

March 29, 2018

Mr. Bill Hinkel
Land Use Planning Commission
Department of Agriculture, Conservation and Forestry
18 Elkins Lane
Augusta, Maine 04330

**RE: Response to February 26, 2018 Data Request
New England Clean Energy Connect Project
Natural Resources Protection Act and Site Location of Development Act permit
applications**

Dear Mr. Hinkel:

Central Maine Power Company (CMP) is pleased to provide responses to the Land Use Planning Commission's (LUPC) February 26, 2018, information request associated with the Site Location of Development Act and Natural Resources Protection Act permit applications submitted by CMP on September 27, 2017, for the New England Clean Energy Connect (NECEC) project.

The discussion below identifies the information regarding the vegetative clearing and dimensional requirement standards requested by the LUPC and provides CMP's response.

LUPC Request

Vegetative Clearing

Site Law application at 25.3.2 states that "five of the approximately 379 transmission structures located in LUPC jurisdiction are located within P-WL mapped subdistricts." "...the construction of the transmission line in accordance with the methods described in Section 10 (Buffers) of the Site Law application is consistent with the objective of the P-WL subdistrict." Exhibit 10-1: NECEC Construction Vegetation Clearing Plan provides for a 25-foot buffer on streams. Chapter 10 requires a 75-foot buffer on P-WL1 streams and wetlands.

1. Provide the specific locations of the 5 structures proposed within P-WL subdistricts.
2. Provide all locations where section 10.27,B vegetative clearing standards will not be met within P-WL1 subdistricts. (See Chapter 10, sec. 10.23,N,2,a,1.)

CMP Response

Continued refinement of the NECEC project design has resulted in only three (3) structures being located within a P-WL subdistrict as provided in the table below.

Structure Number	LUPC Subdistrict	Location	Natural Resource Map Number
3006-11	p-wl3	Moxie Gore	Segment 1 - Map 113
3006-18	p-wl3	Moxie Gore	Segment 1 - Map 110
3006-198	p-wl3	Appleton Township	Segment 1 - Map 39

Clearing of vegetation within 75 feet of P-WL1 streams and wetlands, other than those areas within 25 feet of a stream buffer, will be restricted to only species that are capable of growing into the conductor safety zone. All woody vegetation over 10 feet in height, whether capable or non-capable, will be removed from the wire zone (i.e., within 15 feet, horizontally, of any conductor) within the 25-foot buffer at stream crossings. Unless frozen, all equipment travel in P-WL subdistricts will be on timber mats, which will act to minimize soil disturbance and preserve the roots and existing native seed bank. All areas of soil disturbance caused by the movement of heavy equipment will be stabilized and allowed to revegetate, thereby preserving the required 75-foot buffer.

The NECEC project is an allowed use in all subdistricts including those allowed by special exception. Due to the nature of the project, the buffer strips identified in LUPC §10.27, B will be retained but the project cannot conform to the selective cutting requirements associated with the maintenance of vegetation (§10.27, B, 2). Specifically, due to CMP’s vegetation clearing and maintenance practices included in Section 10 of the Site Law Application, the project cannot meet the minimum cleared opening area of 250-feet and maintain a “well-distributed stand of trees,” as required by (§10.27, B, 2). CMP will maintain vegetative buffers in all P-WL1 subdistricts crossed by the NECEC project, but these buffers will not include capable vegetation that could grow to heights that would intrude into the conductor safety zone of the transmission line. As proposed in Exhibits 10-1 and 10-2 of the Site Law application, clearing and maintenance activities will be conducted using best management practices that produce no undue adverse impact upon the natural resources and uses in the area.

LUPC Request

Dimensional Requirements

Section 25.4.2 of the Site Law application states that “a number of poles do not conform with the defined setback as described in §10.26, D(2). The locations of those structures located less than the minimum setback distances defined in §10.26, D(2) would be consistent with §10.26, G(5), which provides that an exception may be made to a setback requirement if the structure must be located closer due to the nature of its use.” Mark Goodwin generally addressed setbacks in his email of 11/3/17 (8:21 AM). MDEP is reviewing alternatives analysis, including the proposed location of the transmission line. At this time, the degree to which road setbacks will not be met remains unclear to LUPC staff. Chapter 10 requires a 30-foot setback from roadways within D-RS and D-GN subdistricts and 50-foot setback within other subdistricts.

Provide the specific locations of all transmission poles that will not meet road setbacks. Detailed alternatives analysis should be provided for any pole that is proposed within 20 feet of a roadway.

CMP Response

There are no proposed structures within the 30-foot setback in D-RS and D-GN subdistricts and no structures are proposed to be located within 20 feet of a roadway.

In its request, the LUPC incorrectly references the 50-foot setback from roadways required by §10.26, D, 1. The applicable setback from the traveled portion of the nearest roadway as defined in §10.26, D, 2 for areas other than D-RS and D-GN subdistricts is 75 feet.

CMP provided the LUPC with supplemental information regarding the dimensional standards contained within §10.26 of the Commission’s rules in a letter dated October 2, 2017. The letter included the specific structure numbers for all transmission poles that would not meet the road setback identified in §10.26, D, 2. For your convenience, the structures that do not meet the §10.26, D, 2, 75 foot road setback, and their corresponding natural resource map numbers, are as follows:

Structure	Setback (ft.)	Project Segment - Natural Resource Map Number
3006-66	30	Segment 1 – Map 92
3006-68	56	Segment 1 – Map 91
3006-121	56	Segment 1 – Map 70
3006-128	27	Segment 1 – Map 67
3006-129	63	Segment 1 – Map 67
3006-137	67	Segment 1 – Map 63
3006-200	55	Segment 1 – Map 38
3006-201	34	Segment 1 – Map 37
3006-269	62	Segment 1 – Map 9

The structures identified in the table above are located within 75 feet of a public roadway due to the nature of the project. As described in our email to the LUPC dated November 3, 2017, numerous factors are considered when locating individual transmission line structures once a transmission line route is chosen. This iterative process begins with locating structures at the most efficient and practicable locations. In order to optimize structure locations to the extent practicable, preliminary structure locations are then reviewed and refined based upon the following requirements, constraints, and considerations:

- Minimum required ground clearances
- Structure and conductor (wire) performance, i.e., structural capacity, maximum span length, and wire movement envelopes
- Natural and manmade obstacles (hills, valleys, roads, railroads, existing utilities, etc.)



**CENTRAL MAINE
POWER**

- Protected and sensitive environmental resource locations (setbacks)
- Cultural resource locations
- Visual impacts
- Project cost impacts

The locations of NECEC project structures is based on transmission line design at the 30% (conceptual) level. This takes into consideration basic structure geometry and design assumptions, preliminary topographical survey data sufficient for conceptual design, and the above constraints. The combined effects of such constraints limit possible transmission line structure locations and thus require some structures to be located within the LUPC's minimum defined setbacks.

Relocating structures a significant distance in order to comply with the minimum setbacks may affect adjacent transmission line structures and/or other transmission line structures throughout the right-of-way. For example, moving one or more structures to maximize setbacks may necessitate or result in relocation of other structures into these minimum setbacks or into protected or sensitive natural resource areas in other locations. Such relocation may also require a larger number of structures and/or taller structures to meet required setback distances and line clearances, which may increase the visual impact of the project.

For the above reasons, CMP's request for LUPC Certification included special exceptions allowed under §10.26, G, 5, and §10.27 B.

If you have any questions regarding these responses, please give me a call at (207) 626-9557 or email gerry.mirabile@cmpco.com.

Sincerely,

Gerry J. Mirabile
Manager – Environmental Projects
Environmental Permitting
AVANGRID Networks, Inc.

Enclosures

cc: James Beyer, MDEP; Samantha Horn, LUPC; Jay Clement, USACE; Christopher Lawrence, USDOE; Melissa Pauley, USDOE; Bernardo Escudero, CMP; Mark Goodwin, Burns & McDonnell; Matt Manahan, Pierce Atwood; Jared des Rosiers, Pierce Atwood
File: New England Clean Energy Connect