

## City of Portland

### Chapter 14-526(b) - Environmental Quality Standards, Preservation of Significant Natural Features:

a. The site plan shall preserve and protect significant natural features by incorporating them into site design. Significant natural features shall be defined as:

(i) Populations of trees and plants listed on the Official List of Endangered and Threatened Plants in Maine, published by the Maine Natural Areas Program.

***There are no populations of trees or plants that are listed as Endangered or Threatened as published by the Maine Natural Areas Program in the vicinity of the project site.***

(ii) Habitat for species appearing on the official state of federal list of endangered or threatened animal species;

***During the Army Corps of Engineers (ACOE) review, there have been no concerns identified regarding federally listed endangered or threatened animal species. All work associated with the project will occur within the water and no trees are proposed to be cut; therefore, there will be no impact to bats. An official species report has been included with the application materials.***

(iii) High and moderate value waterfowl and wading bird habitat including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife;

***The project site is located in an area identified as high or moderate value waterfowl and wading bird habitat as defined by the Department of Inland Fisheries and Wildlife. The dock has been in existence since the 1930s as stated by the City's assessing records and the area has been utilized by waterfowl habitat regardless of the presence of the dock. In addition, the replacement float will be in place on a seasonal basis and will minimize potential impacts to the habitat. Further, the Maine Department of Environmental Protection (DEP) routinely permits docks within this type of habitat.***

(iv) Aquifers on islands in Casco Bay, as identified in the City of Portland Island Groundwater Management Study and/or by the Maine Geological Survey;

***The project site is not located on an aquifer as identified by the City of Portland Island Groundwater Management Study or by the Maine Geological Survey.***

(V) Waterbodies, including wetlands, watercourses, significant vernal pools and floodplains. These features may also be regulated by Division 26, Shoreland Regulations, Division 26.5, Flood Plain Management Regulations and Division 26.7, Stream Protection Ordinance of the City Code, along with Sections 5 and 8 of the Technical Manual or other State regulations.

***The dock is located within Casco Bay. The Applicant has provided an assessment of the applicable zoning requirements regarding division 26 of the Shoreland Regulations.***



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

17 GODFREY DRIVE, SUITE 2

ORONO, ME 04473

PHONE: (207)866-3344 FAX: (207)866-3351

URL: [www.fws.gov/mainefieldoffice/index.html](http://www.fws.gov/mainefieldoffice/index.html)

Consultation Code: 05E1ME00-2016-SLI-0408

April 19, 2016

Event Code: 05E1ME00-2016-E-00482

Project Name: Glickman Dock Modifications

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: [http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html) Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:

<http://www.towerkill.com>; and at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Glickman Dock Modifications

## Official Species List

### Provided by:

Maine Ecological Services Field Office

17 GODFREY DRIVE, SUITE 2

ORONO, ME 04473

(207) 866-3344

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

**Consultation Code:** 05E1ME00-2016-SLI-0408

**Event Code:** 05E1ME00-2016-E-00482

**Project Type:** FILL

**Project Name:** Glickman Dock Modifications

**Project Description:** The applicant proposes to replace an existing seasonal float with a larger seasonal float.

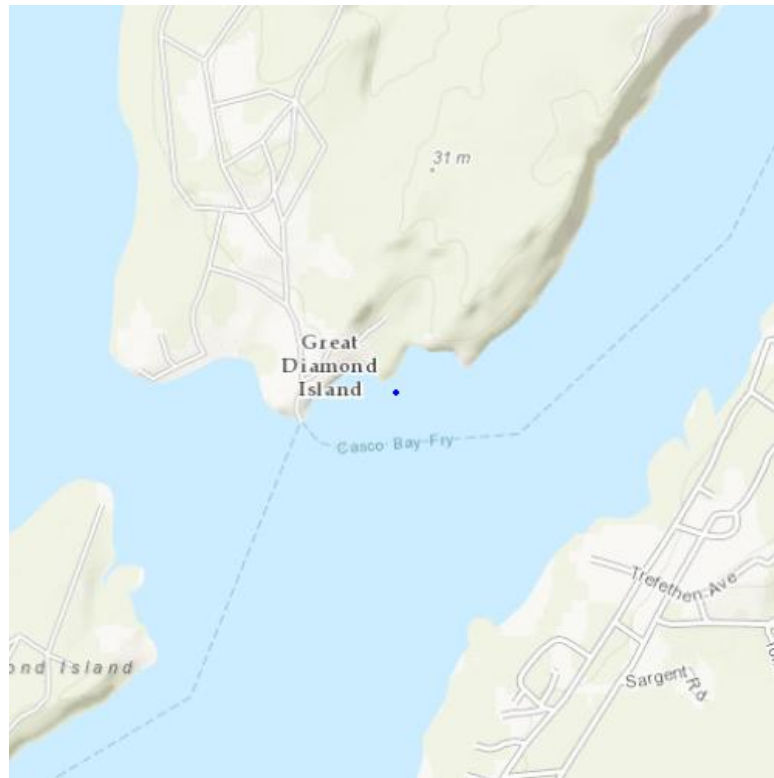
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Glickman Dock Modifications

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-70.19728302955627 43.672419238046814, -70.19720256328583 43.67245803885033, -70.19716501235962 43.672392077469404, -70.19722938537598 43.67236879696472, -70.19728302955627 43.672419238046814)))

**Project Counties:** Cumberland, ME



United States Department of Interior  
Fish and Wildlife Service

Project name: Glickman Dock Modifications

## Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		





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## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.