

December 7, 2018

Mr. James R. Beyer  
Maine Department of Environmental Protection  
Division of Land Resources Regulation  
106 Hogan Road  
Bangor, ME 04401

**RE: New England Clean Energy Connect Project  
Response to MDEP November 5, 2018 Additional Information Request**

Dear Mr. Beyer:

Central Maine Power Company (CMP) is providing the enclosed materials for the New England Clean Energy Connect (NECEC) applications, as requested in the Maine Department of Environmental Protection's (MDEP's) November 5, 2018 additional information request (AIR). The materials are provided in Attachments A through L, as described below.

**Attachment A: Architectural History Report Addendum and Architectural History Mitigation Plan**

Although the AIR stated (page 3, #12) that CMP's October 19 "response [was] sufficient to proceed with the review process," the AIR also noted that "there are four properties and several structures which are identified in the report as having an adverse impact as a result of the project," and noted further that "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." Following discussions with MHPC, CMP has developed an addendum report expanding on the materials previously submitted to MHPC for nine resources, as well as a mitigation plan for historic architectural resources. This attachment includes the addendum report and mitigation plan to address unavoidable impacts to historic architectural resources.

**Attachment B: Archeological Survey Summary Report and MHPC Review Comments**

The AIR requested (page 7, #1) "MHPC review comments and mitigation plan" relating to the archaeological history report. Specifically, the AIR stated (page 3, #13) that "this response will be complete once the Department receives a copy of the [phase 1 archaeological] survey and MHPC recommendations" on avoidance and minimization measures for these historic resources. The Architectural History Mitigation Plans are attached as Attachment A. The MHPC's recommendations are included in the attached November 6, 2018 letter from Arthur Spiess and the attached November 12, 2018 email from Leith Smith. Due to the sensitive nature of the information contained within the Archeological Survey Report, however, MHPC has requested that CMP provide MDEP with a separate summary report that does not include the sensitive information; that summary report is included in this attachment. MHPC's review comments and recommendations are also included in this attachment.

### **Attachment C: Little Jimmie Pond-Harwood Compensation Tract Invasive Species Evaluation and Treatment Plan**

The AIR requested (page 7, #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.” CMP’s consultant, POWER Engineers, completed field surveys on November 14 and 15, 2018. The results of these surveys and evaluation and a proposed treatment plan are included in Attachment C.

### **Attachment D: Evaluation of Leaf-off/Snow Conditions**

The AIR requested (page 7, #3) “Leaf-off/snow photosimulations” (as discussed on pages 5-6, #20). The attached photosimulations (Psim) evaluate project visibility under leaf-off/snow conditions for the following areas:

- **Psim 42 - Parlin Pond:** There will be a slight increase in the Project visibility in leaf-off/snow cover conditions from the northern end of Parlin Pond. Five structures, conductors and portions of the cleared corridor will continue to be visible. The Project will be sited along the shoulder of Coburn in a way that mimics the landforms shape thus reducing the potential contrast in line from the corridor clearing. There will continue to be a Low to Moderate visual impact from Parlin Pond.
- **Psim 43 - Route 201, Parlin Pond Twp:** This view towards Coburn Mountain is a brief glimpse over below local distribution lines and over private property with trees that partially screen views. The Project will be sited along the shoulder of Coburn Mountain in a way that mimics the landforms shape thus reducing the potential contrast in line. Portion of two structures and a narrow portion of the cleared corridor will be visible from Route 201 in this area during leaf-off/snow cover conditions. The overall visual impact will be low.
- **Psim 44 - Coburn Mountain.** This simulation illustrates that the proposed corridor will be as noticeable if not slightly more noticeable in leaf-off /snow covered conditions from the summit of Coburn Mountain but the amount of the Project visible will not significantly increase. There are 360 degree views from the observation tower on Coburn Mountain and the most visible portion of the Project on Johnson Mountain will occupy approximately 13 degrees of the view. The remaining 347 degrees will remain essentially unchanged. Though there will be more contrast between the cleared corridor and the surrounding forest, it will be seen in context with the visible patch cuts, strip cuts, and logging roads prevalent in the working forest surrounding the mountain. The visual impact from Coburn Mountain will continue to be moderate.
- **Psim 45 - ITS 89,** a point on Weyerhaeuser Company land. This view looking toward Coburn Mountain includes evidence of the working forest with patterns of strips cuts parallel to the Project corridor. The Project will be sited along the shoulder of Coburn in a way that mimics the landforms shape thus reducing the potential contrast in line. This viewpoint is not a designated look out and will be visible for a limited amount of time for a person on a snowmobile. Secondary growth will continue to grow and screen more of the Project corridor. The overall visual impact to trail users will be low.

- **Psim 46 - ITS 87 Bridge** within the Cold Stream Forest Parcel. This view will be a momentary view along the ITS route. The existing Capital Road bridge is already visible from the bridge. The average trail users may slow to cross the stream but will not likely stop for a long duration of time. Users of the trail are aware of the active timber harvesting operations and heavy use of Capital Road. From this viewpoint the structure and conductors will be partially screen by vegetation and will not be highly visible. Riparian vegetation preserved along Cold Stream will likely result in a more shrub like appearance within the corridor clearing. The Project will have a minimal visual impact on recreational use of ITS 87 in the Cold Stream Forest Parcel.
  
- **Psim 47 - Cold Stream Mountain.** This view is from a local snowmobile trail on Weyerhaeuser Company land. The Project will be briefly visible and minimally noticeable from the trail. Within 5 years, the saplings in the foreground will grow and obscure the project from view. The overall visual impact to trail users will be low.
  
- **Psim 48 and 49 - Mosquito Mountain** looking northeast and southeast, on land owned by Bayroot LLC. The existing transmission line is more visible in leaf-off/snow cover conditions from the summit. Evidence of active timber harvesting is visible. The proposed structures, conductors and corridor clearing will be more visible in these conditions as well, but seen in context with the existing transmission line corridors. The weathering steel structures will continue to blend with the wooded background. The amount of vegetation as a visual screen between lake and corridor will not change. There will be an increase in visual impact, especially looking to the north and east, in leaf off/ snow cover conditions but the overall visual impact will remain moderate.
  
- **Psim 50 - Troutdale Road** (private road)/Joe's Hole on the Appalachian Trail. The visual impact in leaf-off snow cover conditions will be minimally increased from this location. The existing corridor is already highly visible with snow cover. The closest proposed structure will remain highly visible. The background structure will continue to appear similar in size to the existing structures due to their distance from the viewer. The overall visual impact will remain moderate. The proposed buffer plantings (as illustrated on Page 41 in Appendix D: Leaf-Off / Snow Cover Photosimulation) will soften the view towards the widened corridor.
  
- **Psim 51 and 52- Bald Mountain on the Appalachian Trail,** looking southwest and northwest. Portions of the existing cleared transmission line corridor are more readily visible looking to the southwest and northwest during leaf off/snow cover conditions. The change in the visual impact resulting from the Project will be a minor incremental increase. There are other highly visible signs of the working forest with patch cuts visible around the base of Moxie Mountain. The lake side vegetation is effective in screening the closest portions of the Project and the weathered steel structures continue to blend with the wooded background. The visual impact in leaf-off snow cover will be minimally increased in this location. Winter hikers will likely not notice the change and therefore the continued use and enjoyment will not be affected.
  
- **Psim 53 - Route 201 Moscow:** Motorists do not stop at this location. The view of the corridor is brief while driving on the byway entering or leaving the village of Moscow.

The horizontal change in alignment and surrounding vegetation in this location will limit the duration of views. The visual impact in leaf-off snow cover conditions will not increase in this location. The overall visual impact will be a moderate.

Pursuant to our discussions with you and Jim Palmer on November 28, 2018, these additional Photosimulations (along with the Attachments E and F) provide sufficient information to complete the review of the scenic impacts from the Project. The other areas you reference in your AIR (Rock Pond, the West Forks Parcel, the Johnson Mountain Parcel, and Androscoggin Riverlands State Park) are addressed elsewhere in this response. See Attachment I (Rock Pond Photosimulations); Attachment F (response concerning the West Forks Parcel and the Johnson Mountain Parcel); Attachment E (potential impacts to recreational users of Androscoggin Riverlands State Park).

**Attachment E: Potential Impacts to Recreational Users**

The AIR requested (page 7, #4) “Information addressing potential impacts to recreational users of scenic resource areas, any of the other Outstanding River Segments, or other resources such as the Kennebec River below Wyman Dam, the Androscoggin River near the Androscoggin Riverlands State Park, or any of the great ponds.” This attachment provides the requested information included as maps and computer model photo overlays for the outstanding river segments and great ponds

**Attachment F: Updated Summary of Scenic Resources**

The AIR requested (page 5, #19) a summary of scenic resources that includes all the scenic resources that are potentially impacted by the Project. The attached updated summary includes all the scenic resources that are potentially impacted. In addition, the AIR noted (page 6, ##21-22) that the DEP’s peer reviewer would be providing additional comment on the VIA materials. By memo dated November 23, 2018, Mr. Palmer provided those comments. This attachment also includes CMP’s responses to Mr. Palmer’s November 23 memo.

**Attachment G: Route 201 Roadside Visual Buffer Mitigation Plans**

The AIR (page 5, #18-19) noted CMP’s submission of 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. The NECEC roadside buffer evaluation resulted in the recommendation for roadside buffers to mitigate visual impact at the Route 201 crossing in Johnson Mtn Twp and at the Route 201 crossing in Moscow. This attachment provides the roadside visual buffer planting plans proposed by CMP for these two locations.

**Attachment H: Revised Compensation Plan**

The AIR noted (page 4, #16) that “Further review of the proposed compensation plan by the Department and MDIFW is on-going and you will hear from MDIFW separately.” Based on those further discussions with MDIFW, CMP is providing a revised version of the October 2018 Compensation Plan that incorporates minor revisions to project mapping and access road re-alignments, as well as additional impact avoidance and mitigation measures.

**Attachment I: Rock Pond Photosimulation**

As a result of consultation with MDIFW, CMP has agreed to install taller structures that will allow full height canopy at the two crossings of Gold Brook on the northern shoulder of Three Slide Mountain in Appleton Twp to avoid and minimize impacts to the conservation

management areas associated with occurrences of Roaring Brook Mayfly at these locations. A photosimulation has been prepared from a viewpoint on Rock Pond to illustrate the visual change resulting from the taller structures and full height canopy in a portion of the corridor. Upon further review, CMP has also decided to further mitigate the visual impact from Rock Pond by proposing a 'Tapering' vegetation management technique that will soften the appearance of the remaining portion of the corridor visible from Rock Pond. A second photosimulation has been included to illustrate the mitigation measure.

**Attachment J: Revisions to Exhibit 10-1 (Vegetation Clearing Plan) and Exhibit 10-2 (Vegetation Maintenance Plan).**

The AIR made several observations (pages 2-3, ##9-11) concerning vegetation management. These vegetation management documents have been revised to include specific vegetation management practices within the Kennebec Deer Wintering Area (DWA), rare species conservation management areas at Mountain Brook in Johnson Mountain Twp and Gold Brook in Appleton Twp, and Rusty Blackbird habitat areas, resulting from the further discussions with MDIFW, noted above.

**Attachment K: Updated Natural Resources Tables**

CMP is providing an update to the natural resources tables and impact areas resulting from minor access road modifications and mapping corrections and modifications associated with impact avoidance and mitigation measures resulting from the further discussions with MDIFW noted above.

**Attachment L: Updated Natural Resources Maps**

CMP is providing a subset of natural resource maps that contain minor project modifications and minor access road adjustments, including those resulting from the further discussions with MDIFW noted above.

**Access to the Grand Falls Lot and the Basin Tract**

The AIR noted (page 4, #14) that the October 15, 2018 Memorandum "Access for Compensation Lands," filed as Attachment E to CMP's October 19, 2018 Response to the September 4, 2018 MDEP/LUPC Information request, describing access rights to the Grand Falls Dam Tract and the Basin Tract, "is currently being reviewed by the Maine Office of the Attorney General." By email dated November 26, 2018, you requested copies of the relevant access documents to demonstrate the ability for DEP staff to have legal access to these parcels.

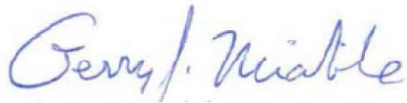
As described in the October 15 Memorandum, in 1988 S.D. Warren Company and CMP exchanged assignments of rights of way for forest operations and land management. These exchanged assignments are the "documents" referred to in the October 15 Memorandum. However, the only document relevant to the access rights CMP obtained to the Basin Tract and the Grand Falls Dam Tract is the 1988 Assignment of Right of Way, which is attached to the October 15 Memorandum. It is through this 1988 Assignment of Right of Way that CMP acquired rights of way from Long Falls Dam Road through Pierce Pond Township to and around the Basin Tract, providing access to the Basin Tract. And it is through this 1988 Assignment of Right of Way that CMP acquired rights of way from the west line of the Basin Tract to the Grand Falls Dam Tract, providing access to the Grand Falls Dam Tract. These rights allow access for inspections (¶ 1) and are assignable (¶ 10), and in any event would provide access for agents of CMP (e.g., the DEP).

While the 1988 Assignment of Right of Way provides sufficient access for the purpose of DEP inspections, the Plum Creek Maine Timberlands, L.L.C. easement (recorded at Book 3951 Page 261; re-recorded at Book 3982 Page 215), which also was attached to the October 15 Memorandum, provides access to the Basin Tract and the Grand Falls Dam Tract. This easement connects the public lot in Spring Lake with the Basin Tract, and provides for access between the Basin Tract and the Grand Falls Dam Tract. This easement allows use by the public.

Additionally, the Grand Falls Dam Tract may also be accessed via the Maine Huts and Trails (MHT) trails, which are open and free to the public year-round according to the MHT's website. So too is the Grand Falls Dam Tract readily accessible on the Dead River by water. Water access on a navigable waterway is legal access. "All streams in this State of sufficient capacity, in their natural conditions, to float boats, rafts or logs, are deemed public highways . . . ." *Veazie v. Dwinal*, 50 Me. 479, 484 (1862); see also *Brown v. Chadbourne*, 31 Me. 9 (1849); Cowan & Scannell, *Maine Real Estate Law and Practice* § 8.17 at 313 (2d ed. 2007). Accordingly, land accessible by navigable water is not considered landlocked. *Welch v. State*, 2006 ME 121, ¶ 13, 908 A.2d 1207; *Murch v. Nash*, 2004 ME 139, ¶ 20, 861 A.2d 645.

If you have any questions regarding this submittal, please give me a call at (207) 629-9717 or email me at [gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com).

Sincerely,



Gerry J. Mirabile  
Manager – Environmental Projects  
Environmental Permitting  
AVANGRID Networks, Inc.

Enclosures

cc: MDEP Service List; LUPC Service List, Bill Hinkel, LUPC; Jay Clement, USACE  
File: New England Clean Energy Connect

**Attachment A**  
**Architectural History Report Addendum and Mitigation Plan**

**Attachment B**  
**Archeological Survey Summary Report and MHPC Review Comments**



**Attachment C**  
**Little Jimmie Pond-Harwood Tract Invasive Species Evaluation and Treatment Plan**

**Attachment D**  
**Evaluation of Leaf-off/Snow Conditions**

**Attachment E**  
**Potential Impacts to Recreational Users**

**Attachment F**  
**Updated Summary of Scenic Resources**

**Attachment G**  
**Route 201 Roadside Visual Buffer Mitigation Plans**

**Attachment H  
Revised Compensation Plan**

**Attachment I**  
**Gold Brook Photosimulation**

**Attachment J**  
**Revisions to Site Law Exhibit 10-1 and Exhibit 10-2**



**Attachment K**  
**Updated Natural Resources Tables**

**Attachment L**  
**Updated Natural Resource Maps**