

## Damon, Jessica

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**From:** Stratton, Robert D  
**Sent:** Wednesday, June 17, 2020 10:29 AM  
**To:** Michael Carey  
**Cc:** Damon, Jessica  
**Subject:** RE: Silver Maple Wind Songbird Impact Mitigation Proposal

Good morning Michael,

I appreciate your update and response to my email of 5/29/20. We have had many meetings and communications on the Silver Maple Wind (SMW) project and I share your desire to *“refrain from ‘negotiating’ a contribution amount with the IF&W team”*. As we’ve discussed, MDIFW’s role is to review development proposals and to advise applicants and regulatory agencies on potential impacts to fisheries, wildlife, and critical habitats, measures to avoid or minimize detrimental impacts to the extent practicable and, when appropriate, means to mitigate reasonable impacts. We have identified the necessary objectives for a successful mitigation plan, provided information on the nearby and relevant Weaver Wind mitigation plan, as well as estimates of comparative acreage and financial values for SMW on which to base development of its own proposed plan. Though MDIFW may provide such guidance, as we have discussed, it is the applicant’s responsibility to develop an appropriate and adequate mitigation proposal. We recognize that there are differences in project sites and designs and have considered the relative size and location of SMW.

I also share your preference *“to focus on the end result of achieving a conservation goal”*. As discussed, the objective of a mitigation plan for SMW, as it was for nearby Weaver Wind, is 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 management plan to address this objective, it needs to 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, as it was for nearby Weaver Wind, is related to active habitat management for migrating songbirds, which includes very specific components. I reiterate, an appropriate mitigation plan will involve *“a sufficient quality and quantity”* of habitat. If, as it appears below, your intention is to develop a habitat management plan utilizing, and thus effectively reducing, the previously planned contribution to FBC, I need to advise you that it is difficult to imagine that this would result in an agency opinion different than provided on 5/29/20.

I hope this helps clarify any remaining questions. I am available to discuss further if desired. Thank you, Bob.

Bob Stratton  
MDIFW

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**From:** Michael Carey <michael.carey@swebdevelopment.ca>  
**Sent:** Tuesday, June 09, 2020 5:11 PM  
**To:** Stratton, Robert D <Robert.D.Stratton@maine.gov>  
**Cc:** Damon, Jessica <Jessica.Damon@maine.gov>; Tim Brochu <tbrochu@cesincusa.com>; Aaron Dority <aaron@frenchmanbay.org>  
**Subject:** RE: Silver Maple Wind Songbird Impact Mitigation Proposal

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Hello Bob,

Thanks for the feedback. We are exploring potential avenues to deliver on a habitat management plan, however we are finding that the cost (\$20,000-\$30,000) would comprise a fairly substantial proportion of our \$100,000 contribution.

We are eager to work with the Frenchman Bay team, especially due to their ability to leverage the existing benefits being realized at the abutting lands. Our contribution will be an important piece in the viability of the Frenchman Bay project, which will result in a benefit for songbirds.

We would refrain from “negotiating” a contribution amount with the IF&W team, and would prefer to focus on the end result of achieving a conservation goal. Our contribution would help to realize a project that has beneficial impacts for songbirds via land conservation and proximity to a large managed habitat area.

We would encourage the IF&W team to consider the relative size and location of the Silver Maple Wind project compared to other wind energy projects that have previously been permitted in the State of Maine. Especially considering the location of the Silver Maple with respect to the coast of Maine.

Thank you

Michael Carey  
Development Manager

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**From:** Stratton, Robert D <[Robert.D.Stratton@maine.gov](mailto:Robert.D.Stratton@maine.gov)>  
**Sent:** May-29-20 11:43 AM  
**To:** Michael Carey <[michael.carey@swebdevelopment.ca](mailto:michael.carey@swebdevelopment.ca)>  
**Cc:** Damon, Jessica <[Jessica.Damon@maine.gov](mailto:Jessica.Damon@maine.gov)>; Tim Brochu <[tbrochu@cesincusa.com](mailto:tbrochu@cesincusa.com)>; Aaron Dority <[aaron@frenchmanbay.org](mailto:aaron@frenchmanbay.org)>  
**Subject:** Silver Maple Wind Songbird Impact Mitigation Proposal

Good morning Michael,

MDIFW has reviewed SWEB Development's proposal for mitigation of impacts to songbirds from the proposed 20 megawatt Silver Maple Wind project in Clifton. SWEB's proposal consists of a \$100,000 contribution to Frenchman Bay Conservancy's (FBC) effort to purchase and establish a 1,400 acre Frenchman Bay Community Forest in Hancock (total cost \$900,000.) The Community Forest will abut the 3,100 acre Weaver Wind Hancock mitigation parcel. In the attached letter, FBC indicates the intention to develop a management plan for the property following its purchase and anticipates an initial harvest to accelerate the transition to its ultimate goal of an ecological reserve with no active management. It should be noted that MDIFW supports the work of FBC, but must consider SWEB's proposal relative to the affected resources. As previously communicated, the goal of a mitigation plan for Silver Maple Wind, as it was for

nearby Weaver Wind, is 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”. MDIFW provided SWEB with comparative information for mitigation plans on which it could base development of its proposal to mitigate impacts to migrating songbirds.

Upon review, MDIFW finds that SWEB’s proposed contribution of \$100,000 to FBC’s acquisition plans does not represent an acceptable level of mitigation for impacts to songbirds from the proposed Silver Maple Wind project. Further, MDIFW anticipated a more developed habitat management plan that would provide a working tool to facilitate efforts to offset impacts to migrating songbirds in the Downeast coastal plain. Unless a more extensive and comprehensive proposal is provided that encompasses the indicated goals for mitigation of impacts to migrating songbirds, MDIFW is unable to find that the proposed Silver Maple Wind Project has adequately addressed detrimental impacts to wildlife resources.

If you have any questions on the information provided herein, please contact me at [robert.d.stratton@maine.gov](mailto:robert.d.stratton@maine.gov) or (207) 287-5659.

**Bob Stratton**

**Wildlife Biologist**

**Environmental Program Manager**

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**From:** Michael Carey <[michael.carey@swebdevelopment.ca](mailto:michael.carey@swebdevelopment.ca)>

**Sent:** Wednesday, May 06, 2020 10:05 AM

**To:** Damon, Jessica <[Jessica.Damon@maine.gov](mailto:Jessica.Damon@maine.gov)>

**Cc:** Stratton, Robert D <[Robert.D.Stratton@maine.gov](mailto:Robert.D.Stratton@maine.gov)>; Aaron Dority <[aaron@frenchmanbay.org](mailto:aaron@frenchmanbay.org)>; Tim Brochu <[tbrochu@cesincusa.com](mailto:tbrochu@cesincusa.com)>

**Subject:** Frenchman Bay Contribution - Toward Mitigation

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Hello Bob and Jessica,

Attached is a letter from the Frenchman’s Bay Conservancy, which outlines SWEB’s willingness to make a contribution to their project (proximal to the Weaver Wind Project), as a means of offsetting potential issues flagged by the Department of Inland Fisheries and Wildlife.

A couple of notes:

- While SWEB is not necessarily in agreement with IF&W’s assessment of our project’s location in relation to the Maine Coastal Plain, we are eager to progress the project in a way that will work as best as possible for all stakeholders.
- The amount of our expected contribution is one that the project can afford, especially in lieu of the fact that radar lighting will now be incorporated in our project plan.
  - Jessica, we can confirm SWEB is in agreement with the DEP’s radar requirements, and radar controlled FAA lighting will be added to our project plans.

- We are keen to finalize talks with the IF&W, and SWEB is in full and undisputed concurrence with all other recommendations put forward by their team.

Thank you all, and we're looking forward to bottoming this out.

Talk to you soon

**Michael Carey**  
Development Manager

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