



March 18, 2022

Jami MacNeil
Environmental Specialist in the Bureau of Land Resources
Maine Department of Environmental Protection

**Re: Sugarloaf West Mountain Expansion
Response to MDIFW and MNAP Comments**

Dear Ms. MacNeil,

On behalf of Sugarloaf Mountain Corporation (Applicant), Vanasse Hangen Brustlin, Inc. (VHB) is pleased to provide this information in support of the Site Location of Development application and Natural Resources Protection Act application (Applications) submitted for Sugarloaf West Mountain Expansion Project (the Project). We are specifically responding to comments provided by your office by the Maine Department of Inland Fisheries and Wildlife on January 24, 2022, and by the Maine Natural Areas Program on February 2, 2022.

In reviewing the comments received, the Applicant proposes a meeting between parties to better understand how impacts have been determined in response to the Application. We also would advocate for a review of the potential mitigation options that could be presented, as both MDIFW and MNAP have concerns with the proposed approach. To assist in this discussion, please see the attached response with the Applicant's initial thoughts on these issues. Given the strong interest in conducting any field visits prior to the Spring thaw, the Applicant proposes that this meeting should occur in March if possible.

Thank you for your timely review of the enclosed materials. Please do not hesitate to contact me at psmiar@vhb.com, (802) 497-6165 if you have any questions regarding the Project.

Sincerely,

A handwritten signature in blue ink that reads "Peter Smiar".

Peter Smiar, PE
Director of Land Development

INITIAL RESPONSES TO COMMENTS BY MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE AND MAINE NATURAL AREAS PROGRAM

The Applicant has received the thoughtful comments provided by the Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Natural Areas Program (MNAP). The following is an overview of the Applicant's initial thoughts on the issues raised, with the understanding that future discussions will be beneficial.

SUBALPINE FIR

MNAP calculates that 6.3 acres of Subalpine Fir Forest will be converted to ski trails, which is similar to the Applicant's estimate of 7.02 acres. However, MNAP's comments also indicate that 13.8 acres of vegetative community that will remain as an undisturbed forested area adjacent to the new ski trails should be considered impacted as well. The Applicant questions why a mitigation ratio of 4:1 would also be suggested for this 13.8 acres, as that would suggest that potential "fragmentation" of the community is an equivalent impact to conversion of the resource to development. The Applicant seeks further explanation of this assessment, as the Subalpine Fir Forest will remain, and we were unable to find any studies that suggest that construction of trails within the larger mapped forest would result in any diminishment of the overall community.

The Applicant has reviewed data provided by MNAP and confirms that there are 13 acres of Subalpine Fir Forest within the Mount Abram parcel (Plan 1, Lot 3) owned by the Applicant. Should this acreage be determined to be insufficient, the Applicant will review other parcels which it owns. Comments from both MNAP and MDIFW suggest that habitat banking would be a preferred means of addressing future phases of high elevation development. The Applicant is open to this concept with the understanding that there would need to be a relaxation of the historic requirement that only lands "under threat" are appropriate to propose as mitigation sites, and that portions of the mitigation bank area would be set aside as required at the time of each future Project application and in proportion with future Project impacts.

Both MNAP and MDIFW also requested to review the specific terms of the conservation easement or deed restrictions prior to approval. The Applicant is proposing a Declaration of Covenants and Restrictions given the lack of likely third-party receivers associated with managing the resource. A draft is in process and the Applicant suggests defining the mitigation area prior to distribution such that the Declaration can reflect specific management conditions.

BICKNELL'S THRUSH

MDIFW commented that for the proposed mitigation parcel “only 13 acres of the site is mapped as Subalpine Fir Forest”. We assume this comment relates to the concerns raised by MNAP about this vegetative community rather than the Bicknell's thrush but would ask for confirmation regarding this comment. MDIFW correctly notes that the entire mitigation parcel is mapped as Bicknell's thrush habitat. MDIFW also asked about the future use of the parcel. The Applicant is considering the installation of a mountain bike trail in this area and has contemplated utilizing it for other non-motorized recreational activities.

MDIFW has also requested field observation of the proposed mitigation site and the Applicant is happy to coordinate this activity. However, given concerns from MNAP and MDIFW regarding the available habitat within the Mount Abrams parcel, the Applicant suggests confirmation from the Agencies of this parcel's viability as mitigation for Project impacts, prior to a site visit.

ROARING BROOK MAYFLY / NORTHERN SPRING SALAMANDER

MDIFW states that the Applicant made a “reasonable effort to avoid / minimize impacts within 250 feet of streams”. While this acknowledgement is appreciated, the Applicant believes that they have made a substantial effort to adhere to the MDIFW's recommendations in terms of avoidance and minimization while balancing Project goals, existing conditions, safety concerns and other considerations, as documented in the Alternatives Analysis submitted in Attachment 2 of the Natural Resources Protection Act application.

In reviewing the MDIFW comments, there appears to be some confusion as to what is being offered as part of the mitigation package for the Roaring Brook Mayfly (RBM) and Northern Spring Salamander (NSS). The Applicant offers the following clarification of what is being offered for mitigation:

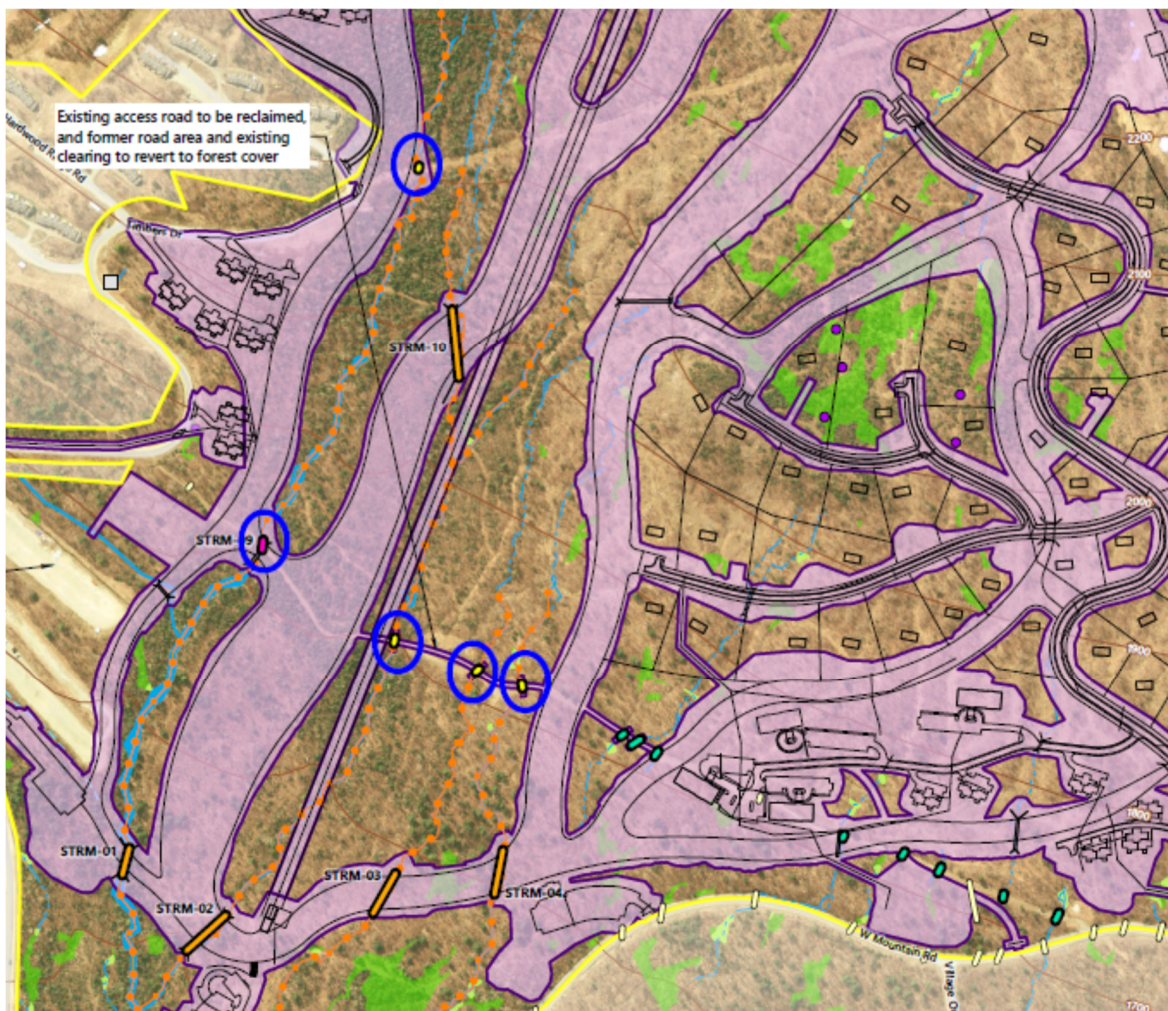
Overall Approach: It is well documented that closed conduit pipe culverts with perched outlets can present significant obstacles for passage aquatic species. Several such existing culverts currently exist at the lower portions of the RBM/NSS Project area, thus restricting access to the majority of the potential habitat within the Project area (see Figure 1 below). Under proposed conditions, the Applicant's proposed mitigation approach removes these existing obstacles within the RBM/NSS stream channels resulting in significant net expansion of aquatic organism mobility and restoration of access to suitable habitat as described below.

Replacement Culvert: The Applicant is proposing that the replacement of the existing perched culvert at stream crossing #9 with an open bottom arch crossing be considered mitigation (see Figure 1 below). The Applicant appreciates that mitigation credit is not granted when a component of a Project adheres to the existing standard (such as the new pipe culverts being installed). However, in this case siting the crossing at this location was not done for design purposes and in fact additional new crossings would have presented better resort functionality and skiable terrain. Instead, out of deference to the MDIFW's

request to utilize existing disturbed areas, the Applicant proposes an upgrade to this existing crossing at significant investment to bring it to compliance with current standards and more importantly, to improve the upstream habitat and improve mobility within the stream corridor. The Applicant has assigned a proposed improved habitat area to use in the mitigation ratio, as outlined below.

Culvert Removal: The Applicant is proposing to remove four existing perched culverts (see blue circles on Figure 1). The Applicant is not obligated to remove these culverts as they are not part of the Project design and in fact doing so poses an inconvenience to mountain operations given their location along an existing access and maintenance road. However, removal of these culverts and existing access road surfaces was discussed in several preapplication working sessions with MDIFW where the Department reinforced that this mitigation approach was appropriate in that it provides valuable improvement to organism passage to suitable upstream habitat along the existing stream channels.

Figure 1: Culvert Removal / Replacement



The Applicant believes that a critical issue for the upcoming discussion will be to determine the value of the mitigation package being offered. By voluntarily removing four culverts and replacing another one, the Applicant anticipates re-establishing habitat access to approximately 13,973 linear feet of streams within the Project area. Given the proposed width of stream crossings with potential habitat is estimated at 985 feet, the Applicant is providing a 14:1 mitigation ratio and therefore respectfully contends that a net expansion of habitat accessibility results from the Project and no further mitigation is necessary.

The Applicant looks forward to discussing these issues further.