



January 20, 2021

Mr. James R. Beyer
Maine Department of Environmental Protection
Bureau of Land Resources Regulation
17 State House Station
Augusta, ME 04333-0017

RE: New England Clean Energy Connect; Response to Additional Information Request; December 15, 2020 Condition Compliance Submission; MDEP Order #L-27625-26-A-N, L-27625-TB-B-N, L-27625-2C-C-N, L-27625-VP-D-N, L-27625-IW-E-N

Dear Mr. Beyer:

Central Maine Power Company (“CMP”) and NECEC Transmission LLC (NECEC LLC) are pleased to submit the following clarifications and additional details, in response to the Maine Department of Environmental Protection’s (“MDEP’s”) January 15, 2021 request for additional information regarding the field adjustment request (“FAR”) process. The FAR process was the subject of the New England Clean Energy Connect Project’s (“NECEC” or the “Project”) December 15, 2020 Condition Compliance application filed with the MDEP.

MDEP Request #1

The application mentions that an adjustment may be needed for health and safety considerations. Can you please provide some examples of when that may be needed and parameters to evaluate them?

NECEC Response

A variety of conditions identified during the construction of the Project may necessitate minor adjustments to the construction plan to address health and safety risks. Examples include:

- avoidance of steep, uneven or unstable slopes primarily during winter conditions, but also during other periods, where needed to mitigate safety concerns associated with heavy equipment operation on slippery surfaces. Minor adjustments of this type would also reduce the risk of fuel and other fluid releases associated with equipment accidents;
- avoidance of existing guy wires, overhead wires, or other obstacles that would otherwise require equipment travel near energized infrastructure to minimize the risk of outages and potential electrocution;
- installation of guard poles to prevent the conductor from contacting other infrastructure or from interfering with road traffic during conductor pulling; and
- minor adjustments that would make ingress and egress to or from roadways safer and to accommodate large equipment turning radii.

Requests for adjustments to the construction plan to address health and/or safety can be made by either the Contractor or the NECEC Construction Superintendent. When necessary, the Construction Superintendent and NECEC Environmental Health and Safety Manager or Specialist will review and provide comments to the Environmental Inspector (“EI”) and MDEP Third Party Inspector (“3PI”) for incorporation into a FAR upon a determination that the health and/or safety concern has been clearly described and has merit. See the response to Request #4, below, for parameters to evaluate adjustments that may be needed for health and/or safety considerations.

MDEP Request #2

Both the Category I and the Category II forms include a request for refueling either in the buffer or in a protected natural resource. However, the body of the application does not mention this. Can you please provide some specifics concerning this class of requests; examples would be helpful, and describe spill prevention measures to be utilized.

NECEC Response

As defined in the Plan for Protection of Sensitive Natural Resources During Initial Vegetation Clearing, refueling within 100 feet of a protected wetland or other waterbody is prohibited unless no other practicable alternative exists and secondary containment with 110% capacity is provided for any fuel storage containers or tanks, or if it occurs on a paved road.

The request for refueling identified on the Category I form requires both the EI and the 3PI to document that practicable alternatives were evaluated prior to any refueling associated with this exception.

The Category II request for refueling or overnight parking in a protected resource or a location for which the 3PI is requesting MDEP and United States Army Corps of Engineers (“USACE”) approval is intended to address situations where equipment must remain stationary during the activity for which it is being used. The following are examples where this situation may occur:

- conductor puller/tensioners and associated equipment may need to be set up in protected natural resources or within their setbacks or buffers, depending on the length of the conductor pull and the nearest angle or dead-end structure. This stationary equipment and may need to be in place for up to 7-10 days;
- continuous concrete pours associated with pole foundation installations necessitate equipment to be stationary; and
- water pumps for dewatering of excavations may require refueling depending on the duration and frequency of use.

In addition, circumstances likely will arise where it may be prudent, from both a safety and spill prevention perspective, to refuel equipment within a protected natural resource or a resource buffer/setback to avoid doing so on more challenging terrain and/or to reduce disturbance within the resource. For example, if the only available refueling area outside of the resource or buffer is in a location with steep or side sloping terrain it may be safer to refuel in a wetland or in a setback where there is flatter ground. The allowance for refueling within a protected natural resource or setback or buffer using the FAR process is intended to reduce the potential for accidents to occur and for releases of petroleum products to impact these same resources.

The spill prevention measures for refueling within a setback include but are not limited to the following:

- the fuel truck operator will ensure that spill kits are present on both the fuel truck and on the equipment being fueled prior to pumping fuel;
- the fuel truck emergency shut off switch will be manned continuously during the fueling operation;
- the pump nozzle will be wrapped in rag and placed within a five-gallon bucket at all times other than when it is inserted in the piece of equipment being fueled;
- the fuel truck operator will refrain from topping off tanks and will allow sufficient room for fuel expansion such that it does not overflow from the equipment; and
- all equipment being fueled or parked overnight will be located within secondary containment with a minimum 110% capacity (unless fueled from a paved surface).

MDEP Request #3

Both the Category I and the Category II forms include a box for Other; again can you provide some specifics around when a request might be considered in the Other category.

NECEC Response

The classification of Other on the Category I form is intended to address minor adjustments that have no additional impact, whether temporary or permanent, or that result in reduced impact, elimination of impact, or no change in impact. Examples may include:

- changes in field conditions resulting in the addition of protected natural resources or adjustments to existing natural resource boundaries, for example, a new beaver-created impoundment;
- the use of existing off-ROW access, following the acquisition of necessary property rights, that may eliminate or reduce the extent of travel over protected natural resources; and
- adjustments to permitted stream crossing locations on waterbodies where there are no rare, threatened, or endangered species, for example, the relocation of a stream crossing necessitated by changes in stream bank stability or stream channel location at the permitted location.

Regardless, “Other” field adjustments qualifying for Category I review are limited to those minor adjustments that are located in non-jurisdictional upland areas or adjustments in permitted natural resources that result in avoidance, elimination, or reduction in impacts.

Similarly, the classification of Other on the Category II forms is intended to address minor adjustments that result in *de minimis* additional temporary or secondary impacts or the addition of previously unidentified permanent features in non-jurisdictional uplands. Examples may include:

- installation of a temporary conductor pulling station, equipment storage, or parking area within non-jurisdictional uplands
- installation of a rock pad or permanent stabilized entrance (below stormwater management law thresholds for impervious surfaces); and
- installation of gates or similar barriers to prevent unauthorized access.

Under no circumstances will a Category II FAR be submitted for any proposed adjustment that would increase permanent impacts in protected natural resource areas.

Other minor adjustments that may qualify as Category I or Category II FARs include the following:

- requests to use “lop and drop” when cutting vegetation in areas that are difficult to access by heavy equipment. Lop and drop techniques would only be allowed if the cut vegetation would not inhibit revegetation. This request would minimize impact by avoiding soil disturbance associated with winching or cable skidding logs;
- installation of ground wire where soil resistivity requires it to extend beyond the footprint of the permitted temporary impact area; and
- installation of additional guy wires in areas where subsurface conditions necessitate these for safely supporting poles.

For lop and drop to be approved, the EI and 3PI would evaluate the density of vegetation to determine whether or not the procedure can be implemented without significantly inhibiting revegetation. This information will be included on the FAR form. In all cases, CMP and NECEC LLC and its contractors will be responsible for ensuring that revegetation is successful in these areas.

For temporary impacts associated with the subsurface installation of ground or guy wires in protected natural resource areas, topsoil would be required to be segregated and areas properly restored following installation. The FAR will document the need for and positioning of any ground or guy wire that is not located in an area that was previously permitted for temporary impact.

MDEP Request #4

If there are any other kinds of changes that would be considered for a Field Adjustment please provide a discussion of those and parameters to evaluate them.

NECEC Response

Please refer to the responses for “Other” provided above. CMP and NECEC LLC propose that the parameters for FARs, whether Category I and Category II FARs would be limited to the following conditions:

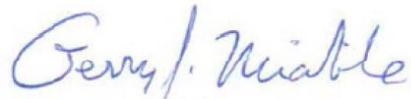
- either no change in impact, a reduction in impact, or elimination of impact in protected natural resources for Category I approvals;
- limited to temporary and/or secondary impacts and excludes permanent impacts to protected natural resources for Category II approvals;
- do not trigger the need for additional mitigation (e.g., in-lieu fees);
- areas where CMP and NECEC LLC have the property rights necessary to implement the FAR; and
- will comply with all conditions of approval contained within the MDEP Order, USACE approval, and any other requirements resulting from agency review and approval of individual FARs.

On a final note, CMP and NECEC LLC propose that the three parameters below be added to the FAR forms and that at least one must be satisfied for the FAR to be approved:

1. Adjustments must avoid or minimize environmental impact through the reduction of permanent, temporary, or secondary impacts.
2. Adjustments must reduce the risk of adverse environmental effects; such minor adjustments could result in temporary or secondary impact, but minor temporary or secondary impact must be outweighed by the potential risk of adverse impacts, e.g., erosion and sedimentation or the risk of accidents and fuel spills.
3. Adjustments must minimize or mitigate significant health and safety issues encountered in the field.

If you have any questions regarding this submittal, please give me a call at (207) 242-1682 or email me at gerry.mirabile@cmpco.com.

Sincerely,

A handwritten signature in blue ink that reads "Gerry J. Mirabile".

Gerry J. Mirabile
Manager – NECEC Permitting
AVANGRID Networks, Inc.

Enclosures

cc: Jay Clement, USACE
File: New England Clean Energy Connect