

From: [Perry, John](#)
To: [Kaczowski, Debra](#)
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)
Date: Thursday, May 26, 2022 3:01:30 PM
Attachments: [image001.png](#)
[image004.png](#)
Importance: High

Hi Debbie,

Our comments are as follows:

Northern Bog Lemming

In the wildlife report, the consultant reported that they located one brown fecal pellet in an area of potentially good Northern Bog Lemming habitat (UNWL-01), but it "was determined to be from a non-target species, and therefore was not collected for DNA analysis." There is no explanation given for why that determination was made, which is problematic given that Northern Bog Lemming pellets can be brown. It is our understanding that wetland UNWL-01 is located in the area of the proposed marina (Phase 2), which is not included in this Phase 1 project review. That said, based on the results of the study we will be recommending that this wetland be buffered with a 250-foot intact forested buffer during our Phase 2 review; alternatively, this site can be resurveyed, and any fecal samples be submitted for testing. If the latter is chosen, we recommend close consultation with MDIFW staff prior to surveys to confirm MDIFW protocol.

Bicknell's Thrush

MDIFW supports the Forest Society of Maine (FSM) as the easement holder of the Big Moose Mountain Mitigation Parcel proposed as mitigation to offset impacts to Bicknell's thrush habitat, and we would like to review and approve the language of the Conservation Easement prior to submittal to LUPC. As a condition of the CE and permit, we recommend that FSM and the Applicant work with MDIFW regional wildlife staff to ensure that the timing and extent of any future forest management activities are conducted in a way to enhance Bicknell's habitat.

Roaring Brook Mayfly/Northern Spring Salamander

Roaring Brook Mayfly was not documented during the course of the applicant's surveys. Northern Spring Salamander was documented in one stream (UNST-04), although suitable habitat was available in several other streams, some of which were dry during the survey period. It is our understanding that the Phase 1 Project will not occur in the vicinity of stream UNST-04; therefore, we do not anticipate impacts to Northern Spring Salamanders, including its riparian buffer, as a result of Phase 1. However, MDIFW will be recommending that an intact, undisturbed 250-foot riparian buffer be maintained along this stream for future phases of the proposed expansion. Additionally, we reserve the right to request additional surveys for both Roaring Brook Mayfly and Northern Spring Salamander during Phase 2 of this project, pending review of Phase 2 plans.

Fisheries

It is our understanding that all new and replacement crossings will be replaced with structures that meet Stream Smart standards. We recommend that construction Best Management Practices be utilized, and that all inwater work be conducted between July 15 through September 30. Additionally, consistent with MDIFW recommendations for the protection of aquatic habitat, we recommend 100-foot intact, undisturbed riparian buffers on streams not supporting Roaring Brook Mayfly and/or Northern Spring Salamander, including intermittent/ephemeral streams. We recommend that any unavoidable impacts within 100-foot riparian buffer be mitigated at 1:1.

Thank you, and please let me know if you have any questions,

John

John Perry
Environmental Review Coordinator
Maine Department of Inland Fisheries and Wildlife
353 Water Street, 41 SHS
Augusta, Maine 04333-0041
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From: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Sent: Tuesday, April 12, 2022 2:05 PM
To: Perry, John <John.Perry@maine.gov>
Cc: Stearns, Cory R <Cory.R.Stearns@maine.gov>; Settele, Rebecca <Rebecca.Settele@maine.gov>; Kane, Douglas <Douglas.Kane@maine.gov>; McLellan, Scott <Scott.McLellan@maine.gov>
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

John,

Please find attached a copy of the final wildlife report for the pending Big Moose Ski Resort, DP 3639-F, submitted by Big Lake Development, LLC. Thanks!

Debbie

Debra A. Kaczowski
Department of Agriculture, Conservation, and Forestry
Land Use Planning Commission
43 Lakeview Street
PO Box 1107
Greenville, ME 04441
(207) 731-4398

From: Perry, John <John.Perry@maine.gov>
Sent: Friday, April 1, 2022 11:28 AM
To: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Cc: Stearns, Cory R <Cory.R.Stearns@maine.gov>; Settele, Rebecca <Rebecca.Settele@maine.gov>; Kane, Douglas <Douglas.Kane@maine.gov>; McLellan, Scott <Scott.McLellan@maine.gov>
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

Hi Debbie,

As comments were due today and we haven't received the additional information, can we get an extension for filing our comments?

Thank you!

John

John Perry
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From: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Sent: Thursday, March 17, 2022 7:27 AM
To: Perry, John <John.Perry@maine.gov>
Cc: Stearns, Cory R <Cory.R.Stearns@maine.gov>; Settele, Rebecca <Rebecca.Settele@maine.gov>; Kane, Douglas <Douglas.Kane@maine.gov>; McLellan, Scott <Scott.McLellan@maine.gov>
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

I will reach out to them today. Thanks!

Debbie

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From: Perry, John <John.Perry@maine.gov>
Sent: Thursday, March 17, 2022 6:21 AM
To: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Cc: Stearns, Cory R <Cory.R.Stearns@maine.gov>; Settele, Rebecca <Rebecca.Settele@maine.gov>; Kane, Douglas <Douglas.Kane@maine.gov>; McLellan, Scott <Scott.McLellan@maine.gov>
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

Hi Debbie,

Regarding the northern bog lemming study: in the response document, they mentioned that there is an attachment with the survey methodology and results for the bog lemming surveys, but we're not seeing that it is actually included. Can we request that attachment from the applicant/consultant? We'll need it before we can comment—thank you!

John

John Perry
Environmental Review Coordinator
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From: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Sent: Tuesday, March 15, 2022 7:51 AM
To: Perry, John <John.Perry@maine.gov>; Kane, Douglas <Douglas.Kane@maine.gov>; Obrey, Tim <Tim.Obrey@maine.gov>; St.Hilaire, Lisa <Lisa.St.Hilaire@maine.gov>; info@piscataquisswcd.org;
Davis, Paul <paul.davis@legislature.maine.gov>; Stearns, Paul <paul.stearns@legislature.maine.gov>; townmanager@greenvilleme.com; LoriAdkins@piscataquis.us>
Subject: FW: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

REQUEST FOR COMMENT

I am forwarding additional information that was submitted by Big Lake Development, LLC's agent in regard to the proposed redevelopment of Big Moose Mountain Ski Resort in Big Moose Twp. Piscataquis County.

A Request for Comment form is attached, if you have any additional comments. Please comment by email if possible.

Debbie

Debra A. Kaczowski
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From: Matthew Dieterich <Matthew.Dieterich@sewall.com>
Sent: Thursday, March 10, 2022 5:06 PM
To: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Debbie,

Please find attached our response to the questions raised by MDIFW. I believe this will answer all of their concerns, particularly with the attached reports.

Have you heard back from MNAP as referenced below?

Regards,

Matt

From: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Sent: Tuesday, January 11, 2022 1:33 PM
To: Matthew Dieterich <Matthew.Dieterich@sewall.com>
Subject: FW: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

Matt,

I am forwarding MIFW's comments regarding the habitat studies and their additional concerns (see email below). I am still waiting for MNAP comments on the additional information that was submitted regarding the habitat studies.

I also wanted to let you know that we have received 2 requests for a public hearing (which I have attached). This will need to be brought before the Commission for a decision on whether to hold a public hearing. I am in a meeting all day today, but I will be sending some additional questions I have regarding the proposed sewer connection. If you have any questions, please feel free to contact me. Thanks!

Debbie

Debra A. Kaczowski
Department of Agriculture, Conservation, and Forestry
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From: Perry, John <John.Perry@maine.gov>
Sent: Friday, January 7, 2022 11:15 AM
To: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Subject: RE: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

Hi Debbie,

Thank you for the updated information. As proposed, as much of the Project's impacts will occur in the riparian buffers of streams suitable for Roaring Brook mayfly (Threatened) and northern spring salamander (Special Concern), as well as in habitat supporting Bicknell's thrush (Special Concern), and possibly northern bog lemming (Threatened). That said, we appreciate the avoidance and minimization efforts that the applicant has undertaken over the past year. Specific comments for each resource are below:

Bats

We appreciate the applicant's due diligence, and have minimal concerns related to bats for this phase of the project.

Northern Bog Lemming

A survey was conducted, but "no definitive signs of NBL were observed." This statement needs clarification: what was the survey methodology and effort, and where there any potential signs of lemming (*Synaptomys* spp.), not just NBL, observed? Finally, were samples collected for eDNA analyses, as per MDIFW protocol?

Bicknell's Thrush

Bicknell's thrush presence was confirmed during the applicant's surveys. The applicant states in their letter that "It will be difficult to avoid construction between May 1 and July 31 as this corresponds with the only potential window for construction in this alpine environment." However, the applicant for another proposed ski resort expansion in Maine (ongoing), with clearing and construction proposed in confirmed Bicknell's thrush habitat, is able to adhere to MDIFW's timing recommendation for the protection of Bicknell's thrush. We continue to recommend no clearing or construction activity within and adjacent to Bicknell's thrush habitat from May 1 through July 31. Alternatively, we recommend an earlier (pre-May 1) start date, before Bicknell's thrush begin breeding in these areas and subsequent nesting attempts/nest abandonment occurs.

Finally, we appreciate that the applicant is also proposing to set aside Bicknell's Thrush habitat in perpetuity that exceeds the recommended 4:1 land preservation ratio. MDIFW would like a better understanding of this parcel in relationship to other applicant lands. We have encouraged the applicant to work with us in designating an area that can be used as a "habitat bank" for future phases of develop at the site, and it would be helpful to know the future of the lands surrounding this parcel (i.e. MDIFW is less interested in preserving small isolated habitat blocks.) Also, we would need to review the specific terms of the conservation easement or deed restriction (i.e., who would hold it, what are the land use restrictions, etc.) prior to approval.

Vernal Pools

It is still unclear to us if the potential vernal pools that were identified in the project area are, in fact, vernal pools. If they have been confirmed as vernal pools, data sheets should be submitted as soon as possible so our Agency can make a final determination of Significant/non-Significant/Potentially Significant. We are trying to determine what impacts, if any, the project has on the critical terrestrial habitat of any Significant Vernal Pools (if present).

Fisheries

We appreciate that crossings will be sized to 1.2 bankfull width and provide fish and aquatic organism passage. Assuming construction Best Management Practices are adhered to, and 100-foot riparian buffers remain (see below), we have minimal concerns for fishery resources associated with this phase of the project.

Riparian Buffers/Roaring Brook Mayfly & Northern Spring Salamander

Per the applicant's letter, the proposed plan avoids impacts within 100 feet of riparian assets, and in absence of Roaring Brook mayfly/northern spring salamander final reports, they propose that the MDIFW recommendation of 60% of the ILF formula be used to calculate compensation.

Roaring Brook mayfly/northern spring salamander surveys

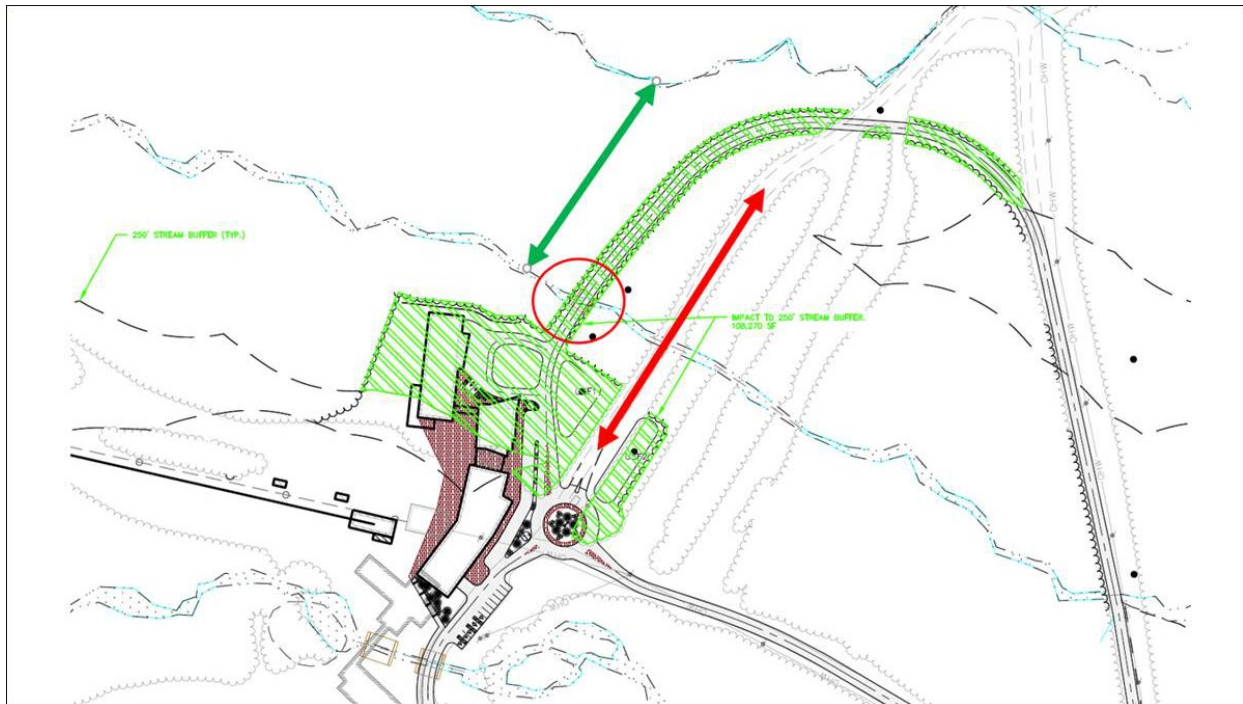
Per the letter, studies for both species were conducted within the appropriate windows for study and evaluation; however, the final reports of these studies have not been received/submitted. The letter goes on to state that neither species was observed in areas above the impound dam associated with the existing snow making intake—presumably, this is the pond that was created in the stream (sometime in the past) that is adjacent to the existing catwalk—and that “one northern spring salamander and species presumed to be Roaring Brook Mayfly were observed below this location”, outside of clearing for the project area associated with this application. Finally, the applicant agrees to compensate for clearing impacts within the 250-foot buffer of all streams (assuming presence of one or both species until final reports are in) and that these funds will be deposited into MDIFW's Endangered and Nongame Wildlife Fund and ear-marked for protection and enhancement of Roaring Brook mayfly and northern spring salamander and their habitats. The applicant states that upon receipt of the final reports, they would seek reduction or elimination of this mitigation fee should results demonstrate lack of presence of these species.

To that end, MDIFW agrees with a potential reduction or elimination of the mitigation fee based on results of the surveys. However, in order to facilitate MDIFW's review and assessment of survey results, the applicant should ensure that the final reports include a thorough explanation of survey effort and methodology, including details of which streams were surveyed, how those streams were selected, where survey/sampling sites were located on each stream, the approximate stream length of survey segments, and - for Roaring Brook mayfly - how many samples/nets were collected per sampling site and which sites had *Epeorus* sp. present.

New Access Road

Per the recent letter, there appears to be a new stream crossing associated with what appears to be a new access road (red circle below). If this is a new access road, there will be impacts associated from clearing within 100 feet. Pertaining to the new access road:

1. Are the impacts to the stream and riparian corridor warranted given that there's already an existing access road (red arrow)? Utilizing the existing access road would be an avoidance/minimization effort. Also, what is the fate of the existing access road?
2. If it is demonstrated that the new access road is needed, we recommend impacts within 100 feet of the stream be fully mitigated for at 8:1. Additionally, the riparian corridors of two separate streams will be impacted (green arrow). Consistent with our recommendations for impacts to two (or more) riparian buffers, impacts to the buffer of each stream should be calculated and mitigated for at the appropriate ratio (8:1 within 100 feet, and at 60% from 100 feet to 250 feet).

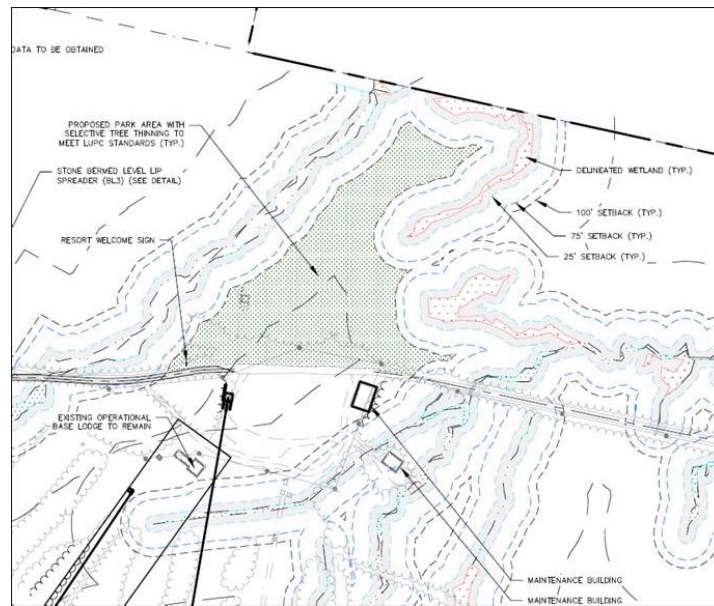


Lagoon Expansion

The proposed expansion of the existing lagoon appears to be located within the 250-foot riparian buffer of a stream potentially containing Roaring Brook mayfly/northern spring salamander. We recommend these impacts be calculated and mitigated for.

Proposed Park Areas

Per Sheet C-1.01, there are several areas (shaded green) labeled as “proposed park areas with selective thinning to mee LUPC standards” (example below). We are unclear from the application as to what these areas are, and what the designated uses will be? As noted on the plans, these areas are located outside the 100-foot riparian corridor but within 250-foot mayfly and salamander buffer. Depending on the purpose and need of these areas, we recommend avoidance of clearing within the 250-foot buffers in these areas, with clearing impacts within these areas mitigated for.



Thank you, and please let me know if you have any questions

John

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From: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Sent: Monday, December 20, 2021 2:37 PM
To: Perry, John <John.Perry@maine.gov>; Kane, Douglas <Douglas.Kane@maine.gov>; Obrey, Tim <Tim.Obrey@maine.gov>; St.Hilaire, Lisa <Lisa.St.Hilaire@maine.gov>; info@piscataquisswcd.org;
 Davis, Paul <paul.davis@legislature.maine.gov>; Stearns, Paul <paul.stearns@legislature.maine.gov>; townmanager@greenvilleme.com; ladkins@piscataquis.us
Subject: Review Request: Additional Information on Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

REQUEST FOR COMMENT

I am forwarding additional information that was submitted by Big Lake Development, LLC's agent in regard to the proposed redevelopment of Big Moose Mountain Ski Resort in Big Moose Twp. Piscataquis County.

A Request for Comment form is attached. Please comment by email if possible.

You may view the original application online by following the steps below. .

Please follow these steps to retrieve the documents from the FTP site:
 Go to <https://www.maine.gov/dac/lupc/review/>
 After clicking the link above - a login box will open and you will be prompted to enter a:

User Name: doc
 Password: mejuri1

The application and supporting documents are available in a folder titled:
 Folder: LUPC Moosehead Region
 Subfolder: dp3639f_BigLakeDevelopmentLLC_application
 File Names: dp3639f_BigMooseResort_Application
 dp3639f_BigMooseResort_Application_SitePlans

To download, double-click on the "LUPC Moosehead Region" folder to see its contents.

Then double-click on the subfolder "dp3639f_BigLakeDevelopment.LLC_application".

You can then right-click on the file titled "dp3639f_BigMooseResort_Application" or "dp3639f_BigMooseResort_Application_SitePlans" and select the "Save As..." or "Save Target As..." option. Then save the file to your computer.

If you have any questions, please feel free to contact me. Thanks!

Debbie

Debra A. Kaczowski
Department of Agriculture, Conservation, and Forestry
Land Use Planning Commission
43 Lakeview Street
PO Box 1107
Greenville, ME 04441
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From: Matthew Dieterich <Matthew.Dieterich@sewall.com>
Sent: Monday, December 13, 2021 12:33 PM
To: Kaczowski, Debra <Debra.Kaczowski@maine.gov>
Subject: Big Lake Development, LLC, Development Permit DP 3639-F (Big Moose Ski Resort)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Debbie,

Please find attached our response to the MDIFW recommendations. It was our hope that we would be in receipt of the final reports, but due to some issues with state laboratory contracts, we are still waiting on testing results for specific species. We are working diligently to close on the property in order to perfect full ownership. We are currently targeting a mid-January date for closing. In order to do so, we need to complete the LUPC permit process as the valuation of the property assumes that the intended uses are permissible, i.e. permitted, as indicated in our application to LUPC.

Additionally attached is a document title Moosehead Replacement Lifts, that shows the extent of clearing associated with the replacement of the existing upper lift and the t-bar line. It is limited to trimming along each of these corridors as the lifts will be reinstalled in the same locations. We request that this "clearing" be deemed maintenance as it is associated with the replacements, is limited to trimming along the lift lines and does not constitute new clearing of area that has not been previously impacted.

Per our discussion, we have cleaned up two documents for inclusion in the final permit set.

1. An updated site plan that removes the Outdoor Center, relocates the lower terminal of the zipline, and removes any modifications to the existing pond
2. An updated utility plan that shows replacement of the main electrical distribution line poles, rather than the previously shown underground burial.

If you have any questions, please do not hesitate to contact me. Any efforts that you can make to expedite the final issuance of the permit are greatly appreciated.

Regards,

Matt

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