

## EXHIBIT 16

### ENVIRONMENTAL & HISTORICAL CONSIDERATIONS

## ENVIRONMENTAL & HISTORIC CONSIDERATIONS

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### A. WILDLIFE AND FISHERIES

DeLuca-Hoffman Associates, Inc.\* contacted the Maine Department of Inland Fisheries & Wildlife and the U.S. Department of the Interior on October 29, 2012 to obtain information on the potential impacts to wildlife and fisheries habitat within the project area. On November 1, 2012, Maine Department of Inland Fisheries & Wildlife responded that the site had no known significant wildlife habitats on this site.

The U.S. Department of the Interior responded that no federally listed or proposed threatened and endangered species under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area, with the exception of occasional, transient bald eagles.

Request letters from DeLuca-Hoffman Associates, Inc. and the responses from the Maine Department of Inland Fisheries and Wildlife and the U.S. Department of the Interior are included at the end of this section.

### B. HISTORIC SITES

DeLuca-Hoffman Associates, Inc. contacted the Maine Historic Preservation Commission on October 29, 2012 to obtain information any potential historic, architectural, or archaeological significance on the project site. The Maine Historic Preservation Commission responded on December 3, 2012 that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act.

### C. UNUSUAL NATURAL AREAS

The Maine Department of Conservation was contacted on October 29, 2012 and informed of the proposed development. DeLuca-Hoffman Associates, Inc., sought to obtain information on locations of rare, endangered or registered critical areas, which the project may impact. The Maine Department of Conservation database indicated that there are no rare botanical features documented specifically within the project area. The Department provided a list of rare and unique botanical features documented for assistance to any biologist conducting inventory of the site.

No unusual areas are known to exist on the project site.

### D. ATTACHMENTS

- Correspondence to/from Department of Inland Fisheries & Wildlife
- Correspondence to Maine Historic Preservation Commission
- Correspondence to/from Maine Natural Areas Program

*\*DeLuca Hoffman Associates, Inc. was acquired by Fay, Spofford & Thorndike. The two names are used interchangeably in portions of the midtown documents.*

## **ATTACHMENTS**

**Correspondence To/From  
Department of Inland Fisheries & Wildlife  
Maine Historic Preservation Commission  
Maine Natural Areas Program**



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207 775 1121  
FAX 207 879 0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

October 29, 2012

Mr. Steve Timpano  
Maine Department of Inland Fisheries & Wildlife  
State House Station 41  
Augusta, ME 04333

**Subject: Proposed Maritime Landing Project  
Somerset Street, Portland, Maine**

Dear Steve:

Our office has been retained by The Federated Companies to assist in the preparation of permit applications for a proposed mixed use development comprised of a parking garage, multistory multi-family housing, and some limited retail space. The project site is depicted on the enclosed aerial photograph and includes Lots 1 to 3 and 5 to 8 on the attached survey plan. The actual project will impact portions of Somerset and Elm Street and a recently constructed public trail system that is located on the survey as lots 4 and 9. The land area is about 3.5 acres in total size. The City of Portland conducted demolition and environmental cleanups on the premises over the past several years. Consequently, the site is currently an unimproved lot with some limited weeds around the perimeters. Photographs of the parcel are enclosed.

If you have any questions with regards to this letter, please contact our office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

William G. Hoffman, P.E.  
President

WGH/cmd

Enclosure

c: Matt Jefferies  
Greg Shinberg



PAUL R. LePAGE  
GOVERNOR

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

CHANDLER E. WOODCOCK  
COMMISSIONER

November 1, 2012

NOV - 5 2012

William G. Hoffman, P.E.  
DeLuca-Hoffman Associates, Inc.  
778 Main Street  
Suite 8  
South Portland, ME 04106

**RE: Information Request, Maritime Landing Project, Somerset Street, Portland**

Dear William:

Per your request received October 30 we have searched current Department records for known occurrences of Rare, Threatened, and Endangered species, designated Essential and Significant Wildlife Habitats, and fisheries habitat concerns within the vicinity of the proposed Maritime Landing Project on Somerset Street in Portland.

Our records indicate no occurrences of rare, threatened, or endangered animal species within the project area. Additionally, our department has not mapped any Essential or Significant Wildlife Habitats or Fisheries Habitats that would be directly impacted by your project.

This consultation review has been conducted specifically for known MDIF&W jurisdictional features and should not be interpreted as a comprehensive review for the presence of all regulated features that may occur on site. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in black ink, appearing to read "Steve Walker".

Steve Walker  
Acting Environmental Review Coordinator



## Environmental Review of Fish and Wildlife Observations and Priority Habitats

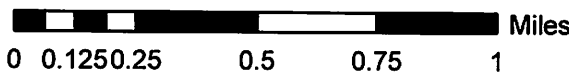
Project Name:

Maritime Landing

(Version 1)



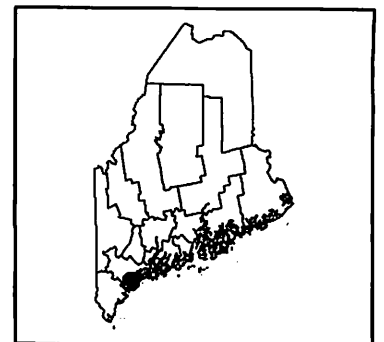
Maine Department of  
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 11/1/2012

ProjectPoints	Deer Winter Area	Roseate Tern
ProjectLines	LURC p-fw	Piping Plover/Least Tern
ProjectPolys	Cooperative DWAs	Aquatic ETSc (2.5 mi review)
ProjectSearchAreas	Seabird Nesting Islands	Rare Mussels (5 mi review)
	Shorebird Areas	A and B List Ponds
	Inland Waterfowl/Wading Bird	Arctic Charr Habitat
	Shoreland Zoning_lwwh	E. Brook Trout Joint Venture Subwatershed Classification
	Tidal Waterfowl/Wading Bird	Redfin Pickerel/Swamp Darter Habitats (buffer100ft)
	Significant Vernal Pools	Special Concern-occupied habitats(100ft buffer)
	Environmental Review Polygons	Wild Lake Trout Habitats





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- CONSTRUCTION ADMINISTRATION

October 30, 2012

Mr. Mark McCullough  
Endangered Species Specialist  
U. S. Fish and Wildlife Service  
1168 Main Street  
Old Town, Maine 04468

**Subject: Proposed Maritime Landing Project  
Somerset Street, Portland, Maine**

Dear Mark:

Our office has been retained by The Federated Companies to assist in the preparation of permit applications for a proposed mixed use development comprised of a parking garage, multistory multi-family housing, and some limited retail space. The project site is depicted on the enclosed aerial photograph and includes Lots 1 to 3 and 5 to 8 on the attached survey plan. The actual project will impact portions of Somerset and Elm Street and a recently constructed public trail system that is located on the survey as lots 4 and 9. The land area is about 3.5 acres in total size. The City of Portland conducted demolition and environmental cleanups on the premises over the past several years. Consequently, the site is currently an unimproved lot with some limited weeds around the perimeters. Photographs of the parcel are enclosed.

If you have any questions with regards to this letter, please contact our office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

William G. Hoffman, P.E.  
President

WGH/cmd

Enclosure

c: Matt Jefferies  
Greg Shinberg



U.S. Fish and Wildlife Service

## Natural Resources of Concern

**This resource list is to be used for planning purposes only — it is not an official species list.**

**Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:**

**MAINE ECOLOGICAL SERVICES FIELD OFFICE**

17 GODFREY DRIVE, SUITE 2

ORONO, ME 04473

(207) 866-3344

<http://www.fws.gov/mainefieldoffice/index.html>

***Project Name:***

Maritime Landing





U.S. Fish and Wildlife Service

## Natural Resources of Concern

### *Project Location Map:*



### *Project Counties:*

Cumberland, ME

### *Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):*

MULTIPOLYGON (((-70.26325535 43.66018566, -70.2631886 43.6601257, -70.2633817 43.6601102, -70.26325535 43.66018566)), ((-70.26325535 43.66018566, -70.2651412 43.6618798, -70.2601201 43.6650309, -70.2578456 43.6634166, -70.26325535 43.66018566)))

### *Project Type:*

Development



## Natural Resources of Concern

### ***Endangered Species Act Species List ([USFWS Endangered Species Program](#))***

There are a total of 1 threatened, endangered, or candidate species, and/or designated critical habitat on your species list. Species on this list are the species that may be affected by your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Please contact the designated FWS office if you have questions.

#### **Species that may be affected by your project:**

Mammals	Status	Species Profile	Contact
New England Cottontail rabbit ( <i>Sylvilagus transitionalis</i> )	Candidate	<a href="#">species info</a>	Maine Ecological Services Field Office

### ***FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#))***

There are no refuges found within the vicinity of your project.

### ***FWS Migratory Birds ([USFWS Migratory Bird Program](#))***

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

### ***NWI Wetlands ([USFWS National Wetlands Inventory](#))***

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these



U.S. Fish and Wildlife Service

## Natural Resources of Concern

requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).



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---

October 29, 2012

Mr. Earle Shettleworth  
Maine Historic Preservation Commission  
55 Capitol Street  
State House Station 65  
Augusta, ME 04333

**Subject: Proposed Maritime Landing Project  
Somerset Street, Portland, Maine**

Dear Earle:

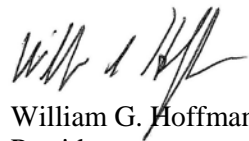
Our office has been retained by The Federated Companies to assist in the preparation of permit applications for a proposed mixed-use development comprised of a parking garage, multistory multi-family housing, and some limited retail space. The project site is depicted on the enclosed aerial photograph and includes Lots 1 to 3 and 5 to 8 on the attached survey plan. The actual project will impact portions of Somerset and Elm Street and a recently constructed public trail system that is located on the survey as lots 4 and 9. The land area is about 3.5 acres in total size. The City of Portland conducted demolition and environmental cleanups on the premises over the past several years. Consequently, the site is currently an unimproved lot with some limited weeds around the perimeters. Photographs of the parcel are enclosed.

This project will be an urban infill of recent redevelopment in the area as shown on the key map and photographs which accompany this letter.

If you have any questions with regards to this letter, please contact our office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



William G. Hoffman, P.E.  
President

WGH/cmd

Enclosure

c: Greg Shinberg  
Matt Jefferies

PHOTOGRAPH KEY MAP  
MARITIME LANDING PROJECT  
PORTLAND, MAINE  
PREPARED BY DELUCA-HOFFMAN ASSOCIATES, INC.





**PHOTO 1 – Trader Joe’s & Eastern Mountain Sports Building  
(Year Built 2001)**



**PHOTO 2 – Trader Joe’s & Eastern Mountain Sports Building  
(Year Built 2001)**

**DH**

DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS  
778 MAIN STREET, SUITE 8  
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FAX: 207-879-0896  
E-MAIL: [dhai@delucahoffman.com](mailto:dhai@delucahoffman.com)

**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 3 – Three Story Concrete Masonry Building (currently storage)  
(Year Built 1925)**



**PHOTO 4 – Three Story Concrete Masonry Building (currently storage)  
(Year Built 1925)**



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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 5 – Three Story Concrete Masonry Building (currently storage)  
(Year Built 1925)**



**PHOTO 6 – Three Story Concrete Masonry Building (currently storage)  
(Year Built 1925)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
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Photos Taken 10-25-12**





**PHOTO 7 – New Housing  
(Year Built 2008)**



**PHOTO 8 – Walgreen Pharmacy & Salon Centric Building  
(Year Built 2010)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 9 – Walgreen Pharmacy & Salon Centric Building  
(Year Built 2010)**



**PHOTO 10 – Walgreen Pharmacy & Salon Centric Building  
(Year Built 2010)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 11 – Planet Fitness Building  
(Year Built 2005)**



**PHOTO 12 – Three Story Concrete Masonry Building (currently storage)  
(Year Built 1925)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 13 – Three Story Concrete Masonry Building (currently storage)  
(Year Built 1925)**



**PHOTO 14 – Building to be Razed  
(Owned by City of Portland)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 15 – Department of Health & Human Services Building  
(Year Built 1999)**



**PHOTO 16 – Service & Car Care Center  
(Year Built 1969)**



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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 17 – Warehouse Construction Yard Area  
(Year Built 1940)**



**PHOTO 18 – Warehouse Construction Yard Area  
(Year Built 1940)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 19 – Warehouse Construction Yard Area  
(Year Built 1940)**



**PHOTO 20 – Service & Car Care Center  
(Year Built 1969)**

**DH**

DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS  
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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**



**PHOTO 21 – AT&T Store & Planet Dog Building  
(Year Built 1981)**



**PHOTO 22 – AT&T Store & Planet Dog Building  
(Year Built 1981)**

**DH**

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CONSULTING ENGINEERS  
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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
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Photos Taken 10-25-12**





**PHOTO 23 – Whole Foods Building  
(Year Built 2006)**



**PHOTO 24 – MULTI-USE INDUSTRIAL  
(Year Built 1920)**

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
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Photos Taken 10-25-12**



**PHOTO 25 – Multi-Use Industrial  
(Year Built 1920)**



**PHOTO 26 – Portland Architectural Salvage  
(Year Built 1900)**

R:\3062-Maritime Landing\Admin\Photographs\2012\_10\_25\3062 2012.10.25-Photo Sheets.doc

**DH**

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**Maritime Landing – Portland, Maine  
Building Onsite and Buildings in Vicinity of  
Proposed Project  
Photos Taken 10-25-12**

Reed, Robin K

---

**From:** Sandi Keef <skeef@DelucaHoffman.com>  
**Sent:** Friday, November 09, 2012 9:39 AM  
**To:** Reed, Robin K  
**Cc:** WHoffman@DelucaHoffman.com; CDaniell@DelucaHoffman.com  
**Subject:** Maritime Landing ; Somerset Street, Portland  
**Attachments:** Locus Map.pdf ; lots 1 to 3, 5 to 8

Robin,

Enclosed is the Locus Map for the Maritime Landing project in Portland, Maine. This shows the adjacent tax map and lot numbers and is being sent to follow-up our conversation of Wednesday, 11/7/12 and our original request dated 10/29/12.

Thank you,

Bill Hoffman

DeLuca-Hoffman Associates, Inc.  
778 Main Street, Suite 8  
South Portland, ME 04106  
207.775.1121  
207.879.0896 fax  
[skeef@delucahoffman.com](mailto:skeef@delucahoffman.com)

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Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

*Kirk F. Mohney*  
Kirk F. Mohney,  
Deputy State Historic Preservation Officer  
Maine Historic Preservation Commission

*12/3/12*  
Date



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

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- CONSTRUCTION ADMINISTRATION

---

October 29, 2012

Ms. Lisa St. Hilaire, Assistant Ecologist  
Maine Natural Areas Program  
17 Elkins Lane  
93 State House Station  
Augusta, Maine 04333

**Subject: Proposed Maritime Landing Project  
Somerset Street, Portland, Maine**

Dear Lisa:

Our office has been retained by The Federated Companies to assist in the preparation of permit applications for a proposed mixed use development comprised of a parking garage, multistory multi-family housing, and some limited retail space. The project site is depicted on the enclosed aerial photograph and includes Lots 1 to 3 and 5 to 8 on the attached survey plan. The actual project will impact portions of Somerset and Elm Street and a recently constructed public trail system that is located on the survey as lots 4 and 9. The land area is about 3.5 acres in total size. The City of Portland conducted demolition and environmental cleanups on the premises over the past several years. Consequently, the site is currently an unimproved lot with some limited weeds around the perimeters. Photographs of the parcel are enclosed.

If you have any questions with regards to this letter, please contact our office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

William G. Hoffman, P.E.  
President

WGH/cmd

Enclosure

c: Matt Jefferies  
Greg Shinberg



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

PAUL R. LEPAGE  
GOVERNOR

WILLIAM H. BEARDSLEY  
COMMISSIONER

NOV 16 2012

October 31, 2012

William Hoffman  
DeLuca-Hoffman Associates, Inc.  
778 Main Street, Suite 8  
South Portland, ME 04106

Re: Rare and exemplary botanical features in proximity to: Maritime Landing Development Project,  
Somerset Street, Portland, Maine

Dear Mr. Hoffman:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received October 31, 2012 for information on the presence of rare or unique botanical features documented from the vicinity of the project site in Portland, 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. Based on the information in our files and the landscape context of this project, there is a low probability that rare or significant botanical features occur at this project location.

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.