



DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY MAINE
KITTERY ME 03904 5000

IN REPLY REFER TO:

5090

Ser N4/095

JUN 16 2026

Ms. Erin Wilson
Maine Coastal Program
21 State House Station
Augusta, Maine 04333

Subj: POWER RELIABILITY AND WATER RESILIENCY UPGRADES (P-1080)
COASTAL CONSISTENCY DETERMINATION AT NAVAL SUPPORT
ACTIVITY MAINE IN KITTERY, MAINE

1. The proposed project requires Naval Support Activity Maine (NSA Maine) to partner with the utility providers, Kittery Water District (KWD) and Central Maine Power (CMP), to complete the necessary improvements to their infrastructure to meet future demands and ensure a resilient water and power service to NSA Maine. The project contains three separate components: an off-site component with KWD (P1080A), an off-site component with CMP (P1080B), and an on-base component at NSA Maine (P1080C). The Project will occur in Kittery, Eliot, and York, Maine. Upgrades to KWD's drinking water system and CMP's transmission system and are necessary to support the project's objectives and on-base work. Per discussions with the Maine Coastal Program, evaluation of the Kittery Water District (P1080A) scope is not required. The Consistency Determination will only evaluate aspects of P1080B and 1080C.

2. Per §15 CFR 930 Subpart C-Consistency for Federal Agency Activities, NSA Maine is requesting a Federal Consistency review and concurrence with the Navy's determination that the proposed project and the associated options will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of Maine's federally approved Coastal Zone Management Program. This determination is based upon an evaluation of the relevant enforceable policies of Maine's Coastal Zone Management Program with details specified in this package which includes relevant permit applications.

3. The State of Maine's Federal Consistency Submission Form is attached with supporting information in the Coastal Consistency Determination, consistent with §15 CFR 930.41. Based upon the information, data, and analysis included herein, NSA Maine finds the proposed activity will not have any reasonably foreseeable

Subj: POWER RELIABILITY AND WATER RESILIENCY UPGRADES (P-1080)
COASTAL CONSISTENCY DETERMINATION AT NAVAL SUPPORT
ACTIVITY MAINE IN KITTERY, MAINE

effects on Maine's coastal uses or resources. Also included in this package is the supporting documentation regarding applicable enforceable policies.

4. Thank you for your time, consideration, and assistance in this matter. If you require additional information or have any questions regarding the project, please contact Trey Chabot at (207) 438-1019 or trey.m.chabot.civ@us.navy.mil.

Sincerely,



Daniel J. Brown, N4
Commander, CEC, USN
By direction of the
Commanding Officer
Naval Support Activity Maine

Enclosure: 1. Coastal Consistency Determination for the P1080 project.



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P-1080: Power Reliability & Water
Resiliency Upgrades - Portsmouth Naval
Shipyard

Coastal Consistency Determination

June 2026



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Maine Coastal Program

Coastal Zone Management Act

Federal Consistency Submission Form

The Maine Coastal Program (MCP) is the lead agency for Coastal Zone Management in Maine. MCP strongly suggests that applicants for a federal consistency determination or certification use this form for activities regulated under the Coastal Zone Management Act (CZMA) of 1972, as amended, and the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations under 15 CFR Part 930. Although use of this form is not required, it is provided to applicants to facilitate the submission and timely review of a consistency determination or certification. Federal agencies and applicants are only required to provide the information listed in NOAA's Federal Consistency Regulations unless otherwise described in the [Maine Guide to Federal Consistency Review](#), as approved by NOAA.

I. Applicant Information:

Project/Activity Name: NSA Maine : Power Reliability and Water Resiliency (P-1080)		
Contact Name: CDR Daniel J. Brown, PWO, CEC, USN	Authorized Agent (if applicable): Trey Chabot	
Federal Agency: United States Navy		
Address: PNSY Bldg 59/3		
City: Kittery	State: ME	Zip Code: 03804
Email: daniel.j.brown214.mil.us.navy.mil	Phone Number: 207-438-5567	

II. Federal Consistency Category:

☒	Federal Agency Activity (15 CFR Part 930, subpart C)
☒	Federal License or Permit Activity (15 CFR Part 930, subpart D)
☐	Outer Continental Shelf Activity (15 CFR Part 930, subpart E)
☐	Federal Financial Assistance Activity to State/Local Government (15 CFR Part 930, subpart F)

III. Summary Description:

The P1080 Power Reliability & Water Resiliency Upgrades Project is part of the Shipyard Infrastructure Optimization Program (SIOP) and is intended to provide increased reliability, resiliency, and capacity to the existing electric and water utility systems that service the Portsmouth Naval Shipyard (PNSY) in Kittery, Maine. The P1080 project is necessary to meet current and future utility demands at NSA Maine and will construct a more resilient and redundant utility system.

IV. Select enforceable policies relevant to project or activity:

☐	Natural Resources Protection Act (38 M.R.S. §§480-A to 480-S; and 480-U to 480-HH)
☒	Site Location of Development Law (38 M.R.S. §§481 to 485-A; 486-A, -B; 487-A to 490-FF)
☐	Maine Metallic Mineral Mining Act (38 M.R.S. §§490-LL to 490-TT)
☐	MaineDOT Traffic Movement Permit Law (23 M.R.S. §704-A)
☒	Erosion Control and Sedimentation Law (38 M.R.S. §420-C)
☐	Expedited Permitting of Grid-scale Wind Energy Development (35-A M.R.S. §§3451-3459)
☐	Solar Energy Development Decommissioning Law (35-A M.R.S. chapter 34-D)
☒	Storm Water Management Law (38 M.R.S. §420-D)
☐	Maine Waterway Development and Conservation Act (38 M.R.S. §§630 to 636-A; 640)
☒	Protection and Improvement of Air Law (38 M.R.S. §§581 to 610-A, -B)
☐	Protection and Improvement of Waters Act (38 M.R.S. §§361-A, 362, 362-A, 363-D, 372; 410-N; 411 to 424; 451, 451-A, 452; 464 to 470)
☐	Nutrient Management Act (7 M.R.S. §§4201 to 4214)
☐	Land Use Regulation Law (12 M.R.S. §§681 to 689)
☐	Maine Hazardous Waste, Septage and Solid Waste Management Act (38 M.R.S. §§1301 to 1310-BB; 1316 to 1316-L; 1317 to 1319-Y)
☒	Uncontrolled Hazardous Substance Sites Law (38 M.R.S. §§1362, 1367, 1367-B)
☒	Asbestos Law (38 M.R.S. §§1273 and 1281)
☒	Lead Abatement Law (38 M.R.S. §§1296 and 1298(3))
☐	Sale of Consumer Products Affecting the Environmental Law (38 M.R.S. §§1608 and 1609-10)
☐	Mercury-Added Products and Services Law (38 M.R.S. §§1661 to 1661-C; 1665-A, -B; 1672)
☒	Solid Waste Management and Recycling Law (38 M.R.S. §§2101; 2133, sub-§2(A); 2165)
☐	Priority Toxic Chemical Use Reduction Law (38 M.R.S. §§2321 to 2330)
☐	Wellhead Protection Law (38 M.R.S. §§1391 to 1399)
☐	Nuclear Facility Decommissioning Laws (PL 1999 c. 739; PL 1999 c. 741)
☒	Oil Discharge Prevention & Pollution Control Law (38 M.R.S. §§541 to 560)
☒	Oil Storage Facilities and Ground Water Protection Law (38 M.R.S. §§561; 562-A; 563, sub-§1(A) and 2; 563-A to -B; 564; 565-A; 566-A; 568; 568-A to -B; 569-C; 570; 570-C to -G, I to M)
☒	Maine Endangered Species Act (12 M.R.S. §12801 to 12810; 12 M.R.S. §6971 to 6976; 12 M.R.S. §10001, sub-§§19 and 62)
☒	General Licensing and Enforcement Authorities; Fees (38 M.R.S. §§341-D; 344 to 349; 352 to 353; 353-A, -B)
☐	Maine Rivers Act (12 M.R.S. §§403; 407)
☐	Marine Resources Law (12 M.R.S. §§6171 to 6192; 6432-A)
☐	Importing of Certain Marine Organisms (12 M.R.S. §6071)
☐	Aquaculture Leasing Laws (12 M.R.S. §6071-A; 12 M.R.S. §6072; 12 M.R.S. §6072-A; 12 M.R.S. §6073)
☐	Subdivision Law (30-A M.R.S. §§4401 to 4408)
☒	Mandatory Shoreland Zoning Law (38 M.R.S. §§435 to 448)
☐	Coastal Management Policies Act (38 M.R.S. §§1801 to 1802)
☐	Coastal Barrier Resources System Act (38 M.R.S. §§1901 to 1905)

V. Supporting Documentation. Please list all maps, diagrams, reports, and other materials below:

Cover letter, and enforceable policy narrative included.

VI. Other Coordination. Please list all agencies and contacts required to review this project below:

MEDEP - NOI
USFWS - Section 7 ESA Consultation
ACOE - Section 10
Maine SHPO - Section 106 NHPA

VII. Statement of Determination/Certification and Signature. Check one and sign below:

- | | |
|-------------------------------------|---|
| ☒ | FEDERAL AGENCY CONSISTENCY DETERMINATION.
Based upon the information, data, and analysis included herein, the federal agency or its authorized agent finds the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Maine Coastal Program. |
| ☐ | FEDERAL AGENCY NEGATIVE DETERMINATION.
Based upon the information, data, and analysis included herein, the federal agency or its authorized agent finds the proposed activity will not have any reasonably foreseeable effects on Maine's coastal uses or resources. |
| ☐ | NON-FEDERAL APPLICANT CONSISTENCY CERTIFICATION.
Based upon the information, data, and analysis included herein, the non-federal applicant certifies that the proposed activity complies with the enforceable policies of Maine Coastal Program and will be conducted in a manner consistent with such program. |

Signature: BROWN.DANIEL.JOHN.1260792330	Digitally signed by BROWN.DANIEL.JOHN.1260792330 Date: 2026.06.16 11:32:10 -04'00'
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Printed Name: CDR Daniel J. Brown	Date: 16 Jun 2026
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1.0 INTRODUCTION

This report provides an analysis of enforceable policies in support of the Coastal Zone Management Consistency Determination for the Power Reliability and Water Resiliency project (P-1080) completed by Naval Support Activity Maine (NSA Maine) at the Portsmouth Naval Shipyard (PNSY) in Kittery, Maine.

1.1 CZMA Background

The Coastal Zone Management Act of 1972 (CZMA), codified in 16 U.S. Code Section 1451 et seq., and administered by the Secretary of Commerce through the Office of Coastal Resources Management of the National Oceanic and Atmospheric Administration, establishes a comprehensive regulatory framework for the effective management, beneficial use, protection, and development of the coastal zone and its natural resources. CZMA encourages coastal states and provides a mechanism for them to develop, obtain federal approval for, and implement a broad-based coastal management program.

Federal approval of a state coastal management program triggers an obligation, under CZMA Section 307, for federal executive agencies to make coastal consistency determinations for their activities. Section 307 applies to federal agency activity affecting coastal uses or resources in a state's coastal zone. Federal agency activity includes activity performed by a federal agency, approved by a federal agency, or for which a federal agency provides financial funding. Such activity, whether direct, indirect, or cumulative, must be demonstrated to be consistent with the enforceable policies of the state's coastal management program, that is, fully consistent with those policies, unless full consistency is otherwise prohibited by federal law. There are no categorical exemptions to or exclusions from Section 307.

Federally owned property is excluded from a state coastal zone; however, federal agency activity on federal property that is reasonably likely to affect coastal uses or natural resources of a state coastal zone, is subject to the federal consistency obligation. Maine has a federally approved Coastal Zone Management Program known as the Maine Coastal Program. The enforceable policies of the Maine Coastal Program are listed in Section IV of the Maine Coastal Program Coastal Zone Management Act Federal Consistency Submission Form.

The State of Maine's federally approved coastal zone extends from the inland boundary of all 147 coastal communities that contain tidal waters to the outer limit of the State's territorial jurisdiction, which is 5.6 km (3 NM) into the Atlantic Ocean.

This Coastal Consistency Determination is submitted under the CZMA and its implementing regulations, and Chief of Naval Operations Manual (OPNAV-M-) 5090.1 "Navy Environmental Readiness Program Manual."

1.2 Project Overview

The Portsmouth Naval Shipyard (PNSY) is located on conjoined islands called Seavey's Island in Kittery, Maine. Situated in the Piscataqua River between Maine and New Hampshire, PNSY sits on the Maine side of the river. "Established by the Federal Government in 1800 the Portsmouth Naval Shipyard (PNSY) launched its first naval vessel, the 74-gun warship USS Washington, in 1814." During World War I PNSY expanded and "took on a new and important role—the construction of submarines—in addition to the overhaul and repair of surface vessels". During World War II, over 75 submarines were constructed at PNSY, which established PNSY as the Navy's center for submarine design and development after the war concluded."¹

¹ <https://www.navsea.navy.mil/Home/Shipyards/Portsmouth/About-Us/History/>

Master planning efforts by the Naval Facilities Engineering Systems Command (NAVFAC) identified the need to meet additional water demand and create electrical power resilience. This project, referred to as the P1080 Portsmouth Naval Shipyard Water & Power Resiliency Project (“the proposed Project”), has completed design and is nearing construction award with the goal of commencing construction in Fall 2026.

The proposed Project requires NSA Maine to partner with the utility providers, Kittery Water District (KWD) and Central Maine Power (CMP) to complete the necessary improvements to their infrastructure to meet future demands and ensure a resilient water and power service to PNSY. Coordination is occurring between NSA Maine and each utility provider for compliance on the following laws/programs: Coastal Zone Management Act (CZMA) Coastal Consistency Determination, Endangered Species Act (ESA) Section 7 Consultation, and National Historic Preservation Act (NHPA) Section 106 Consultation. The coordinated strategy was used to cover the three project components that are funded by the Federal Government. The National Environmental Policy Act (NEPA) Determination will consider cumulative impacts from all project components and be led by the Navy. Otherwise, each entity is responsible for completing the necessary permitting, design, and construction associated with their system on their property.

1.3 Project Purpose and Need

The P1080 Power Reliability & Water Resiliency Upgrades Project is part of the Shipyard Infrastructure Optimization Program (SIOP) and is intended to provide increased reliability, resiliency, and capacity to the existing electric and water utility systems that service the PNSY. The P1080 project is necessary to meet current and future utility demands at PNSY and will construct a more resilient and redundant utility system. In recent years, PNSY has experienced power interruptions, requests to curtail water demand, and predicted water system interruptions, lack of resiliency, and capacity limitations, all of which will cause mission delays to Fleet submarine availability production schedules.

1.4 Project Description

The proposed Project consists of three separate components:

- P1080A – Off site Construction Contract via Utility Service Provider – Kittery Water District (KWD) Utility Contract
- P1080B – Off site Construction Contract via Utility Service Provider – Central Maine Power (CMP) Utility Contract
- P1080C – On site PNSY Construction Contract – PNSY Power & Water Infrastructure Improvements

Figure 1-1 shows the extent of the three P1080 components within Eliot, Kittery, and York, Maine and the Portsmouth Naval Shipyard.

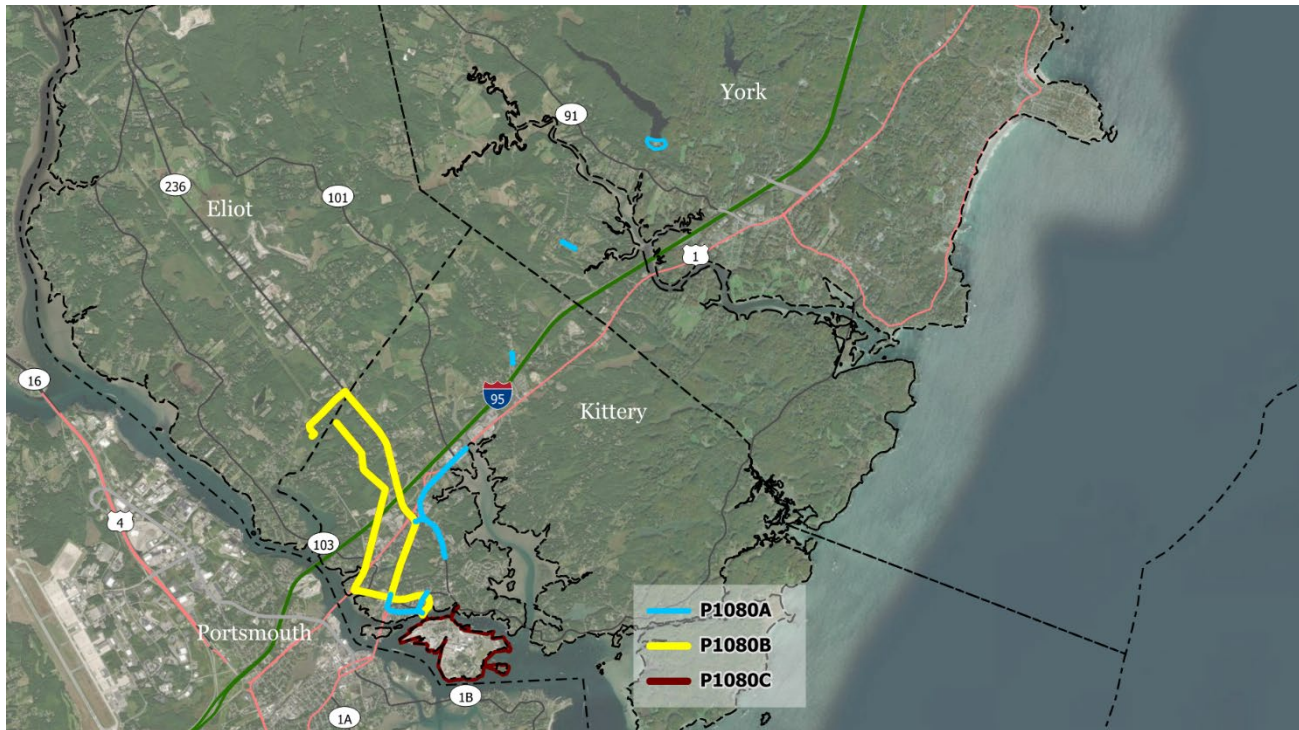


Figure 1-1: Project Location Map Overview of P1080 (A, B, and C)

1.4.1 Off-Base Water (P1080A)

The following describes work located outside of PNSY related to water resilience to be undertaken by KWD in York and Kittery, Maine.

- **Water Treatment Plant Upgrades:** The existing Kittery Water Treatment Plant (WTP) is located in York, Maine, southeast of Boulter Pond and its existing earthen dam impoundment. The proposed Project includes expansion and retrofit of the WTP, to meet the planned 7.0 MGD year 2037 design capacity. This will be accomplished through the addition of redundancy in processes (installation of a second rapid mix and flocculation basin, a second sedimentation basin, a cable driven sludge collection systems in the existing and proposed sedimentation basins, replacement of the existing submersible pump in the residuals basin with two submersible pumps, the addition of two new sand filters and clearwell below the filters, a new backwash equalization basin, a common clearwell after the three contact chambers), expanded chemical feed storage areas, new sludge drying bed and alterations to an existing sludge drying bed, and relocation of the finished water pumps over the expanded clearwell.
- The WTP building will be expanded to support the upgrades to the treatment processes with building additions and below grade treatment process tanks. New three phase electrical service and expansion of standby power capacity will be included. Stormwater management including sediment forebay, grassed underdrained soil filters, drywells, and roof dripline filtration will be included to address the post-development stormwater condition. Figure 1-2 shows the water treatment plant proposed work.

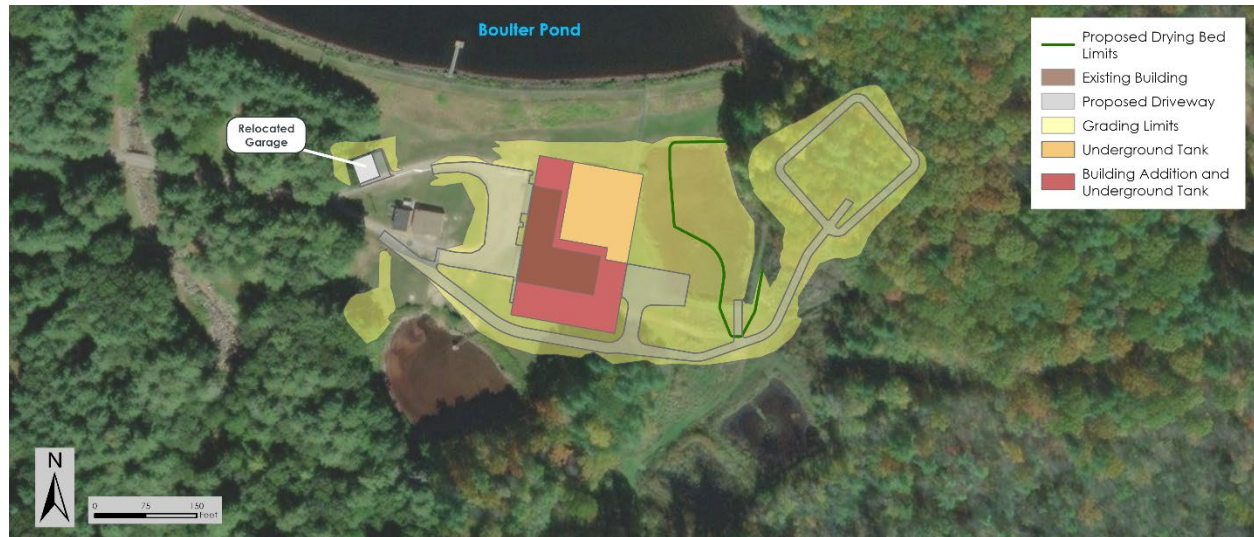


Figure 1-2: KWD Water Treatment Plant Proposed Changes

- **Kittery Water District Water Mains:** Existing hydraulic models for KWD and PNSY water systems were combined into one regional model to assess the hydraulic needs of supplying additional water to PNSY to meet the projected 2037 design conditions. The observed static pressures, residual pressures, velocities, and hydraulic headloss were all reviewed as part of this assessment. The level of service provided under projected 2037 design conditions with recommended improvements will either meet or exceed the existing level of service and successfully supply additional water to PNSY to meet the projected 2037 design conditions.

Work includes water main improvements at eleven (11) proposed project areas, totaling approximately 14,700 linear feet of 12-inch, 16-inch, and 20-inch diameter water mains. This includes replacement of existing water mains (upsizing and installing lines in the same trench) or new construction in a new trench parallel to existing lines or in virgin excavations. There is also a new above grade 20-inch tank penetration planned for the Rogers Road Water Tank.

Figure 1-3 shows the proposed KWD water main locations of work.

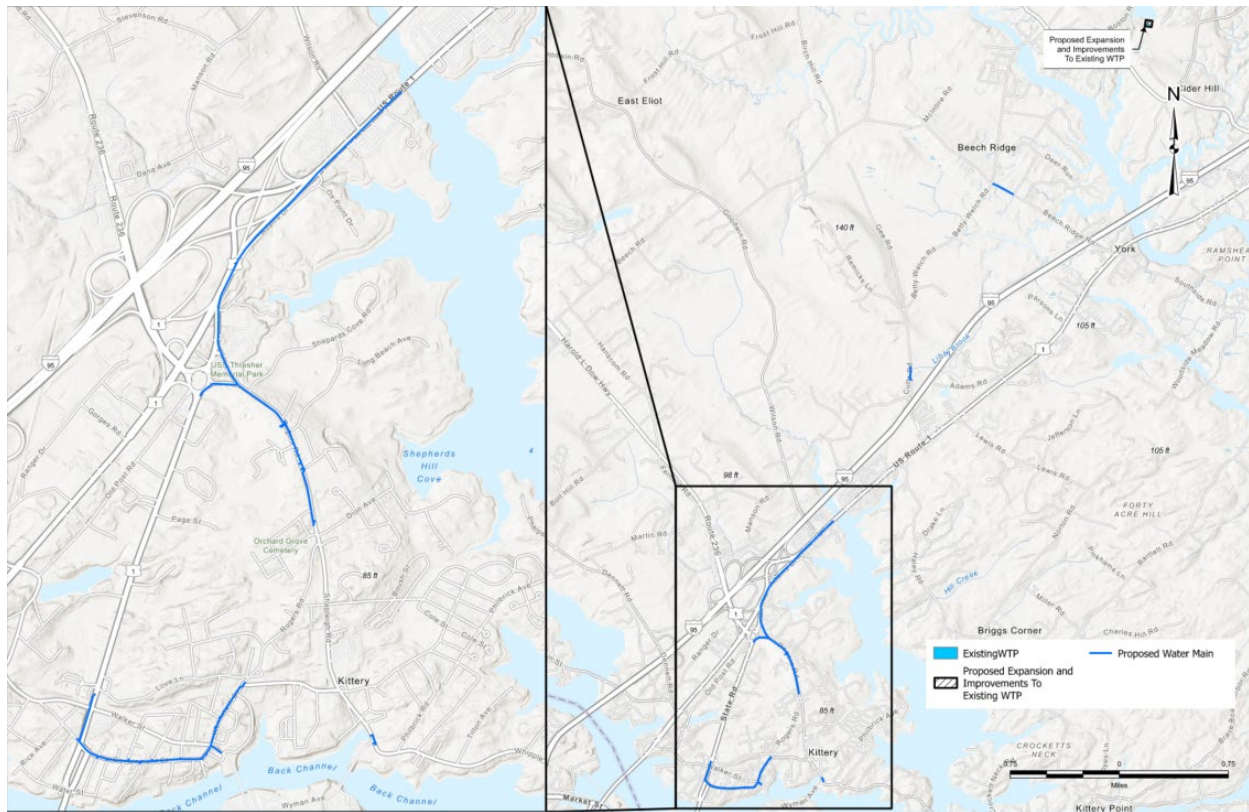


Figure 1-3: KWD Proposed Water Mains

1.4.2 Off-Base Power (P1080B)

The following describes work located outside of PNSY related to power resilience to be undertaken by CMP in Eliot and Kittery, Maine. Figure 1-4 shows the location of the new Bolt Hill Substation and the new and redundant transmission lines from Bolt Hill Substation to PNSY.

- Bolt Hill Substation:** The current Bolt Hill Substation is located on Bolt Hill Road, between the intersection with White Tail Ridge and Langley Farm Road, in Eliot, Maine. The complete replacement and rehabilitation of the existing Bolt Hill Substation has been on CMP's capital improvement project list for several years and is unrelated to any user needs. CMP is responsible for permitting their previously planned rebuild project and therefore, the P1080B Project only includes the new transformer and minor associated equipment.
- New & Redundant Transmission Lines from Bolt Hill Substation to PNSY:** Construction includes installation of a new, upgraded overhead electrical transmission line (replacing the existing CMP "Section 176" line) connecting the upgraded Bolt Hill Substation (in Eliot, Maine) to the PNSY via a cross-country route that presently runs from near Bolt Hill Road in Eliot southeast towards Interstate 95, across Interstate 95 and south towards the Route 1 Bypass, where it continues along the existing rail spur in Kittery to PNSY. The existing Section 176 line is the current electrical service to PNSY. In addition, a second new overhead transmission line will be added to establish a second electrical service to PNSY, providing the required redundancy. This new line, or "Section 136 line" will follow

the existing roadside Route 236 distribution circuit from the upgraded Bolt Hill substation northeast along Bolt Hill Road, then south along Route 236 to Route 1, then to the rail spur in Kittery. At the rail spur, both lines will transition to buried duct banks and be run underground alongside the railroad tracks to the truck inspection facility at the PNSY Main Gate. At this point the lines will rise above ground at two new steel riser poles and run overhead to the shoreline adjacent to the Pass & ID office. New steel poles will be installed near Pass & ID and adjacent to the Franklin Substation and the two new electrical services, or lines, will span Back Channel and provide electrical power to PNSY. The existing steel towers carrying the current electrical service over Back Channel will be removed.

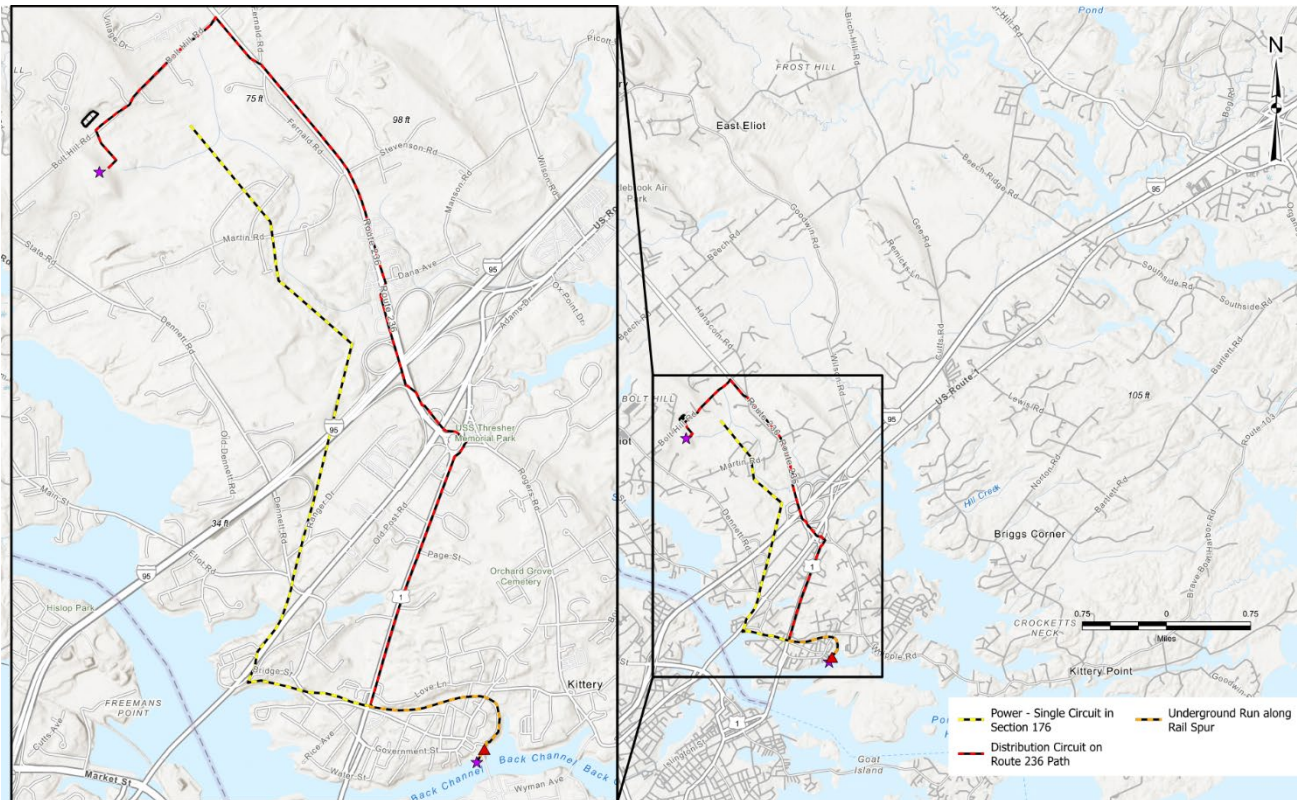


Figure 1-4: CMP Proposed Transmission Lines

1.4.3 On-Base Work (P1080C)

Power

The following describes work located on PNSY related to power resilience. Figure 1-5 shows the locations of major features.

- **New Duct Banks (15kV, 35kV & DC):** Approximately 16,000 linear feet of buried, reinforced concrete encased duct bank is proposed for installation on base with the purpose of connecting various end points of the on base 15kv & 35kv AC, looped power distribution system. The new duct banks will be installed in existing industrial sites and roadways, where duct banks will be installed in grassed or landscaped areas – those areas will be restored to landscape or grassed areas. Design of the duct banks is based on NFPA 70 National Electrical Code (NEC), UFC code 3-550-01 Exterior Electrical Power Distribution system and best electrical and civil engineering practices for buried power infrastructure.

- **Franklin Substation & Annex (“Franklin Yard”) Improvements:** This area is being improved as follows:
 - Portions of the site will be raised above the 2070 projected design flood elevation by placing equipment pads for prefabricated structures, switchgear, and capacitor banks placed at elevation 14.5 NAVD88.
 - Building 329 will also be demolished as it is no longer required and will allow for the transition in grading from the elevated yard to existing grade.
 - Installation of a new electrical pole at the northern portion of the site adjacent to the Back Channel of the Piscataqua River.
- **Substation 2 (Building 162) Improvements:** This area is being improved as follows:
 - The site around the existing building will be raised above the 2070 projected design flood elevation with equipment pads placed at elevation 14.5 NAVD88. This will be accomplished using a retaining wall around the yard that ranges from 2-feet to 4-feet in height to elevated from existing grades ranging from 9.7 NAVD88 to 12.5 NAVD88.
 - The primary electrical yard will house two new switchgear and enclosures, two diesel and up to four natural gas generators with noise reducing housing, a natural gas pressure regulating station, fuel tanks and transfer building, capacitor banks, fire access lane and associated short term parking.
 - Stormwater management will be provided to treat stormwater quality from the proposed work. A grassed underdrained soil filter is proposed for treatment prior to discharge to the existing drainage system.
- **Substation 3 (Building 175) Improvements:** Non-historic air compressors and associated compressed air piping will be removed from this building to accommodate installation of new electrical gear. None of the existing air compressors are currently in use. The existing bathroom will be removed, and the floorplan will be reconfigured. There will be minor HVAC upgrades necessary for the installation of backup battery systems. These systems require direct exhausting of air to the exterior, which will require some intake and exhaust louvers to be installed in the facade.
- **Substation 4 (Building 243) Improvements:** The existing Substation 4 equipment will be replaced with new medium voltage of 15 kV, metal clad switchgear with vacuum draw-out circuit breakers, planned for installation within Building 243. The existing building will remain, however, will undergo minor mechanical, electrical, structural and architectural revisions including replacing doors in kind.

Water

The following describes work located on PNSY related to water resilience. Figure 1-5 shows the location of major features.

- **New water mains to NSA Maine:** The proposed project includes installing a new 20-inch water main and a 16-inch water main across the Back Channel to NSA Maine.
- **New water mains within the confines of PNSY:** Approximately 2,270 LF of water main upgrades or improvements in the NSA Maine system ranging in diameter from 12 to 16-inch are required. This includes cleaning and lining, removing and replacing, and installing new water main ranging in diameter from 12 to 16-inch.

- **New Water Storage Tank:** For the Navy to maintain enough water storage on PNSY to meet existing demand conditions and account for future planned developments without relying on water storage in Kittery, an additional tank is required. The location is on the south side of PNSY in the current location of the former historic water reservoir (Building 267). The existing reservoir walls will be removed and the previously placed fill associated with the original reservoir construction will be removed to allow the new tank to be sited within the confines of the existing reservoir location. A composite elevated tank (CET) style with a capacity of 2.5 million gallons (MG) has been selected. CETs consist of a single concrete pedestal supporting an elevated welded steel vessel. Additional work included with the proposed 2.5 MG tank includes construction of an access road/maintenance path, connection to the freshwater distribution system and power facilities, and site development. As part of the development, runoff from disturbed areas will be collected and treated via a grassed underdrained soil filter prior to discharge to the existing drainage system.

Other Project Components

- **Museum Parking Lot:** The area at the rear of the museum (Building 31) was identified as an opportunity to expand and reconfigure existing parking with limited increase in impervious surfaces. A connecting driveway with parking will connect from Burrows Street at the West, behind the museum and into the existing parking area. This necessitates the relocation and expansion of the existing stormwater BMP to provide stormwater treatment for the work. There are known areas of archaeological potential associated with previously demolished Marine barracks in the area. The majority of this area has been previously disturbed. There will be no alterations to the museum (Building 31).

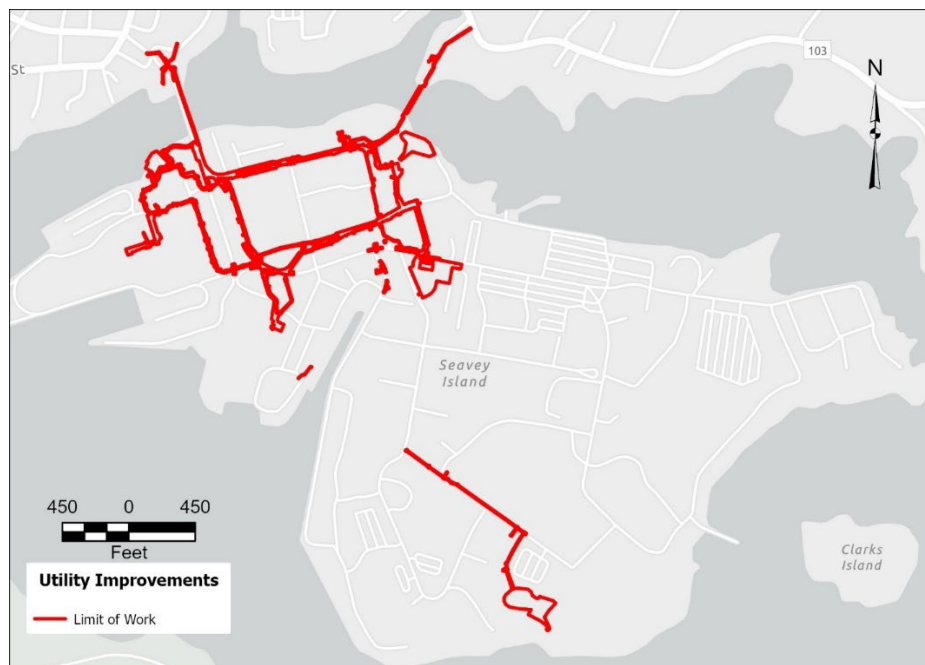


Figure 1-5: Power and Water Upgrades – PNSY

1.4.4 Anticipated Schedule

The anticipated schedule is shown in Table 1-1.

Table 1-1: Anticipated Schedule

Task	Date
100% Final Design	Summer 2025
Complete NEPA	Summer 2026
Award Construction Contracts (P1080 A/B/C)	Summer/Fall 2026
Planned Mobilization/Construction (includes separate schedules for P1080 A/B/C each)	Summer/Fall 2026 – Fall 2031

2.0 ANALYSIS OF ENFORCEABLE POLICIES

2.1 Natural Resources Protection Act (NRPA)

NRPA (38 M.R.S. §§480-A to 480-S; and 480-U to 480-II) requires a permit for any “activity” that is located in, on, or over a protected natural resource area or is located adjacent to (A) a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland, or (B) certain freshwater wetlands. An “activity” is (A) dredging, bulldozing, removing or displacing soil, sand, vegetation, or other materials; (B) draining or otherwise dewatering; (C) filling, including adding sand or other material to a sand dune; or (D) any construction, repair, or alteration of any permanent structure. Certain exemptions apply.

P1080B (CMP) – Applicable. *CMP anticipates that there will be impacts to wetlands and stream crossings during the construction and operation of the Project. CMP will obtain Natural Resources Protection Act permit from the Maine Department of Environmental Protection (MEDEP).*

P1080C (NSA Maine) – Not Applicable. *NSA Maine will not be completing any work in a jurisdictional resource, therefore we do not require a Water Quality Certificate (WQC). Section 10 – Rivers and Harbor Act permitting will be completed prior to mobilization. The proposed activity is therefore consistent with this program to the maximum extent practicable.*

2.2 Site Location of Development Law (SLDA or Site Law)

This Law (38 M.R.S. §§481 to 485-A; 486-A, -B; 487-A to 490-FF) requires review of developments that may have a substantial effect upon the environment. Developments triggering this review include projects occupying more than 20 acres and construction of large structures. Large structures are generally defined as those creating over three acres of new impervious area. Facilities operating under a SLDA permit must submit proposed projects for review and approval prior to any construction, grading, alteration of cover type, or change to any facility, including change in function or use (including demolition of existing buildings).

P1080B (CMP) – Not applicable. *A SLDA Permit is not anticipated to be required for this part of the project. CMP will be filing a SLDA Permit for the Bolt Hill Substation Project, which is an independent project being led by CMP to upgrade their power infrastructure in the Kittery area. This project is distinct from the P1080 Project.*

P1080C (NSA Maine) – Applicable. *PNSY existing SLDA Permit (SLDA #L-21179-26-A-N, Dated: March 6, 2003). The proposed activity is therefore consistent with this program to the maximum extent practicable.*

2.3 Maine Metallic Mineral Mining Act

This Act (38 M.R.S. §§490-LL-490-TT) applies to metallic mineral exploration, advanced exploration, and mining activities.

P1080B/C – Not Applicable. *Metallic mineral exploration, advanced exploration and mining activities are not included in any component of the project.*

2.4 Maine Department of Transportation Traffic Movement Permit Law

This Law (23 M.R.S. §704-A) applies to projects that generate 100 or more passenger car equivalents at peak hour. Applicable projects must make adequate provision for traffic movement of all types into and out of the project area and not result in unreasonable congestion or unsafe conditions on public roads in the vicinity of the proposed project.

P1080B/C – Not Applicable. *The proposed project does not include the creation of facilities that will increase passenger car equivalents at peak hour and therefore this Law is not applicable.*

2.5 Erosion Control and Sedimentation Law

This Law (38 M.R.S. §420-C) governs activities that involve filling, displacing, or exposing soil or other earthen materials. Erosion control measures must be in place and functional until the site is permanently stabilized.

P1080B (CMP) – Not applicable. *CMP will take measures to prevent unreasonable erosion of soil and sedimentation resulting from the project. CMP will ensure that required erosion control measures will be in place before the earth disturbing activities begin. Measures will remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures will be taken, and the site will be maintained to prevent unreasonable erosion and sedimentation. CMP does not anticipate needing to obtain a Maine General Construction Permit prior to initiating construction as the extent of clearing/grading is under one acre.*

P1080C (NSA Maine) – Applicable. *The proposed activity will involve soil disturbances and PNSY will take measures to prevent unreasonable erosion of soil and sedimentation resulting from the project. The Navy will ensure that required erosion control measures will be in place before the earth disturbing activities begin. Measures will remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures will be taken, and the site will be maintained to prevent unreasonable erosion and sedimentation.*

In the manner and to the extent required by federal law other than CZMA, PNSY will obtain and comply with state permits applicable to regulated activity affecting air and water quality, storm water management, erosion and sediment control, cultural resources, and wildlife and fisheries. Compliance with any such permits will achieve consistency with this program to the maximum extent practicable.

2.6 Expedited Permitting of Grid-Scale Wind Energy Development.

Maine's Expedited Permitting of Grid-Scale Wind Energy Development (35-A M.R.S. §§3451-3459) streamlines the approval process for large-scale wind energy projects while balancing environmental and community concerns. Key provisions include defining expedited permitting areas, criteria for evaluating visual,

environmental, and community impacts, and the role of public participation. The law prioritizes efficient review processes, focusing on minimizing visual impacts on scenic resources and protecting wildlife and habitats. It encourages renewable energy development to meet state energy goals while ensuring accountability through compliance with environmental standards and local input.

P1080B/C – **Not Applicable.** *Grid-scale wind energy development is not included in any component of the project.*

2.7 Solar Energy Development Decommissioning Law

Maine's Solar Energy Development Decommissioning Law (35-A M.R.S. Chapter 34-D) establishes requirements for the decommissioning of solar energy projects to ensure proper removal and site restoration at the end of their operational life. Developers must provide a decommissioning plan that includes financial assurance, such as bonds or escrow accounts, to cover removal costs. The law ensures that land is restored to its original or agreed-upon condition, protecting landowners and municipalities from incurring costs. It applies to solar projects of a certain scale, promoting responsible development and addressing environmental and community concerns.

P1080B/C – **Not Applicable.** *Solar energy development is not included in any component of the project.*

2.8 Stormwater Management Law

This Law (38 M.R.S. §420-D) governs any activity disturbing one or more acres or to a modification of any size to a facility operating under an existing Site Law permit. Projects must meet the requirements of six stormwater standards, as applicable: basic, general, phosphorus, flooding, urban impaired stream, and others. More than one standard may apply to a project.

P1080B (CMP) – **Not applicable.** *The Stormwater Management Law will not apply to the proposed Off-Base Power Improvements as this project does not disturb one or more acres and does not modify a facility operating under an existing Site Law permit.*

P1080C (NSA Maine) – **Applicable.** *In the manner and to the extent required by federal law other than CZMA, the Navy will obtain and comply with state permits applicable to regulated activity affecting air and water quality, storm water management, erosion and sediment control, cultural resources, and wildlife and fisheries. Compliance with any such permits will achieve consistency with this program to the maximum extent practicable.*

2.9 Maine Waterway Development and Conservation Act

This Act (38 M.R.S. §§630 to 636-A; and 640) regulates application and permitting for the construction of hydropower projects and for the reconstruction or structural alteration of certain projects, including water storage projects.

P1080B/C – **Not Applicable.** *Construction of hydropower and reconstruction or structural alteration of certain projects, including water storage projects, is not included in any component of the project.*

2.10 Protection and Improvement of Air Law

The Law (38 M.R.S. §§581 to 610-A, -B) establishes a coordinated state-wide program to control present and future sources of emission of air contaminants to the end that air polluting activities of every type shall be regulated in a manner that reasonably ensures the continued health, safety and general welfare of all of the citizens of the State; protects property values and protects plant and animal life.

P1080B (CMP) – Not applicable. No new emissions will occur as part of this project; therefore, the Protection and Improvement of Air Law does not apply and no license is required. Any impacts to air quality will be insubstantial and limited to the construction phase of the Project.

P1080C (NSA Maine) – Applicable. Protection and Improvement of Air Law applies to the On-Base portion of this project due to the proposed installation of generators, which is classified as emission of an air contaminant not previously emitted and will be handled as a New Source Review License through a New Source Review (NSR) Application process (Chapter 115) and the recent “Guidance Regarding Application Materials for New Source Review Licenses at Major Sources.”

2.11 Protection and Improvement of Waters Act

The enforceable policies of this law (38 M.R.S. §§361-A, 362, 362-A, 363-D, and 372; 410-N; 411 to 424; 451, 451-A, and 452; and 464 to 470) include aquatic nuisance species control, pollution control requirements, enforcement provisions, and a water classification program. This policy makes it unlawful to dispose of any pollutants, either alone or in conjunction with others, “in such manner as will, after reasonable opportunity for dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere, lower the quality of those waters below the minimum requirements of such classifications.”

P1080B/C – Applicable. The proposed project is not anticipated to contribute to the discharge of pollutants into the Piscataqua River or any other receiving waters. All stormwater will be appropriately treated to meet the applicable stormwater standards, and erosion control and sedimentation measures will be in place for the duration of the project, as described in the Erosion Control and Sedimentation Law. The proposed project will meet all requirements of the policy, and, if necessary, information relative to the proposed method of collection, disposal, composition, and volume of all waste discharged into any waters of the states will be filed with the commissioner. The proposed activity is therefore consistent with this program to the maximum extent practicable.

2.12 Nutrient Management Act

Maine’s Nutrient Management Program Act (7 M.R.S. §§4201-4214) regulates farms with livestock or crops for which nutrients are kept on site.

P1080B/C – Not Applicable. The proposed project is not the type of activity regulated by this Act and no components of the project will contribute to any nutrient increases to nearby surface waters or require a nutrient management plan.

2.13 Land Use Regulation Law

Maine's Land Use Regulation Law (12 M.R.S. §§681 to 689) governs land use planning and zoning in unorganized and deorganized areas of the state to balance development, conservation, and public interests. It establishes the Land Use Planning Commission (LUPC), which oversees zoning, permitting, and land use standards in these areas. The law aims to promote orderly development, protect natural resources, preserve scenic and recreational values, and support rural economies. Key provisions include zoning regulations, permitting processes, public participation opportunities, and enforcement mechanisms to ensure compliance. The law emphasizes sustainable land use while safeguarding Maine's unique natural and cultural heritage.

P1080B (CMP) – Not Applicable. *The Towns of Eliot and Kittery are organized municipalities with their own local land use authority. CMP will comply with applicable local land use and zoning regulations.*

P1080C (PNSY) – Not applicable. *The proposed activity will take place exclusively on federal property, and is not subject to planning, zoning, or subdivision requirements. Such regulations are by operation of federal law inapplicable to the proposed activity.*

2.14 Maine Hazardous Waste, Septage and Solid Waste Management Act

This Act (38 M.R.S. §§1301 to 1310-AA; 1316 to 1316-L; and 1317 to 1319-Y) regulates asbestos abatement, hazardous and solid waste, tire stockpiles, hazardous materials control, the Maine Hazardous Waste Fund, waste oil, uncontrolled hazardous substance sites, sale and distribution of brominated flame retardants, electronic waste, mercury-added products and services, municipal recycling, facility siting and development, and toxics use and hazardous waste reduction.

P1080B (CMP) – Not applicable. *CMP does not expect to have any hazardous waste materials associated with the transmission system. Any waste generated by the project will be managed in accordance with applicable regulations and CMP policies.*

P1080C (NSA Maine) – Applicable. *Sampling and laboratory testing has been completed as part of design and additional sampling and laboratory testing may be completed for the project. Detailed plans for the handling and storage of contaminated materials will be discussed in a Health and Safety Plan (HASP), compliant with the Act, to be developed by the contractor and approved by the Navy prior to the start of construction. If hazardous materials are found during construction, these materials will be deposited into government-furnished containers and disposed of by the Shipyard Environmental Department (Code 106.3). Inert materials (e.g., concrete, brick, asphalt, etc.) will be cleaned to remove soil prior to removing it from the site. Non-hazardous waste will be disposed of by the project contractor.*

2.15 Uncontrolled Hazardous Substance Sites Law

This Law (38 M.R.S. §§1361 – 1371) was created in response to the threats and potential threats to human health and the environment posed primarily by abandoned hazardous waste sites. The program is the state equivalent to the Federal Superfund Program. The Uncontrolled Hazardous Substance Sites Law broadly defines responsible parties and provides for joint and several liability. The Law authorizes the DEP to issue orders to Responsible Parties requiring them to conduct state approved clean up actions. If there are no viable Responsible Parties, the Law authorizes the DEP to undertake necessary clean up actions.

P1080B (CMP) – Applicable. *CMP will complete desktop reviews and determine if there are any known, hazardous waste sites within or adjacent to the P1080B project work areas. All waste will be handled and properly disposed of according to the local, state and federal requirements throughout all phases of the project and facility operation.*

P1080C (NSA Maine) – Applicable. *There are seven (7) Installation Restoration Program Sites within PNSY:*

- *Site #6: OU2 DRMO Storage/Scrap Yard*
- *Site #8: OU3 Jamaica Island Landfill (JILF)*
- *Site #10: OU1 Building 238 Battery Acid Tank (No. 24)*
- *Site #29: OU2 Incinerator Site*
- *Site #31: OU8 West Timber Basin*
- *Site #32: OU7 Topeka Pier*
- *Site #34: OU9 Oil Gasification Plant*

Land disturbing activities in these areas will be required to be managed in accordance with federal National Oil and Hazardous Substances Pollution Contingency Plan (NCP) requirements. This includes potential additional assessment in the area of work, risk assessments, and remediation/management of hazardous materials encountered during construction. Based on review of the proposed Project, all on-base water concepts are not located within these areas, but portions of the on-base power concepts will traverse through Site #31 and Site #32. No new IR sites will be created as part of the project. The project will comply with the Land Use Control Remedial Design (LUC RD) documents for applicable sites, all soils from IR sites will be handled in accordance with LUC RD requirements, and future uses at the sites will be consistent with the LUC RD. The proposed activity is therefore consistent with this program to the maximum extent practicable.

2.16 Asbestos Law

This Law (38 M.R.S. §§1273 and 1281) includes requirements for those engaged in asbestos abatement activities, including requirements for licensing, certification, and notification of the Department of Environmental Protection before asbestos abatement activities affecting over three linear feet or three-square feet of asbestos containing material (ACM).

P1080B (CMP) – Not applicable. *Based on best available data, there is no existing asbestos containing materials associated with the transmission lines and other supporting infrastructure. If encountered, any asbestos abatement will be completed in accordance with applicable laws.*

P1080C (NSA Maine) – Applicable. *ACM is present in the project area. When asbestos is encountered during construction, PNSY will ensure that only those with appropriate licenses or certifications abate, transport, and dispose of ACM during the proposed project. Standard engineering controls and protective measures required by law will be used to ensure ACM is removed by qualified contractors in a manner that prevents airborne release of asbestos, and that the ACM is disposed of properly. The proposed activity is therefore consistent with this program to the maximum extent practicable.*

2.17 Lead Abatement Law

This Law (38 M.R.S. §§1296 and 1298(3)) includes stipulations for those engaged in lead abatement activities, including certification, licensing, and accreditation.

P1080B (CMP) – Not applicable. Based on best available data, there is no existing lead containing materials associated with the transmission lines and other supporting infrastructure. If encountered, any lead abatement will be completed in accordance with applicable laws.

P1080C (NSA Maine) – Applicable. Lead is present in the project area. When lead is detected during construction, the Navy will ensure that only those with appropriate certification, licensing, and accreditation remove, transport, and dispose of LBP in the course of the proposed activity. Standard engineering controls and protective measures required by law will be used to ensure LBP is removed by qualified contractors in a manner that prevents airborne release of lead, and that the LBP is disposed of properly. The proposed activity is therefore consistent with this program to the maximum extent practicable.

2.18 Sale of Consumer Products Affecting the Environment Law

Maine's Sale of Consumer Products Affecting the Environment Law (38 M.R.S. §§1608 and 1609-1610) regulates the sale and disposal of products that could harm the environment. It includes restrictions on hazardous materials in consumer products, mandates proper labeling, and promotes environmentally safe alternatives. The law also requires manufacturers to manage the disposal or recycling of certain products, such as mercury-containing items, and ensures compliance through enforcement measures. These provisions aim to reduce environmental risks, protect public health, and encourage sustainable product design and waste management practices.

P1080B/C – Not Applicable. Sale of consumer products affecting the environment is not included in any component of the project.

2.19 Mercury-Added Products and Services Law

Maine's Mercury-Added Products and Services Law (38 M.R.S. §§1661-1661-C; 1665-A, -B; and 1672) regulates the sale, use, and disposal of mercury-containing products to minimize environmental and health risks. It requires manufacturers to label mercury-added products, submit notification about their use, and establish collection or recycling programs. The law prohibits the sale of certain mercury products, mandates proper disposal practices, and promotes non-mercury alternatives. Enforcement ensures compliance, protecting public health and reducing mercury pollution in the environment.

P1080B/C – Not Applicable. Mercury-added products are not anticipated to be included in any component of the project. If mercury-added products are specified/required, the appropriate labeling and notifications will occur in compliance with state law.

2.20 Solid Waste Management and Recycling Law

Maine's Solid Waste Management and Recycling Law (38 M.R.S. §§2101, 2133, sub-§2(A) and 2165) establishes regulations for the management, recycling, and disposal of solid waste to protect public health and the environment. The law encourages waste reduction, recycling, and the responsible management of waste materials through comprehensive state and local programs. It requires municipalities to provide recycling services and outlines the responsibilities of waste generators, such as businesses and households, to properly manage and recycle waste. It also addresses hazardous waste disposal and promotes efforts to

reduce landfill use. The law is aimed at increasing recycling rates, reducing waste generation, and ensuring safe disposal practices.

P1080B (CMP) – Applicable. *Solid waste associated with the Project will be limited to construction, primarily packing materials, and on-going maintenance. All materials will be handled in accordance with state guidelines and requirements and materials will be reused and recycled to the extent practicable. The Applicant has extensive experience in the handling of Special Waste materials associated with a transmission system. All demolished wood transmission poles will be disposed of as Special Waste per State of Maine applicable regulations. Therefore, the project's power component will be fully consistent with this policy.*

P1080C (NSA Maine) – Applicable. *PNSY's policy is to minimize the amount of waste disposed of in landfills or at other disposal facilities through source reduction, recycling, reuse, or donation/sale of authorized materials. The proposed project will adhere to PNSY's requirements and federal and state regulations applying to hazardous and solid waste and therefore will be fully consistent with this policy. The proposed activity is therefore consistent with this program to the maximum extent practicable.*

2.21 Priority Toxic Chemical Use Reduction Law

Maine's Priority Toxic Chemical Use Reduction Law (38 M.R.S. §§2321-2330) aims to reduce the use of harmful toxic chemicals in products and manufacturing processes. The law requires businesses to identify and report the use of certain toxic chemicals, particularly those that pose risks to human health or the environment. It encourages the substitution of safer alternatives, promoting pollution prevention and safer production methods. Companies are also required to develop and implement plans to reduce or eliminate the use of these chemicals over time. The law supports public health, environmental protection, and the adoption of sustainable practices by businesses.

P1080B (CMP) – Not applicable. *The proposed project will adhere to state regulations applying to the use of toxic chemicals and therefore will be fully consistent with this policy. It is not anticipated that this law is applicable to the Project.*

P1080C (NSA Maine) – Not applicable. *PNSY's policy is to minimize the use of toxic chemicals. The proposed project will adhere to the Navy requirements as well as federal and state regulations applying to the use of toxic chemicals and therefore will be fully consistent with this policy. It is not anticipated that this law is applicable to the Project.*

2.22 Wellhead Protection Law

Maine's Wellhead Protection Law (38 M.R.S. §§1391-1399) focuses on safeguarding public drinking water sources by protecting wellheads and the surrounding areas from contamination. The law establishes the authority for the Maine Department of Environmental Protection (DEP) to designate wellhead protection areas and regulate activities within those zones to prevent pollution. It requires municipalities and water suppliers to develop wellhead protection plans, including monitoring, land-use restrictions, and best management practices. The law aims to ensure the long-term safety and quality of public water supplies by minimizing risks from contaminants in areas where drinking water is sourced.

P1080B/C – Not Applicable. *Oil and hazardous waste handling near a drinking water well is not included in any component of the project.*

2.23 Nuclear Facility Decommissioning Laws

Maine's Nuclear Facility Decommissioning Laws (PL 1999 c. 739 and PL 1999 c. 741) establish requirements for the proper closure and decommissioning of nuclear power plants in the state. The laws require nuclear facility owners to maintain sufficient financial resources to cover the costs of decommissioning, including site cleanup and waste disposal. Facility operators must submit detailed decommissioning plans to the state, outlining steps for safely deactivating the plant and restoring the site. The laws provide for state oversight and regulatory authority to ensure compliance with decommissioning requirements and to protect public health and safety during the process. These laws are designed to ensure that nuclear plants are decommissioned responsibly, without posing long-term risks to the environment or public health.

P1080B/C – Not Applicable. *Nuclear facility decommissioning activities are not included in any component of the project.*

2.24 Oil Discharge Prevention and Pollution Control Law

This Law (38 M.R.S. §§541 to 560) deals with the hazards posed by transfers of oil, petroleum products and their by-products. It requires the prompt containment and removal of pollution occasioned by such transfers and related activity; provides procedures whereby persons suffering damage from those occurrences may be promptly made whole; and establishes a fund to provide for the inspection and supervision of those activities and guarantees payment of reasonable damage claims.

P1080B (CMP) – Applicable. *Use of and transfers of oil, petroleum products and their by-products will be necessary during the construction phase of the project and fuel will be required to operate the proposed diesel generators and other similar equipment. Spills of oil and other petroleum products pose a risk to surface and ground water resources and CMP and KWD and all contractors will strictly follow the applicable state and federal rules and best management practices (BMPs) when handling oil and other petroleum products. Spills will be immediately reported, contained and cleaned up and Spill Prevention Control and Countermeasure Plans (SPCC) will be followed, where required.*

P1080C (NSA Maine) – Applicable. *Fuel will be required to operate the proposed diesel generators and other similar equipment. PNSY and all contractors will strictly follow the applicable state and federal rules and BMPs when handling oil and other petroleum products to minimize spills. Spills will be immediately reported, contained and cleaned up, and SPCC will be followed, where required.*

2.25 Oil Storage Facilities and Ground Water Protection Law

This program (38 M.R.S. §§561; 562-A; 563, sub-§1(A) and 2; 563-A-B; 564; 565-A; 566-A; 568; 568-A-B; 569-C; 570; and 570-C-G, I-M) provides a means for managing the hazards and threats of danger and damage posed by the storage and handling of oil and related activities; to require the prompt containment and removal of pollution occasioned thereby; to provide procedures whereby persons suffering damage from these occurrences may be promptly made whole; to establish a fund to provide for the investigation, mitigation and removal of discharges or threats of discharge of oil from storage facilities, including the

restoration of contaminated water supplies; and to guarantee the prompt payment of reasonable damage claims resulting therefrom.

P1080B (CMP) – Applicable. *During construction, there will be temporary storage of oil, petroleum products and their by-products. Additionally, KWD has two registered aboveground storage tanks at the WTP facility; one of which will be removed as part of the upgrades, and the proposed generator will be diesel fueled with an integral belly tank. Presence of these materials poses a risk to surface and ground water resources and CMP and KWD, and all contractors will strictly follow the applicable state and federal rules and best management practices (BMPs) when storing these products.*

P1080C (NSA Maine) – Applicable. *Fuel will be required to operate the proposed diesel generators. These storage tanks are designed in accordance with applicable laws.*

2.26 Maine Endangered Species Act

This Act (12 MRSA §§12801-12810 [inland species]; 12 M.R.S. §6971-6976 [marine species]; and 12 M.R.S. §10001, sub-§§19 and 62 [definitions]) was passed in 1975 to help protect Maine's inland fish and wildlife and to minimize/prevent the disappearance of species from the state.

P1080B (CMP) – Applicable. *CMP has completed initial consultation with the MDIFW, who have identified three species of concern: bats, New England Cottontail, and Spicebush swallowtail and consultation with the MNAP, who have identified seven species of concern: Allegheny Vine, Awned Sedge, Bitternut Hickory, Saltmarsh False-foxglove, Spicebush, Spotted Wintergreen, and Spreading Sedge. CMP will continue to consult with these agencies to avoid, minimize and mitigate for any impact. Occurrences of threatened and endangered (RTE) species will be avoided and best management practices (BMPs) and other measures including Time of Year (TOY) restrictions will be implemented where applicable in coordination with MNAP and MDIFW.*

P1080C (NSA Maine) – Not applicable. *Based on the 1993 Natural Resources Management Plan prepared for Portsmouth Naval Shipyard as well as recent correspondence with federal and state agencies, no state or federally listed rare, threatened, or endangered plant or animal species or associated essential, significant, or rare natural communities are located on the Shipyard property. The Shipyard continues to monitor for evidence of endangered species and/or habitats and to review available state interactive maps and data available online. The proposed activity will therefore be fully consistent with this policy.*

Consultation with the USFWS will also be completed regarding federally listed species potentially associated with P1080A/B/C. To limit the potential impacts to the northern long-eared bat (Myotis septentrionalis) and the tricolored bat (Perimyotis subflavus), it is expected that forested and other woody vegetation suitable for summer use by NLEB or TCB will be cut during the dormant season, listed for Maine as November 1 through April 14.

2.27 General licensing and enforcement authorities and fees

This policy (38 M.R.S. §§341-D; 344 to 349; and 352-353, and 353-A, -B[fees]) establishes procedures to require various license and permits and to charge applicants for associated costs incurred in reviewing license and permit applications.

P1080B (CMP) – Applicable. *CMP will adhere to all requirements related to the submission and processing of applications, as well as applicable fees as set by the MDEP.*

P1080C (NSA Maine) – Applicable. *The Navy is required to comply with all federal, state, and local regulations that contain a waiver of sovereign immunity, including payment of reasonable service charges. Therefore, The proposed activity is therefore consistent with this program to the maximum extent practicable.*

2.28 Maine Rivers Act

The enforceable policies of the Maine Rivers Act (12 M.R.S. §§403 and 407) provide special protection for outstanding rivers and require a comprehensive river resource management plan for each watershed with a hydropower project licensed, or to be licensed, under the Federal Power Act.

P1080B/C – Not Applicable. *The proposed project will not involve the disturbance of any rivers and will not create a new dam or diversion project constituting a hydropower project. Construction and/or demolition activities will not take place within or adjacent to the aquatic environment on or around the Shipyard, including the Piscataqua River, and Upper or Lower Mead Ponds, or vegetation adjacent to these surface waters for any component of the project.*

2.29 Marine Resources Law

Maine defines marine resources as “all renewable marine organisms and the entire ecology and habitat supporting those organisms.” The Marine Resources Law (12 M.R.S. §§6052, sub-§6; 6171 to 6192; and 6432-A) establishes regulations to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; and to advise and cooperate with local, state, and federal officials concerning activities in coastal waters.

P1080B/C – Not Applicable. *The project does not involve activities that would affect marine fisheries, marine organisms, shellfish, coastal marine habitats. No impacts to resources regulated under the Marine Resources Law are anticipated.*

2.30 Importing of Certain Marine Organisms

The Maine statute 12 M.R.S. §6071, titled Importing of Certain Marine Organisms, regulates the importation of marine organisms to protect the state's aquatic ecosystems and marine resources. This law includes a requirement to obtain a permit from the Maine Department of Marine Resources (DMR) to import marine organisms into the state and sets health and safety standards, restrictions on species.

P1080B/C – Not Applicable. *This project does not involve the importation of any marine organisms.*

2.31 Aquaculture Leasing Laws

Maine's Aquaculture Leasing Laws outline the framework for leasing coastal waters for aquaculture activities, ensuring the sustainable use of marine resources while minimizing environmental and social impacts. Aquaculture Leasing Laws are found at: (12 M.R.S. §6071-A (definitions); 12 M.R.S. §6072 (research and

aquaculture leases); 12 M.R.S. §6072-A (limited-purpose lease for commercial or scientific research); 12 M.R.S. §6073 (exclusivity; prohibition or interference). The Aquaculture lease regulations (DMR rules ch. 2), as amended effective March 13, 2022; and Importation of live marine organisms regulation (DMR rules ch. 24), as amended effective August 10, 2021, provide more detail on compliance.

P1080B/C – Not Applicable. *Activities regulated by Aquaculture Leasing Law are not included in any component of the project.*

2.32 Subdivision Law

Maine's Subdivision Law (30-A M.R.S. §§4401 to 4408) regulates land divisions to promote orderly development, protect public welfare, and preserve natural resources. It defines "subdivision," outlines exemptions, and requires municipal or state approval for proposed developments, including plans and environmental assessments. Municipalities must ensure subdivisions do not strain public services, harm the environment, or conflict with local zoning.

P1080B (CMP) – Not applicable. *A subdivision is not proposed; therefore, this law is not applicable to CMP's portion of the work.*

P1080C (NSA Maine) – Not applicable. *The proposed activity will take place exclusively on federal property, which is not subject to municipal subdivision requirements. Subdivision ordinances adopted by the Town of Kittery under or in conformity with the Maine Subdivision Law are, by operation of federal law, inapplicable to the proposed activity.*

2.33 Mandatory Shoreland Zoning Law

The Mandatory Shoreland Zoning Act (MSZA) Title 38, Chapter 3, §§ 435-449, requires municipalities to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone. The shoreland zone is comprised of all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; upland edge of a coastal wetland, including all areas affected by tidal action, and upland edge of defined freshwater wetlands; and all land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams.

In accordance with the Guidelines for Municipal Shoreland Zoning Ordinances (DEP rules ch. 1000), as amended effective January 26, 2015, Shoreland zoning regulations are administered and enforced by each municipality through municipal specific ordinances, the local code enforcement officer is typically the first point of contact for shoreland zoning questions.

P1080B (CMP) – Applicable. *CMP will obtain local approval for the Project from the towns of Eliot and Kittery. CMP will need to demonstrate adherence to the municipal shoreland zoning regulations to the Planning Board and/or Code Enforcement Officer.*

P1080C (NSA Maine) – Not applicable. *The proposed activity will take place exclusively on federal property, which is not subject to municipal zoning. Zoning ordinances adopted by the Town of Kittery under or in conformity with the Mandatory Shoreland Zoning Act, are by operation of federal law, inapplicable to the proposed activity.*

2.34 Coastal Management Policies Act

The Act (38 M.R.S. §§1801 to 1802) contains the following nine policies: port and harbor development, marine resource management, shoreline management and access, hazard area development, state and local cooperative management, scenic and natural areas protection, recreation and tourism, water quality, and air quality.

P1080B/C – Not Applicable. *The proposed activities for all project components will have no adverse effect on the coastal uses or natural resources covered by this policy and will be consistent with the applicable portions of the policies.*

2.35 Coastal Barrier Resources System Act

This Act (38 M.R.S. §§1901 to 1905) limits expenditure of state funds to encourage or support activities compatible with the ability of certain coastal barrier areas within the state.

P1080B/C – Not Applicable. *The proposed activities for all project components will not affect any coastal barrier resources, or any other activities covered by this law.*