Ponds area is believed to be of importance to the potential recovery of breeding golden eagles in Maine. Sisk Mountain may also be of importance to migratory golden eagles.

Occasional, transient migratory and bald eagles (*Haliaeetus leucocephalus*) may occur in the area. Based on the information currently available to us, there are no bald eagle nests, in or near your proposed wind project area (see attached maps). The bald eagle was removed from the federal threatened list on August 9, 2007.

Both the bald and golden eagles are protected from take and disturbance under the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act. In the Eagle Act “take” means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. The term “disturb” in the Eagle Act was defined within a final rule published in the Federal Register on June 5, 2007 (72 Fed. Reg. 31332). “Disturb” means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Further information on bald eagle delisting and their protection can be found at <http://www.fws.gov/migratorybirds/baldeagle.htm>.

Please consult with our new national bald eagle guidelines, which can found at <http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

These Guidelines are voluntary and were prepared to help landowners, land managers and others meet the intent of the Eagle Act and avoid disturbing bald eagles. They are focused on activities

near nest sites and do not necessarily address large infrastructure projects like wind power. The Service is developing national raptor management guidelines that will be available soon. The Service is also developing guidelines to determine appropriate siting of wind power.

Wind energy projects can affect bald and golden eagles by direct take of resident or transient birds by collision with rotating turbine blades or by introducing new sources of disturbance (noise, human and machine noise during construction, permanent changes to the landscape, barriers to movement, increased human access). Furthermore, both bald and golden eagles may be attracted to openings around wind turbines to feed, particularly if sources of carrion (large birds killed by collisions) are present. The effect of wind power development on bald and golden eagles in North America has been poorly studied. However, emerging information suggests that in some situations, wind power may cause significant take and disturbance of eagles. For example:

- At least 21 white-tailed sea eagles were been killed 2005-2008 at a project on Smola Island in Norway <http://www.nina.no/archive/nina/PPPBasePdf/rapport/2008/409.pdf>. Half of 6 fledglings radio-tagged in 2006 were killed and many resident adults were killed. Nesting success of white-tailed eagles dropped by 50% after construction of this wind project, and 5 of 19 nesting pairs disappeared from their nesting territories within 3 years of construction.
- As of 2008, 18 Tasmanian wedge-tailed eagles were fatally injured at the 62-tower Woolnorth wind farm in Australia.
- Between 2004-2007, seven dead white-tailed sea eagles were killed by wind turbines in Hokkaido, Japan.
- Two wedge-tailed sea eagles have been killed at wind projects in Australia.
- Each year 75 to 110 golden eagles are estimated killed at Altamount Pass in California. An estimated 2,300 have been killed the last 20 years
- Golden eagles have been found dead at several wind farms in Spain and Sweden.
- As of 2008, at least 32 white-tailed sea eagles have been killed at wind projects in Brandenburg Germany.
- At least 6 short-toed eagles have been killed at a wind project at the Straights of Gibraltar and in Spain. Booted and Bonelli's eagles have also been killed at Spanish wind power sites.

Many of the aforementioned incidents are summarized at <http://www.iberica2000.org/Es/Articulo.asp?Id=3071>. Post-construction monitoring at many of the project mentioned above is nonexistent or sporadic, and the full extent of mortality is likely greater. Although no bald eagles have been reported killed at wind projects in the U. S., post-construction mortality studies have been of questionable quality and duration to detect mortality.

Mortality from wind power has been identified as a threat to the small eastern North American population of golden eagles. A recent white paper by the National Aviary states: <http://www.aviary.org/cons/pdf/WindEnergyRaptorsWhitePaper.pdf>

Golden eagles tend to migrate and winter within areas of the central Appalachians that are currently under development or targeted for future development by wind energy companies. This species commonly uses slope soaring and ridge updrafts during migration and foraging, flight patterns

which are known to increase collision risk (Barrios & Rodriguez, 2004; Hoover & Morrison, 2005). It is for these reasons and others that golden eagles are therefore highly susceptible to collision with some wind turbines (Hunt, 2002; Smallwood & Thelander, 2004). Because of their demography, migration and winter flight behavior, and vulnerability to wind turbines, we consider eastern golden eagles to be the raptor species at greatest risk of population-wide impacts from wind energy development in the Appalachians.

The Service considers take of bald and golden eagles by wind power projects a serious concern. The goal of the Service under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act is the elimination of loss of migratory birds and endangered and threatened species due to wind energy development. We recommend thorough pre-construction surveys to document bald and golden eagle movements in your project area. At least one full year of studies (preferably two) are needed to thoroughly document phenology of eagle movements in the area and assess risk to eagles. We request surveys for bald and golden eagle nests in the vicinity. Pre-development evaluations should be reviewed with the Service. Using the data collected an assessment of the risk to bald and golden eagles should be completed. Several methodologies have been used for eagles. The existence of a pre-construction study, whether in progress or completed, does not imply Federal sanction for development of a site.

Take and disturbance of bald and golden eagles is prohibited under the Eagle Act. You should consider measures to avoid take. If your risk assessment indicates that take or disturbance is likely please contact our office. You may need to apply for a Bald and Golden Eagle Act take permit. A national bald and golden eagle take permit for wind power projects and implementing guidelines are being developed.

Bird and Bat Concerns

Wind energy is renewable, produces no emissions, and is considered to be generally environmentally friendly technology supported by the Department of the Interior. However, wind energy projects can adversely affect wildlife, especially birds and bats and their habitats. Operational wind turbines can adversely affect wildlife in a variety of ways. Foremost, the potential exists for bird and bat collision within the rotor-swept area of each turbine. The potential for collision with resident or migratory species of birds and bats is affected by many factors but location of the wind turbines appears to be one of the most important. The potential harm makes careful evaluation of wind facilities essential. Each proposed development site is unique and requires individual evaluation. The Service's policy on wind energy development should be consulted as you develop this project. It can be found at <http://www.fws.gov/habitatconservation/wind.pdf>.

The potential collision hazard of proposed and alternative sites can be assessed by pre-construction studies of the spatial and temporal uses of the airspace by birds, bats and insects (insects are included because they are prey for birds and bats). Guidance on avoiding and minimizing wildlife impacts through proper evaluation of potential wind power sites, proper

location and design of turbines and associated structures and pre- and post-construction monitoring can also be found at <http://www.fws.gov/habitatconservation/wind.pdf> .

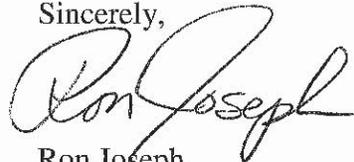
Wetlands

Your project will likely require bridging, filling, or degrading certain wetlands or other waters of the United States under jurisdiction of section 404 of the Clean Water Act, which may require permits be acquired from the U.S. Army Corps of Engineers. In the event section 404 permits are necessary, the Service will make recommendations to avoid, minimize and mitigate impacts to fish and wildlife resources.

In summary, to ensure that the proposed areas for wind energy development at Sisk Mountain are developed in the most environmentally sound manner, we recommend that you follow the guidance on avoiding and minimizing wildlife impacts as found on our website.

If you have any questions, please call Mark McCollough, endangered species biologist, at (207) 827-5938 ext.12, Wende Mahaney, federal projects and wetland biologist at (207) 827-5938, or Fred Seavey, federal energy projects biologist at (207) 827-5938.

Sincerely,

A handwritten signature in black ink that reads "Ron Joseph". The signature is written in a cursive, flowing style with a large initial "R".

Ron Joseph,
Acting Project Leader



14 Gabriel Drive
Augusta, ME 04330

207.620.3800 PHONE
207.621.8226 FAX

www.TRCSolutions.com

October 30, 2009

Ms. Robin Stancampiano
Maine Historic Preservation Commission
State House Station 65
Augusta, ME 04333

RE: *Request for Consultation Regarding Kibby Expansion Wind Power Project, Franklin County, Maine*

Dear Ms. Stancampiano:

TRC Environmental Corporation ("TRC"), on behalf of its client TransCanada Maine Wind Development, Inc ("TransCanada"), is initiating consultation with the Maine Historic Preservation Commission ("MHPC"), specifically with regard to historic architectural resource surveys for the proposed Kibby Expansion Wind Power Project (the "Kibby Expansion Project"). A location map of the proposed project is attached. TRC is seeking information on previously surveyed architectural resources within the Area of Potential Effects (direct and indirect) of the Kibby Expansion Project, as well as resources listed in or determined eligible for listing in the National Register of Historic Places.

TransCanada is proposing to construct the Kibby Expansion Project, a 45 megawatt ("MW") expansion to the adjacent Kibby Wind Power Project (the "Kibby Project") in Franklin County, Maine. The Kibby Expansion Project would be located in Kibby and Chain of Ponds Townships, and would consist of 15 wind turbines, 3 MW each, along the Sisk Mountain ridgeline, identical to those used for the Kibby Project. The wind turbines measure approximately 270 feet from the base to the nacelle/rotor hub. The rotors are approximately 140 feet in diameter for a total ground to tip of rotor height of approximately 410 feet. Associated elements of the Project include constructing approximately 7 miles of new or improved roadways and approximately 8.7 miles of 34.5 kilovolt ("kV") interconnecting power lines to a new electric substation. The power generated by the Kibby Expansion Project would connect via a short 115 kV electric transmission tap line to the existing Kibby Project 115 kV electric transmission line. The project footprint has been optimized for environmental, engineering and wind resource conditions.

The Kibby Expansion Project would expand the 132 MW Kibby Project, 66 MW of which are currently in commercial operation on the "A Ridge" of Kibby Mountain with an additional 66 MW currently under construction on the Kibby Range "B Ridge" and expected to be in-service in September 2010, to a total generating capacity of 177 MW.

Should you require any additional information on the Kibby Expansion Project, please do not hesitate to contact me at (202) 352-2109 (mobile) or ghenry@tresolutions.com

Sincerely yours,

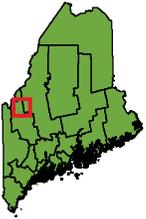
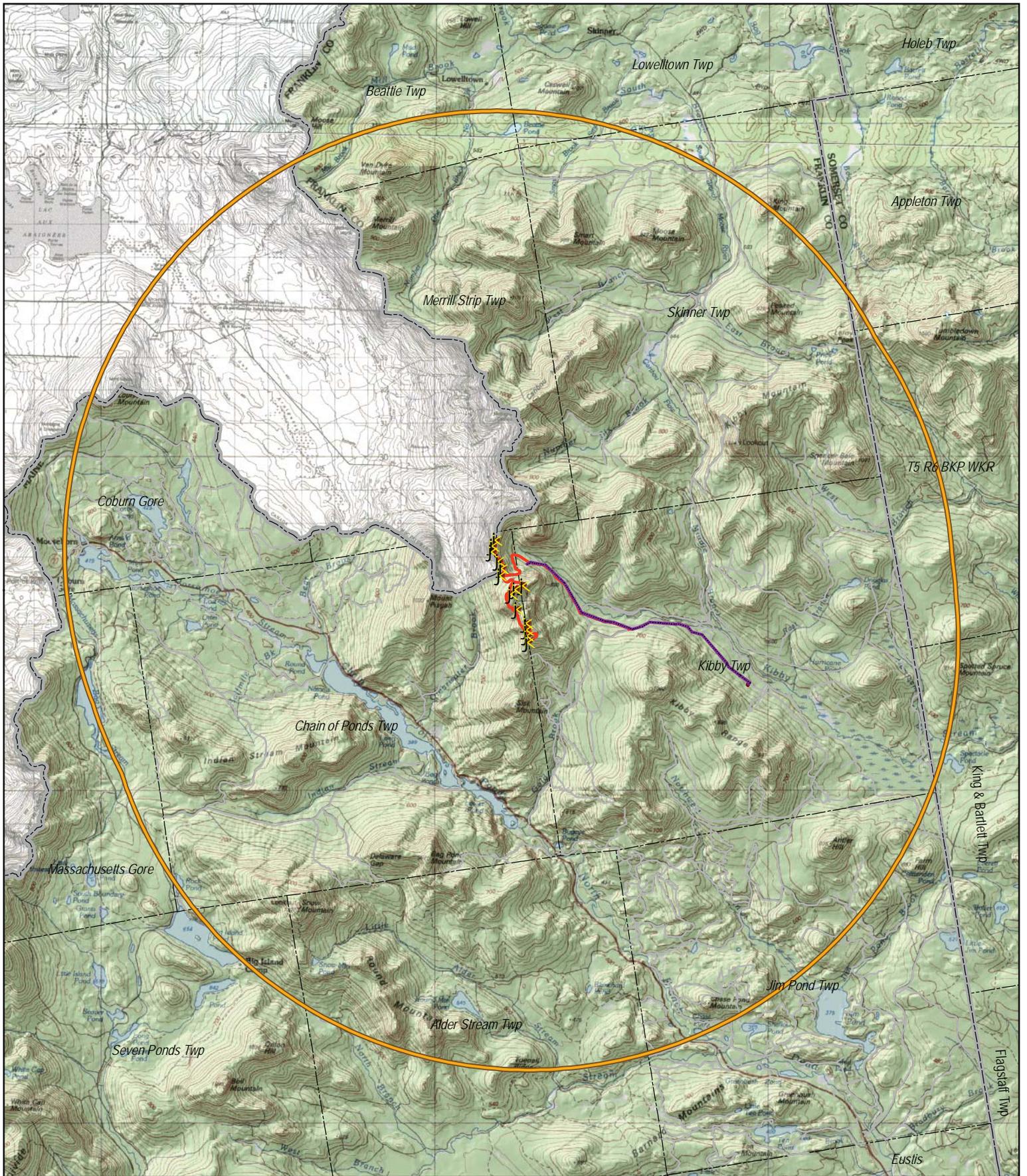
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Geoff Henry
TRC Environmental Corporation

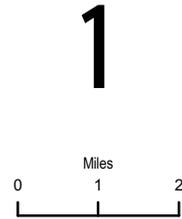
Cc: Christine Cinnamon TransCanada
Dana Valleau, TRC

Attachment





- j Turbine Locations
- Access Limits
- Collector Limits
- 8 mile Buffer of Turbine Locations



**Kibby Expansion
Wind Power Project**

General Location
Project Layout



PENOBSCOT INDIAN NATION
BONNIE NEWSOM - ARCHAEOLOGY DEPARTMENT
12 WABANAKI WAY, INDIAN ISLAND, ME 04468
E-MAIL: bnewsom@penobscotnation.org Fax: 207-817-7463

NAME	Dana Valleau
ADDRESS	TRC 14 Gabriel Drive Augusta, ME 04330
OWNER'S NAME	TransCanada Maine Wind Development, Inc.
TELEPHONE	(207) 620-3800
FAX	(207) 621-8226
EMAIL	dvalleau@trcsolutions.com
PROJECT NAME	Kibby Expansion Wind Power Project
PROJECT SITE	Kibby and Skinner Townships, ME
DATE OF REQUEST	November 8, 2009
DATE REVIEWED	November 23, 2009

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, and subsequent updates.

Also, if Native American cultural materials are encountered during the course of the project, please contact me at (207) 817-7332. Thank you.

BONNIE NEWSOM, THPO
Penobscot Nation



14 Gabriel Drive
Augusta, ME 04330

207.620.3800 PHONE
207.621.8226 FAX

www.TRCSolutions.com

November 8, 2009

Ms. Victoria Higgins
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, ME 04769

Subject: **TransCanada Maine Wind Development Inc.
Kibby Expansion Wind Power Project**

Dear Ms. Higgins:

As you may be aware, TransCanada Maine Wind Development Inc. ("TransCanada") is currently developing the 132 megawatt ("MW") Kibby Wind Power Project (the "Kibby Project") in Kibby and Skinner Townships, Franklin County, Maine. Half of the Kibby Project is currently in commercial operation and the remaining half is under construction and expected to be in operation in September 2010.

TransCanada is now proposing to construct the Kibby Expansion Wind Power Project (the "Kibby Expansion Project"), a 45 MW expansion to the adjacent Kibby Project. The Kibby Expansion Project would be located in Kibby and Chain of Ponds Townships, and would consist of 15 three MW wind turbines along the Sisk Mountain ridgeline, identical to those used for the Kibby Project. The power generated by the Kibby Expansion Project would connect via a short 115 kilovolt ("kV") electric transmission tap line to the existing Kibby Project 115 kV electric transmission line. The Kibby Expansion Project would expand the Kibby Project to a total generating capacity of 177 MW, and is expected to be in operation by the end of 2011. The project footprint has been optimized for environmental, engineering and wind resource conditions.

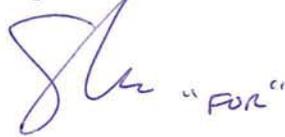
Ms. Victoria Higgins
November 8, 2009
Page 2

TRC Environmental Corporation ("TRC"), on behalf of TransCanada, looks forward to consulting with the Passamaquoddy Tribe to address any questions or concerns you may have about the Kibby Expansion Project regarding areas located in or near the proposed facilities that may hold religious, cultural or natural resource significance. Please provide any such questions, comments or concerns to me at your earliest convenience. To aid in your review, I have enclosed a USGS based quadrangle excerpt map showing the proposed facilities.

Should you have any questions or need additional information about this request, please do not hesitate to contact me at (207) 620-3834 or by email at dvalleau@trcsolutions.com.

Sincerely,

TRC Environmental Corporation

A handwritten signature in blue ink, appearing to read 'Dana Valleau', with the word 'FOR' written in smaller letters to the right of the signature.

Dana Valleau
Project Manager

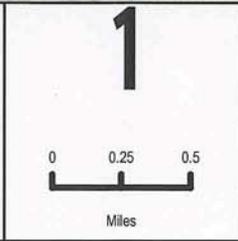
Enclosure

cc: Christine Cinnamon, TransCanada
Coco Calderhead, TransCanada
Juliet Browne, Verrill Dana





j Turbine Locations	• Structure Locations
— Turbine Pads	— Collector Limits
— Access Limits	- - - Collector Center Line
- - - Access Center Line	— Substation Fence Line



Kibby Expansion Wind Power Project

General Location Project Layout

CTRC 14 Gabriel Drive
Augusta, ME 04330



14 Gabriel Drive
Augusta, ME 04330

207.620.3800 PHONE
207.621.8226 FAX

www.TRCSolutions.com

November 8, 2009

Ms. Bonnie Newsom
Penobscot Indian Nation
Indian Island Reservation
12 Wabanaki Way
Indian Island, ME 04468

Subject: **TransCanada Maine Wind Development Inc.
Kibby Expansion Wind Power Project**

Dear Ms. Newsom:

As you may be aware, TransCanada Maine Wind Development Inc. ("TransCanada") is currently developing the 132 megawatt ("MW") Kibby Wind Power Project (the "Kibby Project") in Kibby and Skinner Townships, Franklin County, Maine. Half of the Kibby Project is currently in commercial operation and the remaining half is under construction and expected to be in operation in September 2010.

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Ms. Bonnie Newsom
November 8, 2009
Page 2

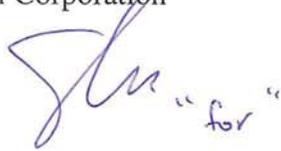
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Should you have any questions or need additional information about this request, please do not hesitate to contact me at (207) 620-3834 or by email at dvalleau@trcsolutions.com.

Sincerely,

TRC Environmental Corporation

Dana Valleau
Project Manager



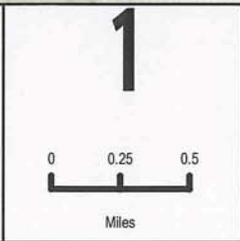
Enclosure

cc: Christine Cinnamon, TransCanada
Coco Calderhead, TransCanada
Juliet Browne, Verrill Dana





j	Turbine Locations		Structure Locations
	Turbine Pads		Collector Limits
	Access Limits		Collector Center Line
	Access Center Line		Substation Fence Line



**Kibby Expansion
Wind Power Project**

General Location
Project Layout

CTRC 14 Gabriel Drive
Augusta, ME 04330 Created
10/27/2019



14 Gabriel Drive
Augusta, ME 04330

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207.621.8226 FAX

www.TRCSolutions.com

November 8, 2009

Ms. Brenda Commander
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, ME 04730

Subject: **TransCanada Maine Wind Development Inc.
Kibby Expansion Wind Power Project**

Dear Ms. Commander:

As you may be aware, TransCanada Maine Wind Development Inc. ("TransCanada") is currently developing the 132 megawatt ("MW") Kibby Wind Power Project (the "Kibby Project") in Kibby and Skinner Townships, Franklin County, Maine. Half of the Kibby Project is currently in commercial operation and the remaining half is under construction and expected to be in operation in September 2010.

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Ms. Brenda Commander
November 8, 2009
Page 2

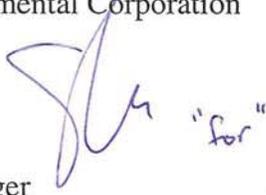
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Sincerely,

TRC Environmental Corporation

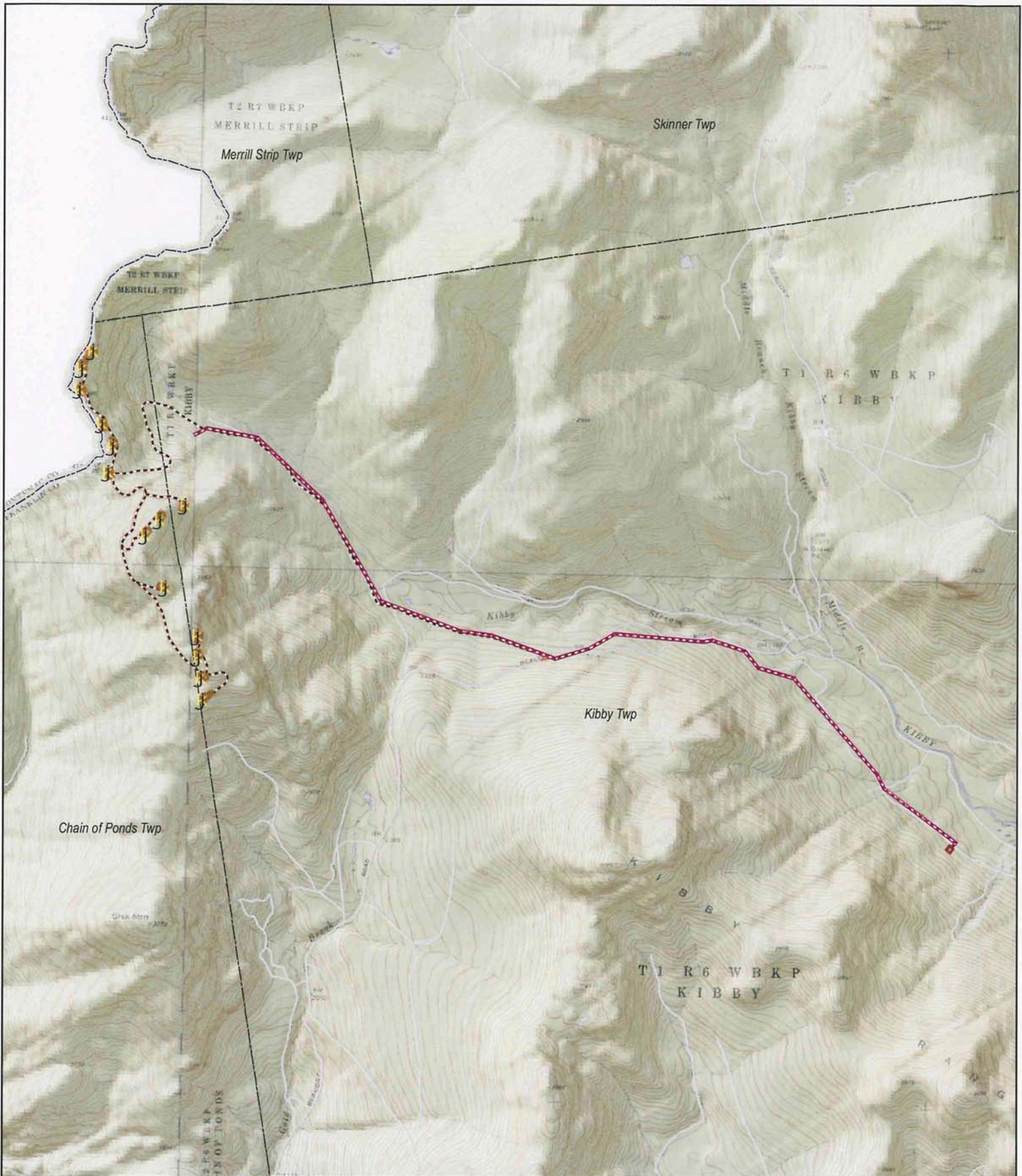
Dana Valleau
Project Manager

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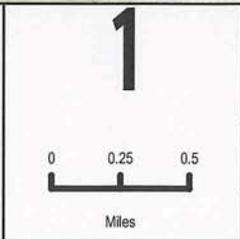
Enclosure

cc: Christine Cinnamon, TransCanada
Coco Calderhead, TransCanada
Juliet Browne, Verrill Dana





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Kibby Expansion
Wind Power Project

General Location
Project Layout

TRC 14 Gabriel Drive
Augusta, ME 04330



14 Gabriel Drive
Augusta, ME 04330

207.620.3800 PHONE
207.621.8226 FAX

www.TRCSolutions.com

November 8, 2009

Mr. Donald Soctomah
Passamaquoddy Tribe of Indians
Indian Township Reservation
P.O. Box 301
Princeton, ME 04668

Subject: **TransCanada Maine Wind Development Inc.
Kibby Expansion Wind Power Project**

Dear Mr. Soctomah:

As you may be aware, TransCanada Maine Wind Development Inc. ("TransCanada") is currently developing the 132 megawatt ("MW") Kibby Wind Power Project (the "Kibby Project") in Kibby and Skinner Townships, Franklin County, Maine. Half of the Kibby Project is currently in commercial operation and the remaining half is under construction and expected to be in operation in September 2010.

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Mr. Donald Soctomah
November 8, 2009
Page 2

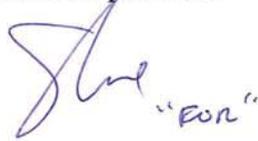
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Sincerely,

TRC Environmental Corporation

Dana Valleau
Project Manager



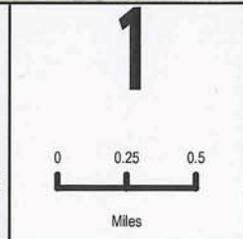
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**Kibby Expansion
Wind Power Project**

*General Location
Project Layout*

CTRC 14 Gabriel Drive
Augusta, ME 04330 04/20/20