STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF RESOURCE INFORMATION & LAND USE PLANNING
93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

October 25, 2024

Michele Gagnon, Planning Director
93 Cottage Street
Bar Harbor, ME 04609

Dear Ms. Gagnon,
The Department of Agriculture, Conservation & Forestry thanks the Town of Bar Harbor for submitting its Comprehensive Plan for review for consistency with the Growth Management Law in accordance with our Comprehensive Plan Review Criteria Rule (the Rule).

As soon as the plan was accepted for review, we invited other state agencies, neighboring municipalities, and your regional planning organization to review it and submit written comments. By the end of the comment period, we received written comments from the Maine Drinking Water Program, the Maine Department of Environmental Protection, and the Beginning with Habitat Program. Those written comments are attached to this letter. The comments contain suggestions for improving and strengthening the plan. We urge the Comprehensive Planning Committee to consider how the plan might be revised to incorporate the suggestions found in the comments.

We are happy to report that we find the Bar Harbor 2035 Plan to be complete and consistent. This means that we have found all sections of the plan, including the future land use section, to be consistent with the Growth Management Law.

Our finding of consistency is not conditional. Per Chapter 208 the town may incorporate the agency comments without resubmitting the Plan to the state.

We appreciate the efforts of community members and municipal staff who contributed to this plan. All involved clearly dedicated a lot of time and discussion to draft this very complete plan. Thanks to the skill and hard work of all involved, this plan will provide important guidance to the community's decision-makers for years to come. Please don't hesitate to contact me at (207) 458-8860 or abe.dailey@maine.gov if you have any questions.

Sincere Best Wishes,

MUNICIPAL PLANNING ASSISTANCE PROGRAM
22 STATE HOUSE STATION
18 ELKINS LANE, HARLOW BUILDING
AUGUSTA, ME 04333

PHONE: (207) 446-4509
WWW.MAINE.GOV/DACF/MUNICIPALPLANNING

Abe Dailey, Senior Planner
Municipal Planning Assistance Program

Attachments:

- Public comments (3)

cc: Steve Whitman, Consultant
Averi Varney, HCPC

Janet T. Mills
Governor

Sara Gagné-Holmes
Acting Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-2887
TTY: Dial 711 (Maine Relay)

To: Abe Dailey, Senior Planner, DACF

From: Ashley Hodge, Source Water Protection Coord., Maine CDC Drinking Water Program

Re: Review of 2024 Town of Bar Harbor Comprehensive Plan

Date: October 16, 2024

On behalf of the Maine CDC, Drinking Water Program (MEDWP), I have reviewed the Town of Bar Harbor's 2024 Comprehensive Plan and have provided the following comments.

As you are aware, The Drinking Water Program works to ensure safe drinking water in Maine, to protect public health, by administering and enforcing drinking water and subsurface wastewater regulations, providing education and technical and financial assistance. The comments submitted below are based on the Maine State Planning Office's (SPO) instructions for agency commentors.

I. General Comments:

a. Currently, there are a total of 21 Public Water Systems (PWSs) in the Town of Bar Harbor (*please see below for a screenshot of all currently active PWSs for Bar Harbor*). This includes: 18 Non-Community (NC) Water Systems, 1 Community (C) Water System, and 2 Non-Transient, Non-Community (NTNC) Water Systems. These PWSs should also be included within the comprehensive plan.

Water System No.	Water System Name	Type	Status	Pri. Cnty/City Served	Pri. Src. Water Type
ME0001443	ACADIA SUNNYSIDE MOTEL & COTTAGES CET FIT	NC	A	HANCOCK	GW
ME0000424	AOS 91 MT DESERT ISLAND HIGH SCHOOL CET FIT	NTNC	A	HANCOCK	GW
ME0094698	ATLANTIC BREWING CO-MAINELY MEAT BBQ CET FIT	NC	A	HANCOCK	GW
ME0001409	BAR HARBOR KOA OCEANSIDE-WEST SIDE CET FIT	NC	A	HANCOCK	GW
ME0101409	BAR HARBOR OCEANSIDE KOA-EAST SIDE CET FIT	NC	A	HANCOCK	GW
ME0016671	BEST WESTERN ACADIA PARK INN CET FIT	NC	A	HANCOCK	GW
ME0093797	DOWNEAST HORIZONS INC CET FIT	NC	A	HANCOCK	GW
ME0001408	HADLEYS POINT CAMPGROUND CET FIT	NC	A	HANCOCK	GW
ME0092624	HAPPY CLAM SHACK CET FIT	NC	A	HANCOCK	GW
ME0294931	MDI BIO LAB CET FIT	NTNC	A	HANCOCK	GW
ME0001486	MT DESERT NARROWS CAMPGROUND CET FIT	NC	A	HANCOCK	GW
ME0093865	OCEANARIUM AND EDUCATION CENTER CET FIT	NC	A	HANCOCK	GW
ME0001422	TERRAMOR OUTDOOR RESORT CET FIT	NC	A	HANCOCK	GW
ME0090120	TOWN OF BAR HARBOR- WATER DIVISION CET FIT	C	A	HANCOCK	SW
ME0098566	US NPS CADILLAC MTN (8) CET FIT	NC	A	HANCOCK	GW
ME0098582	US NPS FABBRI MEMORIAL (14) CET FIT	NC	A	HANCOCK	GW
ME0098567	US NPS FRAZER POINT (3) CET FIT	NC	A	HANCOCK	GW
ME0098578	US NPS JORDAN POND DORM (17) CET FIT	NC	A	HANCOCK	GW
ME0014012	US NPS JORDAN POND HSE (18) CET FIT	NC	A	HANCOCK	GW
ME0098565	US NPS SIEUR DE MONTS (2) CET FIT	NC	A	HANCOCK	GW
ME0094891	WEST EDEN COMMON CET FIT	NC	A	HANCOCK	GW

a. The MEDWP understands that the Town (including the Water Division) and the National Park Service have a good ongoing relationship in support of safe drinking water for Eagle Lake. The Town should continue to work with the National Park Service to support safe drinking water, particularly in light of the Eagle Lake waiver to filtration, which necessitates a high degree of watershed protection.
b. The town should continue to maintain, enact, and/or amend protections for all public wellheads and groundwater in the Town of Bar Harbor. Taking proactive measures to protect Bar Harbor's wellheads and groundwater will continue to support safe drinking water now and in the future.

Please feel free to contact me should you have any questions regarding this information.

Comprehensive Plan Surface Water Resources Checklist

Watershed Management Unit

Division of Environmental Assessment, Department of Environmental Protection

May 2023

To: Abe Dailey, Senior Planner, Municipal Planning Assistance Program, Department of Agriculture, Conservation and Forestry

From: Alex Wong, Watershed Management Unit, Division of Environmental Assessment, Department of Environmental Protection

Re: Bar Harbor Comprehensive Plan Review

Date: 10/7/24

Thank you for the opportunity to review Bar Harbor's Comprehensive Plan (Plan) as it relates to surface waters. I have developed the following comments and suggestions for your consideration.

Appropriate use of data provided by the DEP Division of Environmental Assessment

- The Plan includes waterbody and watershed identification and description, water quality information for Bar Harbor. This information **is not** used appropriately.
- It appears that information provided by DEP (overboard discharges) or IFW (Beginning With Habitat) was not incorporated into the plan. A map of overboard discharges is attached.
- Limited information about lakes, streams, wetlands, and marine waters is listed in text or tables, with but no easily interpreted maps are included in the plan. In addition, assessments of ecological value, threats to water quantity or quality, and documented water quality and/or invasive species problems were not included in the plan.

How the Plan's policies and implementation strategies promote the State goals relating to DEP's principal objectives and directives

- Refer to the attached checklist.

Consistency of Plan with DEP's programs and policies.

- Overall, the Plan is consistent with the DEP Watershed Management Units programs.

Measures DEP recommends the town take to ensure its plan addresses and identifies deficiencies and inconsistencies

- Revisit the active licensed OBDs in town, and develop strategy to discontinue.
- Provide greater detail for the water resources within the town.

Please feel free to contact me directly at (email/phone) if you have additional questions or would like more information.

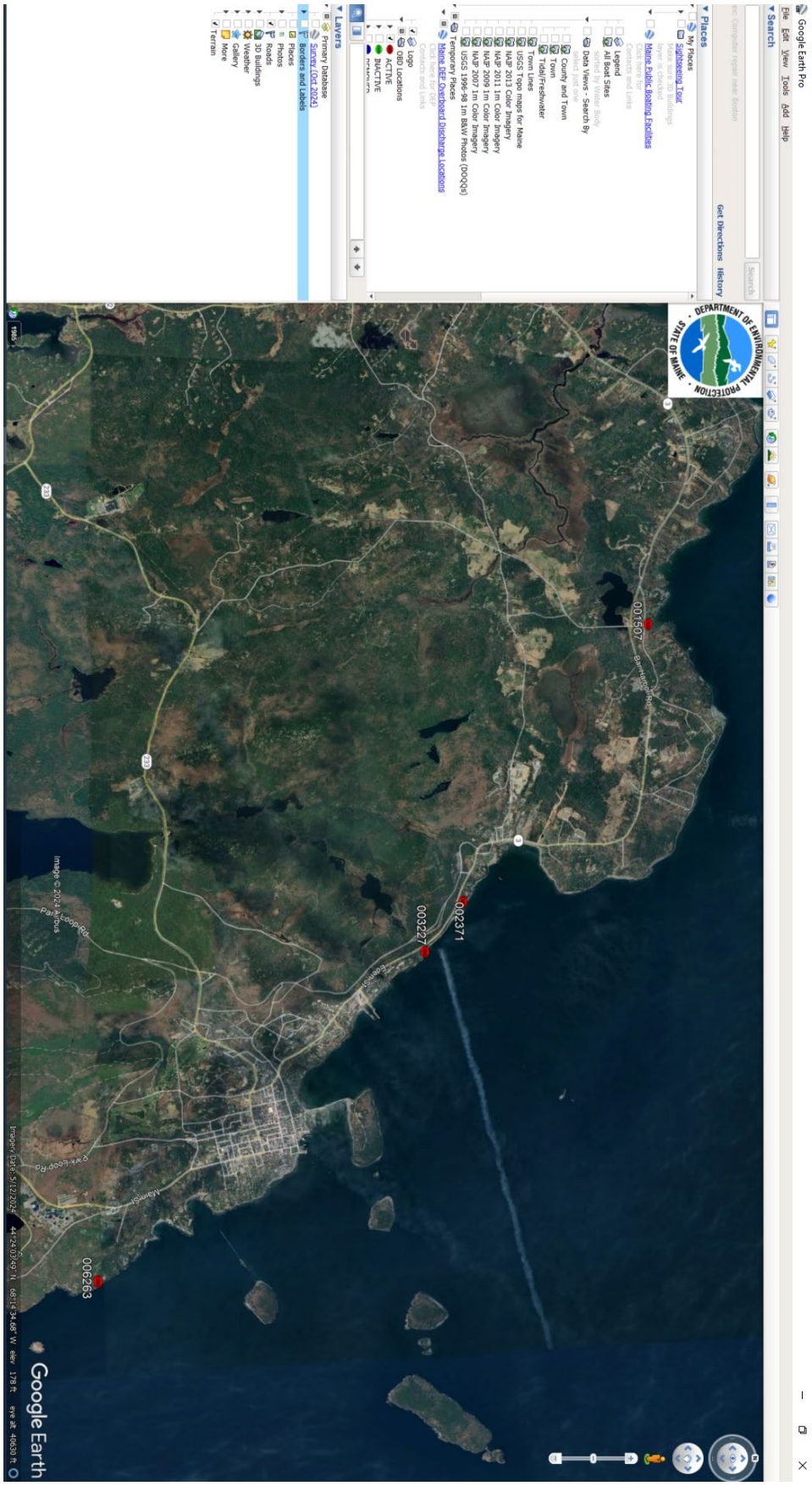
This checklist was developed to ease the preparation of comprehensive plans. Its contents are taken directly from the Comprehensive Plan Review Criteria Rule (07 105 Chapter 208). There are no requirements to submit this checklist for review as it is intended only for the plan preparers.

Water Resources	✓	Page
Analyses		
Are there point sources (direct discharges) of pollution in the community? If so, is the community taking steps to eliminate them?	Half ✓	145-146
Are there non-point sources of pollution? If so, is the community taking steps to eliminate them?	✓	139
How are groundwater and surface water supplies and their recharge areas protected?		
Do public works crews and contractors use best management practices to protect water resources in their daily operations (e.g. salt/sand pile maintenance, culvert replacement street sweeping, public works garage operations)?		
Are there opportunities to partner with local or regional advocacy groups that promote water resource protection?	✓	115
Condition and Trends		
The community's Comprehensive Planning Water Resources Data Set prepared and provided to the community by the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection and the Office, or their designees.		
A description of each great pond, river, surface drinking water supply, and other water bodies of local interest including: a. ecological value; b. threats to water quality or quantity; c. documented water quality and/or invasive species problems.	Half ✓	139-142
A summary of past and present activities to monitor, assess, and/or improve water quality, mitigate sources of pollution, and control or prevent the spread of invasive species.		
A description of the location and nature of significant threats to aquifer drinking water supplies.		
A summary of existing lake, pond, river, stream, and drinking water protection and preservation measures, including local ordinances.		
Policies		
To protect current and potential drinking water sources.	✓	139
To protect significant surface water resources from pollution and improve water quality where needed.	✓	116
To protect water resources in growth areas while promoting more intensive development in those areas.	✓	116
To minimize pollution discharges through the upgrade of existing public sewer systems and wastewater treatment facilities.	✓	121
To cooperate with neighboring communities and regional/local advocacy groups to protect water resources.	✓	117
Strategies		

Adopt or amend local land use ordinances as applicable to incorporate stormwater runoff performance standards consistent with: a. Maine Stormwater Management Law and Maine Stormwater regulations (Title 38 M.R.S.A. §420-D and 06-096 CMR 500 and 502). b. Maine Department of Environmental Protection's allocations for allowable levels of phosphorus in lake/pond watersheds. c. Maine Pollution Discharge Elimination System Stormwater Program	✓	116
Consider amending local land use ordinances, as applicable, to incorporate low impact development standards.	✓	129
Where applicable, develop an urban impaired stream watershed management or mitigation plan that will promote continued development or redevelopment without further stream degradation.	Half ✓	129
Maintain, enact or amend public wellhead and aquifer recharge area protection mechanisms, as necessary.	✓	116,121
Encourage landowners to protect water quality. Provide local contact information at the municipal office for water quality best management practices from resources such as the Natural Resource Conservation Service, University of Maine Cooperative Extension, Soil and Water Conservation District, Maine Forest Service, and/or Small Woodlot Association of Maine.	✓	117
Adopt water quality protection practices and standards for construction and maintenance of public and private roads and public properties and require their implementation by contractors, owners, and community officials and employees.	✓	117
Participate in local and regional efforts to monitor, protect and, where warranted, improve water quality. – harbor, beaches,	✓	117, 126, 237
Provide educational materials at appropriate locations regarding aquatic invasive species.	✓	117

Comments:

1) Point discharges - the plan only discusses point discharges from cruise ships in the harbor, but does not address OBDs. There are 4 active licensed OBDs in town (see attached). Also not listed are the Wastewater Division's active outfalls from WWTF's at Sherman Ave, Hulls Cove, and Cromwell Harbor.
2) Ground/Surface water protection - no mention of current protection measures for groundwater (if any), and only mentions that eagle lake is within the National Park, with no explanation of what that means.
3) It does not appear that data provided by the DEP or IFW were utilized
4) Surface water inventory is text only, and does not include ecological value, threats, or documented issues. A comprehensive map is not included in the plan.
5) Northeast Creek is described in detail, especially with regard to development in various sections of the plan (nutrients and impervious cover), yet the plan only suggests a regulatory revision to manage water quality and not quantity.


Google Earth Pro
File Edit View Tools Add Help
Search
Get Directions History
Places
My Places
Sightseeing Tour
Maine Public Boating Facilities
Temporary Places
Maine DEP Overboard Discharge Locations
Layers
Primary Database
Borders and Labels
Roads
3D Buildings
Weather
Gallery
More
Terrain
DEPARTMENT OF ENVIRONMENTAL PROTECTION · STATE OF MAINE
001507
002371
002277
006263
Google Earth

JANET T. MILLS
GOVERNOR

STATE OF MAINE
BEGINNING WITH HABITAT
DEPARTMENT OF INLAND FISHERIES & WILDLIFE
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041

BEGINNING WITH HABITAT

Date: October 15, 2024

To: Abe Dailey, Municipal Planning Assistance

From: Greg LeClair, MDIFW and Lisa St. Hilaire, MNAP

Re: Bar Harbor Comprehensive Plan Review

On behalf of Beginning with Habitat (BwH), the Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Natural Areas Program (MNAP), we have reviewed the town of Bar Harbor's 2024 Comprehensive Plan.

Beginning with Habitat equips Maine communities, landowners, and conservation partners with tools to protect, restore, and connect important habitats and ecosystems in a changing climate. Housed within the Maine Department of Inland Fisheries and Wildlife, Beginning with Habitat staff work with species experts, ecologists, and conservation partners to translate biodiversity information into conservation action at both a local and statewide scale.

Comments provided below represent two BwH public agency partners (MDIFW and MNAP) but are guided by the overall conservation principles of the BwH program. Feedback and recommendations included in this memo are based on the Maine Municipal Planning Assistance Program at the Department of Agriculture, Conservation and Forestry (DACF) instructions for agency comments.

Appropriate Use of Data Provided by BwH

MDIFW and MNAP data were appropriately used in the Bar Harbor Comprehensive Plan, but updates are necessary. We provide suggestions below for updating and expanding upon the town's discussion of natural resources. BwH provides natural resource data to all Maine municipalities on behalf of MNAP and MDIFW. Information regarding rare plants and natural communities is provided by MNAP within DACF. MDIFW data depict high-value animal occurrences, wildlife habitats, and Critical Natural Resources.

Beginning with Habitat recommends updating maps on an annual basis to ensure that land use decisions are based on the best available information. The Town may request updated paper and digital BwH maps from MDIFW as often as needed during Plan completion and implementation at the following link:
https://www.maine.gov/ifw/fish-wildlife/wildlife/beginning-with-habitat/request-form.html

Additional mapped information on stream habitats and barriers is available on the Maine Stream Connectivity Workgroup's Maine Stream Habitat Viewer:
https://webapps2.cgis-solutions.com/mainestreamviewer/

Consistency of Plan with BwH Programs and Policies

The policies and implementation strategies proposed are consistent with BwH programs and policies. Beginning with Habitat staff would be happy to provide further assistance as the Town works to implement the Plan, such as providing updated maps, education about natural resources, technical assistance with ordinance revisions, or open space planning. We have included suggestions below that are intended to help improve the policies and strategies outlined within this Plan.

Critical and Important Natural Resources

Critical and Important Natural Resources were generally addressed in current land-use maps, inventories, and narratives, but were incomplete and in some cases need important updates. There are numerous features that need to be added or removed. Additionally, two related issues are preventing this plan from being complete – future land use planning maps are missing critical/important natural resources and clear indication on such maps indicating growth areas are missing. Addressing these issues would provide better-informed land use planning and help secure the variety of natural resources in Bar Harbor. Beginning with Habitat is available to work with the town to plan and implement conservation strategies for these species.

Supplemental fisheries comments are provided in Appendix A.

Required Natural Resource Plan Elements

We offer the following comments on required elements:

Required Element	
Natural Resources	✓
Strategies	
Designate critical natural resources as Critical Resource Areas in the Future Land Use Plan.	
Comment: The Future Land Use portion of the plan does not include Critical Resource Areas and land use planning really does not dive into much detail on how land use will protect natural resources.	
Future Land Use Plan	
Components	
A map or maps showing: a. Growth area(s) (unless exempted) and Rural area(s) and any land use districts within each; b. Critical Natural Resources in accordance with 4.3.F, above c. Any of the following optional land use areas, if proposed, along with any land use districts within each: Transitional, Critical Rural, Critical Waterfront.	
Comment: Maps indicating clear growth areas/other districts and critical natural resources were absent for future land use.	

Detailed comments:

Specific Plan comments and recommendations below are provided by the following staff:

- *Maine Department of Inland Fisheries and Wildlife: Gregory LeClair (Beginning with Habitat Municipal Planning Biologist), Jacob Scoville (Region C Fisheries Biologist), Beth Swartz (Invertebrate Specialist), Erynn Call (Raptor Biologist), and Danielle D'Auria (Bird Group Lead/Wading and Marsh Bird Specialist)*
- *Maine Natural Areas Program: Lisa St. Hilaire (Information Manager)*

Page/ Section #	Relevant Comp Plan Requirement	Topic or Plan element	Suggested Improvement or New Language for Plan;	Reviewer
General	Natural Resources	Natural Resources	The Plan references invasive aquatic and invasive marine species in several locations, but there is no mention of terrestrial invasive species, even though surveys indicate citizens are aware of and concerned about the issue. See page 15 (652nd page of pdf) and page 95 (559th page of pdf) for citizen comments about invasive species. FMI terrestrial invasive plants: https://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm and https://www.maine.gov/dacf/php/horticulture/invasiveplants.shtml.	**Lisa St. Hilaire**
18 (p22 of PDF)	Natural Resources	Amenity Traps	It might be worth thinking about the natural resources being loved to death as well - this might be a problem more so for Acadia National Park, but the pressure on nature from over-enjoyment is growing and is a difficult problem to manage. Encouraging responsible behaviors, non-consumptive uses, and managing an environment where nature/wildlife can respond to pressures is vital to this (very similar to the needs of the people of Bar Harbor!). ANP may already be on this, but finding ways to spread out use of the park, increase connectivity between habitat patches, reduce traffic noise/human disturbance, etc. all come to mind as possibilities.	**Greg LeClair**
22 (p26 of PDF)	Natural Resources	Vision Pillar 3: Resilient/Sustainable Community	An easy, cheap, and attractive idea to continue building on the concept of a sustainable community would be to encourage planting native plant species rather than exotic for ornamental purposes/municipal lands. They often serve greater ecological purpose, and frequently that means a reduced carbon footprint.	**Greg LeClair**

28 (p32 of PDF)	Future Land Use Planning	Future Land Use Strategy Focus Area 1 Downtown Center and Downtown Residential	Tidal Waterfowl and Wading Bird Habitats occur immediately adjacent to the Hulls Cove Village Center and the north side of Downtown Center - this plan mentions prioritizing natural areas for protection and conservation. One thing to consider is the potential impact human disturbance can have on the habitats and species that use them. If people can walk the shoreline, is there a way to funnel their activity to a small area or create designated paths in the upland that overlook the tidal habitats, rather than having them walk through them.	**Danielle D'Auria**
61 (p65 of PDF)	Water Resources	Stewardship of Resources/Water Resource Protection	Freshwater resources should be included, but it is unclear what "shoreline" resources it refers to. This language is present throughout the plan, and freshwater resources should be included in general	**Jacob Scoville**
Page 64 (69th page of pdf)	Natural Resources	Focus Area for Future Action: Climate Action and Resilience	What is the map shown on this page about? One important strategy for Climate Resilience is having land for tidal marshes to potentially migrate to. Bar Harbor has two large areas that have land suitable for tidal marshes to migrate to, under a variety of Sea Level Rise scenarios. These are at/around Thomas Cove-Salt Pond-Oldhouse Cove-Jones Marsh-Clark Cove and Northeast Creek-Fresh Meadow. Having space for marshes to migrate into is a good thing for the Town to consider moving forward. These places offer the Town an opportunity to be sure that development does not happen in these places that could be inundated in the future and so that they remain places for marshes to migrate into. Tidal marshes are unique and valuable coastal habitats, capable of migrating inland where geomorphic conditions and land-use permit, as long as they can migrate inland faster than they convert to open water. Surface restoration and/or removing tidal barriers can play a significant role in allowing marshes to adapt and remaine resilient. Inland marsh migration space is finite, and large regional models project a net loss of tidal marsh habitat under all sea level rise scenarios due to a lack of undeveloped and/or topographically suitable migration space. FMI, https://www.maine.gov/dacf/mnap/assistance/coastal_resiliency.html and https://www.maine.gov/dacf/mnap/assistance/marsh_migration.htm	**Lisa St. Hilaire**
66-71 (p70-75 of PDF)	Natural Resources/Future Land Use Planning	Transportation in Bar Harbor	I'd love to see some inclusion of not only improving connectivity for people, but for wildlife in this section as well. This would be a prime opportunity to work together with Acadia National Park - multiple habitat patches are severed by busy roadways, and in multiple cases the patches are between federal property and private property.	**Greg LeClair**

70 (p74 of PDF)	Future Land use Planning	Map 4.1: Transportation Map	It is really hard to see roads affected by sea level rise - it took a few minutes of me looking intently to find them. Increasing size of the symbology and contrast of the color would be helpful and make it more color-blind friendly.	**Greg LeClair**
Page 106 (110th page of pdf)	Natural Resources	Natural Resources	This page doesn't mention that Bar Harbor has a wealth of natural resources. It seems more like a focus on future land use planning than on the rich natural resources in the Town.	**Lisa St. Hilaire**
Page 6 (123rd page of pdf)	Natural Resources	Stewardship of Resources	The 7th item on the table. What are 'significant habitats'. Is this all of the mapped natural resource features in the Town? Or Significant Wildlife Habitat?	**Lisa St. Hilaire**
Page 9 (126th page of pdf)	Natural Resources	Stewardship of Resources	The 2nd item about wetland protection requirements-Is this reference state requirements? Or are there local requirements that are stricter than those from the state?	**Lisa St. Hilaire**
Page 20 (137th page of pdf)	Natural Resources	Regulatory Revisions	The 4th item down, RE consideration of Beginning with Habitat maps. Note that these maps are intended for conservation planning purposes. When projects get to the permitting stage, they should seek agency consult from MDIFW and MNAP.	**Lisa St. Hilaire**
Pages 115-116 (254th-255th pages of pdf)	Natural Resources	Natural Resources	These highlights are great. Notably missing is any reference to rare or exemplary natural community types, endangered/threatened/special concern plants, space for marshes to migrate to.	**Lisa St. Hilaire**
115 (p254 of PDF)	Natural Resources	Critical Natural Resources	Just flagging that there are no longer any state-mapped deer wintering areas in Bar Harbor (our maps for Bar Harbor in 2022 show them, but more recent data updates show them as not being present), but there are lots of significant vernal pools and two seabird nesting islands, which are not mentioned here.	**Greg LeClair**

116 (p255 of PDF)	Natural Resources	Critical Natural Resources	Carolina Saddlebags was previously tracked as a Special Concern species but was downgraded to SGCN during the last listing review. It is still tracked internally in HMAP but not for external review purposes.	**Beth Swartz**
116 (p255 of PDF)	Natural Resources	Critical Natural Resources	Purple sandpipers are a species of special concern.	**Greg LeClair**
117 (p256 of PDF)	Natural Resources	Natural Resources	There should be mention in HABITATS of wild brook trout habitat and freshwater resources including lakes, ponds, and streams	**Jacob Scoville**
117 (p256 of PDF)	Natural Resources	Critical Natural Resources	Wood turtles are likely not in Bar Harbor despite the two records (one from the 50s and the other from the 80s, I believe); there is very little habitat that would fit for wood turtles in Bar Harbor, and the two recorded individuals may have been captured elsewhere and released on the island.	**Greg LeClair**
121 (p260 of PDF)	Natural Resources	Critical Natural Resources	Purple sandpipers are species of special concern and wood turtles are likely not in Bar Harbor currently. Purple sandpipers are also relatively well studied, and though they are seeing rapid declines, they aren't in a place of being a "small population" yet.	**Greg LeClair**
121 (p260 of PDF)	Natural Resources	Natural Resources/Habitats	Disturbance to breeding peregrines can also be an issue from ice and/or rock climbing in addition to hiking. I suggest modifying text to include rock climbing "are most vulnerable to increased foot traffic from hikers and rock climbers in the park."	**Erynn Call**
Page 121 (260th page of pdf)	Natural Resources	Habitats	The first paragraph under Habitats notes that the Town is home to four state endangered plant species, two threatened plant species, and two plant species of special concern. This is incorrect. The Town is home to four occurrences in total of three Endangered plant species, five occurrences in total of four Threatened plant species, and eight occurrences in total of six plant species of special concern.	**Lisa St. Hilaire**

Page 121 (260th page of pdf)	Natural Resources	Habitats	For both paragraphs, reference state protection status for the plant species that are called out. Mountain sandwort is Special Concern, American sea-blite is State Threatened.	**Lisa St. Hilaire**
Page 121-124 (260th-263rd pages of pdf)	Natural Resources	Natural Resources	The Vegetation description section is pretty thorough for the Acadia Natioanl Park Veg Mapping project, but nowhere in this section are the State designations for natural community types listed. This belongs here. A table showing the names for these types and their state and global ranks is appropriate. Bar Harbor is home to 2 state-imperiled, 8 vulnerable, and 2 exemplary natural community types. One of these, Pitch Pine Woodland, is globally imperiled. Please refernece the worksheet in this spreadsheet titled 'natural communities'.	**Lisa St. Hilaire**
Page 124 (263rd page of pdf)	Natural Resources	Wildlife Habitats	Why is the Northeast Terrestrial Habitat Classification system table included under wildlife?	**Lisa St. Hilaire**
124 (p264 of PDF)	Natural Resources	Significant Wildlife Habitat	Define ‘wildlife wetlands’; wildlife wetlands are not protected as significant wildlife habitat under the Natural Resources Protection Act	**Danielle D’Auria/Greg LeClair**
125 (p264 of PDF)	Natural Resources	Critical Natural Resources	I think the data for deer wintering areas may be outdated - there are currently no deer wintering areas in Bar Harbor. There are also now 20 significant vernal pools.	**Greg LeClair**
125 (p264 of PDF)	Natural Resources	Table 5.3 Natural Resources	Table should include wild brook trout habitat	**Jacob Scoville**
126 (p265 of PDF)	Future Land Use Plan	Map 5.1 Natural Resources	I believe this data was accurate at the time it was acquired and maps can be up to 3 years old, but I would encourage updating this map since the area is so ecologically important and there are a fair number of changes that have happened (e.g., removal of deer wintering habitat, addition of more vernal pools). Also, remove the “rare species (name withheld)” point.	**Greg LeClair**

126 (p265 of PDF)	Natural Resources	Map 5.1 Natural Resources	Map says it includes wild brook trout streams but unclear if it does? Inventory of wild brook trout is in attached memo. Also BWH maps may be a good resource and reference for the town	**Jacob Scoville**
Page 126 (265th page of pdf)	Natural Resources	Map 5.1 Natural Resources	The map is missing occurrences of Mountain Firmoss (Special Concern), Alpine Blueberry (Special Concern), and Nantucket Shadbush (Threatened) at Cadillac Mountain. There is also an occurrence of Northern Bog Sedge (Special Concern) missing from the map-it's Northeast of Precipice Trail Head, within the Peregrine Falcon shape.	**Lisa St. Hilaire**
127 (p266 of PDF)	Natural Resources	Rare Species	"Rare species" and Carolina saddlebags should be removed from this table	**Greg LeClair**
Page 127 (266th page of pdf)	Natural Resources	Rare Species	At a minimum, the State Rank should be included in the table for rare plants. Inclusion of global rank is also appropriate. Also, the text that references this table notes that it shows their 'designation status'. The table is currently showing their state protection status. Please see the worksheet within this spreadsheet titled 'rare plants'.	**Lisa St. Hilaire**
Page 127 (266th page of pdf)	Natural Resources	Rare Species	The subheader Rare or Exemplary Plants and Natural Communities should be changed. Plants are rare (Endangered, Threatened, or Special Concern) but aren't considered Exemplary. Change this to **Rare, Threatened, or Endangered Plants and Rare and Exemplary Natural Communities**.	**Lisa St. Hilaire**
127 (p266 of PDF)	Natural Resources	Rare Species	The great blue heron colony is historic but still worth mentioning because inactive heron colonies may become active again.	**Danielle D'Auria**
Page 127 (266th page of pdf)		Natural Resources	ALL species (plants and animals, common and rare) as well as natural communities and ecosystems are given a state rarity ranking. MDIFW assigns state rarity ranking for animal species, and MNAP assigns state rarity ranking for plants and natural communities. Additionally, all species and natural communities have a global rarity ranking assigned by NatureServe. The rarity ranking of 1 is for those species (and natural communities) considered critically imperiled, not just 'rare'. This deserves some clarity. FMI, https://www.maine.gov/dacf/mnap/features/rank.htm.	**Lisa St. Hilaire**

Page 128 (267th page of pdf)	Natural Resources	Natural Communities	This table should reference the 'common name' vs the 'technical name' for these natural community types, and it should include the global rarity ranking as this shows that many of the natural community types in Bar Harbor are also vulnerable globally, and Bar Harbor includes one natural community type, Pitch Pine Woodland, that is globally imperiled. The table is missing Maritime Huckleberry Bog (Huckleberry-Crowberry Bog), S3; G3G5. Please refer to the worksheet included in this spreadsheet titled 'natural communities. Also, fix the header for this table. As noted above, all species and natural communities have rarity rankings, not just natural communities. Either note that State Rarity rank of S1 is imperiled and S5 is secure, or delete that sentence in the title.	**Lisa St. Hilaire**
133 (p272 of PDF)	Natural Resources	Threats to Natural Resources	Threats to natural resources are selective and far from comprehensive. Development, loss of riparian zones, connectivity to inland waters?	**Jacob Scoville**
Page 135 (274th page of pdf)	Natural Resources	Climate Change	The last paragraph is a discussion about TNC's climate resiliency tools. The sentence in the middle about Fresh Meadow and Northeast Creek as migration space for tidal habitat seems out of place here. The Marsh Migration analysis is by the Maine Natural Areas Program vs TNC. It deserves its own paragraph under Climate Change. See details above in line 10.	**Lisa St. Hilaire**
Page 135 (274th page of pdf)	Natural Resources	Climate Change	This section deserves reference to Sea Level Rise tools developed by the Maine Geological Survey. FMI, https://www.maine.gov/dacf/mgs/hazards/slr_ss/index.shtml	**Lisa St. Hilaire**
155 (p294 of PDF)	Recreation	Water Access	There should be a table of detailed inland water access points including informal spots. There is a similar table for preserves and marine access points.	**Jacob Scoville**

We appreciate the opportunity to comment on Bar Harbor's 2024 Comprehensive Plan, and hope that these suggestions are helpful. Please reach out to Municipal Planning Biologist Gregory LeClair by email at Gregory.leclair@maine.gov or by phone at (207) 441-4167 should you have any questions. Additional staff contact information is included below.

MDIFW Regional Contact Information

Region C – Jonesboro
PO Box 220
Jonesboro, ME 04648
(207) 255-2080

Fisheries - press 2
Jacob Scoville, Assistant Regional Biologist - email: jacob.scoville@maine.gov

Wildlife - press 1
Steve Dunham, Regional Biologist - email: steve.dunham@maine.gov
Christine West, Asst. Regional Biologist - email: christine.west@maine.gov
Victoria Hughes, Asst. Regional Biologist – email: Victoria.hughes@maine.gov

MNAP Contact Information
Lisa St. Hilaire, Information Manager – 207-287-8044; email lisa.st.hilaire@maine.gov
Kristen Puryear, Ecologist – 207-287-8043; email: kristen.puryear@maine.gov

Appendix A – Fisheries Memo

MEMORANDUM

Region C Fisheries

Maine Department of Inland Fisheries and Wildlife

317 Whitneyville Rd

Jonesboro, ME 04648

Date: 10/8/2024

To: Greg LeClair

From: Jacob Scoville

Re: Bar Harbor Comprehensive Plan Review

The Fisheries Division of MDIFW has completed its review of Bar Harbor's comprehensive town growth plan. We offer the following addendum to the submitted line-item comments. The comments below identify critical issues ensuring consistency with MDIFW fisheries management programs.

I. Protection and Enhancement of Fisheries and Fisheries Habitat

The plan addresses some fisheries' habitat protection issues and indicates that protecting natural resources is a priority and guiding principle for future town land use. However, more emphasis should be placed on the importance of inland fisheries habitat, including flowing waters, as a natural resource. Wild brook trout are present in Bar Harbor and represent a species of special conservation importance in Maine. MDIFW has inventoried multiple streams in Bar Harbor with many flowing waters supporting wild brook trout; a list of these waters has been attached at the end of these comments and should be part of an inventory of important natural resources. Lentic waters including Eagle Lake, Bubble Pond, Breakneck Ponds, Witch Hole Pond, and Lake Wood are stocked with hatchery raised salmonids. Stocking represents a significant investment of state resources and should be highlighted in any inventory of Town waters (see included list of stocked waters for details). Additional protection should be considered to protect these waters and other important natural resources when reviewing proposed development projects. Brook trout habitat is particularly vulnerable to a host of land-based activities, which often lead to a concurrent loss of riparian habitat. We typically request 100-foot undisturbed buffers along both sides of any stream, including steam-associated wetlands. Buffers should be measured from the upland wetland edge of stream-associated wetlands; if the natural vegetation has been previously altered, then restoration may be warranted[1]. Protection of riparian areas diminishes erosion/sedimentation problems, reduces thermal impacts, maintains water quality, and supplies leaf litter/woody debris (energy and habitat) for the system. Protection of these important riparian functions ensures that the overall health of the stream habitat is maintained. In addition, smaller headwater and lower order streams are often affected the greatest by development and these systems benefit the most from adequately sized, vegetated buffers.

Based on MDIFW surveys around the region, many road maintenance and construction projects also often inadvertently impede passage at stream crossings. The Town should consistently adopt stream-crossing practices (i.e., culvert installation/maintenance) which do not impede fish passage as required by the Natural Resources Protection Act[2]. Refer to the guidelines attached to this document. In addition, the Army Corps of Engineers has adopted regulations regarding stream crossings that potentially affect municipal road maintenance programs. Maine Audubon and many local and federal partners have also developed a “Stream Smart” design methodology for road crossings built according to high standards of aquatic organism passage. Such a methodology may be of use to the Town in future development projects.

II. Public Access

There is a public need to provide safe angler access to all town waters that support recreational and commercial fisheries and other recreational uses. The town plan should adopt language that reflects State and MDIFW goals3,4,5, and access development should be consistent with those goals. For example, public access to public waters must not be limited to Town residents only, as such action would jeopardize existing MDIFW stocking and management programs[6] and is inconsistent with MDIFW and State public access goals.

Based on this review, formal boat access sites within town boundaries exist only at Eagle Lake. The town should work closely with Acadia National Park (ANP) to improve parking for trailered boats at this location. We recognize that Eagle Lake and several other water bodies are encompassed within ANP and access points are managed primarily by ANP. For

lentic waters that are managed for remote walk-in access, existing trails and hand carry access points are suitable but need to be maintained.

More information should be provided for all freshwater public access sites. The town plan should identify and describe the status of public access to all freshwater within the Town's boundaries, including a more detailed enumeration of parking capacity, amenities, facilities, and type of boat launch present, if applicable. In the plan, Table 5.9 lists all named waterbodies in Bar Harbor. Waters 10 acres or greater represent Great Ponds, which are publicly owned and managed state waters. The Town also contains miles of flowing waters, as referenced in Table 5.10. If public access exists on these flowing waters, they should be detailed and referenced in the plan. Most streams inside Bar Harbor are likely to have wild brook trout at a minimum seasonally and represent high-quality angling opportunities. A complete inventory of wild brook trout waters will be included at the end of this memorandum. There is limited discussion regarding the formal development of new access sites, though the desire to expand public access to natural resources is stated. The town should explicitly outline strategies to maintain or expand public access to additional water bodies, including future development goals. These strategies should help prioritize public access needs based on various factors, including existing access, fisheries present, water size, proximity to population centers, land availability, and cost, existing waterfront development, and other related factors. Lastly, the Town should consider MDIFW, MDACF, and ANP as potential partners in future public access projects. By working together, Town, State, and Federal agencies are more likely to be successful in achieving our shared goal of improving public access.

In adopting measures to address land use and development issues, it is imperative that language and measures not be adopted that could preclude efforts by the Town, MDIFW, or other State agencies from developing public access to public waters of the State, which would be inconsistent with State and MDIFW goals[3,4,5]. Also, land use zoning ordinances and practices designed to protect water quality should not be so strict as to impede the development of public access opportunities. Restrictive measures could limit or eliminate good access prospects on heavily developed waterfront areas. An "exemption" for public access projects should be adopted for projects that are consistent with Town, State, and MDIFW public access goals. This measure will ensure consistency while foregoing the need to undertake a detailed and comprehensive review of all plan provisions, including their implications.

Towns use Open space more and more to provide recreational opportunities and access. This is a good idea, particularly when public resources (i.e., rivers and streams) are located within or adjacent to the designated open space areas. Additionally, the open space that public water resources provide can greatly expand the total amount of recreational space for town residents and visitors. However, the Town should be sure that such areas are open to and can accommodate use by all Maine citizens and not just Town residents.

III. Significant Habitats and Fisheries

The plan discusses some habitats and values for inland waters within the Town of Bar Harbor. More attention should be paid to wild brook trout habitat, including promoting protections that would allow them to flourish. Presenting trout habitat as an essential part of local environmental systems reinforces the Town's commitment to the conservation of important fisheries resources. Brook trout are of special conservation importance to the State of Maine, and habitats necessary to sustain wild populations merit additional protections.

As wild brook trout habitat is present in Bar Harbor, this information may be helpful in prioritizing public access needs/improvements, identifying significant fisheries habitats for protection, securing additional partnerships with conservation organizations, and addressing other Town planning needs.

[1] MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE, STANDARD ENVIRONMENTAL REVIEW RECOMMENDATIONS

Riparian Buffers Along Streams

We recommend that 100-foot undisturbed vegetated buffers be maintained along streams. Buffers should be measured from the edge of stream or associated fringe and floodplain wetlands. Maintaining and enhancing buffers along streams that support coldwater fisheries is critical to the protection of water temperatures, water quality, natural inputs of coarse woody debris, and various forms of aquatic life necessary to support conditions required by many fish species. Stream crossings should be avoided, but if a stream crossing is necessary, or an existing crossing needs to be modified, it should be designed to provide full fish passage. Small streams, including intermittent streams, can provide crucial rearing habitat, cold water for thermal refugia, and abundant food for juvenile salmonids on a seasonal basis and undersized crossings may inhibit these functions. Generally, MDIFW recommends that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e. natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in not only providing habitat connectivity for fish but also for other aquatic organisms. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fish and fisheries habitat. In addition, we recommend that any necessary instream work occur between July 15 and October 1.

MDIFW Fisheries will rely on MDEP to review project applications for the adequacy of wetland functional assessments and the adequacy of proposed stream buffers, which should be reviewed based upon the aforementioned guidance.

[2] MDEP, Natural Resources Protection Act, 38 M.R.S.A SS.480-A to 480-Z, Statute, revised 4/3/2002

SS. 480-Q. Activities for which a permit is not required… 2. Maintenance and repair… “B. Crossings do not block fish passages in water courses;”

2-A. Existing road culverts…”and that the crossing does not block fish passage in the water course.”

[3] MSPO, Comprehensive Planning: A manual for Maine’s communities.

“State Goal: To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

[4] Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing, MDOC & MDIFW, March 1995.

“Boating and Fishing Access Goal – The primary, long term goal of state fishing and boating access programs is to ensure legal, appropriate, adequate, and equitable means of public access to waters where recreational opportunities exist.”

[5] MDIFW, Administrative Policy Regarding Fisheries Management, 12/2002

“The purpose of the Department’s Access Program is to ensure that the public is able to gain access to Maine’s public waters and to the fisheries within them. By law, all great ponds belong to the people of Maine. Private land ownership may limit access to great ponds. Fishing opportunity is directly linked to the public’s ability to get to the waters to fish, so acquiring publicly-owned private points of access is critical, especially in areas where heavy development or restrictive private access already limits legal access by the public to the lake or pond.

It is also important to provide legal public access to flowing waters, although there is no parallel legal right to use flowing waters. Such acquisitions must, therefore, include enough land to allow access to stretches of the river or stream.”

[6] MDIFW, Administrative Policy Regarding Fisheries Management, 12/2002

“ The Department will not stock waters without reasonable, legal public access, since stocking programs are to benefit the general fishing public, and not only the people that own land around a lake, pond, river or stream.”

[7] MSPO, Comprehensive Planning: A manual for Maine’s communities.

“Legislative requirement: The act requires that each comprehensive plan include an inventory and analysis of: Significant or critical natural resources, such as wetlands, wildlife and fisheries habitats…”

Stream Crossing Guidelines

A good reference for information on fish passage at stream crossings may be found in the Maine Department of Transportation Fish Passage Policy and Design Guide. The following recommendations reduce the potential for culvert installations to create impediments to fish passage for most resident stream fish typically found in Fisheries Management Region A. These recommendations apply to circular culverts installed in streams.

- Do not install hanging culverts.

- Culvert installation should occur between July 1 and October 1.

- Culvert invert (downstream bottom end of the culvert) should be installed below streambed elevation; 6 inches deep for culverts less than 48 inches in diameter and 12 inches deep for larger culverts.

- Installation should not exceed the existing natural gradient.

- Use corrugated steel/aluminum culverts with the largest available corrugations. Smooth concrete and corrugated plastic culverts should only be used in very low gradient areas where water backs up the entire length of the pipe. In addition, polyethylene slip liners and smooth bore plastic culverts are becoming more popular for new or replacement installations due their longevity and low cost; however, they are creating serious fish passage problems around the State. A review of flow capacity specifications for Snap-Tite, a local distributor of slip liner technology, reveals that in all applications where smaller diameter Snap-Tite Solid liners are installed in existing corrugated metal pipes (CMP) flow capacities are increased, even though effective pipe size is decreased. For example, when a 28-inch (26 inch inside diameter) solid liner is installed in a 30 inch (inside diameter) CMP the new liner provides 187% of the original capacity provided by the metal pipe. The increase in capacity results from the smooth walls and nonwetting characteristic of polyethylene, which reduce friction within the pipe. The increased velocities that result from slip liner and smooth bore polyethylene culverts usually far exceed that which can be negotiated by most fish typically occurring in Maine streams, which typically ranges between 1 and 2 feet per second. Furthermore slip liner projects effectively increase the invert elevation, creating a hydraulic drop at the outlet, which creates an additional obstacle to fish passage. Increased flow velocities within the pipe also increase downstream scour, which can lead to degradation of the outlet plunge pool, important staging habitat for fish attempting to pass through culverts. Resulting erosion can also create “head cuts” or nick points that cause additional scouring of the stream channel and associated habitat degradation. Impediments and barriers to fish passage will generally be created using slip liners and smooth bore culverts, except under the following conditions:

1) In drainage ditches or similar circumstances where water is not being conveyed in a jurisdictional stream channel;
2) In streams where there are no fish present and where the presence of natural/artificial barriers prevent seasonal use by fish species lower in the drainage;
3) In very low gradient settings where water backs up the entire length of the pipe, and where the water depth at the inlet end of the liner/culvert is at least 4-6 inches deep at low flows.
4) Where a permanent, natural barrier is located upstream/downstream within 150 feet of the stream crossing. A permanent/natural barries is defined as a vertical drop of at least 4 feet over a rock/ledge substrate, as measured during summer low flows. Beaver dams would not be considered a permanent impassable barrier.

- Culverts should be installed so as to provide a minimum water depth of 4-inches within the culvert during critical, seasonal movement/migration periods (spawning, summer refugia, etc.), which will vary by species. This minimum water depth is needed to provide passage opportunities for smaller fish that dominate the streams in Region A. MDOT’s Fish Passage Policy and Design Guide provides information on movement periods.

- Flow velocities within the culvert should not exceed 1 and 2 feet per second during critical, seasonal movement/migration periods (spawning, summer refugia, etc.), which will vary by species. These low flows velocities are needed to provide passage opportunities for smaller fish that dominate the streams in Region A. The aforementioned flows should not be exceeded more than 50% of the time during periods of movement. MDOT’s Fish Passage Policy and Design Guide provides information on movement periods and how to evaluate this standard.

- Two offset culverts may be used, such that one pipe provides passage conditions during low flow periods and the other is installed to pass design peak flows. An experienced engineer should design multiple culvert installations.

- Efforts to mitigate for fish passage problems (e.g., fish ladder, tailwater control, baffles, etc.) should always be coordinated through MDIFW.

MDIFW Inventory of Bar Harbor Wild Brook Trout Streams (2024)

Stream Name:

- Richardson Brook
- Heath Brook
- Bubble Brook
- Breakneck Brook
- Kebo Brook
- Cromwell Brook
- Old Mill Brook
- East & West Branches of Cannon Brook
- Otter Creek
- Beach Brook
- Stony Brook
- Kitteredge Brook
- Northeast Brook
- Chasm Brook

MDIFW Inventory of Bar Harbor Stocked Waters (2024)

Water Name (Species Stocked):

- Eagle Lake (Landlocked salmon, brook trout)
- Breackneck Ponds (Brook trout)
- Bubble Pond (Brook trout)
- Halfmoon Pond (Brook trout)
- Lakewood (Brook Trout)
- Witch Hole Pond (Brook trout)