

U.S. DEPARTMENT OF ENERGY

PRESIDENTIAL PERMIT PP-438 NEW ENGLAND CLEAN ENERGY CONNECT (NECEC)

NECEC ENVIRONMENTAL ASSESSMENT (DOE/EA-2155) FINDING OF NO SIGNIFICANT IMPACT

Central Maine Power Company (CMP) applied on July 27, 2017 to the United States Department of Energy (DOE) for a Presidential permit authorizing the construction, operation, maintenance, and connection of facilities at the international border between the United States and Canada for its New England Clean Energy Connect (NECEC) project (hereafter referred to as the Proposed Project). On August 26, 2019, CMP requested that DOE transfer the Presidential permit application to NECEC Transmission LLC (NECEC LLC or the Applicant).

DOE is evaluating the Presidential permit application pursuant to Executive Order (EO) 10485 (September 3, 1953), as amended by EO 12038 (February 3, 1978), and DOE's regulations at 10 Code of Federal Regulations (CFR) 205.320 *et seq.*, "Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries." DOE may issue a Presidential permit if it determines that issuance of the permit is consistent with the public interest and after obtaining favorable recommendations from the U.S. Departments of State and Defense.

Because Presidential actions are not subject to NEPA review, the Department could issue a Presidential permit without preparing an EA or Environmental Impact Statement (EIS), or could conduct an environmental review that does not strictly comply with all of the requirements of NEPA. Notwithstanding this discretion, DOE prepared the NECEC EA (DOE/EA-2155) to inform the Department's public interest determination.

All facilities described in the Presidential permit application are or would be located in Maine. Except for the border crossing, DOE has no authority to approve, deny, or regulate these facilities and no ability to require the avoidance or minimization of related potential environmental impacts. Nonetheless, in the NECEC EA, DOE considered potential environmental effects of the Proposed Project for the length of the line from the United States–Canada border to the point of first interconnection in Lewiston, Maine.

As described in the NECEC EA, the Proposed Project has been reviewed and approved by the Maine Public Utilities Commission, Maine Land Use Planning Commission, and Maine Department of Environmental Protection. In addition, the U.S. Army Corps of Engineers (USACE) prepared an EA regarding those portions of the Proposed Project within its jurisdiction and issued a finding of no significant impact. The USACE analysis included consideration of endangered species pursuant to Section 7 of the Endangered Species Act and historic resources pursuant to Section 106 of the National Historic Preservation Act. USACE concluded that the Proposed Project did not pose the potential for significant environmental impacts. USACE subsequently issued a permit for the Proposed Project under Section 404 of the Clean Water Act (33 U.S. Code (U.S.C.) § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code § 403). DOE participated in the Section 7 and Section 106 consultations and as a cooperating agency in preparation of the USACE EA.

DOE analyses related to the potential environmental impacts of authorizing a Presidential permit for the Proposed Project are contained within the NECEC EA, which is herein incorporated by reference. DOE considered the environmental reviews prepared by agencies of the State of Maine and by USACE, as well

as the public comments provided during those reviews, and independently evaluated supplemental data provided by the Applicant. In their decisions, these agencies included conditions to minimize, avoid, or compensate for adverse environmental impacts. None of the agencies found, with these conditions, a potential for significant environmental impact. The mitigation conditions put in place by these agencies are binding on the Proposed Project, and DOE included them in its analysis as part of the NECEC EA.

DETERMINATION: On the basis of the EA, DOE has determined that issuance of a Presidential permit to the Applicant for the construction, operation, maintenance, and connection of the Proposed Project at the international border of the United States and Canada in Beattie Township, Maine, would not have a significant effect on the human environment. The preparation of an EIS, therefore, is not required, and DOE is issuing this FONSI.

The EA and FONSI will be available on DOE's NEPA website (<https://energy.gov/nepa>).

Signed in Washington, DC, on January 14, 2021.

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