



December 15, 2020

Mr. James R. Beyer
Maine Department of Environmental Protection
Bureau of Land Resources Regulation
17 State House Station
Augusta, ME 04333-0017

RE: New England Clean Energy Connect; Condition Compliance Submission; Standard Conditions of Approval of MDEP Order #L-27625-26- A-N, L-27625-TB-B-N, L-27625-2C-C-N, L-27625-VP-D-N, L-27625-IW-E-N

Dear Mr. Beyer:

Central Maine Power Company (CMP) and NECEC Transmission LLC (NECEC LLC) are submitting the enclosed materials to demonstrate compliance with certain conditions included in the permit for the New England Clean Energy Connect (NECEC) Project approved by the Maine Department of Environmental Protection (MDEP) on May 11, 2020 (the MDEP Order). Specifically, this filing requests MDEP's approval of a Field Adjustment Request (FAR) process that would be used during construction for review and approval of *de minimis* adjustments to the approved plans, proposals, drawings, and supporting documents provided to the permitting agencies during the application process.

This FAR proposal provides the mechanism by which CMP and NECEC LLC will comply with the agency review, approval, and implementation requirements of the following standard conditions, while allowing construction to proceed without undue delays caused by conditions encountered in the field during construction:

- Natural Resources Protection Act (NRPA) Standard Condition #1;
- Site Location of Development Act (Site) Standard Condition A; and,
- Stormwater Standard Condition #1.

The FAR process is more fully described in the attached supplemental information. The FAR process will provide a mechanism by which CMP, NECEC LLC, and its contractors can address unanticipated field conditions and/or safety issues encountered during construction and that ensures MDEP's review and approval and allows the Project to further avoid and minimize impacts to protected natural resources. All field adjustments approved through this process will be limited to changes having temporary or secondary impacts only; will not increase the need for additional mitigation (i.e., in-lieu fees); and will comply with all conditions of approval contained within the MDEP Order and any other conditions resulting from agency review and approval of individual FARs.

[83 Edison Drive, Augusta, ME 04336](https://www.necleanenergyconnect.com)

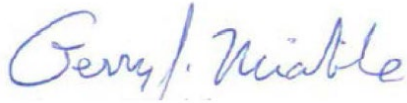
866.676.3232

info@necleanenergyconnect.com
An equal opportunity employer



Because the NECEC is a special fee project, CMP and NECEC LLC understand that the filing fee will be invoiced directly by the MDEP. If you have any questions regarding this submittal, please give me a call at (207) 242-1682 or email me at gerry.mirabile@cmpco.com.

Sincerely,

A handwritten signature in blue ink that reads "Gerry J. Mirabile". The signature is written in a cursive, flowing style.

Gerry J. Mirabile
Manager – NECEC Permitting
AVANGRID Networks, Inc.

Enclosures

cc: Jay Clement, USACE
MDEP Service List
File: New England Clean Energy Connect

#L- _____
ATS # _____
Fees Paid _____
Date Received _____

CONDITION COMPLIANCE APPLICATION

This form shall be used to comply with a condition(s) on an Order that require approval from the Board or Department of Environmental Protection (Department).

Current fee schedule information can be found by contacting the Department or on the Department's website at: <http://www.maine.gov/dep/feeschedule.pdf>. The fee schedule is updated every November 1. Fees are payable to "Treasurer, State of Maine", and **MUST** accompany the application.

Please type or print in black ink only

1. Name of Applicant:	Central Maine Power Company/NECEC Transmission LLC	5. Name of Agent:	Mark Goodwin/Burns & McDonnell
2. Applicant's Mailing Address:	One City Center 5th Floor, Portland, ME 04101	6. Agent's Mailing Address:	27 Pearl Street Portland, ME 04101
3. Applicant's Daytime Phone #:	207-242-1682	7. Agent's Daytime Phone #:	207-800-9554
4. Applicant e-mail address (REQUIRED):	gerry.mirabile@cmpco.com	8. Agent e-mail address (REQUIRED):	magoodwin@burnsmcd.com
LOCATION OF ACTIVITY			
9. Name of Project:	New England Clean Energy Connect		
10. Name of Town where project is located:	Various	11. County:	Various
REQUIRED INFORMATION			
12. Existing Department Order number:	See attached cover letter for Order #'s	13. Order condition number(s):	Condition 1 and associated Standard Conditions of Approval
14. Summary of the information being provided:	See attached supporting information.		
15. Project Manager, if known:	James Beyer		

This completed application form, fee, and all supporting documents summarized above shall be sent to the appropriate Department Office in Augusta, Portland, or Bangor.

Department of Environmental Protection 17 State House Station Augusta, ME 04333 Tel: (207) 287-7688	Department of Environmental Protection 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Department of Environmental Protection 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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CERTIFICATIONS / SIGNATURES on PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below, the applicant (or authorized agent), certifies that he or she has read and understood the following:

CERTIFICATIONS / SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the Department to send me an electronically signed decision on the license I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 and #8)"

Signed: Gerry Michale Title: Manager-NECEC Permitting Date: 12/15/2020

NECEC Field Adjustment Process

During construction of the Project, field conditions and safety concerns will necessitate minor adjustments to the approved plans, proposals, drawings, and supporting documents provided by the applicant to the permitting agencies during the application process. Central Maine Power Company's (CMP) and NECEC Transmission, LLC's (NECEC LLC) proposal to implement a field adjustment request (FAR) process for review and approval of *de minimis* adjustments to the plans and proposals and supporting documents that the permit is based on, provided herein, is submitted to comply with the Standard Conditions of Approval as required by Condition #1 of the Maine Department of Environmental Protection's (MDEP) May 11, 2020 Order.

Specifically, this proposal provides a mechanism by which CMP and NECEC LLC will comply with the agency review, approval, and implementation requirements of the following standard conditions, while allowing construction to proceed without undue delays caused by conditions encountered in the field during construction:

- Natural Resources Protection Act (NRPA) Standard Condition #1;
- Site Location of Development Act (Site) Standard Condition A; and,
- Stormwater Standard Condition #1.

In many cases, field adjustments will result in avoidance or minimization of impacts. For example, adjustments to temporary access roads may allow the Project to avoid permitted areas that present a higher risk of erosion and potential impact to jurisdictional resources than the proposed adjustment. Additionally, environmental conditions that did not exist during permitting may be present at the time of construction. For example, a change in the thread of a stream resulting from flooding and natural erosive processes or water impounded by beavers could necessitate the relocation of waterbody or wetland crossings.

The proposed FAR process will also minimize interruptions to the construction process, thereby allowing construction to proceed in a sequential fashion, to the extent

practicable. Additionally, to construct the Project, CMP and NECEC LLC must coordinate outages on existing transmission lines on a firm and inflexible schedule. Delayed construction activities could result in the outage window closing, effectively extending the duration of construction until an outage is again available. The FAR process will provide for efficient review and timely approval of adjustments, which will minimize delays that might otherwise contribute to the extent and duration of exposed soils and duration of temporary fill impacts during construction of the Project.

Proposed field adjustments will be evaluated in the field by the clearing and construction contractors (as applicable), the NECEC construction superintendent, the MDEP third party inspector (3PI), and the NECEC environmental inspector (EI). The MDEP may also be consulted during the evaluation phase. The collaborative efforts and review and input of these safety, vegetation clearing, access, construction, permit compliance, environmental protection, and erosion and sedimentation control subject matter experts will result in requests that avoid adverse effects to the environment.

All FARs approved through this process will be limited to changes having temporary or secondary impacts only; will not increase the need for additional mitigation (i.e., in-lieu fees); and will comply with the conditions of approval contained within the MDEP Order and any other special conditions resulting from agency review and approval of individual FARs. CMP and its contractors will not implement any change requested through this process until and unless the required review is complete and an approval has been received. All approved FARs will be transmitted to the appropriate project personnel, including but not limited to, contractors, construction superintendents, 3PIs and EIs prior to implementation. These same parties will be notified immediately if a FAR is denied by either MDEP or the USACE. As-built plans reflecting field adjustments, as applicable, will be provided to MDEP within 90 days of the completion of each transmission line component.

Modifications resulting in increases in permanent impacts will be prohibited from review and approval via the FAR process. For example, permanent fill of a significant

vernal pool, and destruction of state- or federally-listed rare, threatened or endangered species habitat are not eligible for consideration under the FAR process. Only the following changes will be reviewed and approved through this process: (1) those that avoid or minimize environmental impact through the reduction of permanent, temporary, or secondary impacts; (2) those that reduce the risk of adverse environmental effects (e.g., erosion and sedimentation) associated with unfavorable environmental conditions; or (3) those addressing significant health and safety issues encountered in the field.

The proposed FAR process includes two categories of adjustments, Category I and Category II, that are based on the complexity of the adjustment requested and level of review required.

Category I

Category I FARs are adjustments that do not increase and may reduce impacts to protected natural resources. Category I FARs typically will be reviewed by a MDEP 3PI on the same day they are requested. The 3PI will review and complete the form and notify the NECEC EI that the change is acceptable if the 3PI concurs that the FAR will not result in additional impacts to protected natural resources. If the 3PI does not concur, the request will either be denied or elevated to the Category II level for further agency consideration.

Category II

Category II FARs are adjustments that will be submitted to the MDEP and the United States Army Corps of Engineers (USACE) for review and approval prior to implementation. Category II FARs describe the adjustment and include a justification, analysis of alternatives, and description of impacts, and (if applicable) will be reviewed, commented on, and signed by the 3PI (unless otherwise determined to be unnecessary by the MDEP) prior to submission to the MDEP and USACE.

Exhibit 1, included with this submittal, contains the proposed Category I and Category II forms that define the parameters for assigning the correct Category of FAR.

Exhibit 1: Category I & II Field Adjustment Request Forms

NECEC – Category II Field Adjustment Request Form

DEP #: 27625-26- A-N, L-27625-TB-B-N, L-27625-2C-C-N, L-27625-VP-D-N, L-27625-IW-E-N
USACE NAE-2017-01342

Category II Field Adjustment Request (request for authorization by MDEP and USACE)

Adjustment Type Requested (check one):

- Refueling (or overnight parking) within:
 - a wetland
 - a location for which the 3PI is requesting MDEP and USACE approval of waiver
- Field adjustment to permitted stream crossing location or addition of stream crossing
- Field adjustment in a PNR¹ (must include justification and include evaluation of alternatives)
- Relocation of access road from non-tapered 54' centerline area
- Other (describe below)

Location/Description:

3PI Review Comments:

Project Representative Requesting Change (printed name):

Project Representative Signature & Date:

3PI Representative (printed name):

3PI Signature & Date:

Attachments (e.g. drawings, photographs, etc.):

¹ Protected natural resource.