19: PRESERVATION OF SIGNIFICANT NATURAL FEATURES (14-526 (b) 1), if applicable

Trees, plants, habitats listed on State or Federal list of endangered or threatened

(i) A site review has been requested from the State of Maine Department of Agriculture, Conservation and Forestry Natural Areas Program (MNAP) for known mapped significant natural features within the project site. The MDIFW *Beginning with Habitat (BWH)-Primary Map 2, High Value Plants and Animals – Portland* does not identify plant or animal habitats within the project area. A copy of the MNAP reply indicating no rare or exemplary botanical features in proximity to the proposed development site dated December 10, 2018 is enclosed in this section.

(ii) Per the U.S. Department of Interior, Fish and Wildlife Service (USFWS) Maine Ecoglogical Field Services Office, no critical habitats are identified within the project area. The official species list is limited to the threatened Northern Long-eared bat *Myotis septentionalis*. No know hibernacula occurs on the site and tree removal will not take place during the late spring-summer bat pup-rearing season.

High and moderate value waterfowl and wading habitat

(iii) A site review request has been requested of Maine Department of Inland Fisheries and Wildlife. Available online mapping and the BWH Map 2 for Portland does not identify high or moderate waterfowl or wading habitat within the site. A copy of the MDIFW response dated December 17, 2018 indicates no locations of endangered, threatened or special concern species within the project area that would be directly affected by the project.

Aquifers on Casco Bay Islands

(iv) Not applicable.

Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains)

(v) No waterbodies are located on the proposed project site.

Per review of the City of Portland GIS Map Viewer-Flood Map (1986 FEMA flood boundaries), the project is not located in a flood plain. See Flood Map Exhibit, this section.

Proposed preservation areas and protection measures

No dedicated preservation areas or protection measures are proposed as part of the 2 Evergreen Drive project.

Documentation from environmental consultant determinations from applicable state agencies

Reference is made to the enclosed correspondence regarding natural features, included in this section.

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

December 4, 2018

Stefanie Nichols
Sebago Technics
75 John Roberts Road, Suite 4A
South Portland, ME 04106

Via email: snichols@sebagotechnics.com

Re: Rare and exemplary botanical features in proximity to#18002, Manufacturing Facility, 2 Evergreen Drive, Portland, Maine

Dear Ms. Nichols:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received November 20, 2018 for information on the presence of rare or unique botanical features documented from the vicinity of the project 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. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

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.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM

PHONE: (207) 287-8044
FAX: (207) 287-8040
WWW.MAINE.GOV/DACF/MNAP

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.

The Natural Areas Program has instituted a fee structure of $75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for $150.00 for two hours of our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov

Rare and Exemplary Botanical Features within 4 miles of
Project: #18002, Manufacturing Building, 2 Evergreen Drive, Portland, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Allegheny Vine						
	E	S1	G4	1860-10	9	Rocky summits and outcrops (non-forested, upland),Dry barrens (partly forested, upland)
American Sea-blite						
	T	S2	G5	1932-09-12	5	Tidal wetland (non-forested, wetland)
	T	S2	G5	2011-08-15	17	Tidal wetland (non-forested, wetland)
Bottlebrush Grass						
	SC	S3	G5	1905-09-13	10	Hardwood to mixed forest (forest, upland)
Broad Beech Fern						
	SC	S2	G5	1872-08	15	Hardwood to mixed forest (forest, upland)
	SC	S2	G5	2001-08-28	28	Hardwood to mixed forest (forest, upland)
Clothed Sedge						
	E	S1	G5	2000-06-06	5	Dry barrens (partly forested, upland)
Ebony Spleenwort						
	SC	S2	G5	1910-06-06	10	Rocky summits and outcrops (non-forested, upland),Hardwood to mixed forest (forest, upland)
Engelmann's Spikerush						
	PE	SH	G4G5	1916-08-31	2	Open wetland, not coastal nor rivershore (non-forested, wetland)
Enriched Northern Hardwoods Forest						
	<null>	S3	GNR	2001-08-28	34	Hardwood to mixed forest (forest, upland)
Fern-leaved False Foxglove						
	SC	S3	G5	1902-09-02	13	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)
Great Blue Lobelia						
	PE	SX	G5	1905-09	3	Forested wetland,Non-tidal rivershore (non-forested, seasonally wet)

Rare and Exemplary Botanical Features within 4 miles of
Project: #18002, Manufacturing Building, 2 Evergreen Drive, Portland, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Hollow Joe-pye Weed						
	SC	S2	G5?	2014-06-18	24	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
	SC	S2	G5?	2007-10-22	18	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
	SC	S2	G5?	2011-08-04	19	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Horned Pondweed						
	SC	S2	G5	1913-09-13	9	Tidal wetland (non-forested, wetland)
Marsh Milkwort						
	PE	SH	G5T4	1903-08-18	1	Dry barrens (partly forested, upland),Open wetland, not coastal nor rivershore (non-forested, wetland)
Missouri Rockcress						
	T	S1	G5	1905-06-11	5	Rocky summits and outcrops (non-forested, upland),Hardwood to mixed forest (forest, upland)
Mountain Honeysuckle						
	E	S2	G5	2014-08-03	14	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)
	E	S2	G5	2007-10-05	11	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)
	E	S2	G5	2015-07-07	17	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)
Pitch Pine Woodland						
	<null>	S3	G2	2005-12-08	28	Rocky summits and outcrops (non-forested, upland)
Small Reed Grass						
	SC	S3	G5	2011-08-28	18	Old field/roadside (non-forested, wetland or upland)
Spotted Pondweed						
	T	S1	G5	1995-10-01	3	Open water (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: #18002, Manufacturing Building, 2 Evergreen Drive, Portland, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Tidal Marsh Estuary Ecosystem						
	<null>	S3	GNR	2011-08-25	8	Tidal wetland (non-forested, wetland)
Upper Floodplain Hardwood Forest						
	<null>	S3	GNR	2010-06-23	20	Forested wetland
Upright Bindweed						
	T	S2	G4G5	2007-06-28	5	Dry barrens (partly forested, upland),Old field/roadside (non-forested, wetland or upland)
Variable Sedge						
	E	S1	G3	1911	8	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)
	E	S1	G3	1911-06-29	9	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)
Vasey's Pondweed						
	SC	S2	G4	1901-08-04	7	Open water (non-forested, wetland)
Wild Garlic						
	SC	S2	G5	1918-07-16	6	Forested wetland,Hardwood to mixed forest (forest, upland)

STATE RARITY RANKS

S1 Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
S2 Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
S3 Rare in Maine (20-100 occurrences).
S4 Apparently secure in Maine.
S5 Demonstrably secure in Maine.
SU Under consideration for assigning rarity status; more information needed on threats or distribution.
SNR Not yet ranked.
SNA Rank not applicable.
S#? Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

Note: **State Rarity Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines State Rarity Ranks for animals.

GLOBAL RARITY RANKS

G1 Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
G2 Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
G3 Globally rare (20-100 occurrences).
G4 Apparently secure globally.
G5 Demonstrably secure globally.
GNR Not yet ranked.

Note: **Global Ranks** are determined by NatureServe.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered** and **Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

E ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
T THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

SC SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
PE Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

Visit our website for more information on rare, threatened, and endangered species!
http://www.maine.gov/dacf/mnap

ELEMENT OCCURRENCE RANKS - EO RANKS

Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A**, **B**, **C**, or **D**, where **A** indicates an **excellent** example of the community or population and **D** indicates a **poor** example of the community or population. A rank of **E** indicates that the community or population is **extant** but there is not enough data to assign a quality rank. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

Note: **Element Occurrence Ranks** are determined by the Maine Natural Areas Program for rare plants and rare and exemplary natural communities and ecosystems. The Maine Department of Inland Fisheries and Wildlife determines Element Occurrence ranks for animals.

Visit our website for more information on rare, threatened, and endangered species!
http://www.maine.gov/dacf/mnap

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588
http://www.fws.gov/mainefieldoffice/index.html

In Reply Refer To: November 26, 2018
Consultation Code: 05E1ME00-2019-SLI-0166
Event Code: 05E1ME00-2019-E-00333
Project Name: New Warehouse/Industrial Building

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 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(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
(207) 469-7300

Project Summary

Consultation Code: 05E1ME00-2019-SLI-0166

Event Code: 05E1ME00-2019-E-00333

Project Name: New Warehouse/Industrial Building

Project Type: DEVELOPMENT

Project Description: 2 Evergreen Drive, Portland, ME
Size: Impact < 1 acre
Scope: Construction of a new one-story warehouse building/industrial bldg and parking expansion
Timing: Commencement Spring 2019

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/43.70827444139006N70.31554178451796W

Counties: Cumberland, ME

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

PAUL R. LEPAGE
GOVERNOR

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

CHANDLER E. WOODCOCK
COMMISSIONER

December 17, 2018

Stefanie Nichols
Sebago Technics
75 John Roberts Road, Suite 1A
Portland, ME 04101

RE: Information Request - 2 Evergreen Drive Warehouse, Portland

Dear Stefanie:

Per your request received November 26, 2018, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the *2 Evergreen Drive Warehouse Project* in Portland.

Our information indicates no locations of Endangered, Threatened, or Special Concern species within the project area that would be affected by your project. Additionally, our Department has not mapped any Essential or Significant Wildlife Habitats or fisheries habitats that would be directly affected by your project.

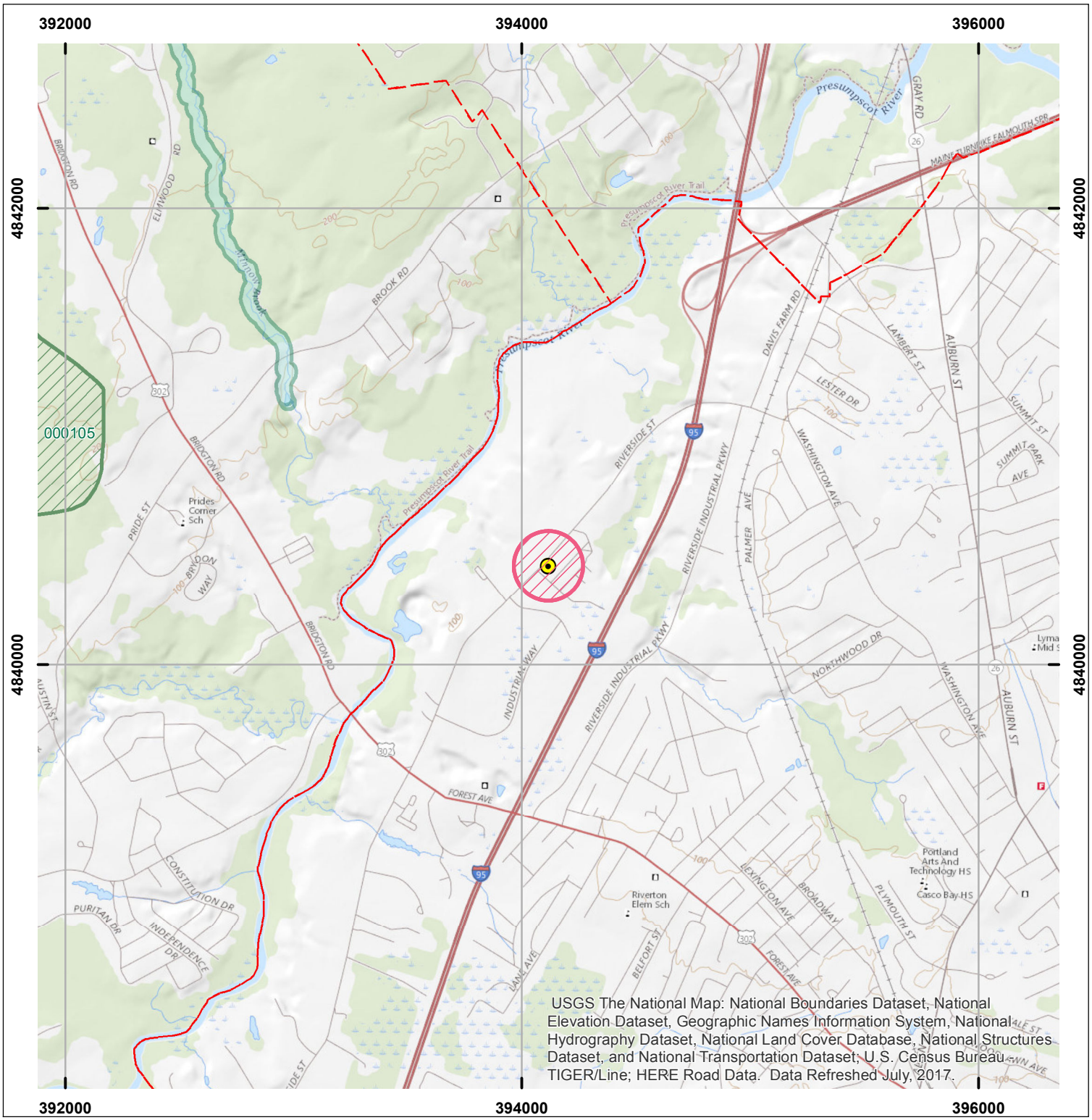
This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional 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,

John Perry
Environmental Review Coordinator

PHONE: (207) 287-5254
FISH AND WILDLIFE ON THE WEB: www.maine.gov/ifw
EMAIL ADDRESS: John.Perry@maine.gov



Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: Portland, 2 Evergreen Drive warehouse (Version 1)

Maine Department of Inland Fisheries and Wildlife

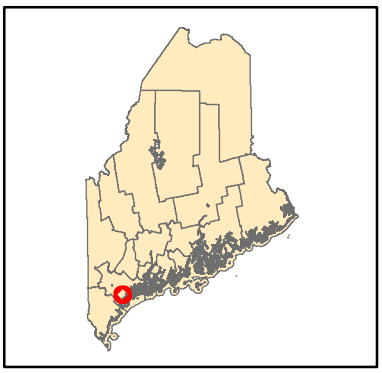
Miles

0 0.1250.25 0.5 0.75 1

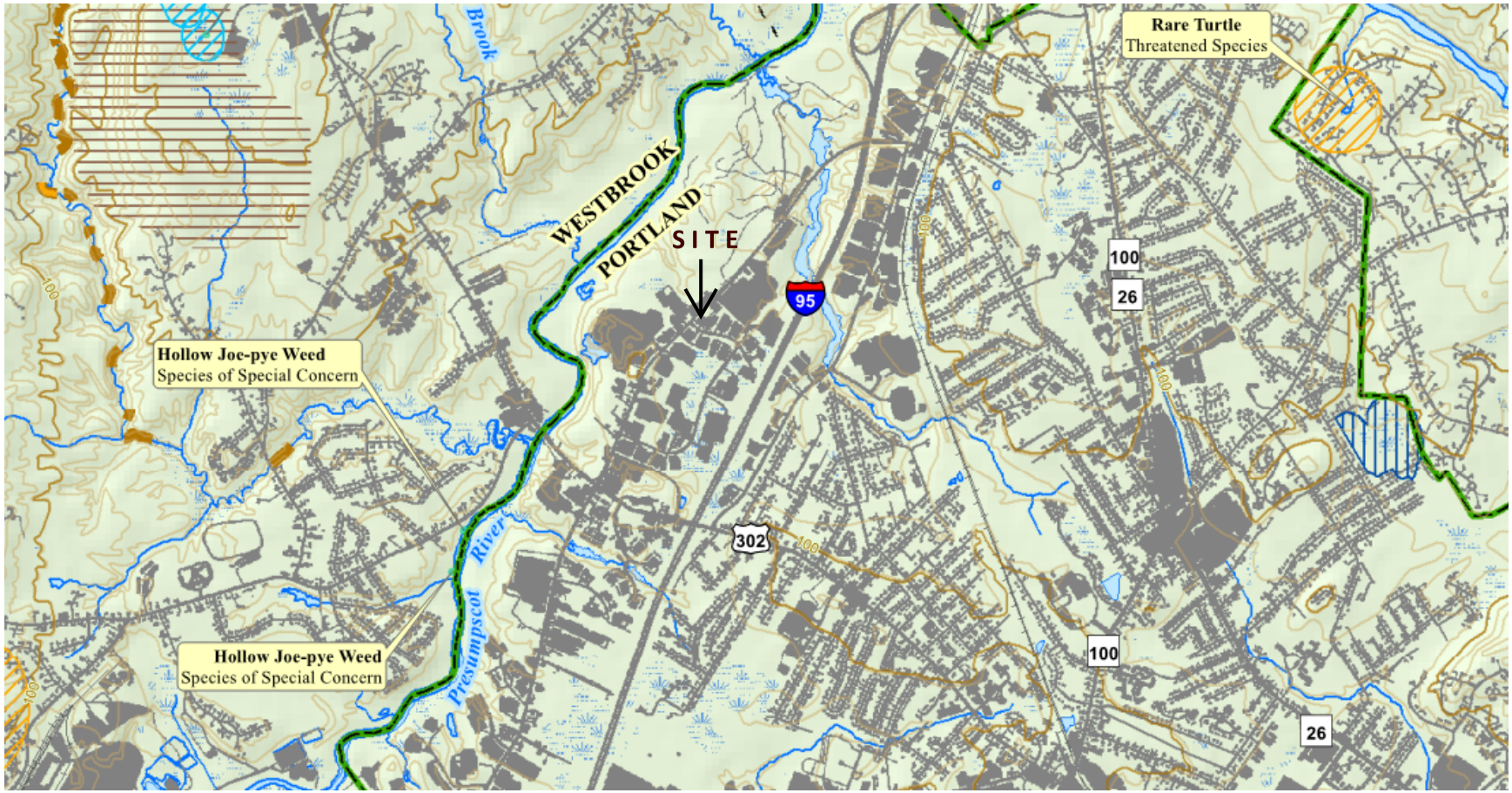
Projection: UTM, NAD83, Zone 19N

Date: 11/30/2018

ProjectPoints
ProjectSearchAreas
Deer Winter Area
Special Concern-occupied habitats(100ft buffer)



Reference: Excerpt from MDIFW Beginning with Habitat, Primary Map 2- High Value Animal & Plant Habitats Portland



HIGH VALUE PLANT & ANIMAL HABITATS

Reference: http://portlandme.maps.arcgis.com/apps/webappviewer/index.html?id=975da31f7aff455d8da5ae0776efac55

FLOOD MAP