



JANET T. MILLS
GOVERNOR

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



JUDITH CAMUSO
COMMISSIONER

January 25, 2023

Charlie Hopkins
Isle au Haut Broadband Committee

RE: Information Request – Isle au Haut Broadband Cable Project

Dear Charlie:

Per your request received on January 24, 2023, 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 inland fisheries habitat concerns within the vicinity of the *Isle au Haut Broadband Cable* project.

Our information indicates no locations of State-listed 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 Habitats or inland fisheries habitats that would be directly affected by your project.

Significant Wildlife Habitat

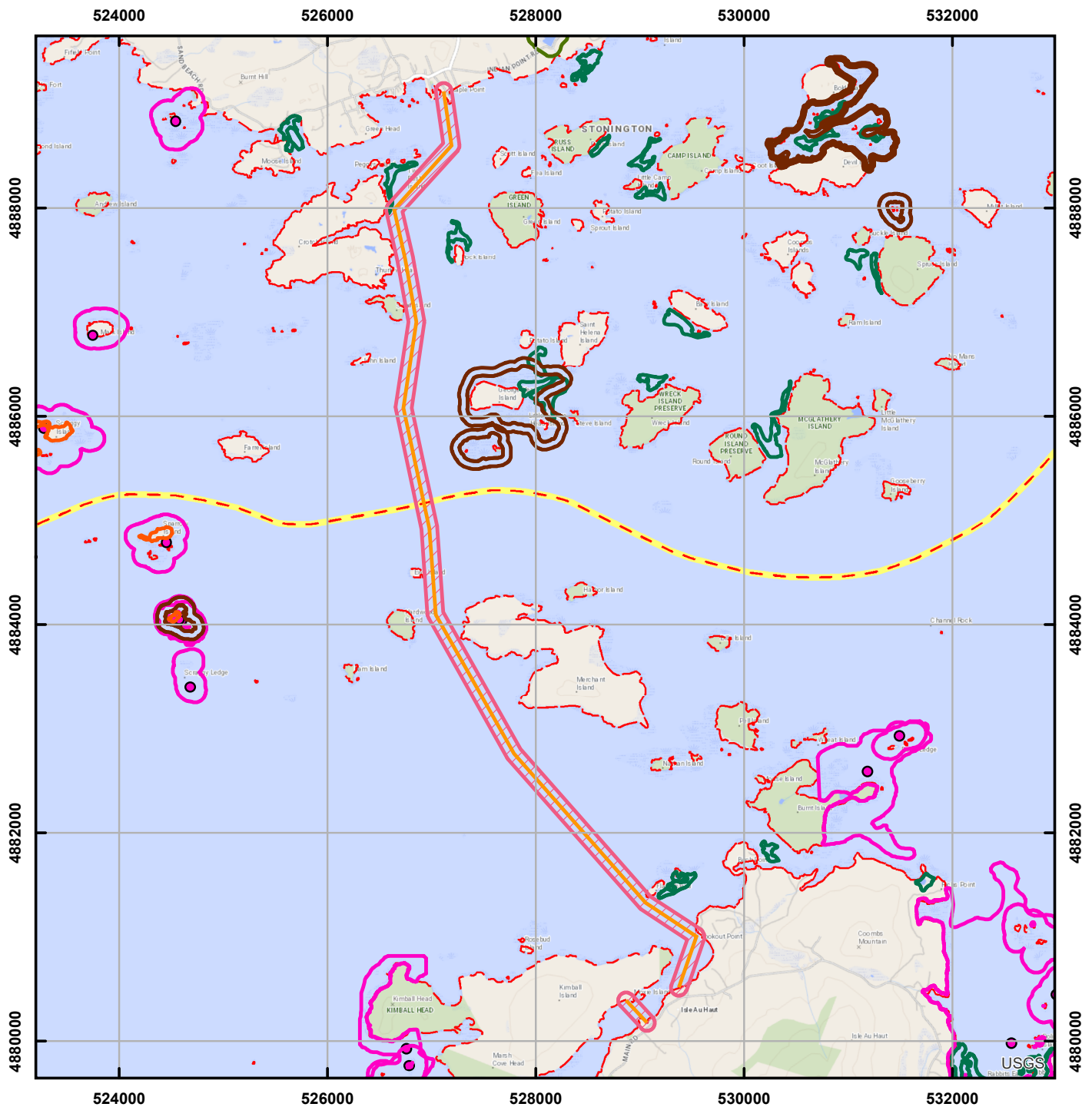
Tidal Waterfowl Wading Bird Habitat (TWWH) – This search area includes TWWH, a Significant Wildlife Habitat under Maine's Natural Resources Protection Act. TWWHs provide important feeding and/or breeding habitat for diverse waterfowl and wading bird species. Birds utilize intertidal mudflats, eelgrass, and mussel beds to forage for aquatic invertebrates, a primary food source, and maintaining natural tidal flow is essential to maintaining healthy intertidal areas and food sources to support waterfowl and wading bird species. Based on the location of the search area, there appears to be some intersection with this habitat; however, as the intersection appears to be minimal, we anticipate minimal impacts as a result of this 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, Maine Department of Marine Resources, 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,

Becca Settele
Wildlife Biologist

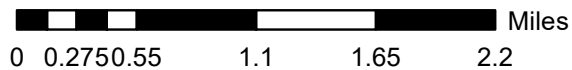


Environmental Review of Fish and Wildlife Observations and Priority Habitats

Project Name: Isle au Haut Broadband Cable (Version 1)



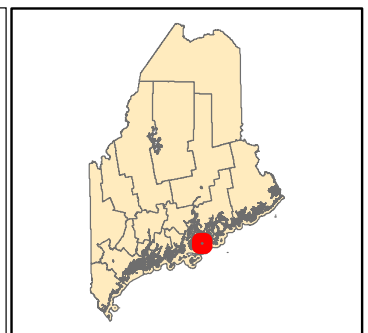
Maine Department of
Inland Fisheries and Wildlife



Projection: UTM, NAD83, Zone 19N

Date: 1/25/2023

Project Search Areas - All Versions	Deer Winter Area	Roseate Tern
Maine Cliff and Talus Areas	LUPC p-fw	Piping Plover and Least Tern
Cooperative DWAs	Seabird Nesting Islands	Aquatic ETSc - 2.5 mi review
Shorebird Areas	Inland Waterfowl and Wading Bird	Rare Mussels - 5 mi review
2008 Iwwh - Shoreland Zoning	Tidal Waterfowl and Wading Bird	Maine Heritage Fish Waters
Significant Vernal Pools	Environmental Review Polygons	Arctic Charr Habitat
		Redfin Pickerel and Swamp Darter Habitats - buffer100ft
		Special Concern occupied habitats - 100ft buffer
		Wild Lake Trout Habitats



REQUEST FOR APPROVAL
OF TIMING OF ACTIVITY
(DMR)

This form is for use in obtaining approval from the **Department of Marine Resources (DMR)** for the timing of certain projects in accordance with Chapter 305 Permit by Rule Standards.

To be filled out by applicant: (Instructions are on the back of this form)

1. **Applicant's name:** Town of Isle au Haut
Address: P.O. Box 71
Isle au Haut, ME
telephone: 207-335-5001
Agent Email: ch645hopkins@gmail.com

2. I plan to perform the following activity (please check the appropriate box):

- Sec. 3 Intake pipes** (tidal waters only)
 Sec. 4 Replacement of structures (tidal waters only)
 Sec. 7 Outfall pipes (tidal waters only)
 Sec. 9 Utility crossings (any location if performed between Oct. 2 and July 14)
 Sec. 12 Restoration of natural areas (tidal waters only)
 Sec. 15 Public boat ramps (tidal waters only)
 Sec. 18 Maintenance dredging (tidal waters only)

3. Brief description of project: [please include the name of the stream or waterbody, if known]
Installation of subsea fiber optic communication cable from Stoington to Isle au Haut and across Isle au Haut Thorofare. Crosses Merchant Row and Isle au Haut Thorofare.
(orange lines on included chart segment indicate cable path; chart segment is from NOAA chart #13313 "Approaches to Blue Hill Bay")

4. I plan to perform this activity between the dates of 9/1/2023 and 12/31/2023.
(start date) (end date)
5. I have included a map showing the location of my project.
***[Please note that if no location map is provided, no approval will be granted by DMR]**
6. Send completed form to: DMR Environmental Coordinator
P.O. Box 8, West Boothbay Harbor, ME 008-04575

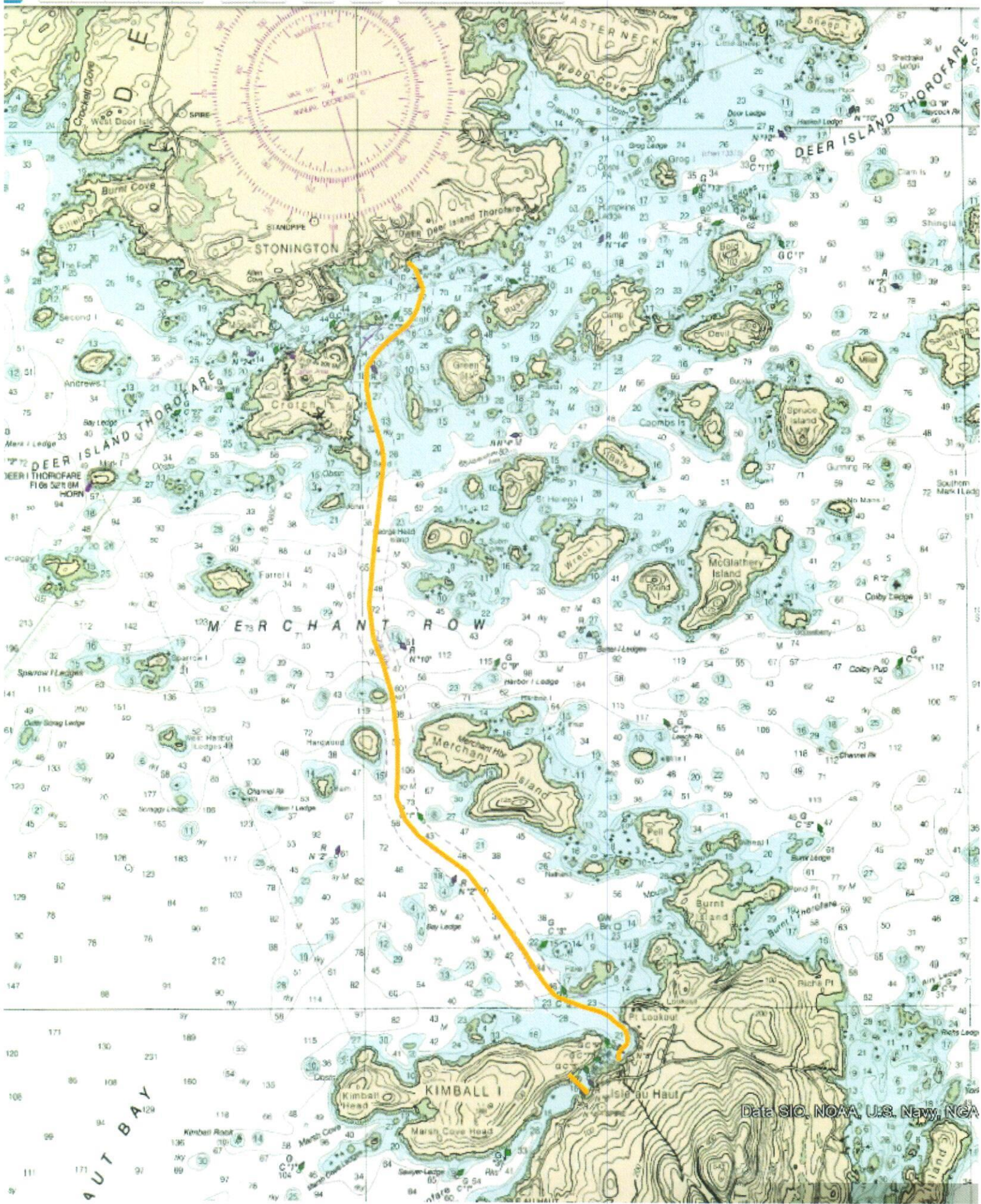
For agency use only:

The Department has reviewed the proposed timing of the activity identified above and:

- approves of the project's timing as proposed.
 requires that the project's timing be changed to occur between Oct 2 and July 14.
(start date) (end date)
 Other comments: Notification with Lobster Zone Council C with the cable route and time period of in-water work should occur 30 days before start. Contact Lorraine Morris in DMR for coordination on notice to effect harvesters. lorraine.morris@maine.gov


DMR Environmental Coordinator

27 January 2023
Date



Data SIC, NOAA, U.S. Navy, NGA

OUT BAY

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT BY RULE NOTIFICATION FORM

(For use with DEP Regulation, Natural Resources Protection Act - Permit by Rule Standards, Chapter 305)

APPLICANT INFORMATION (Owner)				AGENT INFORMATION (If Applying on Behalf of Owner)			
Name:	Town of Isle au Haut			Name:	Charles Hopkins		
Mailing Address:	P.O. Box 71			Mailing Address:	172 South Street		
Mailing Address:				Mailing Address:			
Town/State/Zip:	Isle au Haut, ME, 04645			Town/State/Zip:	Upton, MA, 01568		
Daytime Phone #:	(207) 335-5001	Ext:		Daytime Phone #:	(508) 529-4643	Ext:	
Email Address:	selectboard1@isleauhautmaine.us			Email Address:	ch645hopkins@gmail.com		
PROJECT INFORMATION							
Part of a larger project? (check 1):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After the Fact? (check 1):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project involves work below mean low water? (check 1):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Name of waterbody:	Merchant Row & Isle au Haut Thorofare
Project Town:	Isle au Haut & Stonington		Town Email Address:	Isle au Haut:		Map and Lot Number:	Isle au Haut: Map 16 Lot 11 Map 16 Lot 1
Brief Project Description:	Installation of subsea fiber optic communication cables from Stonington to Isle au Haut and from Isle au Haut to Kimball Island.						
Project Location & Brief Directions to Site:	Isle au Haut: 1. Shoreline of schoolhouse lot, follow pathway to shore. 2. Shoreline of map 16 Lot 1, 120 feet NE of town store. 3. Shoreline of map 10 Lot 5 (Kimball Island), just NE of equipment dock.						

PERMIT BY RULE (PBR) SECTIONS (Check at least one): I am filing notice of my intent to carry out work that meets the requirements for Permit-by-Rule (PBR) under DEP Rules, [Chapter 305](#). I and my agent(s), if any, have read and will comply with all of the standards in the Sections checked below.

- | | | |
|---|--|---|
| <input type="checkbox"/> Sec. (2) Act. Adj. to Prot. Natural Res. | <input checked="" type="checkbox"/> Sec. (9) Utility Crossing | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects |
| <input type="checkbox"/> Sec. (3) Intake Pipes | <input type="checkbox"/> Sec. (10) Stream Crossing | <input type="checkbox"/> Sec. (16-A) Beach Nourishment |
| <input type="checkbox"/> Sec. (4) Replacement of Structures | <input type="checkbox"/> Sec. (11) State Transportation Facilities | <input type="checkbox"/> Sec. (17) Transfer/Permit Extension |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Veg. | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas | <input type="checkbox"/> Sec. (18) Maintenance Dredging |
| <input type="checkbox"/> Sec. (7) Outfall Pipes | <input type="checkbox"/> Sec. (13) F&W Creat./Water Qual. Improv. | <input type="checkbox"/> Sec. (19) Act. Near SVP Habitat |
| <input type="checkbox"/> Sec. (8) Shoreline Stabilization | <input type="checkbox"/> Sec. (15) Public Boat Ramps | <input type="checkbox"/> Sec. (20) Act. Near Waterfowl/Bird Habitat |

NOTE: Municipal permits also may be required. Contact your local code enforcement office for information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for information.

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS AND FEE

- Attach** all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.
- Attach** a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).
- Attach Proof of Legal Name** if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>). Individuals and municipalities are not required to provide any proof of identity.

FEE: Pay by credit card at the [Payment Portal](#). The Permit-by-Rule fee may be found here <https://www.maine.gov/dep/feeschedule.pdf> and is currently \$288.

- Attach** payment confirmation from the Payment Portal when filing this notification form.

Signature & Certification:

- I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules.
- I understand that this PBR becomes effective 14 calendar days after receipt by the Department of this completed form, the required submissions, and fee, *unless the Department approves or denies the PBR prior to that date.*

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in Chapter 305 rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant (may be typed):

Charles Hopkins

Date:

03/09/2023

Keep a copy as a record of permit. Email this completed form with attachments to DEP at: DEP.PBRNotification@maine.gov. DEP will send a copy to the Town Office as evidence of DEP's receipt of notification. No further authorization will be issued by DEP after receipt of notice. A PBR is valid for two years, except Section 4, "Replacement of Structures," are valid for three years. **Work carried out in violation of the Natural Resources Protection Act or any provision in Chapter 305 is subject to enforcement.**



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Permit-by-Rule & Notice of Intent Review Form

Natural Resources Protection Act
Stormwater Management Law
Maine Construction General Permit

PBR # 76594
PBR #
NOI #

Applicant: Town of Isle Au Haut
Project Address: See Below

Town: Isle Au Haut
Tax Map/Lot #: See Below

NRPA PBR Sections – Ch. 305

- | | | |
|---|--|---|
| <input type="checkbox"/> Sec. 2 Act. Adj. to Prot. Natural Res. | <input checked="" type="checkbox"/> Sec. 9 Utility Crossing | <input type="checkbox"/> Sec. 16 Coastal Sand Dune Project |
| <input type="checkbox"/> Sec. 3 Intake Pipes | <input type="checkbox"/> Sec. 10 Stream Crossing | <input type="checkbox"/> Sec. 17 Transfer/Permit Extension |
| <input type="checkbox"/> Sec. 4 Replacement of Structures | <input type="checkbox"/> Sec. 11 State Transport. Facilities | <input type="checkbox"/> Sec. 18 Maintenance Dredging |
| <input type="checkbox"/> Sec. 6 Movement of Rocks or Veg. | <input type="checkbox"/> Sec. 12 Restoration Natural Areas | <input type="checkbox"/> Sec. 19 Act. Near SVP Habitat |
| <input type="checkbox"/> Sec. 7 Outfall Pipes | <input type="checkbox"/> Sec. 13 F&W Creat./Water Quality | <input type="checkbox"/> Sec. 20 Act. Near Waterfowl/Bird Habitat |
| <input type="checkbox"/> Sec. 8 Shoreline Stabilization | <input type="checkbox"/> Sec. 15 Public Boat Ramps | |

Notes:

Installation of subsea fiber optic communication cables from Stonington to Isle au Haut and from Isle au Haut to Kimball Island.

Locations:

Isle au Haut: 1. Shoreline of schoolhouse lot, follow pathway to shore.
 2. Shoreline of map 16 Lot 1, 120 feet NE of town store.
 3. Shoreline of map 10 Lot 5 (Kimball Island), just NE of equipment dock.

Stonington: Isle au Haut Boat Services dock at intersection of Seabreeze ave. and Bayview St.

Map/Lots: Isle au Haut: Map 16 lot 11, Map 16 Lot 1, Map 10 lot 5
 Stonington: Map 8 Lots 76,77,80

Required by DMR: You will need to adjust the timing of your project to be between October 2nd and June 14th.

You will also need to notify Lobster Zone Council C with the proposed cable route at least 30 days before beginning the project. Contact Lorraine Morris with DMR: lorraine.morris@maine.gov

Note:

1. Contact the local Code Enforcement Officer for information on local shoreland zoning requirements. Check with both Stonington's CEO and Isle Au Haut's.

2. Approval for crossing any state-owned (submerged) land must be obtained from the Department of Conservation, Bureau of Parks and Lands, State House Station 22, Augusta, ME 04333.

3. A permit will be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving open trench excavation in a waterbody or where the impact (direct and indirect) to wetlands exceeds 4,300 square feet;

(b) Any activity in coastal waterways;

(c) Any activity within a river, stream or brook between October 2 and July 14 ;or

(d) Any activity involving work in waterways designated as Essential Fish Habitat for Atlantic salmon

Reviewer:
Reviewer:Jordan Kelley

Deficient Date:
Accepted Date:03/23/2023

NRPA SW NOI
 NRPA SW NOI