



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

SENT VIA E-MAIL

November 5, 2018

Gerry Mirabile
Central Maine Power Company
83 Edison Drive
Augusta, ME 04660

RE: New England Clean Energy Connect Project, L-27625-26-A-N/L-27625-TG-B-N/L-27625-2C-C-N/L-27625-VP-D-N/L-27625-IW-E-N, October 19, 2018 Submissions

Dear Mr. Mirabile,

This letter is to follow up on Central Maine Power Company's (CMP's) October 19, 2018 submission of materials, which were submitted in response to my September 4, 2018 letter as well as review comments from several other agencies and peer reviewers. This letter only addresses the issue of sufficiency of the information provided and should not be construed as a substantive review of that material. A technical review of the information is currently underway by the Department, other state agencies, and the Department's peer reviewer on visual impacts. I have organized this letter in the similar format as my September 4, 2018 letter.

I July 26, 2018 Submission

A. Cover Letter

1. Item 1, in response to my request for information concerning CMP's statements in the application concerning the impact on recreational users of the Upper Kennebec River, CMP has provided a survey from Market Decisions. In addition, with the October 19, 2018 submission CMP has decided to revise the project proposal by installing the cable under the river using horizontal directional drilling (HDD) technology. A discussion of the completeness of the application amendments for this new aspect of the project is below. There is sufficient information on this aspect of the project to continue processing the applications.
2. Items 2, 3, & 4 of my letter asked about various aspects of an HDD installation. The information in the October 19, 2018 amendment application addresses these questions.

B. Attachment III

3. Item 6 requested a site-specific erosion control plan for any structures that are located within 25 feet of a river, stream, or brook. CMP provided a typical erosion and sedimentation control plan for structures within 25 feet of a resource. While

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this is not a site-specific plan, it will suffice at this time for the purposes of the permit review process. Should the Department ultimately issue a permit for the project, there will be a condition in the permit providing for a review of specific erosion control plans for all structures within 25 feet of a resource.

4. Item 7 requested a list of non-capable species and a diagram that depicted a single pole structure with the wire zone located on it. Both have been provided.

C. Power's Engineering Report

5. Item 8 asked whether the 15 miles of road for the HDD installation that is cited in the Powers report would need to be constructed regardless of whether the installation was above or below the river. CMP has provided a response indicating the roads would need to be upgraded in either case. There is sufficient information to proceed with the review process.
6. Item 9 asked for the cost of the roads discussed above. CMP has responded in the Amendments to the Site Location Application and the NRPA Application. There is sufficient information on this aspect of the project to continue processing the applications.
7. In response to my question concerning fiber optic cables in Item 10, CMP has now proposed to provide them to the region. There is sufficient information on this aspect of the project to continue processing the applications.

II July 31, 2018 Submissions

A. Cover Letter

8. Item 11 dealt with the visual buffer created by white pine trees that are over 100 feet tall on the banks of the Upper Kennebec River and how CMP planned to deal with these trees during and after construction. CMP has provided a response which includes a proposed HDD installation under the river. There is sufficient information on this aspect of the project to continue processing the applications.

III August 14, 2018 Submission

A. Vegetation Clearing Plan and Post-Construction Vegetation Maintenance Plan

9. Item 12 of my September 4, 2018 letter asked about using project specific data to locate areas where petroleum products and other hazardous material usage would be

restricted. CMP stated that project specific data would be used, and this is sufficient to proceed with the review process.

10. Item 13 asked for clarification between several conflicting statements in the application concerning whether structures would be within 25 feet of rivers, streams, and brooks. CMP has responded satisfactorily to this request.
11. In Item 14 I suggested that CMP modify the VMP to allow use of herbicides to control invasive species near riparian areas. CMP responds by stating they intend to provide an invasive plant monitoring plan prior to construction. There is sufficient information on this aspect of the project to continue processing the applications. Should the Department issue a permit for the project this will be a condition of approval and the plan will need to be reviewed and approved prior to construction.

B. Architectural History Report

12. Item 15 inquired about whether CMP intended to submit a report on the impacts of the project on the properties which had been identified as either on the National Register of Historic Places (NHRP) or were eligible to be listed, and if so, when the report would be available. CMP responded with Attachment D of their October 19, 2018 submission. The response is sufficient to proceed with the review process. However, as noted in your cover letter, there are four properties and several structures which are identified in the report as having an adverse impact as a result of the project. CMP stated that it will consult with MHPC on preparation of a Memorandum of Agreement that will include measures to mitigate the adverse effects to these properties. Following Maine Historic Preservation Commission's (MHPC) and the Department's review of this report, CMP may be required to propose mitigation of the impacts to one or all of these resources.

C. Archaeological History Report

13. Item 16 requested information concerning potential impacts to 26 archaeological sites. In response to this request, CMP stated it will be submitting to MHPC a Phase 1 Archaeological Survey. MHPC will provide recommendations on avoidance and minimization measures for these historic resources. The Department will need a copy of the survey. This response will be complete once the Department receives a copy of the survey and MHPC recommendations.

D. Compensation Plan

14. Item 17 discussed the proposed conservation parcels and the apparent lack of public access to the Grand Falls Lot and the Basin Tract. In response, CMP submitted a memo from Judith Woodbury, Pierce Atwood, describing the various access agreements and history CMP has on the parcels. There is sufficient information to continue processing the application. However, I want to emphasize that the memo is currently being reviewed by the Maine Office of the Attorney General, which will provide the DEP with advice, and I cannot speculate whether the Department's concerns about lack of public access have been resolved.
15. Item 18 asked CMP to consider potential restoration efforts to enhance the functions and values of the Flagstaff Lake parcel. CMP stated that they intend to allow natural revegetation to occur, and stated that this would enhance the wetland functions and values of the parcel over time. While the Department has not yet concluded if this proposal would be acceptable, there is enough information to proceed with the application process.
16. Items 19, 20 and 21 requested details on CMP's revised compensation plan. CMP has submitted another compensation plan which discusses the issues raised in these items. There is sufficient information on this aspect of the project to continue processing the applications. Further review of the proposed compensation plan by the Department and MDIFW is on-going and you will hear from MDIFW separately. It should be noted, however, that the Little Jimmy Pond Tract and some of the other adjacent conservation parcels contain a population of buckthorn (*Rhamnus cathartica* and/or *Frangula alnus*), which is an exotic, invasive species. CMP still needs to evaluate the size of the population of buckthorn on the Little Jimmy Tract, evaluate the impact this invasive plant has on the functions and values of the parcel, and develop a plan to deal with these plants.

E. August 20, 2018 Peer Review of the VIA Submission

17. Item 22 of my September 4, 2018 letter requested data to support CMP's statements concerning the impact to recreational users of scenic resources. CMP has provided, as Attachment A of its October 19, 2018 submission, a survey of users of the Upper Kennebec River, prepared by Market Decisions of Portland. In addition, CMP has proposed to do an HDD crossing of the Upper Kennebec River in an effort to minimize scenic impacts on users of the river. While this survey addresses the impact the project may have on users of the Upper Kennebec River, it does not address the impact the project may have on any of the other Outstanding River Segments, or other scenic resources such as the Kennebec River below Wyman Dam, the Androscoggin River near the Androscoggin Riverlands State Park, or any

of the great ponds. There is insufficient information to complete the review of the scenic impacts from the project.

18. Item 23 requested that CMP evaluate the scenic impact on users of the 161 public roads which are crossed by the project. CMP submitted, as Attachment G of its October 19, 2018 submission, a methodology for evaluating the impacts with regard to various roads and a table summarizing the results of the evaluation. There is sufficient information on this aspect of the project to continue processing the applications.
19. Item 24 requested a complete inventory of all scenic resources which could be potentially impacted by the project, including but not limited to, historic sites, streams, and public roads. In his peer review comments, Dr. James Palmer provided a table of scenic resources he thought could be impacted by the project and whether the resource was visible based on the topography only or visible when tree heights were included. CMP submitted, as Attachment H of its October 19, 2018 submission, a Summary of Scenic Resources. However, the summary provided does not appear to have all the scenic resources which are potentially impacted by the project listed. There are several great ponds left off the summary list (e.g. Locke Pond, Robinson Pond and North Pond all in Chesterville); numerous trails, many of which are public, are not mentioned; the Kennebec and the Androscoggin Rivers are noted in the table, but only to say there are many miles where the line is parallel to these resources and based on the maps there is visibility. There has been no attempt to evaluate the scenic impact to many of these resources. There is not sufficient information to complete the review of the scenic impacts from the project.
20. Item 25 requested leaf-off and snow cover photosimulations from the various resources. In Attachment L, CMP provided a photograph taken from the top of Coburn Mountain; no other resources were evaluated. CMP identified five other locations where there would be additional contrast between summer and winter conditions. CMP also stated that Rock Pond is closed to ice fishing and a majority of hiking takes place in the summer and therefore did not provide additional photosimulations from these locations. The fact that Rock Pond is closed to ice fishing and a majority of people hike in the summer does not mean there are no users of these scenic resources in the winter. From the one photograph provided, it is clear that the transmission line corridor is a much more dominant feature in the landscape in the winter than in the summer. There was no attempt to evaluate the views from other areas along the snowmobile trail to the top of Coburn Mountain. The trail is clearly a scenic resource and the impact of the corridor needs to be evaluated from all of the trail, not just the summit. The Department also notes that

the photosimulation from Coburn Mountain was incomplete, using Google Earth images and Pinterest photos, and the photosimulation was not produced to a high level of quality. There are many other scenic resources, all along the corridor, that are used in the winter where the increased visibility during snow cover conditions needs to be evaluated. These areas include the five identified by CMP plus the Cold Stream Parcel, the West Forks Parcel, the Johnson Mountain Parcel, Androscoggin Riverlands State Park, and ITS 87 and 89. There is not sufficient information to complete the review of the scenic impacts from the project.

21. Item 26 requested information concerning how CMP determined the worst-case viewpoints from the various resources. CMP has provided a description of the methodology used during the preparation of the visual impact assessment. This information is sufficient to proceed with the review. The Department's peer reviewer will be reviewing and commenting on the response.
22. Item 27 requested that CMP respond to a number of questions that the Department's peer reviewer raised concerning the visual impact assessment. CMP has provided a response to these questions. There is sufficient information to proceed with the review, but again the Department will need to allow its peer reviewer to more fully review these responses.
23. Item 28 asked whether scenic impacts were considered when developing the proposed corridor and whether an alternative route would have fewer scenic resources. CMP has provided a response to these questions, which is sufficient to proceed with the review process.
24. Finally, Item 29 requested that CMP respond to Dr. James Palmer's conclusion in his peer review of the visual impact assessment. CMP has provided a response, which is sufficient to proceed with the review.

F. Amendment to the Site Location Application and the Natural Resources Protection Act Application for the Horizontal Directional Drill under the Upper Kennebec River.

I have reviewed the materials submitted in your October 19, 2018 submissions and my notes from our September 25, 2018 meeting. During that meeting we discussed which portions of each application would need to be modified should CMP propose an HDD installation under the Kennebec River. Based on my review of the information submitted and my notes, there is sufficient information to proceed with that aspect of the application review process.

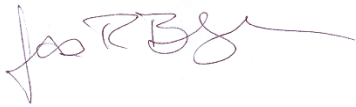
In summary, CMP must provide the following information before the public hearing can be scheduled.

1. MHPC review comments and mitigation plan.
2. An evaluation of the size of the population of buckthorn on the Little Jimmy Tract, an evaluation of the impact this invasive plant has on the functions and values of the parcel, and development of a plan to deal with these plants.
3. Leaf-off/snow photosimulations as discussed in Item #20.
4. Information addressing potential impacts to recreational users of scenic resource areas, any of the other Outstanding River Segments, or other scenic resources such as the Kennebec River below Wyman Dam, the Androscoggin River near the Androscoggin Riverlands State Park, or any of the great ponds.

Please let me know by November 19, 2018, an anticipated filing date for these items. Once the Department knows your timeframe for submission of the additional information we can begin the process of scheduling the public hearings. Once the technical review of the information you have submitted is complete I will forward any comments, questions, or concerns to you.

The Department cannot proceed with the public hearing process until it has received and review the additional information requested in this letter.

Sincerely

A handwritten signature in blue ink, appearing to read "James R. Beyer", with a long horizontal flourish extending to the right.

James R. Beyer
Regional Licensing and Compliance Manager
Eastern Maine Regional Office
Department of Environmental Protection

Cc NECEC Service List