

MEMORANDUM FOR RECORD

SUBJECT: Environmental Assessment Addendum; Central Maine Power Company (CMP); New England Clean Energy Connect (NECEC); File No. NAE-2017-01342

1. On July 7, 2020, the Corps of Engineers, New England District (NAE) concluded its Environmental Assessment (EA) of the above referenced project in accordance with our regulations and our NEPA implementation procedures, 40 CFR 1508.9(a)(1) and 33 CFR Part 325 Appendix B ¶ 7(a). The document also constitutes a 404(b)(1) Guidelines Evaluation, a Public Interest Review, and a Statement of Findings.
2. On August 19, 2020, NAE provided CMP an initial proffered DA permit for the proposed work. On August 31, 2020, CMP responded with objections, recommending changes to five special conditions (eliminating special condition 3 and modifying Endangered Species Act (ESA) special conditions 4, 12, 26, and 35), and requested the addition of a sixth. Through subsequent coordination, CMP dropped its objection to ESA special condition 12.
3. The NAE has no objection to the addition of the applicant's requested condition, which states, "*Prior to construction in any areas in which the final design plans deviate from the approved design plans, the permittee shall submit the final design plans to the Corps for review and approval*" (new special condition 8). The intent of this condition is to clarify the process by which any future field changes are evaluated by NAE.
4. We have eliminated special condition 3, which stated that, "*Prior to initiating work authorized by this permit, the permittee must obtain a Presidential Permit from the U.S. Department of Energy (DOE). A copy of the Presidential permit shall be furnished to the Corps of Engineers Maine Project Office, Attn: Jay Clement; jay.i.clement@usace.army.mil*", as it is not necessary to satisfy the public interest requirement and not directly related to the aquatic resource impacts evaluated as part of the Corps review of the NECEC project.
5. Special conditions 5 & 6 have been updated to correct typographic errors related to the required mitigation credits and to more accurately reflect those in the EA.
6. The proposed changes to the ESA special conditions 4, 26 and 35 warranted further engagement with the U.S. Fish & Wildlife Service (USFWS or "Service") pursuant to Section 7 of the ESA. Following interagency coordination with the U.S. Department of Energy (DOE) and the Service, NAE re-initiated informal Section 7 consultation with the Service on September 22, 2020. It is the NAE determination that the changes resulting from the interagency coordination do not alter the determination of effects on listed species or critical habitats described in Section 10.1 of our July 7, 2020 EA. On September 30, 2020, the USFWS concurred with our determination.

7. Previous ESA special conditions:

ESA special condition 4. For unavoidable stream crossings, crane mats or other means shall be used to span the streams (see Section 4.0 Installation of Crossings within Exhibit B). Appropriate erosion controls will be installed at each stream crossing including water bars used in conjunction with sediment traps in addition to sediment barriers located upstream and downstream on both sides of the crossing (see Figure 2-5 of the BA). Where necessary, construction mats will be placed on the upland, parallel to the ordinary high water line as abutments to further protect stream banks and to establish stability. Streams that are too wide to cross by spanning with crane mats will be avoided. Under no circumstances (including in all intermittent and perennial streams within the Atlantic salmon GOM DPS and those that provide critical habitat for Atlantic salmon), will any stream crossing technique be used that involves in-stream work or the discharge of temporary or permanent fills.

This condition is revised below to include a reference to stream crossings consisting of steel I-beams overlain by crane mats, a common crossing technique for wider streams.

ESA special condition 26. Traffic speeds on unimproved access roads during construction shall be kept less than 30 mph (road design speed) to minimize chance of collisions with lynx and other wildlife.

This condition is revised below to clarify that this speed restriction is limited to only those vehicles under CMP control and responsibility.

ESA special condition 35. To assess impact to the small whorled pogonia, the applicant shall monitor small whorled pogonia on the entire 174-acre tract in Greene each year during construction, for the three consecutive years following completion of the NECEC, and every third year thereafter until such time that the Service and Maine Natural Areas Program deem monitoring no longer necessary.

This condition is revised below to clarify that monitoring requirements apply to only those lands that CMP has title or rights to.

8. Revised ESA special conditions:

ESA special condition 4. For unavoidable stream crossings, crane mats or other means shall be used to span the streams (see Section 4.0 Installation of Crossings within Exhibit B). Appropriate erosion controls will be installed at each stream crossing including water bars used in conjunction with sediment traps in addition to sediment barriers located upstream and downstream on both sides of the crossing (see Figure 2-5 of the BA). Where necessary, construction mats will be placed on the upland, parallel to the ordinary high water line as abutments to further protect stream banks and to establish stability. Streams that are too wide to cross by spanning with crane mats or I-beams combined with crane mats will be avoided. Under no

circumstances (including in all intermittent and perennial streams within the Atlantic salmon GOM DPS and those that provide critical habitat for Atlantic salmon), will any stream crossing technique be used that involves in-stream work or the discharge of temporary or permanent fills.

ESA special condition 26. (Now ESA special condition 25a to reflect a formatting change) CMP and CMP contractor/subcontractor vehicle traffic speeds on unimproved access roads during construction shall be kept less than 30 mph (road design speed) to minimize chance of collisions with lynx and other wildlife.

ESA special condition 35. (Now ESA special condition 27) To assess impact to the small whorled pogonia, the permittee shall monitor small whorled pogonia within the property owned by CMP adjacent to the 174-acre tract in Greene each year during construction, for the three consecutive years following completion of the NECEC, and every third year thereafter until such time that the Service and Maine Natural Areas Program deem monitoring no longer necessary.

9. Section 11.2 of the EA summarizes the special conditions contained in the August 19, 2020 initial proffered permit. The intent of this addendum is to revise Section 11.2 to reflect the enclosed modified conditions.

10. The findings of this addendum do not in any way affect the Finding of No Significant Impact or the Section 404(b)(1) Guidelines Determination of the USACE Combined Decision Document.

11. Subsequent to the signing of the EA, the USACE continued to receive sporadic comments on the project. A total of 40 additional comment letters were received inclusive of comments from the Penobscot Indian Nation, a representative for the Canadian First Nations, and from U.S. Congressman Jared Golden. All comments received opposed the project and most recommended that the Corps conduct an Environmental Impact Statement (EIS). The July 19, 2020 letter from the Penobscot Indian Nation requested an EIS on the basis that the NECEC will have substantial impacts on Maine's environment and will also have significant impacts on the INNU Nation in Labrador. The August 27, 2020 email from the representative of Canadian First Nations (Innu, Pessamit, Wemotaci and Pikogan), all in Quebec, conveyed copies of letters that were sent to the Canadian Prime Minister and the Quebec Premier detailing grievances against Hydro-Quebec. The September 30, 2020 letter from Congressman Golden reiterated a previous recommendation for an EIS given the size, scope, and level of public concerns regarding the application.

12. These comments do not present new information not previously presented in the administrative record and fully analyzed in the USACE Combined Decision Document. The concerns reflected in these comments have been addressed in the July 7, 2020

EA. The direct, indirect and cumulative impacts of the project on waters of the U.S. subject to Corps jurisdiction and other natural resources within the scope of Corps review are fully addressed in the EA. The Corps' scope of review is limited to impacts to waters of the U.S. and the immediately surrounding uplands to facilitate regulated work. We have no regulatory jurisdiction over Canadian waters. The USACE has responded to each commenter generally, and to the Penobscot Indian Nation and Congressman Golden more specifically. These responses are contained in the administrative record.

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Revised Permit Special Conditions
Permit No. NAE-2017-01342

1. The permittee shall ensure that a copy of this permit is at the work site (and the project office) authorized by this permit whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of USACE jurisdiction. If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.
2. This authorization requires you to 1) notify us before beginning work so we may inspect the project, and 2) submit a Compliance Certification Form. You must complete and return the enclosed Work Start Notification Form(s) to this office at least four weeks before the anticipated starting date. You must complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).
3. The permittee shall implement all terms and conditions contained in the attached water quality certification from the Maine Dept. of Environmental Protection dated "May 11, 2020" and the Maine Land Use Regulation Commission Final Development Plan Permit dated "January 8, 2020". Copies of all required submittals shall also be provided to the USACE.
4. In order to fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966, the permittee shall implement the stipulations contained in the attached Memorandum of Agreement signed "June 19, 2020".
5. The permittee shall generate 60.307 wetland credits by means of preservation in accordance with the attached mitigation plan entitled, "Compensation Plan" and updated "July 2020". Prior to any work commencing, for each Corps mitigation site, the permittee shall provide a Corps-approved: site protective instrument; and long-term management plan. The long-term management plan will identify the long-term steward and provide evidence that an escrow has been established or a letter from the long-term steward stating that stewardship fund is not required to provide the long-term management as outlined in the long-term management agreement.

6. In addition to the permittee-responsible mitigation, the permittee shall purchase 13.361 In-Lieu Fee credits from the Maine Natural Resource Conservation Fund. As of the date of this permit, the current cost to purchase these credits is \$3,046,648.37. The permittee must send a cashier's check or bank draft for this amount to: ME DEP, Attn: ILF Program Administrator, State House Station 17, Augusta, ME 04333. The check must include the USACE file number "NAE-2017-01342" and the statement: "For ILF account only". **No impacts authorized by this permit shall begin until the USACE receives a copy of the letter from the Maine Department of Environmental Protection (ME DEP) to the permittee stating that the ME DEP has received the check and accepts responsibility for mitigation.** The in-lieu fee amount is valid for one year from the date of this permit and is subject to change.

7. Prior to being onsite, the contractor(s) shall thoroughly inspect and remove seeds, plant material, soil, mud, insects, and other invertebrates on all equipment, including construction mats, to be used on the project site to prohibit introduction of invasive organisms. At a minimum, the following shall be inspected and cleaned on terrestrial vehicles where applicable:

Rubber-Tired Vehicles - Crevices in upper surface and panels, tires, rims, and fender wells, spare tire mounting area, bumpers, front and rear quarter panels, around and behind grills, bottom of radiator vent openings, brake mechanisms, transmission, stabilizer bar, shock absorbers, front and rear axles, beds, suspension units, exhaust systems, light casings, and mirrors.

Tracked Land Vehicles - Crevices in upper surface and panels, top of axles and tensioners, support rollers, between rubber or gridded areas, beneath fenders, hatches, under casings, and grills.

Interiors of All Vehicles - Beneath seats, beneath floor mats, upholstery, beneath foot pedals, inside folds of gear shift cover.

8. Prior to construction in any areas in which the final design plans deviate from the approved design plans, the permittee shall submit the final design plans to the Corps for review and approval.

9. Except where stated otherwise, reports, drawings, correspondence and any other submittals required by this permit shall be marked with the words "Permit No. (NAE-2017-01342)" and submitted via: a) MAIL: PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751; b) EMAIL: jay.i.clement@usace.army.mil and cenae-r@usace.army.mil; or c) FAX: (978) 318-8303. Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit. Requirements for immediate notification to the Corps shall be done by telephone to (978) 318-8338.

U.S. Army Corps of Engineers Permit No. NAE-2017-01342
Revised Permit Special Conditions Resulting From
Informal Endangered Species Act Consultation
Between the US Army Corps of Engineers and
the US Fish & Wildlife Service (USFWS)
(Reference USACE Biological Assessment (BA) dated "June 23, 2020")

Provided below are the conditions based on informal consultation with the USFWS to minimize effects to threatened and endangered species and their critical habitat within the Action Area as defined by the USACE.

1. Adequate sedimentation and erosion control devices, such as geo-textile silt fences or other devices capable of filtering the fines involved, shall be installed and properly maintained to minimize impacts during construction. These devices must be removed upon completion of work but not before stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to a waterway or wetland. Erosion controls, temporary access ways, and crane mats will be installed in accordance with CMP's Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects ("Environmental Guidelines"), included in Exhibit B entitled "Environmental Guidelines For Construction and Maintenance Activities on Transmission Line And Substation Projects" last revised "June 29, 2018" which is contained in the administrative record.
2. Prior to any tree clearing or construction activities, the NECEC team shall walk the length of the transmission line with the construction contractors to identify critical areas where construction and construction access may be difficult due to terrain, wetlands, and water course conditions, or the location of protected or sensitive natural resources. Erosion control placement, access road layout, wetlands, and stream crossing locations shall be addressed with the construction contractors, with avoidance and minimization of wetland and waterbody impacts a priority. The type and location of erosion controls as well as the approach to wetlands, stream crossings and other protected or sensitive natural resources, shall be communicated to the construction contractors during the initial walk-through. Access areas and environmental resources shall be flagged with a specified color of surveyor tape as identified in Table 2-4 of the BA, and "no-access or special restriction" areas (such as certain stream buffers) will also be marked using appropriate color-coded tape. Flagging and any special management or protection requirements associated with federally listed species shall be highlighted during the pre-construction walk through.
3. The permittee shall implement all terms and conditions contained in the water quality certification from the Maine Dept. of Environmental Protection dated "May 11, 2020" and subsequent revisions. Copies of all required submittals shall also be provided to the Corps and DOE.

4. For unavoidable stream crossings, crane mats or other means shall be used to span the streams. (See Section 4.0 Installation of Crossings within Exhibit B). Appropriate erosion controls will be installed at each stream crossing including water bars used in conjunction with sediment traps in addition to sediment barriers located upstream and downstream on both sides of the crossing (see Figure 2-5 of the BA). Where necessary, construction mats will be placed on the upland, parallel to the ordinary high water line as abutments to further protect stream banks and to establish stability. Streams that are too wide to cross by spanning with crane mats or I-beams combined with crane mats will be avoided. Under no circumstances (including in all intermittent and perennial streams within the Atlantic salmon GOM DPS and those that provide critical habitat for Atlantic salmon), will any stream crossing technique be used that involves in-stream work or the discharge of temporary or permanent fills.

5. All wetland and waterbody crossings will be restored to preconstruction conditions; any material or structure used at temporary crossings will be removed; and the banks will be stabilized and revegetated consistent with the NECEC Environmental Guidelines. Stream crossings shall be removed as soon as they are no longer needed for construction activities. All restored stream crossings will be inspected, either as part of the final project inspection or earlier, with particular attention paid to erosion and sedimentation issues and regrowth of riparian vegetation.

6. No in-water construction work is authorized within any stream, either intermittent or perennial. This includes both temporary and permanent work. Furthermore, the permittee shall implement protections within a 100-foot riparian buffer of all intermittent and perennial streams within the GOM DPS. This is further discussed in Section 5.1, page 82 of the BA.

7. Any span structures on all intermittent and perennial streams shall be installed and maintained to prevent soil and other material from washing into the stream. This shall include cleaning the travel surface of the span to prevent accumulated material from washing into the stream. At each of these crossings, clearing of non-capable woody vegetation shall be minimized to the maximum extent practicable and the roots allowed to remain in order to reduce indirect impacts and to promote natural re-vegetation.

8. For all transmission line poles located within the 100-foot buffer of all streams within the GOM DPS, a site specific erosion and sediment control plan, designed to minimize the potential for secondary impacts to the stream, shall be submitted to the Corps for review and approval prior to installation of poles.

9. To minimize the spread of invasive plant species within the Project, all off-road equipment and vehicles (operating off of existing open and maintained roads) must be cleaned prior to entering the construction site to remove all soil, seeds, vegetation, or other debris that could contain seeds or reproductive portions of plants. All equipment will be inspected prior to off-loading to ensure that they are clean.

10. All areas of wetlands which are disturbed during construction shall be restored to their approximate preconstruction elevation (but not higher) and condition by careful protection, and/or removal and replacement, of existing soil and vegetation. In addition, if upland clearing, grubbing, or other construction activity results in, or may result in, soil erosion with transport and deposition into wetlands or waterways, devices such as geotextile silt fences, sediment trenches, etc., shall be installed and properly maintained to minimize such impacts during construction. These devices, with the exception of erosion control mix, must be removed upon completion of work but not before stabilization of disturbed areas. The sediment collected by these devices must also be removed and placed upland, in a manner that will prevent its later erosion and transport to waterway or wetland.

11. No temporary fill (e.g., access roads, cofferdams) may be placed in waters or wetlands unless specifically authorized by this permit. If temporary fill is used, it shall be disposed of at an upland site and suitably contained to prevent its subsequent erosion into a water of the U.S., and the area shall be restored to its preconstruction contours (but not higher) and character upon completion of the project. During use, such temporary fill must be stabilized to prevent erosion.

12. Pull-pads for conductor installation shall only be located in Atlantic salmon 100-foot stream buffer zones when there is no practicable alternative. Grubbing and grading within the stream buffer will be kept to the minimum necessary and will only occur after installation of an additional row of erosion and sedimentation controls between the area of disturbance and the stream. After removal of the pull-pad, the stream buffer will be restored to its original grade and stabilized to prevent erosion while the riparian zone becomes revegetated. Plantings will be installed as necessary to ensure the riparian zone vegetation is adequately restored.

13. All construction areas shall be open for inspection by the permitting agency(ies) as well as federal resource agency personnel during working hours.

14. The permittee shall take all reasonable and prudent measures to minimize the risk of accidental spills of petroleum or other hazardous contaminants from construction equipment at waterway and wetland crossings. Minimum specific spill management measures are contained in Exhibit B of the BA.

15. Initial tree clearing and long-term vegetation maintenance, which will be performed in accordance with the NECEC Construction Vegetation Clearing Plan (VCP) and Post-Construction Vegetation Maintenance Plan (VMP) provided in Exhibit C and D of the BA, respectively and updated on June 25, 2020.

16. Clearing and maintenance of Segment 1 shall include a 39.02-mile-long, 54-foot-wide, cleared, scrub-shrub maintained portion of the ROW, with tapered vegetation

beyond at 16-foot intervals. The forested intervals shall have height steps of 15 feet, 25 feet and 35 feet as one moves from the edge of the 54-foot-wide area to the edge of the 150-foot corridor, except in specific areas where the Project will maintain either full height canopy vegetation, vegetation with a minimum height of 35 feet, or taller vegetation managed for deer travel corridors. The Maine DEP has established several Wildlife Areas where vegetation will be maintained in a forest condition for the full width of the Right of Way (ROW) over the 14.08 miles of the 53.1-mile Segment 1. The identified areas with a required minimum vegetation height of 35 feet are listed in Exhibit C of the BA.

17. The permittee shall conduct all tree cutting between October 16 and April 19 of any year to the maximum extent practicable and **no tree cutting shall occur between June 1 and July 31 of any year** to minimize potential impacts to federally threatened northern long-eared bats.

18. For each successive year of construction beyond 2020 until project completion, the permittee shall submit to the Corps and the US Fish & Wildlife Service an updated Official Species List from the IPaC website: <https://ecos.fws.gov/ipac/>. The updated species list shall be obtained and submitted between January 1 and January 31 of each year. Concurrently, the permittee shall update and resubmit the streamlined consultation form for NLEB to the Corps and the Fish and Wildlife Service. If any new species are federally listed before the NECEC project is completed, the Corps shall re-initiate Section 7 consultation with the Service as necessary to evaluate, avoid, and minimize effects from any construction not completed.

19. In accordance with Exhibit B entitled "Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects" last revised "June 29, 2018", application of herbicides within 75' of any waterbody is prohibited. In all intermittent or perennial streams within the GOM DPS, herbicide application is prohibited within 100'. No herbicides shall be applied within Section 1 as a whole.

20. To minimize the potential for impacts to federally threatened small whorled pogonia, the permittee is prohibited from herbicide application within 100 feet of the 174-acre tract containing the occurrence of the plant at Greene, Maine. The No-Herbicide Zone is depicted in Figure 3-3, p. 69 of the BA.

21. Prior to the start of construction, the permittee shall conduct environmental training for all contractors, sub-contractors, and inspectors. Federal and state resource and regulatory staff shall be invited to attend and/or assist in the presentations. At a minimum, this training shall include actions to be taken to avoid and minimize direct and indirect impacts to aquatic resources such as wetlands, streams, Atlantic salmon streams, and vernal pools; small whorled pogonia habitat; and actions to be taken relative to interactions with Canada lynx.

22. Construction equipment that needs to access the transmission line during operations for repair or maintenance activities will follow the same procedures regarding stream crossings as employed during construction. No instream work is allowed in any intermittent or perennial stream within the GOM DPS. Temporary stream crossings may only use crane mats or bridges that completely span the waterway.

23. ATV usage for operations and maintenance activities by CMP will be limited to the maximum extent practicable and potential ground or resource disturbance will be minimized by utilizing existing upland access ways and snowmobile trail bridges. To avoid or minimize effects to Atlantic salmon and its listed Critical Habitat from ATV usage for operations and maintenance activities, CMP will adopt the following procedures:

a. No fording of streams within the Sheepscot River and Sandy River watersheds or within 1,000 feet upstream of these watersheds will occur unless under frozen conditions. Within these watersheds, ATVs may only cross unfrozen streams using mats or bridges that completely span the waterway.

b. Within mapped Critical Habitat but outside the Sheepscot River and Sandy River watersheds, fording of unfrozen streams may only occur under the following conditions:

(1) To the maximum extent practicable, the crossing is dry, shallow, or exhibits low flows (note - low flows typically occur from July 15 to September 30 of any year). To the maximum extent practicable, the substrate at the crossing consists exclusively of coarse-grained gravel, cobbles, rocks or ledge.

(2) Destruction of riparian vegetation is avoided to the maximum extent practicable.

(3) The stream is crossed at the narrowest practicable location.

(4) The crossing frequency is limited to one to two transits per maintenance cycle, or to the minimum number required.

(5) Erosion and sedimentation controls will be installed in areas of soil disturbance and any disturbed banks are promptly stabilized and revegetated as necessary.

c. Within the GOM DPS but outside mapped Critical Habitat, CMP operations and maintenance personnel shall still make every effort to cross streams under frozen conditions, to avoid the crossing, or to utilize mats or bridges (temporary or permanent) that span the waterway. For crossings that cannot be avoided during unfrozen conditions, CMP will still generally apply the best management practices listed above,

but they are no longer prescriptive unless the crossing is within 1,000 feet upstream of mapped Critical Habitat.

d. CMP shall take all available and practicable measures to discourage impacts to sensitive resources from public ATV and snowmobile use during and after construction of the project including:

(1) Communication and coordination with landowners, ATV and snowmobile clubs, sporting camps, and others that maintain recreational trails on or near the NECEC ROW, especially forest landowners in segments 1, 2, and 3.

(2) Communication with local organized clubs through the State of Maine Department of Agriculture, Conservation and Forestry's Bureau of Parks and Lands, Off-Road Recreational Vehicle Office.

(3) Use of signage and deterrents (e.g., boulders, gates, etc.) in areas of ATV activity with noted associated environmental impacts. At a minimum, the permittee shall install advisory signage on all identified trail crossings of perennial and intermittent streams within the ROW in the Sheepscot River and Sandy River watersheds or within 1,000 feet upstream of these watersheds.

(4) Reporting of unauthorized ATV and snowmobile travel to law enforcement (e.g. Maine Warden Service) as needed to halt excessive disturbance of recently restored and stabilized areas or in instances where environmental impact associated with public use persists following the implementation of deterrents. Excessive disturbance and damage to streams and riparian areas within the GOM DPS must be reported to the USFWS Maine Field Office.

24. For any inadvertent release of drilling mud during the directional drill beneath the Kennebec River, the permittee shall comply with "Requirements for Inadvertent Fluid Release Prevention, Monitoring, and Contingency Plan for HDD Operations" (Exhibit F of the BA). If an inadvertent release occurs, the USACE and the MDEP will be notified, as specified in Exhibit F of the BA. The USFWS Maine Field Office will also be notified (Wende Mahaney at 207-902-1569 or wende_mahaney@fws.gov)

25. To minimize the project's potential impact to the federally threatened Canada lynx and its Critical Habitat between Starks to Beattie Township, the permittee shall implement the following measures:

a. CMP and CMP contractor/subcontractor vehicle traffic speeds on unimproved access roads during construction shall be kept less than 30 mph (road design speed) to minimize chance of collisions with lynx and other wildlife.

b. To the maximum extent practicable, the permittee shall gate access roads under CMP's direct control to vehicle traffic (not foot traffic) with approval from the landowner during the fall trapping and hunting seasons to further reduce the likelihood of incidental take of lynx.

c. Any Canada lynx road collisions or mortalities will be reported to the U.S. Fish & Wildlife Service's Ecological Services Maine Field Office and the USACE, Maine Project Office within 48 hours. Points of contact are Mark McCollough at mark_mccollough@fws.gov; 207-902-1570 and Jay Clement at jay.l.clement@usace.army.mil; 207-623-8367. Carcasses shall be collected, tagged with location and date found and by whom (with contact information), and frozen immediately and transferred to the Service. The Corps will immediately reinstate consultation with the Service if there is any take of Canada lynx.

d. Should Canada lynx be observed during construction within the right-of-way during the denning season from May 1 to July 15, contractors and subcontractors will immediately suspend all activity in the vicinity of the occurrence, immediately leave the area unless it poses a safety concern, and notify project supervisors and environmental inspector(s). Environmental inspector(s) will consult with state wildlife officials, as well as the DOE, USFWS, and the USACE prior to proceeding with construction. The environmental training provided to all project personnel will include a discussion of these measures and any other specific protocols determined necessary for the protection of Canada lynx.

e. In the absence of active human activity, for any period of time where drilled or excavated holes for pole installation will remain open pending the sequential installation of the pole(s), the holes shall be completely covered by any means to minimize the risk of entrapment to lynx and other wildlife.

f. To avoid entrapment of lynx in fenced areas (e.g., substations in Segments 1, 2, and northern part of 3), fencing mesh size will be less than 2 inches by 2 inches (i.e. standard chain link fencing). Lynx escaping devices consisting of two leaning poles (trees with bark or rough surface greater than 5 inches in diameter) will be placed at a shallow angle (less than 35 degrees) in each corner of the fenced area. Any lynx found alive in fenced areas will be released immediately and reported to the Service within 48 hours. Any lynx found dead will be reported within 48 hours to the U.S. Fish & Wildlife Service's Ecological Services Maine Field Office and the Corps of Engineers, Maine Project Office within 48 hours. Points of contact are Mark McCollough at mark_mccollough@fws.gov; 207-902-1570 and Jay Clement at jay.l.clement@usace.army.mil 207-623-8367 respectively.

g. To the maximum extent practicable, cleared areas beneath the transmission line shall be allowed/encouraged to develop a dense growth of low ground cover, shrub, and conifer tree species.

h. Routine vegetation management of the transmission line corridor shall be in accordance with the applicant's post-construction vegetation management plan in Exhibit D, updated June 25, 2020.

26. Future commitments by CMP (Maine DEP order, p. 81) to mitigate wildlife and fisheries impacts of the NECEC include a Conservation Plan and management plans for 40,000 acres to be conserved by conservation easement or fee title acquisition in the vicinity of Segment 1. To ensure that these plans do not adversely affect or take federally listed species and to promote the conservation of Canada lynx, northern long-eared bats, and other federally listed species, the permittee shall furnish the USFWS with copies of all submittals required by the Maine DEP to solicit Service review and comment and participation in future interagency discussions.

27. To assess impact to the small whorled pogonia, the permittee shall monitor small whorled pogonia within the property owned by CMP adjacent to the 174-acre tract in Greene each year during construction, for the three consecutive years following completion of the NECEC, and every third year thereafter until such time that the Service and Maine Natural Areas Program deem monitoring no longer necessary.

28. The permittee shall permanently record all natural resource buffers, including those related to Atlantic salmon and small whorled pogonia, upon completion of construction (e.g. GPS coordinates) and shall further highlight them with flagging prior to any future maintenance activities.