



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

November 6, 2020

Regulatory Division  
File Number: NAE-2017-01342

Gerry Mirabile  
Central Maine Power Company  
83 Edison Drive  
Augusta, Maine 04336

Dear Mr. Mirabile:

This regards your Department of the Army (DA) permit for the discharge of fill material into waters of the U.S. and work under a navigable water of the U.S. associated with the New England Clean Energy Connect (NECEC) power line project within the State of Maine. As you are aware, we have assigned the file number provided above to this project. Please continue to refer to this number in all communication concerning this matter.

Enclosed is a copy of the validated standard permit for the proposed work and all referenced attachments. The required Work Start Notification Form must be submitted at least four weeks before the anticipated work start date. The Compliance Certification Form must be submitted within one month following the completion of the authorized work. The Mitigation Work Start Notification Form is required since your project involves mitigation.

This permit is a limited authorization containing a specific set of conditions. Please read the permit thoroughly to familiarize yourself with those conditions, including any conditions contained on the enclosed state water quality certification. If a contractor performs the work for you, both you and the contractor are responsible for ensuring that the work is performed in compliance with the permit's terms and conditions, as any violations could result in civil or criminal penalties.

This authorization does not obviate the need to obtain other Federal, state, or local authorizations required by law.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

If you have any questions regarding this correspondence, please contact Jay Clement at 207-623-8367 at our Augusta, Maine Project Office

Sincerely,



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2020.11.06 11:11:23 -05'00'

John A. Atilano II  
Colonel, Corps of Engineers  
District Engineer

cc:

Michael Marsh, U.S. Environmental Protection Agency Region 1, [marsh.michael@epa.gov](mailto:marsh.michael@epa.gov)  
Wende Mahaney, U.S. Fish & Wildlife Service, [Wende Mahaney@fws.gov](mailto:Wende_Mahaney@fws.gov)  
Melissa Pauley, U.S. Department of Energy, [melissa.pauley@hq.doe.gov](mailto:melissa.pauley@hq.doe.gov)  
Jim Beyer, Maine Dept. of Environmental Protection, [jim.r.beyer@maine.gov](mailto:jim.r.beyer@maine.gov)  
Judy East, Maine Land Use Planning Commission, [Judith.C.East@maine.gov](mailto:Judith.C.East@maine.gov)

DEPARTMENT OF THE ARMY PERMIT

Permittee Central Maine Power Company, 83 Edison Drive, Augusta, Maine 04330

Permit No. NAE-2017-01342

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

**Place temporary and permanent fill in waters of United States between Beattie Township at the Maine/Quebec border and Lewiston, Maine in order to construct a new High Voltage Direct Current (HVDC) electrical transmission line and related facilities capable of**  
**Project Description Continued on Page 4**

This work is shown on the attached plans entitled "New England Clean Energy Connect" in 17 sheets dated "6/25/20"; six sheets updated "4/11/17"; and "Central Maine Power" in seven sheets dated "8/6/2018"; and with the construction plans submitted with application and otherwise amended.

Project Location:

**Multiple locations from Beattie Township to Lewiston, Maine**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2025. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.



4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The permittee shall ensure that a copy of this permit is at the work site (and the project office) authorized by this permit whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of USACE jurisdiction.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.



e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.


Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Gerry J. Mirabile for Central Maine Power Company November 4, 2020  
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 November 6, 2020  
(DISTRICT ENGINEER) (DATE)

**John A. Atilano II**  
**Colonel, Corps of Engineers**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree) (DATE)

## Project Description Continued from Page 1

delivering up to 1,200 megawatts of electrical power from hydroelectric sources in Quebec to the New England Control Area, specifically in response to a Request for Proposals for Long-Term Contracts for Clean Energy Projects from the State of Massachusetts.

The project area encompasses six Maine counties and 38 municipalities or townships. Approximately 53.1 miles of the new line, from the Canadian border to the Forks, will be located within a previously undeveloped, 300-foot-wide transmission line corridor, only 150' of which will be affected. The remainder of the 144.9 miles of transmission line from the Forks to Lewiston will be installed within existing transmission corridors. The new line will be installed beneath the upper Kennebec River via horizontal directional drilling (HDD). All other waterway and/or wetland crossings will be aerial.

Work will result in direct and indirect, permanent and temporary impacts to a navigable water of the US and freshwater wetlands associated with the construction of the HVDC transmission line, substation and converter station work, the HDD installation, and rebuilds of existing transmission lines. A total of 4.87 acres of wetland will be permanently impacted and 47.68 acres will be temporarily impacted. An additional 111.55 acres of forested wetlands will be affected by clearing and conversion to scrub-shrub and emergent cover types. There are no activities within stream resources that are authorized by this permit.

This work in waters will take place at separate and distinct locations within the following components:

### Segments 1, 2, & 3 – HVDC Components and Associated Alternating Current (AC) Upgrades

- New 144.9-mile +/-320 kilovolt (kV) HVDC transmission line from the Canadian border to a new converter station located north of Merrill Road in Lewiston, with 53.1 miles of the 144.99 miles in a new corridor from the Canadian border to The Forks Plantation (Segment 1). The HVDC transmission line will also pass beneath the Kennebec River via a horizontal directional drill (HDD), which will require termination stations on each side of the river in Moxie Gore and West Forks;
- New 1.2-mile 345kV transmission line from the new Merrill Road Converter Station to the existing Larrabee Road Substation;
- Partial rebuild of 0.8 mile of 34.5kV Section 72 AC transmission line outside of the Larrabee Road Substation to make room in the corridor for the 1.2-mile, 345kV Transmission Line;

Project Description Continued on Page 5



## **Project Description Continued from Page 4**

- New +/-320kV HVDC to 345kV HVAC 1200 Megawatt ("MW") Merrill Road Converter Station;
- Addition of 345kV transmission line terminal at the existing Larrabee Road Substation; and
- Partial rebuild of 115kV Sections 200 and 251 AC transmission lines, consisting of 1.37 and 0.46 miles, respectively, in the town of Greene to make room for a 1.16-mile section of the +/- 320kV HVDC transmission line described above.

### Segment 4 – 345kV STATCOM (Static Synchronous Compensator) Substation and 115kV Rebuilds

- New 345kV +/-200MVAR (Mega Volt Amps (reactive)) STATCOM Fickett Road Substation;
- New 0.3-mile 345kV AC transmission line from the existing Surowiec Substation in Pownal to the new STATCOM Substation on Fickett Road in Pownal;
- Rebuild 16.1 miles of 115kV Section 64 AC transmission line from the existing Larrabee Road Substation to the existing Surowiec Substation; and
- Rebuild 9.3 miles of 115kV Section 62 AC transmission line from the existing Crowley's Substation in Lewiston to the existing Surowiec Substation.

### Segment 5 – New 345kV Transmission Line and Associated Rebuilds

- New 26.5-mile 345kV AC transmission line from the existing Coopers Mills Substation in Windsor to the existing Maine Yankee Substation in Wiscasset;
- Partial rebuild of 0.3 mile of 345kV Section 3025 between Larrabee Road Substation and Coopers Mills Substation;
- Partial rebuild of 0.8 mile of 345kV Section 392 between Maine Yankee Substation and Coopers Mills Substation; and
- Partial rebuild of 0.8 mile each of 115kV Section 60/88 outside of Coopers Mills

## **Special Conditions Continued from Page 2**

If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term "entire permit" includes permit

## **Special Conditions Continued on Page 6**



## Special Conditions Continued from Page 5

amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least four weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).

3. The permittee shall implement all terms and conditions contained in the attached water quality certification from the Maine Dept. of Environmental Protection dated "May 11, 2020" and the Maine Land Use Regulation Commission Final Development Plan Permit dated "January 8, 2020". Copies of all required submittals shall also be provided to the USACE.

4. In order to fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966, the permittee shall implement the stipulations contained in the attached Memorandum of Agreement signed "June 19, 2020".

5. The permittee shall generate 60.307 wetland credits by means of preservation in accordance with the attached mitigation plan entitled, "Compensation Plan" and updated "July 2020". Prior to any work commencing, for each Corps mitigation site, the permittee shall provide a Corps-approved: site protective instrument; and long-term management plan. The long-term management plan will identify the long-term steward and provide evidence that an escrow has been established or a letter from the long-term steward stating that stewardship fund is not required to provide the long-term management as outlined in the long-term management agreement.

6. In addition to the permittee-responsible mitigation, the permittee shall purchase 13.361 In-Lieu Fee credits from the Maine Natural Resource Conservation Fund. As of the date of this permit, the current cost to purchase these credits is \$3,046,648.37. The permittee must send a cashier's check or bank draft for this amount to: ME DEP, Attn: ILF Program Administrator, State House Station 17, Augusta, ME 04333. The check must include the USACE file number "NAE-2017-01342" and the statement: "For ILF account only".

Special Conditions Continued on Page 7

## Special Conditions Continued from Page 6

No impacts authorized by this permit shall begin until the USACE receives a copy of the letter from the Maine Department of Environmental Protection (ME DEP) to the permittee stating that the ME DEP has received the check and accepts responsibility for mitigation. The in-lieu fee amount is valid for one year from the date of this permit and is subject to change.

7. Prior to being onsite, the contractor(s) shall thoroughly inspect and remove seeds, plant material, soil, mud, insects, and other invertebrates on all equipment, including construction mats, to be used on the project site to prohibit introduction of invasive organisms. At a minimum, the following shall be inspected and cleaned on terrestrial vehicles where applicable:

**Rubber-Tired Vehicles** - Crevices in upper surface and panels, tires, rims, and fender wells, spare tire mounting area, bumpers, front and rear quarter panels, around and behind grills, bottom of radiator vent openings, brake mechanisms, transmission, stabilizer bar, shock absorbers, front and rear axles, beds, suspension units, exhaust systems, light casings, and mirrors.

**Tracked Land Vehicles** - Crevices in upper surface and panels, top of axles and tensioners, support rollers, between rubber or gridded areas, beneath fenders, hatches, under casings, and grills.

**Interiors of All Vehicles** - Beneath seats, beneath floor mats, upholstery, beneath foot pedals, inside folds of gear shift cover.

8. Prior to construction in any areas in which the final design plans deviate from the approved design plans, the permittee shall submit the final design plans to the Corps for review and approval.

9. Except where stated otherwise, reports, drawings, correspondence and any other submittals required by this permit shall be marked with the words "Permit No. (NAE-2017-01342)" and submitted via: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751; b) EMAIL: [jay.l.clement@usace.army.mil](mailto:jay.l.clement@usace.army.mil) and [cenae-r@usace.army.mil](mailto:cenae-r@usace.army.mil); or c) FAX: (978) 318-8303. Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit. Requirements for immediate notification to the Corps shall be done by telephone to (978) 318-8338.

Special Conditions Continued on Page 8



## Special Conditions Continued from Page 7

U.S. Army. Corps of Engineers Permit No. NAE-2017-01342  
Permit Special Conditions Resulting From  
Informal Endangered Species Act Consultation  
Between the US Army Corps of Engineers and  
the US Fish & Wildlife Service (USFWS)  
(Reference USACE Biological Assessment (BA) dated "June 23, 2020")

Provided below are the conditions based on informal consultation with the USFWS to minimize effects to threatened and endangered species and their critical habitat within the Action Area as defined by the USACE.

1. Adequate sedimentation and erosion control devices, such as geo-textile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work but not before stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland. Erosion controls, temporary access ways, and crane mats will be installed in accordance with CMP's Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects ("Environmental Guidelines"), included in Exhibit B entitled "Environmental Guidelines For Construction and Maintenance Activities on Transmission Line And Substation Projects" last revised "June 29, 2018" which is contained in the administrative record.
2. Prior to any tree clearing or construction activities, the NECEC team shall walk the length of the transmission line with the construction contractors to identify critical areas where construction and construction access may be difficult due to terrain, wetlands, and water course conditions, or the location of protected or sensitive natural resources. Erosion control placement, access road layout, wetlands, and stream crossing locations shall be addressed with the construction contractors, with avoidance and minimization of wetland and waterbody impacts a priority. The type and location of erosion controls as well as the approach to wetlands, stream crossings and other protected or sensitive natural resources, shall be communicated to the construction contractors during the initial walk-through. Access areas and environmental resources shall be flagged with a specified color of surveyor tape as identified in Table 2-4 of the BA, and "no-access or special restriction" areas (such as certain stream buffers) will also be marked using appropriate color-coded tape. Flagging and any special management or protection requirements associated with federally-listed species shall be highlighted during the pre-construction walk through.



3. The permittee shall implement all terms and conditions contained in the water quality certification from the Maine Dept. of Environmental Protection dated "May 11, 2020" and subsequent revisions. Copies of all required submittals shall also be provided to the Corps and DOE.

4. For unavoidable stream crossings, crane mats or other means shall be used to span the streams. (See Section 4.0 Installation of Crossings within Exhibit B). Appropriate erosion controls will be installed at each stream crossing including water bars used in conjunction with sediment traps in addition to sediment barriers located upstream and downstream on both sides of the crossing (see Figure 2-5 of the BA). Where necessary, construction mats will be placed on the upland, parallel to the ordinary high water line as abutments to further protect stream banks and to establish stability. Streams that are too wide to cross by spanning with crane mats or I-beams combined with crane mats will be avoided. Under no circumstances (including in all intermittent and perennial streams within the Atlantic salmon GOM DPS and those that provide critical habitat for Atlantic salmon), will any stream crossing technique be used that involves in-stream work or the discharge of temporary or permanent fills.

5. All wetland and waterbody crossings will be restored to preconstruction conditions; any material or structure used at temporary crossings will be removed; and the banks will be stabilized and revegetated consistent with the NECEC Environmental Guidelines. Stream crossings shall be removed as soon as they are no longer needed for construction activities. All restored stream crossings will be inspected, either as part of the final project inspection or earlier, with particular attention paid to erosion and sedimentation issues and regrowth of riparian vegetation.

6. No in-water construction work is authorized within any stream, either intermittent or perennial. This includes both temporary and permanent work. Furthermore, the permittee shall implement protections within a 100-foot riparian buffer of all intermittent and perennial streams within the GOM DPS. This is further discussed in Section 5.1, page 82 of the BA.

7. Any span structures on all intermittent and perennial streams shall be installed and maintained to prevent soil and other material from washing into the stream. This shall include cleaning the travel surface of the span to prevent accumulated material from washing into the stream. At each of these crossings, clearing of non-capable woody vegetation shall be minimized to the maximum extent practicable and the roots allowed to remain in order to reduce indirect impacts and to promote natural re-vegetation.

8. For all transmission line poles located within the 100-foot buffer of all streams within the GOM DPS, a site specific erosion and sediment control plan, designed to minimize the potential for secondary impacts to the stream, shall be submitted to the Corps for review and approval prior to installation of poles.

9. To minimize the spread of invasive plant species within the Project, all off-road equipment and vehicles (operating off of existing open and maintained roads) must be cleaned prior to entering the construction site to remove all soil, seeds, vegetation, or other debris that could contain seeds or reproductive portions of plants. All equipment will be inspected prior to off-loading to ensure that they are clean.

10. All areas of wetlands which are disturbed during construction shall be restored to their approximate preconstruction elevation (but not higher) and condition by careful protection, and/or removal and replacement, of existing soil and vegetation. In addition, if upland clearing, grubbing, or other construction activity results in, or may result in, soil erosion with transport and deposition into wetlands or waterways, devices such as geotextile silt fences, sediment trenches, etc., shall be installed and properly maintained to minimize such impacts during construction. These devices, with the exception of erosion control mix, must be removed upon completion of work but not before stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to waterway or wetland.

11. No temporary fill (e.g., access roads, cofferdams) may be placed in waters or wetlands unless specifically authorized by this permit. If temporary fill is used, it shall be disposed of at an upland site and suitably contained to prevent its subsequent erosion into a water of the U.S., and the area shall be restored to its preconstruction contours (but not higher) and character upon completion of the project. During use, such temporary fill must be stabilized to prevent erosion.

12. Pull-pads for conductor installation shall only be located in Atlantic salmon 100-foot stream buffer zones when there is no practicable alternative. Grubbing and grading within the stream buffer will be kept to the minimum necessary and will only occur after installation of an additional row of erosion and sedimentation controls between the area of disturbance and the stream. After removal of the pull-pad, the stream buffer will be restored to its original grade and stabilized to prevent erosion while the riparian zone becomes revegetated. Plantings will be installed as necessary to ensure the riparian zone vegetation is adequately restored.

13. All construction areas shall be open for inspection by the permitting agency(ies) as well as federal resource agency personnel during working hours.

14. The permittee shall take all reasonable and prudent measures to minimize the risk of accidental spills of petroleum or other hazardous contaminants from construction equipment at waterway and wetland crossings. Minimum specific spill management measures are contained in Exhibit B of the BA.



15. Initial tree clearing and long-term vegetation maintenance, which will be performed in accordance with the NECEC Construction Vegetation Clearing Plan (VCP) and Post-Construction Vegetation Maintenance Plan (VMP) provided in Exhibit C and D of the BA, respectively and updated on June 25, 2020.

16. Clearing and maintenance of Segment 1 shall include a 39.02-mile-long, 54-foot-wide, cleared, scrub-shrub maintained portion of the ROW, with tapered vegetation beyond at 16-foot intervals. The forested intervals shall have height steps of 15 feet, 25 feet and 35 feet as one moves from the edge of the 54-foot-wide area to the edge of the 150-foot corridor, except in specific areas where the Project will maintain either full height canopy vegetation, vegetation with a minimum height of 35 feet, or taller vegetation managed for deer travel corridors. The Maine DEP has established several Wildlife Areas where vegetation will be maintained in a forest condition for the full width of the Right of Way (ROW) over the 14.08 miles of the 53.1-mile Segment 1. The identified areas with a required minimum vegetation height of 35 feet are listed in Exhibit C of the BA.

17. The permittee shall conduct all tree cutting between October 16 and April 19 of any year to the maximum extent practicable and **no tree cutting shall occur between June 1 and July 31 of any year** to minimize potential impacts to federally threatened northern long-eared bats.

18. For each successive year of construction beyond 2020 until project completion, the permittee shall submit to the Corps and the US Fish & Wildlife Service an updated Official Species List from the IPaC website: <https://ecos.fws.gov/ipac/> The updated species list shall be obtained and submitted between January 1 and January 31 of each year. Concurrently, the permittee shall update and resubmit the streamlined consultation form for NLEB to the Corps and the Fish and Wildlife Service. If any new species are federally listed before the NECEC project is completed, the Corps shall re-initiate Section 7 consultation with the Service as necessary to evaluate, avoid, and minimize effects from any construction not completed.

19. In accordance with Exhibit B entitled "Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects" last revised "June 29, 2018", application of herbicides within 75' of any waterbody is prohibited. In all intermittent or perennial streams within the GOM DPS, herbicide application is prohibited within 100'. No herbicides shall be applied within Section 1 as a whole.

20. To minimize the potential for impacts to federally threatened small whorled pogonia, the permittee is prohibited from herbicide application within 100 feet of the 174-acre tract containing the occurrence of the plant at Greene, Maine. The No-Herbicide Zone is depicted in Figure 3-3, p. 69 of the BA.



21. Prior to the start of construction, the permittee shall conduct environmental training for all contractors, sub-contractors, and inspectors. Federal and state resource and regulatory staff shall be invited to attend and/or assist in the presentations. At a minimum, this training shall include actions to be taken to avoid and minimize direct and indirect impacts to aquatic resources such as wetlands, streams, Atlantic salmon streams, and vernal pools; small whorled pogonia habitat; and actions to be taken relative to interactions with Canada lynx.

22. Construction equipment that needs to access the transmission line during operations for repair or maintenance activities will follow the same procedures regarding stream crossings as employed during construction. No instream work is allowed in any intermittent or perennial stream within the GOM DPS. Temporary stream crossings may only use crane mats or bridges that completely span the waterway.

23. ATV usage for operations and maintenance activities by CMP will be limited to the maximum extent practicable and potential ground or resource disturbance will be minimized by utilizing existing upland access ways and snowmobile trail bridges. To avoid or minimize effects to Atlantic salmon and its listed Critical Habitat from ATV usage for operations and maintenance activities, CMP will adopt the following procedures:

a. No fording of streams within the Sheepscot River and Sandy River watersheds or within 1,000 feet upstream of these watersheds will occur unless under frozen conditions. Within these watersheds, ATVs may only cross unfrozen streams using mats or bridges that completely span the waterway.

b. Within mapped Critical Habitat but outside the Sheepscot River and Sandy River watersheds, fording of unfrozen streams may only occur under the following conditions:

(1) To the maximum extent practicable, the crossing is dry, shallow, or exhibits low flows (note - low flows typically occur from July 15 to September 30 of any year). To the maximum extent practicable, the substrate at the crossing consists exclusively of coarse-grained gravel, cobbles, rocks or ledge.

(2) Destruction of riparian vegetation is avoided to the maximum extent practicable.

(3) The stream is crossed at the narrowest practicable location.

(4) The crossing frequency is limited to one to two transits per maintenance cycle, or to the minimum number required.

(5) Erosion and sedimentation controls will be installed in areas of soil disturbance and any disturbed banks are promptly stabilized and revegetated as necessary.

c. Within the GOM DPS but outside mapped Critical Habitat, CMP operations and maintenance personnel shall still make every effort to cross streams under frozen conditions, to avoid the crossing, or to utilize mats or bridges (temporary or permanent) that span the waterway. For crossings that cannot be avoided during unfrozen conditions, CMP will still generally apply the best management practices listed above, but they are no longer prescriptive unless the crossing is within 1,000 feet upstream of mapped Critical Habitat.

d. CMP shall take all available and practicable measures to discourage impacts to sensitive resources from public ATV and snowmobile use during and after construction of the project including:

(1) Communication and coordination with landowners, ATV and snowmobile clubs, sporting camps, and others that maintain recreational trails on or near the NECEC ROW, especially forest landowners in segments 1, 2, and 3.

(2) Communication with local organized clubs through the State of Maine Department of Agriculture, Conservation and Forestry's Bureau of Parks and Lands, Off-Road Recreational Vehicle Office.

(3) Use of signage and deterrents (e.g., boulders, gates, etc.) in areas of ATV activity with noted associated environmental impacts. At a minimum, the permittee shall install advisory signage on all identified trail crossings of perennial and intermittent streams within the ROW in the Sheepscot River and Sandy River watersheds or within 1,000 feet upstream of these watersheds.

(4) Reporting of unauthorized ATV and snowmobile travel to law enforcement (e.g. Maine Warden Service) as needed to halt excessive disturbance of recently restored and stabilized areas or in instances where environmental impact associated with public use persists following the implementation of deterrents. Excessive disturbance and damage to streams and riparian areas within the GOM DPS must be reported to the USFWS Maine Field Office.

24. For any inadvertent release of drilling mud during the directional drill beneath the Kennebec River, the permittee shall comply with "Requirements for Inadvertent Fluid Release Prevention, Monitoring, and Contingency Plan for HDD Operations" (Exhibit F of the BA). If an inadvertent release occurs, the USACE and the MDEP will be notified, as specified in Exhibit F of the BA. The USFWS Maine Field Office will also be notified (Wende Mahaney at 207-902-1569 or [wende\\_mahaney@fws.gov](mailto:wende_mahaney@fws.gov))

25. To minimize the project's potential impact to the federally threatened Canada lynx and its Critical Habitat between Starks to Beattie Township, the permittee shall implement the following measures:



a. CMP and CMP contractor/subcontractor vehicle traffic speeds on unimproved access roads during construction shall be kept less than 30 mph (road design speed) to minimize chance of collisions with lynx and other wildlife.

b. To the maximum extent practicable, the permittee shall gate access roads under CMP's direct control to vehicle traffic (not foot traffic) with approval from the landowner during the fall trapping and hunting seasons to further reduce the likelihood of incidental take of lynx.

c. Any Canada lynx road collisions or mortalities will be reported to the U.S. Fish & Wildlife Service's Ecological Services Maine Field Office and the USACE, Maine Project Office within 48 hours. Points of contact are Mark McCollough at [mark\\_mccollough@fws.gov](mailto:mark_mccollough@fws.gov); 207-902-1570 and Jay Clement at [jay.l.clement@usace.army.mil](mailto:jay.l.clement@usace.army.mil); 207-623-8367. Carcasses shall be collected, tagged with location and date found and by whom (with contact information), and frozen immediately and transferred to the Service. The Corps will immediately reinstate consultation with the Service if there is any take of Canada lynx.

d. Should Canada lynx be observed during construction within the right-of-way during the denning season from May 1 to July 15, contractors and subcontractors will immediately suspend all activity in the vicinity of the occurrence, immediately leave the area unless it poses a safety concern, and notify project supervisors and environmental inspector(s). Environmental inspector(s) will consult with state wildlife officials, as well as the DOE, USFWS, and the USACE prior to proceeding with construction. The environmental training provided to all project personnel will include a discussion of these measures and any other specific protocols determined necessary for the protection of Canada lynx.

e. In the absence of active human activity, for any period of time where drilled or excavated holes for pole installation will remain open pending the sequential installation of the pole(s), the holes shall be completely covered by any means to minimize the risk of entrapment to lynx and other wildlife.

f. To avoid entrapment of lynx in fenced areas (e.g., substations in Segments 1, 2, and northern part of 3), fencing mesh size will be less than 2 inches by 2 inches (i.e. standard chain link fencing). Lynx escaping devices consisting of two leaning poles (trees with bark or rough surface greater than 5 inches in diameter) will be placed at a shallow angle (less than 35 degrees) in each corner of the fenced area. Any lynx found alive in fenced areas will be released immediately and reported to the Service within 48 hours. Any lynx found dead will be reported within 48 hours to the U.S. Fish & Wildlife Service's Ecological Services Maine Field Office and the Corps of Engineers, Maine Project Office within 48 hours. Points of contact are Mark McCollough at [mark\\_mccollough@fws.gov](mailto:mark_mccollough@fws.gov); 207-902-1570 and Jay Clement at [jay.l.clement@usace.army.mil](mailto:jay.l.clement@usace.army.mil); 207-623-8367.



g. To the maximum extent practicable, cleared areas beneath the transmission line shall be allowed/encouraged to develop a dense growth of low ground cover, shrub, and conifer tree species.

h. Routine vegetation management of the transmission line corridor shall be in accordance with the applicant's post-construction vegetation management plan in Exhibit D, updated June 25, 2020.

26. Future commitments by CMP (Maine DEP order, p. 81) to mitigate wildlife and fisheries impacts of the NECEC include a Conservation Plan and management plans for 40,000 acres to be conserved by conservation easement or fee title acquisition in the vicinity of Segment 1. To ensure that these plans do not adversely affect or take federally listed species and to promote the conservation of Canada lynx, northern long-eared bats, and other federally listed species, the permittee shall furnish the USFWS with copies of all submittals required by the Maine DEP to solicit Service review and comment and participation in future interagency discussions.

27. To assess impact to the small whorled pogonia, the permittee shall monitor small whorled pogonia within the property owned by CMP adjacent to the 174-acre tract in Greene each year during construction, for the three consecutive years following completion of the NECEC, and every third year thereafter until such time that the Service and Maine Natural Areas Program deem monitoring no longer necessary.

28. The permittee shall permanently record all natural resource buffers, including those related to Atlantic salmon and small whorled pogonia, upon completion of construction (e.g. GPS coordinates) and shall further highlight them with flagging prior to any future maintenance activities.