

## MacNeil, Jami

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**From:** MacNeil, Jami  
**Sent:** Tuesday, January 25, 2022 3:50 PM  
**To:** Rick  
**Cc:** Perry, John; Settele, Rebecca; NEAL, LeeAnn B CIV USARMY CENAE (USA); St.Hilaire, Lisa; Puryear, Kristen; Hale, Sean; Peter Smiar  
**Subject:** Sugarloaf Mtn Corp - West Mtn Expansion - MDIFW comments

Hi Rick,

Please see the comments below from MDIFW regarding the proposed West Mountain expansion of the Sugarloaf resort. Make sure you read them through, but here is my distilled version of action items:

1. Please confirm agreement to comply with the time-of-year work window in and adjacent to Bicknell's Thrush habitat (no cutting/construction from May 1 – July 31).
2. Please elaborate on the proposed mitigation parcel's spatial relationship to other applicant-owned land, and the potential for adjacent land to be added to this mitigation area over time to mitigate for future impacts at the resort.
3. MDIFW would like to survey the proposed mitigation parcel for Bicknell's Thrush. Please coordinate with MDIFW on that.
4. Please provide draft language and terms for the conservation easement for the mitigation parcel.
5. Please clarify which of the proposed culvert replacements are necessary to construct the proposed project (regardless of mitigation requirements), and which culvert replacements are proposed as additive mitigation (i.e., would not be completed if no mitigation were required).
6. The stream impacts will require additional mitigation beyond culvert replacements. This will likely require a payment into MDIFW's Endangered and Nongame Wildlife Fund. To help with the calculation of appropriate mitigation, please specify the following:
  - a. Amount of proposed clearing within 100 feet of each stream with suitable habitat for roaring brook mayfly (RBM) or northern spring salamander (NSS)
  - b. Amount of proposed clearing 100-250 feet from each stream with RBM/NSS habitat
  - c. Amount of proposed clearing within 100 feet of each stream without RBM/NSS habitat

In separate correspondence, MDIFW has mentioned that Sugarloaf may propose to preserve other streams on its property that have RBM and NSS habitat. This could reduce the amount of required payment into the mitigation fund. The preservation parcels and easements for those would require review.

Feel free to correspond directly with MDIFW on these items, but I would appreciate if you cc me on e-mails so I can make sure they enter the project file.

Thank you,  
Jami

**-Jami MacNeil (she/her)**  
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Maine Department of Environmental Protection  
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**From:** Perry, John <John.Perry@maine.gov>  
**Sent:** Monday, January 24, 2022 2:25 PM

**To:** MacNeil, Jami <Jami.MacNeil@maine.gov>

**Cc:** Settele, Rebecca <Rebecca.Settele@maine.gov>

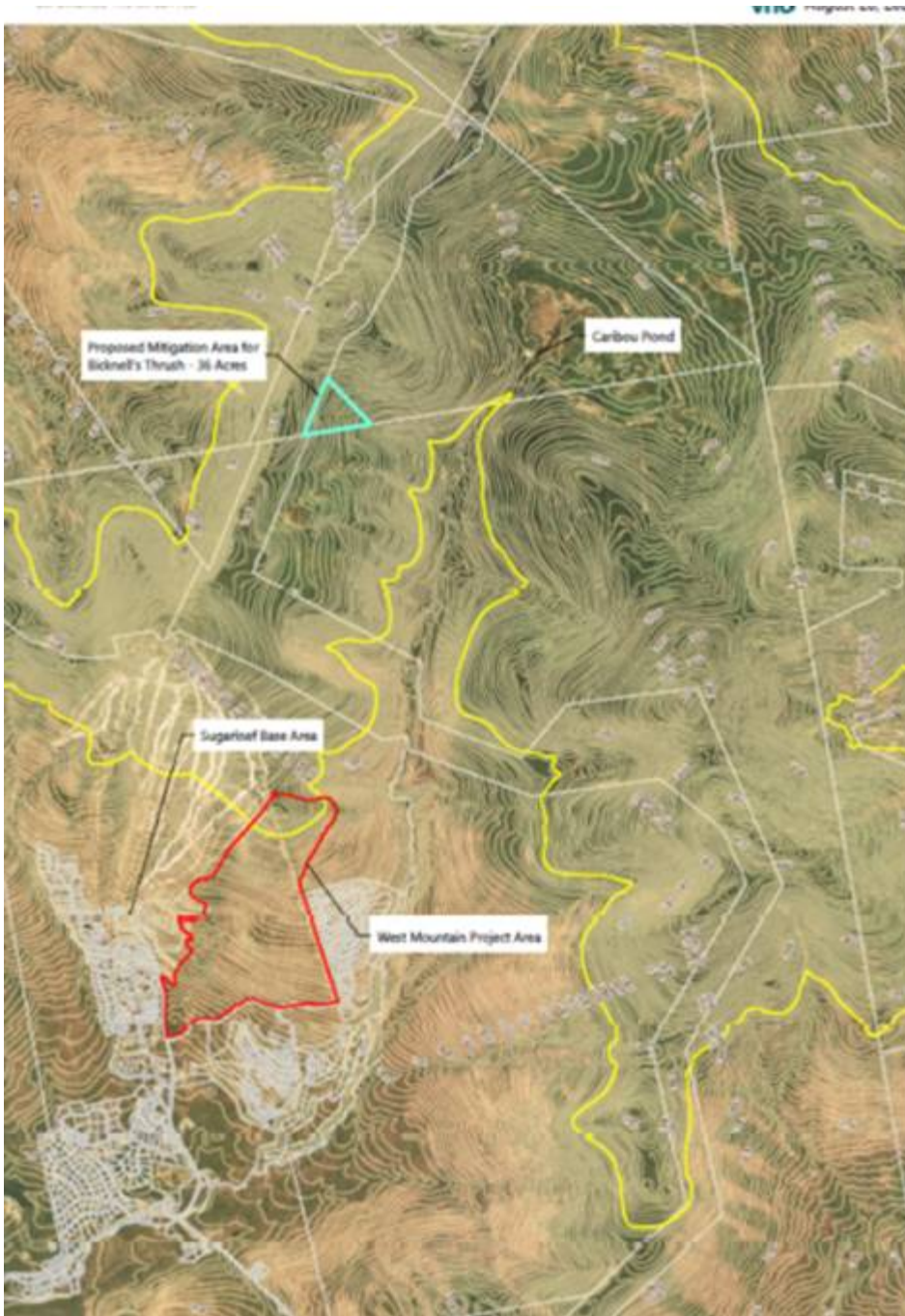
**Subject:** RE: Review Request: Sugarloaf Mtn Corp - Carrabassett Valley - West Mtn Expansion

Hi Jami,

As proposed, according to the application the construction of ski trails, structures, and roads will result in of disturbance of approximately 263 acres, including approximately 40 acres that are associated with the proposed residential developments. Much of this impact will occur in the riparian buffers of streams suitable for Roaring Brook mayflies (Threatened) and northern spring salamander (Special Concern), as well as impacts to habitat supporting Bicknell's thrush (Special concern). That said, we appreciate the avoidance and minimization efforts that the applicant has undertaken over the past year. Specific comments for each resource are below:

**Bicknell's Thrush**

To avoid impacts during the breeding season, the Applicant will adhere to MDIFW recommendations that no clearing or construction activity adjacent to these types of habitats occur from May 1 through July 31. In addition, the Applicant is also proposing to place a portion of their existing land, which is located at greater than 2,700 feet in elevation, into a permanent easement (see figure below). This easement would occupy an area of approximately 36 acres, which represents a 4:1 mitigation ratio, in an area that has experienced timber management activities in the past.



**MDIFW comments:** We would like a better understanding of this parcel in relationship to other Applicant lands. We have encouraged the Applicant to work with us in designating an area that can be used as a “habitat bank” for future phases of develop at the site, and it would be helpful to know the future of the lands surrounding this parcel (i.e. MDIFW is less interested in preserving small isolated habitat blocks.) Also, from desktop analyses, while the parcel overlaps 100% with the Bicknell’s Thrush polygon, only about 13 acres of the site is mapped as Subalpine Fir Forest. Before formally accepting this site as preservation, MDIFW would like to survey the area. In addition, we would need to review the specific terms of the conservation easement or deed restriction (i.e., who would hold it, what are the land use restrictions, etc.) prior to approval.

**Roaring Brook Mayfly/Northern Spring Salamander (RBM/NSS)**

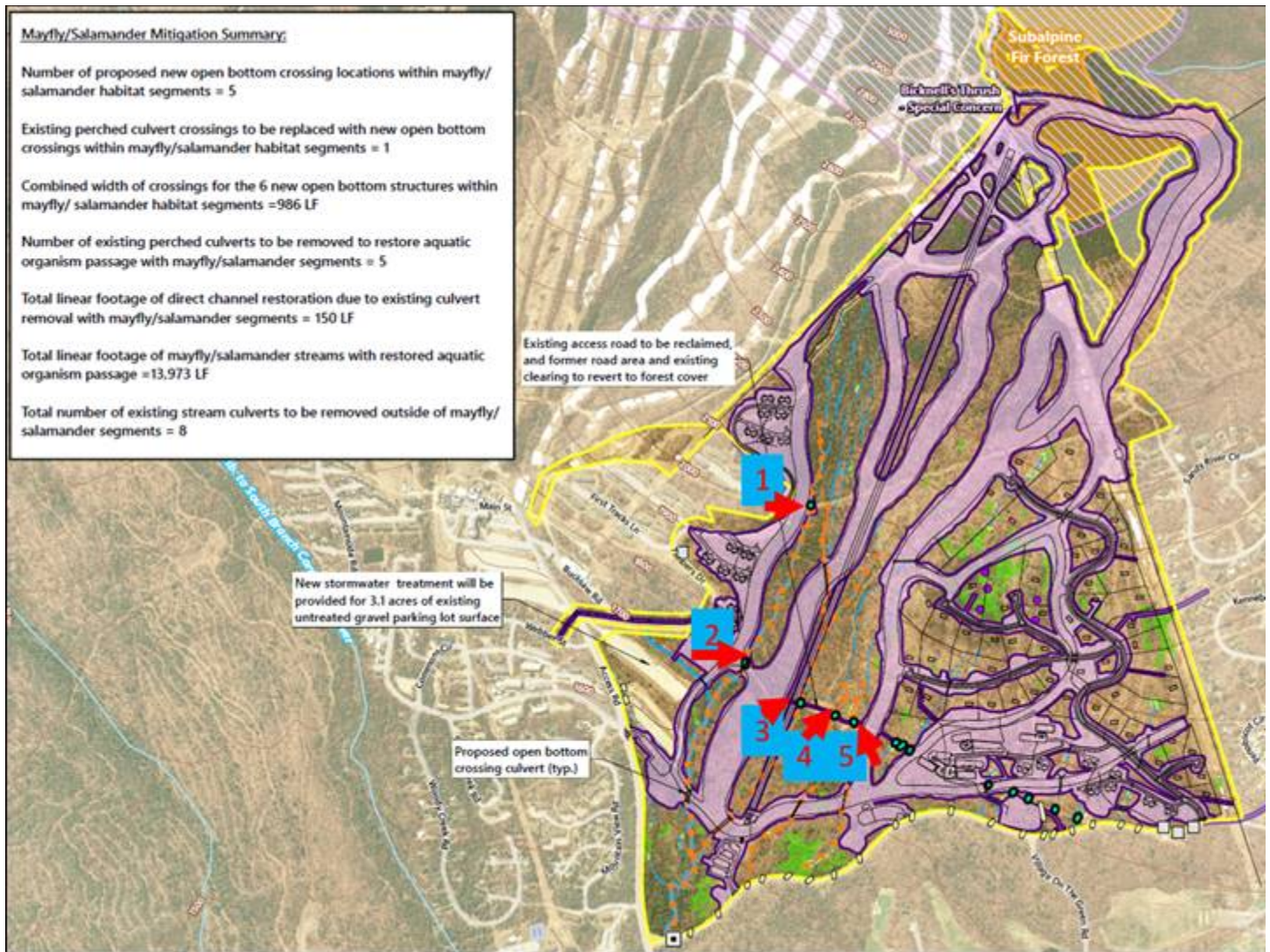
In our original comments and during subsequent conversations, MDIFW recommended that no development or permanent land use conversion occur within the 250-foot riparian buffer of any perennial or intermittent streams

containing either RBM or NSS. As proposed, the project would result in clearing of approximately 14% of the buffer width within 50 feet of these streams. The Project will also result in clearing of 42% of the zone that lies within 50 to 250 feet of these streams. The Applicant states that this level of disturbance is consistent with MDIFW guidance for timber harvesting, which calls for maintaining a 60-70% canopy cover in this region. To help offset some of these impacts, the Applicant proposes to replace several culverts to improve overall aquatic habitat connectivity. Finally, only hand cutting will occur within 25 feet of the stream channels, and the use of herbicides/pesticides will be avoided within the 250-foot riparian management zone and only after consultation with the MDIFW.

**MDIFW comments:** The Applicant seems to have made a reasonable effort to avoid/minimize impacts within 250 feet of streams that MDIFW identified as providing potential habitat, and these efforts are appreciated. Nonetheless, some potentially valuable riparian habitat for RBM/NSS will be permanently converted from forest to trail. The Applicant's comparison of the project's proposed level of disturbance with MDIFW's timber harvesting guidance is inappropriate as the project is proposing permanent cover-type conversions, whereas timber harvesting is a periodic conversion which allows canopy and other vegetation to revert to natural conditions (i.e. permanently cleared ski trails is less valuable as buffer habitat than a managed forest.)

As mitigation for these unavoidable impacts, the Applicant proposes to remove five existing perched culverts within the RBM/NSS zone and replace one perched culvert with an open-bottom arch, expected to restore habitat for approximately 14,000 linear feet of streams within the project area. Additionally, the Applicant proposes to provide new treatment of existing untreated stormwater runoff from approximately 3 acres of existing gravel parking (Lot E) located directly within the habitat of a perennial RBM/NSS stream, which could lead to significant sediment reduction and improved stream bottom habitat for aquatic organisms such as the RBM/NSS.

We appreciate both the culvert upgrades and the stormwater treatment proposed for Lot E. However, as stated during the site visit and during the April 7 meeting, it should be clarified that while these culvert replacements would provide some mitigation opportunities, MDIFW does not agree that these actions alone would fully offset impacts to all the riparian clearing associated with this project. Furthermore, it was also stated that replacing undersized culverts would count towards some mitigation but only if the culvert replacements are not necessary to the existing project scope. To be clear, MDIFW would approve some level of mitigation credit for undersized culvert replacements (amount of mitigation to be determined), assuming the culvert replacements are not necessary for the project scope. To that end, it is unclear to us which culverts that are being replaced are necessary for the project, and which ones are intended to count as mitigation. In the modified figure below, we have assigned numbers to the culverts located in RBM/NSS habitat that are proposed to be replaced—are any of these needed to be replaced due to widening of existing roads or trails or other project needs? If so, these culverts should not be counted towards offsetting project impacts.



MDIFW continues to recommend that impacts to riparian corridors containing suitable RBM/NSS be mitigated for as follows:

- 100% at 8:1 within 100 feet, and
- 60% from 100 feet to 250 feet

Additionally, consistent with our recommendations for other projects, if the impacted buffer is serving as riparian habitat for 2 or more streams, impacts should be calculated for each stream and mitigated for at the appropriate ratio (100% at 8:1 within 100 feet, and at 60% from 100 feet to 250 feet for each stream sharing the buffer). Mitigation funds should be deposited into MDIFW's Endangered and Nongame Wildlife Fund where they will be managed by the Department for protection and enhancement of Roaring Brook mayfly and northern spring salamander and their habitats. Improved habitat connectivity benefits from upsizing culverts (above) may be considered to help offset these funds.

Finally, we recommend any clearing/habitat conversion within 100-feet of non-RBM/NSS streams be mitigated for.

Thank you, and please let me know if you have any questions,

John

**John Perry**

**Environmental Review Coordinator**

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