
Section 5. Statement of State and Federal Permits/Agency Letters

- Maine Historic Preservation Commission (MHPC)
- Maine Inland Fisheries and Wildlife (MIFW)
- Maine Natural Areas Program (MNAP)

Statement of State and Federal Permits

The proposed project will create 2.86 acres of non-vegetated surface and therefore is subject to the State of Maine Stormwater Law. As this project is within the City of Portland, this review will be completed by the City under delegated review.

The project will not disturb any jurisdictional waters of the state (wetlands); therefore, project is not subject to State or Federal review of wetland impacts.

Copies of letters from other State of Maine agencies are enclosed.

November 19, 2014
14432

Earle G. Shettleworth, Jr., State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04039

RECEIVED
NOV 21 2014 *
1789-14

* More info rec'd
12/22/14.

**Re: Site Plan Submittal – Portland Retirement Community
Portland, Maine**

Dear Mr. Shettleworth:

On behalf of our client, Hawthorn Development Group, we are currently in the process of filling a site plan application to the City of Portland. Our client proposes a 142 suite retirement facility at 802 Ocean Avenue. The proposed building will be approximately 4 stories or approximately 50' high at roof peak from finished grade. This proposed project will replace one that has been previously approved by the City for another developer for two ten story condominium buildings.

We request that the Maine Historical Preservation Commission review its files for any known historical sites, structures or archeological sites that have been identified with the vicinity of the proposed project. The response obtained from the Commission is required for the site plan approval process with the City and approvals from other jurisdictional agencies.

I have included a copy of the USGS quadrangle and a plan depicting the proposed development on the property. If you have any questions on this project, do not hesitate to contact me.

Sincerely,

SEBAGO TECHNICS, INC.

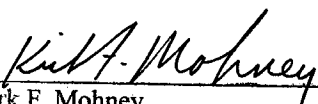


Robert A. McSorley, P.E.
Senior Project Manager

RAM/ram:llg
Enc.

cc: Mark Lowen, Lenity Architecture

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,
Deputy State Historic Preservation Officer
Maine Historic Preservation Commission

1/2/15
Date



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

August 25, 2015

Robert McSorley
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04016

RE: Information Request - Portland Retirement Community, Portland

Dear Robert:

Per your request received July 27, 2015, 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 *Portland Retirement Community Project* in Portland. For purposes of this review, we are assuming that the proposed development will also include the forested portions of the project search area.

Our Department has not mapped any Essential Habitats or fisheries habitats that would be directly affected by your project.

Endangered, Threatened, and Special Concern Species

Bats

Of the eight species of bats that occur in Maine, four species are listed as Special Concern: red bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), and tri-colored bat (*Perimyotis subflavus*). The three *Myotis* species of bats in Maine will soon be protected under Maine's Endangered Species Act (MESA) and will be afforded special protection against activities that may cause "Take" (kill or cause death), "harassment" (create injury or significantly disrupt normal behavior patterns), and other adverse actions. MDIFW has the legal right, power, and authority to enforce MESA under 12 M.R.S § 12805. The three *Myotis* species include little brown bat (*M. lucifugus*, State Endangered); northern long-eared bat (*M. septentrionalis*, State Endangered); and eastern small-footed bat (*M. leibii*, State Threatened).

While a comprehensive statewide inventory for bats has not been completed, it is likely that several of these species occur within the project area during migration and/or the breeding season. Therefore, we recommend that you contact and will defer to any guidance and recommendations provided by the U.S. Fish and Wildlife Service Maine Field Office (Wende Mahaney, 207-866-3344), as the northern long-eared bat is also listed as a Threatened Species under the Federal Endangered Species Act.


Significant Wildlife Habitat

At this time, MDIFW Significant Wildlife Habitat (SWH) maps indicate no known presence of SWHs within the project area, which include Waterfowl and Wading Bird Habitats, Deer Wintering Areas, Seabird Nesting Islands, Shorebird Areas, and Significant Vernal Pools. However, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. Therefore, we recommend that surveys for vernal pools be conducted within the project boundary by qualified wetland scientists prior to final project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential impacts to off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, our Department will need to verify vernal pool data sheets prior to final determination of significance.

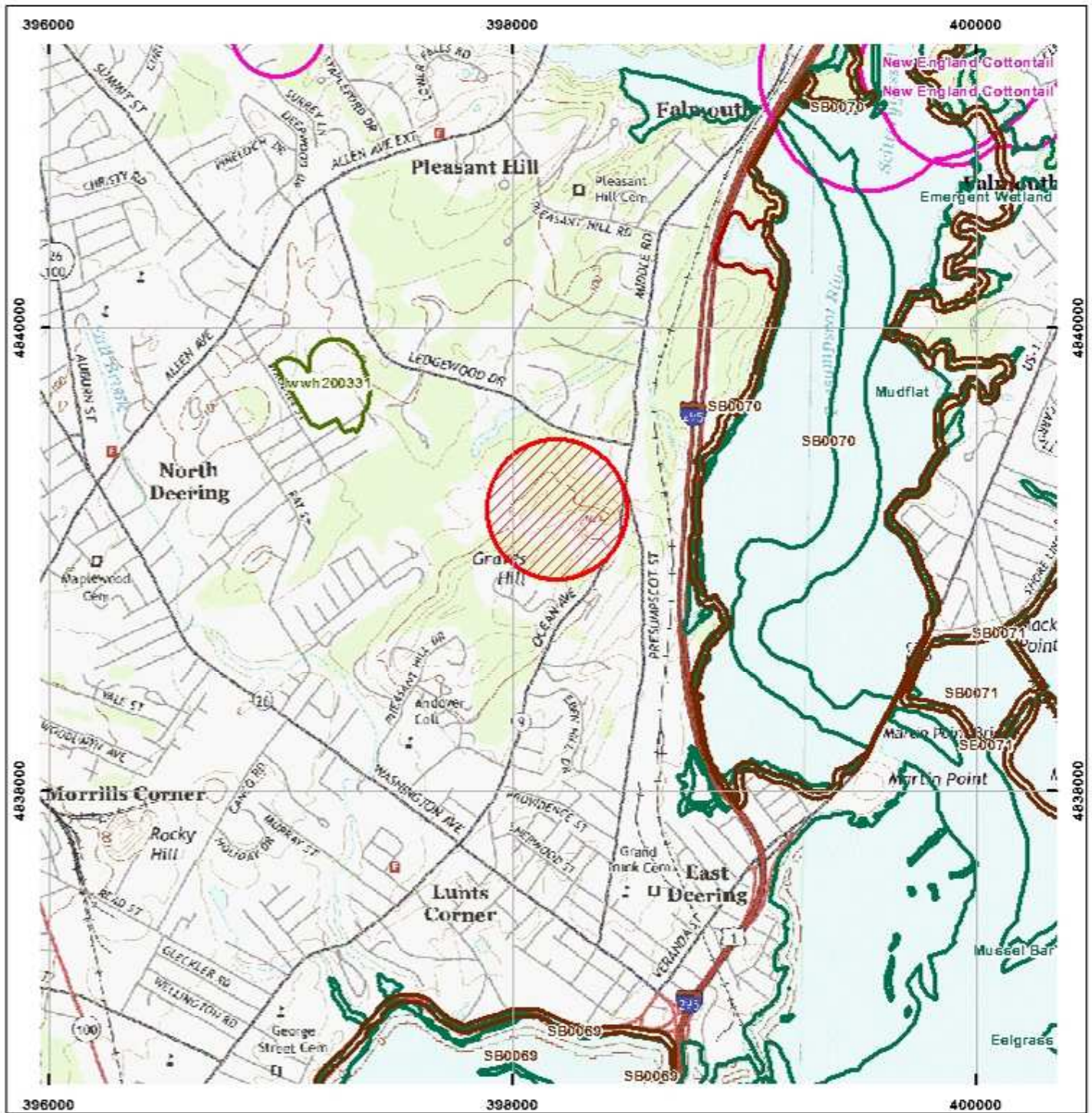
This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional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

A handwritten signature in blue ink, appearing to read 'John Perry', with a stylized flourish at the end.

John Perry
Environmental Review Coordinator



Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name:

ER Tool Test

(Version 1)



Maine Department of
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 8/25/2015





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

PAUL R. LePAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

July 27, 2015

VIA ELECTRONIC MAIL

Robert McSorley
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Re: Rare and exemplary botanical features in proximity to: Project 14432, Portland Retirement Community, Portland, Maine

Dear Mr. McSorley:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received July 27, 2015 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. 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.

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,



Don Cameron
Ecologist
Maine Natural Areas Program
207-287-8041
don.s.cameron@maine.gov

Rare and Exemplary Botanical Features within 4 miles of Project: #14432, Portland Retirement Community, Portland, Maine

| Common Name | State Status | State Rank | Global Rank | Date Last Observed | Occurrence Number | Habitat |
|-----------------------------------|--------------|------------|-------------|--------------------|-------------------|--|
| Allegheny Vine | | | | | | |
| | T | 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) |
| Beach Plum | | | | | | |
| | E | S1 | G4 | 2009-09-16 | 21 | Rocky coastal (non-forested, upland) |
| 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) |
| Columbia Water-meal | | | | | | |
| | SC | S2 | G5 | 2002-08-04 | 2 | Open water (non-forested, wetland) |
| 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 | G4G5Q | 1916-08-31 | 2 | Open wetland, not coastal nor rivershore (non-forested, wetland) |
| Fern-leaved False Foxglove | | | | | | |
| | SC | S3 | G5 | 1902-09-02 | 13 | Dry barrens (partly forested, upland), Hardwood to mixed forest (forest, upland) |
| Foxtail Bog-clubmoss | | | | | | |
| | E | S1 | G5 | 2014-09-24 | 1 | <null> |
| Great Blue Lobelia | | | | | | |

Rare and Exemplary Botanical Features within 4 miles of Project: #14432, Portland Retirement Community, Portland, Maine

| Common Name | State Status | State Rank | Global Rank | Date Last Observed | Occurrence Number | Habitat |
|------------------------------|--------------|------------|-------------|--------------------|-------------------|---|
| | PE | SX | G5 | 1905-09 | 3 | Forested wetland,Non-tidal rivershore (non-forested, seasonally wet) |
| 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? | 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?Q | 1905-06-11 | 5 | Rocky summits and outcrops (non-forested, upland),Hardwood to mixed forest (forest, upland) |
| Mountain-laurel | | | | | | |
| | SC | S2 | G5 | 1985-08-01 | 13 | Conifer forest (forest, 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 | 2007-07-30 | 10 | Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland) |
| Pale Green Orchis | | | | | | |
| | SC | S2 | G4T4Q | 1907-07-05 | 27 | Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland) |
| Palmate-leaved Violet | | | | | | |
| | PE | SH | G5 | 1908 | 1 | Hardwood to mixed forest (forest, upland) |
| Screwstem | | | | | | |

Rare and Exemplary Botanical Features within 4 miles of Project: #14432, Portland Retirement Community, Portland, Maine

| Common Name | State Status | State Rank | Global Rank | Date Last Observed | Occurrence Number | Habitat |
|---|--------------|------------|-------------|--------------------|-------------------|--|
| | T | S1 | G5 | 2014-09-24 | 17 | Coastal non-tidal wetland (non-forested, wetland) |
| Slender Knotweed | | | | | | |
| | PE | SH | G5 | 1902-09-07 | 1 | Dry barrens (partly forested, upland) |
| Smooth Winterberry Holly | | | | | | |
| | SC | S3 | G5 | 2010-06-13 | 32 | Forested wetland |
| Spotted Wintergreen | | | | | | |
| | E | S2 | G5 | 1991-09 | 11 | Conifer forest (forest, upland),Hardwood to mixed forest (forest, upland) |
| 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) |
| | E | S1 | G3 | 2012-08-09 | 1 | Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland) |
| | E | S1 | G3 | 2006-07-12 | 6 | Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland) |
| | E | S1 | G3 | 2014-09-24 | 4 | 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) |

Rare and Exemplary Botanical Features within 4 miles of Project: #14432, Portland Retirement Community, Portland, Maine

| Common Name | State Status | State Rank | Global Rank | Date Last Observed | Occurrence Number | Habitat |
|--------------------|--------------|------------|-------------|--------------------|-------------------|--|
| Wild Garlic | | | | | | |
| | SC | S2 | G5 | 1918-07-16 | 6 | Forested wetland,Hardwood to mixed forest (forest, upland) |
| Wild Leek | | | | | | |
| | SC | S3 | G5 | 1978-06-28 | 17 | Hardwood to mixed forest (forest, upland),Forested wetland |
| | SC | S3 | G5 | 2003-06-17 | 42 | Hardwood to mixed forest (forest, upland),Forested wetland |
| | SC | S3 | G5 | 2009-07-12 | 26 | Hardwood to mixed forest (forest, upland),Forested wetland |

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.

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>