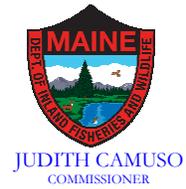




STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041



October 23, 2019

Mr. Jim Beyer  
Maine Department of Environmental Protection  
Bureau of Land Resources - Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401

**RE: New England Clean Energy Connect (NECEC), Alternate Merrill Strip TWP Route.**

Dear Jim,

Per your request of October 3, 2019, the Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed the proposed alternate route through Merrill Strip TWP for the proposed NECEC transmission line. As noted in Central Maine Power Co.'s September 18, 2019 application, *"The Merrill Strip Alternative is a 150-foot wide transmission line corridor that extends for approximately 1 mile across the northeast corner of Merrill Strip between Skinner and Beattie Townships."* The Merrill Strip route is proposed as an alternative to the previously proposed Beattie TWP route for this small segment of the NECEC transmission line. MDIFW has reviewed and provided comments and recommendations for other segments of the proposed NECEC transmission line project, including those comments provided on June 5, 2017; March 15, 2018; June 29, 2018; and other communications.

As noted in the application, *"The 150-foot wide corridor will be cleared of capable woody vegetation and managed in a persistent early successional habitat (i.e., scrub-shrub), consistent with the NECEC's Vegetation Management Plans to accommodate construction and maintenance of the HVDC line. The Merrill Strip Alternative will require six new structures, five of which will be direct-embed monopoles and one will be a direct-embed two pole structure. The structures will be self-weathering steel, consistent with the CMP's original proposal, ranging in heights from 96 feet to 118.5 feet above ground level."* *"CMP's commitment to not use herbicides within the 53.5 miles of new corridor in Segment 1 of the Project, including the Merrill Strip Alternative, is unaltered by this submittal."*

We have reviewed current MDIFW information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the Merrill Strip alternative route. We have also reviewed the TRC Companies (TRC) Protected Natural Resources & Cultural Resources Survey report of September 18, 2019. TRC's *"survey area included an approximate one-mile corridor of a 250-foot width and three access easements along land management roads, collectively referred to as the 'Alternative Corridor.'"*

After review of the application and consideration of the proposal's probable effect on the environment, and on our agency's programs and responsibilities, MDIFW provides the following comments.

**Rare, Threatened, and Endangered (RTE) Species and Habitats.** The Maine Endangered Species Act (MESA; 12 M.R.S §12801 et. seq.) identifies all inland fish and wildlife species that are listed as Endangered or Threatened in Maine and provides the Commissioner of MDIFW with the authority to implement MESA. Pursuant to MESA, listed species are afforded special protection against activities that may cause “Take” (kill or cause death), “harassment” (create injury or significantly disrupt normal behavior patterns), and other adverse actions. Further, the No Adverse Environmental Effect Standard of the Site Location Law (06-096, CMR 375) provides for the preservation of “*unusually important wildlife habitats, particularly those of rare or endangered species*”, as well as protection of “*wildlife and fisheries by maintaining suitable and sufficient habitat*” and avoiding adverse effects on “*wildlife and fisheries lifecycles*”. Rare or “Special Concern” species are defined by MDIFW as species that do not meet the criteria as Endangered or Threatened, but are particularly vulnerable and could easily become Endangered, Threatened, or Extirpated due to restricted distribution, low or declining numbers, specialized habitat needs or limits, or other factors. Based on the results of TRC’s field surveys as well as review of MDIFW’s resource maps and records, there are no known occurrences of RTE species or habitats in the project search area at this time.

**Significant Wildlife Habitat.** Significant Wildlife Habitats (SWHs) are defined and protected pursuant to the Natural Resources Protection Act (38 M.R.S., §480-B.10) and SWH Rules (06-096 CMR 335; 09-137 CMR 10). Subject to the requirements of the Rules, SWHs include habitats for state and federal endangered and threatened animal species; high and moderate value deer wintering areas and travel corridors; seabird nesting islands; critical Atlantic salmon spawning and nursery areas; significant vernal pool habitat; high and moderate value waterfowl and wading bird habitat; and shorebird areas. It should be noted that there is no comprehensive statewide inventory that includes all SWHs and that the completeness of SWH maps varies by habitat, location, and previous survey efforts. The results of field surveys conducted by TRC and review of MDIFW’s resource maps and records indicate no known presence of SWHs in the project search area.

**Significant Vernal Pools.** MDIFW typically recommends that surveys for vernal pools be conducted by qualified wetland scientists within the project site boundary and extending out to 250 feet beyond the anticipated project footprint to determine potential impacts to the critical terrestrial habitats of off-site Significant Vernal Pools. This assumes that such pools are located on land owned or controlled by the applicant. Though the applicant’s surveys did not include the full area typically recommended, MDEP confirmed that the property controlled by CMP through easement is limited to 150 feet in width. Thus, surveys were conducted to the extent possible, consistent with Department recommendations unless and until additional land is owned or controlled by the applicant. Based on review of information provided and MDIFW maps and records of known resources, no potential Significant Vernal Pools were identified within the area surveyed for the proposed alternative route.

**Intermittent and Perennial Streams, Fisheries Habitats.** Rivers, streams, and brooks within remote project sites are often in or near headwaters, providing high water quality and habitat values for fish and other aquatic and wetland species. MDIFW typically recommends maintaining 100-foot wide undisturbed, vegetated riparian buffers from the upland edge of all intermittent and perennial streams and any contiguous wetlands. Maintaining and enhancing buffers along these resources 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 coldwater fish and other aquatic species. Riparian areas also provide important travel corridors and critical habitats for wildlife.

According to field surveys conducted by TRC, as well as Department records, no intermittent or perennial streams will be crossed, nor any riparian buffers impacted by the proposed Merrill Strip alternative route. Based on this, MDIFW has no concerns for impacts to aquatic resources from the proposed alternative segment. In the event that aquatic resources are subsequently discovered in the area, MDIFW recommends incorporation of its typical riparian buffer recommendations referenced above and previously provided for the full proposed NECEC route.

MDIFW has noted a variety of species and habitats during its review of other segments of the proposed NECEC transmission line and has provided related comments, recommendations, and communications with the applicant and its representatives. MDIFW reviewed the proposed Merrill Strip TWP segment in reference to the same resources and concerns. Based on field surveys conducted by TRC and review of MDIFW records and maps of known resources, the Merrill Strip TWP alternative route does not appear to present significant adverse impacts to fisheries and wildlife resources, provided the project is developed and operated as previously agreed upon.

If you have any questions or concerns, please feel free to contact me at [robert.d.stratton@maine.gov](mailto:robert.d.stratton@maine.gov) or (207) 287-5659.

Sincerely,

A handwritten signature in black ink that reads "Bob Stratton" with a small "FW" written below the name.

Robert D. Stratton  
Environmental Program Manager  
Fisheries and Wildlife Program Support Section Supervisor  
Maine Department of Inland Fisheries & Wildlife

encl: MDIFW Resource Map for the Merrill Strip TWP project area

cc: Jim Connolly, Nate Webb, Francis Brautigam, John Perry, Charlie Todd, Phillip DeMaynadier (MDIFW)