



Recommended Performance Standards for Inland Waterfowl and Wadingbird Habitats in Overhead Utility ROW Projects

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Applicability: This document applies to linear right-of-way projects that cross or abut mapped moderate or high value Inland Waterfowl and Wading Bird Habitats (IWWH) as defined in Chapter 335 of Maine's Natural Resources Protection Act. By definition IWWH includes the non-forested wetland complex and a 250 ft wide zone surrounding the wetland complex. Maps of IWWH polygons regulated under Chapter 335 are available through the Maine Department of Environmental Protection or by contacting our offices.

General Project Alignment Recommendations: Where practicable, right-of-way alignment should be designed to avoid vegetation clearing within mapped IWWH areas. Where full avoidance is not an option, alignments must minimize fragmentation of the habitat by crossing as close to the outer edge as possible, or minimizing the length of the proposed disturbance by crossing narrow portions of the IWWH. The placement of structures within an IWWH must be avoided to the maximum extent practicable.

Defining Boundaries and Setbacks

The limits of an IWWH and setbacks defined in subsections of this document must be clearly marked in the field prior to the start of construction or subsequent maintenance work.

Specific Inland Waterfowl and Wadingbird Habitat Performance Standards

A. Arboricultural Management Practices

(1) Capable vegetation may be removed and controlled within the transmission line corridor portions of the development. Capable vegetation is defined as species that are capable of growing to a height that would reach the conductor safety zone. Most tree species in Maine are defined as capable vegetation.

(2) Where the practice is possible, the MDIFW encourages topping of large diameter (>12 inches diameter at breast height) capable trees to create snags to support waterfowl nesting cavities.

(3) When terrain conditions permit (e.g., ravines and narrow valleys) capable vegetation must be permitted to grow within an IWWH where maximum growing height can be expected to remain below the conductor safety zone. Narrow valleys are those that are spanned by a single section of transmission line, pole-to-pole.

(4) If a right-of-way crosses an IWWH we encourage close pole spacing to minimize line sagging and maximize allowed growing height of vegetation within the IWWH.

(5) When capable vegetation within an IWWH must be removed for the purpose of construction, natural re-generation of non-capable woody vegetation must be allowed within the IWWH. To facilitate the regeneration of natural vegetation, the contractor must separate the topsoil from the mineral soil when excavating during project construction. The excavated topsoil must be returned to its original place and position in the landscape and appropriate erosion control methods utilized.

(6) Within an IWWH impacts to scrub-shrub and herbaceous vegetation, and other non-capable species must be minimized to the maximum extent practicable.

(7) No clearing or vegetation maintenance work shall occur within the IWWH during the peak waterfowl and wading bird nesting season (April 15th to July 15th) unless approved in consultation with MDIFW.

(8) Provided they do not present a safety hazard and are naturally present, the permittee must leave undisturbed a minimum of 2-3 snags per 500 linear feet of corridor to provide nesting habitat for waterfowl. Snags must be a minimum of 12 inches diameter at breast height, larger diameter snags are preferred.

B. Heron Colony Surveys

Prior to initial transmission line clearing, the permittee must complete field investigations for the presence heron colonies within or immediately adjacent to IWWH. Surveys for great blue heron (State Special Concern) colonies must be conducted between April 20th and May 31st. In northern and downeast Maine where nesting tends to initiate later, surveys must not begin until the beginning of May. If heron colonies are noted, the permittee shall contact MDIFW to discuss avoidance measures and project timing considerations that would best minimize impacts to nesting herons.

C. Herbicide Application

(1) Herbicides may not be applied within 25-feet of any wetland (including forested wetlands) that is within an IWWH.

(2) Elsewhere in the IWWH herbicide usage must comply with all label requirements and standards established by the Maine Board of Pesticides Control (MBPC), as periodically

amended. Herbicide restrictions and approvals are governed by MBPC. Some key standards include the following:

- (a) Use of only trained applicators working under licensed supervisors.
- (b) Awareness of the impacts of climatic conditions prior to application.
- (c) Application is prohibited when wind speed exceeds 15 MPH as measured on-site at the time of application. The application must be administered such that drift is minimized to the maximum extent practicable.

(3) Products with low potential for mobility and low persistence in the environment must be selected for use in riparian buffers. When operating within an IWWH the following is required:

(a) Only the following herbicides may be used unless otherwise approved in consultation with MDIFW prior to application:

- (i) 2,4-D salt formulation, NOT the ester formulation,
- (ii) Glyphosate,
- (iii) Imazapyr,
- (iv) Fosamine Ammonium,
- (v) Aminopyralid Triisopropanolammonium, and
- (vi) Metsulfuron methyl

(b) Only the following surfactants may be used unless otherwise approved in consultation with MDIFW prior to application:

- (i) Agri-Dex,
- (ii) Competitor,
- (iii) Dyne-Amic,
- (iv) Clean Cut,
- (v) Cide-Kick,
- (vi) Nu-Film IR,
- (vii) Induce,
- (viii) Chemsurf90, and
- (viii) 41-A

(4) Herbicides must be applied in accordance with USEPA label requirements to minimize washoff.

(5) There may be no aerial or motorized application of herbicides.

(6) Pre-application planning meetings between the permittee and the pesticide applicator must be conducted.

(7) The permittee must closely supervise application and inspect application gear

(8) Low-pressure, manual backpack sprayers, with appropriate nozzles to minimize drift, must be used.

(9) Herbicide application must be specific to individual targeted species.

(10) The permittee must conduct post-treatment inspection.

(11) No herbicide may be stored, mixed or loaded within 100 ft of any wetland that is within an IWWH.

C. Spill Management

(1) Any spill or release of petroleum products or other hazardous material within a utility transmission line corridor must be managed in accordance with the Spill Contingency Plan as approved by the Maine Department of Environmental Protection.

(2) No fuel storage, vehicle/equipment parking and maintenance, and refueling activity may occur within 100 ft of any wetland that is within an IWWH.

D. Equipment Use

(1) Initial clearing, slash removal, and non-emergency infrastructure maintenance within an IWWH must be undertaken during frozen ground conditions whenever practicable. In the event that it is not practicable, vegetation within the IWWH must be removed using hand cutting or appropriate techniques that minimize disturbance to the maximum extent practicable.

(2) Timber mats shall be used to prevent excessive rutting and designated travel lanes shall be used to minimize unnecessary vegetation disturbance.

(3) Matting used for any construction or maintenance purposes:

(a) shall not be made from wood from ash trees (*Fraxinus spp*);

(b) shall be free of bark;

(c) shall be cleaned of soil and vegetative material by pressure washing if imported from out of State;

(d) shall not have been used in, or made from lumber from, Federally Quarantined areas as setout in 7 CFR 301 unless accompanied by the appropriate USDA certificate of treatment required for interstate transport. Said certificates will be maintained in a central filing location available for review by appropriate personnel for a period of three years after project completion, as determined by permittee;

(e) must have shipping information sufficient to identify the shipper, shipping origin, and number of mats;

(f) shall be subject to potential inspection for compliance with these standards by the Maine Forest Service and U. S. Department of Agriculture.

E. Bird Diverters

Where transmission lines cross the non-forested wetland components of an IWWH, the permittee must install bird diverters or aviation marker balls according to manufacturer's guidelines and applicable transmission line codes unless otherwise determined to be impracticable in consultation with MDIFW. If aviation markers are used, colors must alternate between yellow/white (for overcast conditions) and red (for clear conditions). Alternative measures may be considered only in consultation with MDIFW.

F. Slash Management

No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the edge of the wetland habitat. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls into the habitat shall be removed.

G. Invasive Species

In order to prevent the introduction and spread of invasive plant species within and between IWWH as a result of construction, the following must occur:

- a) Locations within the electric utility transmission line corridor that contain invasive plant species must be identified.
- b) The application must include an invasive species vegetation monitoring plan in its integrated vegetation management plan (IVMP). The vegetation monitoring plan must have a stated objective of preventing the introduction and spread of invasive species as a result of construction.
- c) Hand removal or other non-chemical methods for controlling invasive plant growth are preferred; however if determined to be ineffective, herbicide application may be an acceptable alternative method.

H. Inspector Oversight

The permittee must have a third-party inspector provide oversight to the clearing of IWWH habitats during construction.