

# **PUBLIC NOTICE**

US Army Corps of Engineers ® New England District Maine Project Office 442 Civic Center Drive, Suite 350 Augusta Maine 04330

Date: 26 MARCH 2019

Comment Period Ends: 25 APRIL 2019

File Number: NAE-2017-01342 In Reply Refer To: Jay L. Clement

Or by e-mail: jay.l.clement@usace.armv.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT: Central Maine Power Company, 83 Edison Drive, Augusta, Maine 04336

**ACTIVITY:** Place temporary and permanent fill in numerous waterways and wetlands between Beattie Township at the Maine/Quebec border and Lewiston, Maine in order to construct a new High Voltage Direct Current (HVDC) electrical transmission line and related facilities capable of delivering up to 1,200 megawatts of electrical power from hydroelectric sources in Quebec to the New England Control Area, specifically in response to a Request for Proposals for Long-Term Contracts for Clean Energy Projects from the State of Massachusetts. This work is generally depicted on the attached plans and includes the following components:

- A 145.3 mile, +/-320 kilovolt (kV) HVDC transmission line from the Canadian Border to a new DC to AC converter station located in Lewiston, including a crossing beneath the upper Kennebec River via horizontal directional drilling;
- A DC to AC Converter Station and associated +/- 1.2 mile 345 kV transmission line in Lewiston;
- A new substation and associated +/- 0.3 mile 345 kV transmission line in Pownal;
- A 26.5 mile 345 kV transmission line between Windsor and Wiscasset:
- Two 115 kV transmission line rebuilds between Lewiston and Pownal; and
- Additional equipment installation and upgrades at Larrabee Road Substation (Lewiston), Crowley's Substation (Lewiston), Surowiec Substation (Pownal), Coopers Mills Substation (Windsor), Raven Farm Substation (Cumberland), and Maine Yankee Substation (Wiscasset).

The project area encompasses six Maine counties and 38 municipalities or townships. Approximately 53.5 miles of the new line, from the Canadian border to the Forks, will be located within a previously undeveloped, 300 foot wide transmission line corridor. The remainder of the 145.3 miles of transmission line from the Forks to Lewiston (63%) will be installed within existing transmission corridors. Temporary and permanent wetland and waterway impact figures are shown on the attached table. The new line will be installed beneath the upper Kennebec River via horizontal directional drilling. All other waterway and/or wetland crossings will be aerial.

To compensate for the project's projected natural resource impacts, including unavoidable impacts to waterways and wetlands, the applicant is currently proposing a multi-faceted compensation plan. This plan is intended to address both federal and state requirements for compensatory mitigation. Specific to impacts to aquatic resources, the plan includes wetland and upland preservation on a total of 1,022.4 acres at three locations throughout the project corridor as shown on the attached plans. These parcels range in size from 81.24 to 831.39 acres. The three other parcels shown on the plans are intended to address state requirements for

other natural resource impacts. The applicant also proposes a \$3,074,416.06 contribution to the Maine Natural Resource Mitigation Fund (Maine In Lieu Fee Program) in the compensation plan. The applicant is proposing these measures seeking to compensate for and lessen the project's impact on aquatic and other natural resources. This notice solicits comments on these proposed measures from the interested or affected public as well as those agencies who speak to the public interest. It also solicits recommendations for alternative sites or measures not yet identified by the applicant. After receipt of the comments, the Corps of Engineers will obtain any necessary additional information from the applicant and determine whether the proposed measures are practicable and serve to help mitigate this project's unavoidable impacts.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in numerous waterways and wetlands:

- Between Beattie Township, Maine (USGS Boundary Pond quadrangle sheet; Lat/Long 45.516560°N; -70.187398°W) and Lewiston, Maine (USGS Lake Auburn East quadrangle sheet; Lat/Long 44.140075°N; -70.719526°W);
- Between Lewiston (USGS Lake Auburn East quadrangle sheet; Lat/Long 44.140075°N; -70.719526°W) and Pownal (USGS North Pownal quadrangle sheet; Lat/Long 43.931707°N; -70.204229°W); and
- Between Windsor (USGS Weeks Mills quadrangle sheet; Lat/Long 44.286523°N; -69.562329°W) and Wiscasset (USGS Westport quadrangle sheet; Lat/Long 43.953214°N; -69.696120°W).

## AUTHORITY

Permi	ts are required pursuant to:
X	Section 10 of the Rivers and Harbors Act of 1899
X	Section 404 of the Clean Water Act
	Section 103 of the Marine Protection, Research and Sanctuaries Act)

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

### ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat ("EFH").

This work may impact EFH for Atlantic salmon. This habitat consists of stream and river bottom composed of silt, sand, and gravel mixed with stones. Impact to this species is expected to be minimal with appropriate erosion control measures, in stream work windows, clearing restrictions, and other best management practices. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect will be minimal. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision. Similarly, consultation will be initiated regarding the presence of salmon as they are a federally listed endangered species.

### SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES ACT CONSULTATION: The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur along the project corridor. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. Consultation with the Services is on-going. By this public notice, the District Engineer is requesting that the appropriate federal agency provide comments regarding the presence of and potential impacts to other listed species or its critical habitat not already identified.

OTHER APPROVALS: Construction, connection, operation, and maintenance of the proposed transmission line facility at the proposed location for the U.S. – Canada international border crossing at Beattie Township will require authorization from the US Department of Energy (DOE) in the form of a Presidential permit. The proposed international border crossing in the U.S. would be within a 150-foot wide maintained corridor that is part of a 300-foot wide corridor owned by the applicant. For information concerning the Presidential permit application (DOE Docket No. PP-438) or DOE's review process, please contact Ms. Melissa Pauley, Policy Analyst, Office of Electricity; U.S. Department of Energy; 1000 Independence Avenue, SW; Washington, DC 20585; Office: 202-586-2942; email: Melissa.Pauley@hq.doe.gov

The applicant has supplied the Maine Department of Environmental Protection (Maine DEP) with a permit application for the work described in this public notice and is requesting that the Department either grant or waive Water Quality Certification in accordance with Section 401 of the Clean Water Act. Comments regarding the applicant's Permit/Water Quality Certification request may be submitted in writing to: Mark Bergeron, Director, Bureau of Land Resources, Department of Environmental Protection, 17 State House Station, Augusta, ME, 04333-0017 or by email to: mark.bergeron@maine.gov

The applicant has also supplied the Maine Land Use Planning Commission (LUPC) with a permit application. Comments regarding the LUPC application may be submitted in writing to: Land Use Planning Commission, 22 State House Station, Augusta, ME 04333; or by email to: bill.hinkel@maine.gov

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Jay Clement at the email noted above or at 207-623-8367 at our Augusta, Maine Project Office

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public. The Maine Department of Environmental Protection (Maine DEP) and the Land Use Planning Commission (LUPC) are conducting a series of public hearings for this project. The Corps will attend these hearings to address questions and concerns relative to federal permit requirements. The state public hearings for this project are scheduled for the week of April 1, 2019 at the University of Maine at Farmington. For directions, schedule details and other information, refer to: https://www.maine.gov/dep/ftp/projects/necec/hearing/JointHearingNotice.pdf

For additional information relating to the Maine state regulatory processes, refer to: <a href="https://www.maine.gov/dep/land/projects/necec/index.html">https://www.maine.gov/dep/land/projects/necec/index.html</a> (Maine DEP) <a href="https://www.maine.gov/dacf/lupc/projects/site">https://www.maine.gov/dacf/lupc/projects/site</a> law certification/slc9.html (LUPC)

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <a href="http://www.nae.usace.army.mil">http://www.nae.usace.army.mil</a>.

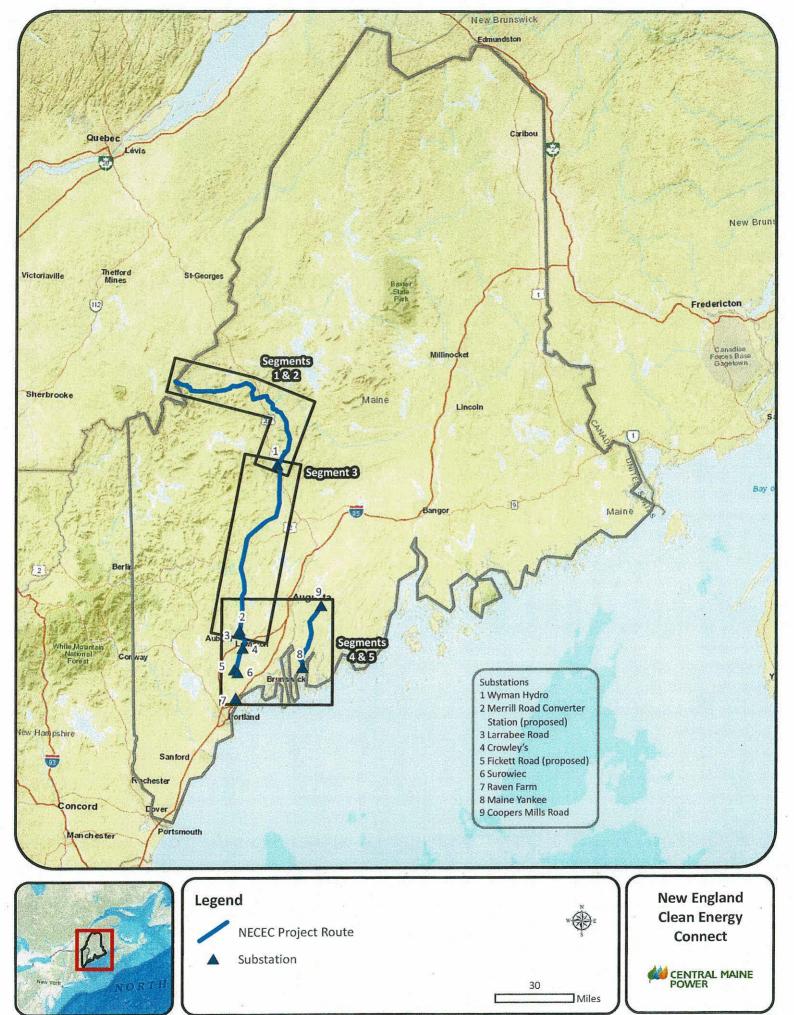
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

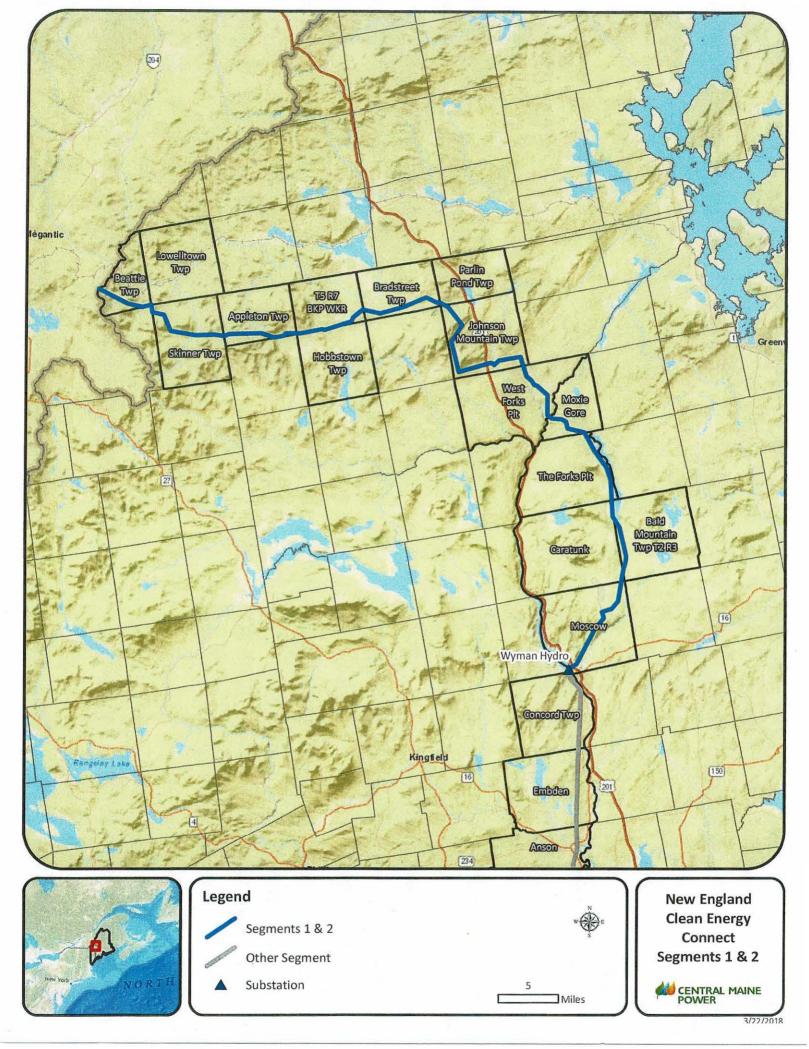
Lindsey E. Lefebvre Chief, Permits and Enforcement Branch Regulatory Division

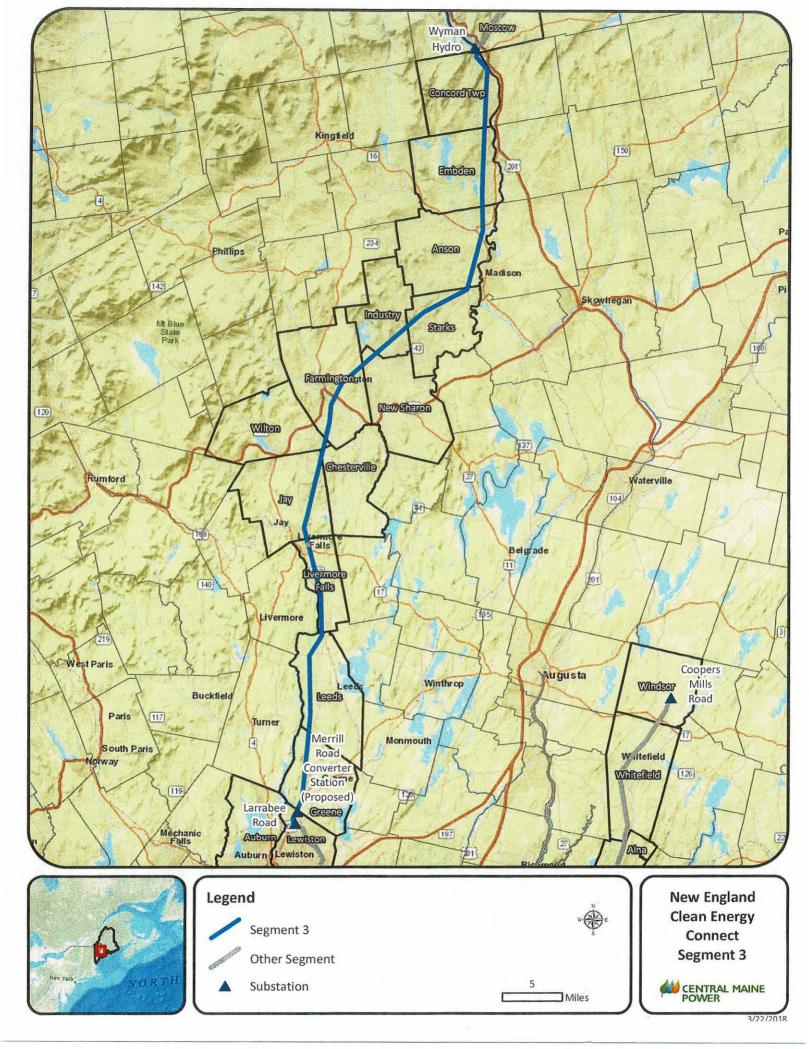
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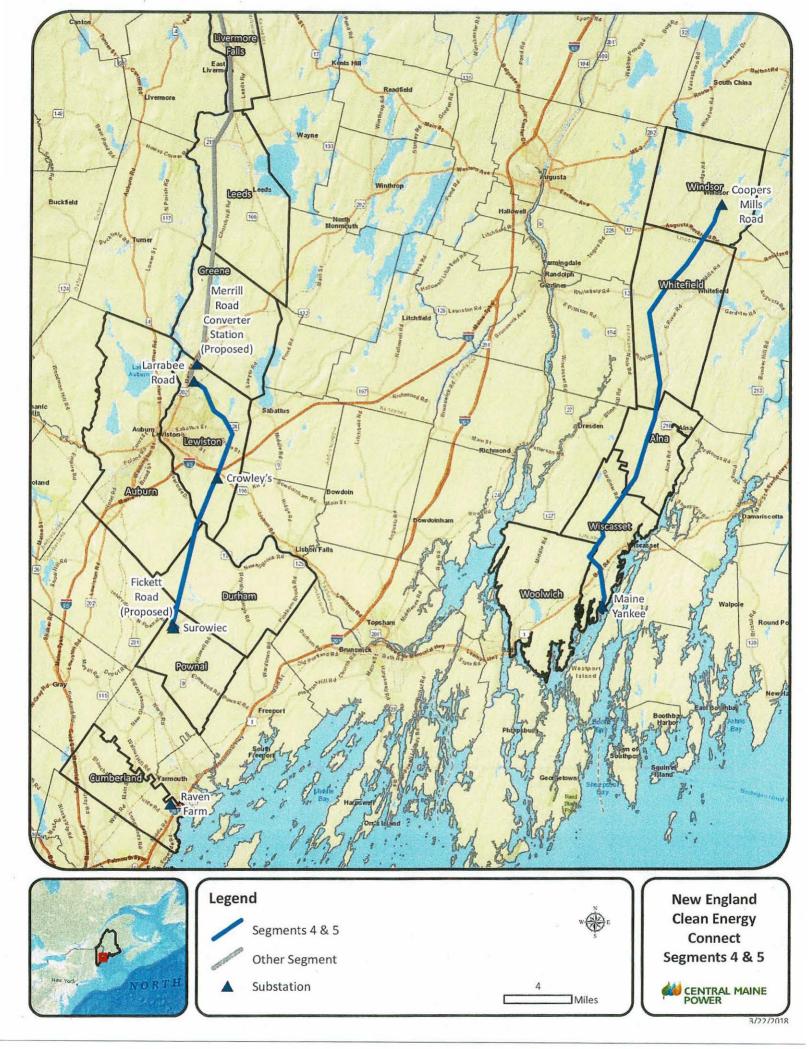
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at <a href="mailto:bettina.m.chaisson@usace.army.mil">bettina.m.chaisson@usace.army.mil</a>. You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME:			









	Impact Type	Resource Impact	
	Permanent Fill in Wetlands (Non-WOSS)	0.307 acres	
	Permanent Fill in WOSS <sup>1</sup>	3.814 acres	
Wetland Impact	Temporary Wetland Fill in PEM (<18 months)	19.18 acres	
	Temporary Wetland Fill in PSS <sup>2</sup> (<18 months)	28.507 acres	
	Permanent Forested Wetland Conversion <sup>3</sup>	105.548 acres	
	Permanent Wetland Fill in SVPH	0.743 acres	
Impact to MDEP	Permanent Forested Wetland Conversion SVPH	3.895 acres	
Pool Habitat (250')	Permanent Upland Fill in SVPH	0.72 acres	
	Permanent Upland Conversion in SVPH	29.607 acres	
	Direct Fill in Vernal Pool Depression or 100' Envelope	2.218 acres	
Impact to USACE	Permanent Forested Conversion in Vernal Pool Depression or 100' Envelope	68.143 acres	
Jurisdictional Vernal Pool Habitat <sup>4</sup>	Permanent Forested Conversion in Vernal Pool 750' Critical Terrestrial Habitat	1359.277 acres	
(750')	Vernal Pool Assigned Values	49 High Value <sup>4</sup> Vernal Pools 122 Medium Value	
	(high, medium and low) <sup>5</sup>	Vernal Pools 71 Low Value Vernal Pools	
	Permanent Wetland Fill in IWWH	0.003 acres	
Inland Wading Bird & Waterfowl	Permanent Forested Wetland Conversion	2.622 acres	
Habitat (IWWH)	Permanent Upland Fill in IWWH	0.014 acres	
	Permanent Upland Conversion in IWWH	12.387 acres	
Sa 1	Permanent Forested Conversion	406 waterbodies / 11.02	
Stream Impacts <sup>6</sup>	Temporary Crossings	224 waterbodies	

<sup>&</sup>lt;sup>1</sup> Permanent wetland fill to PEM and PSS wetlands within SVPH and IWWH are excluded from this calculation and are calculated separately in their own respective categories.

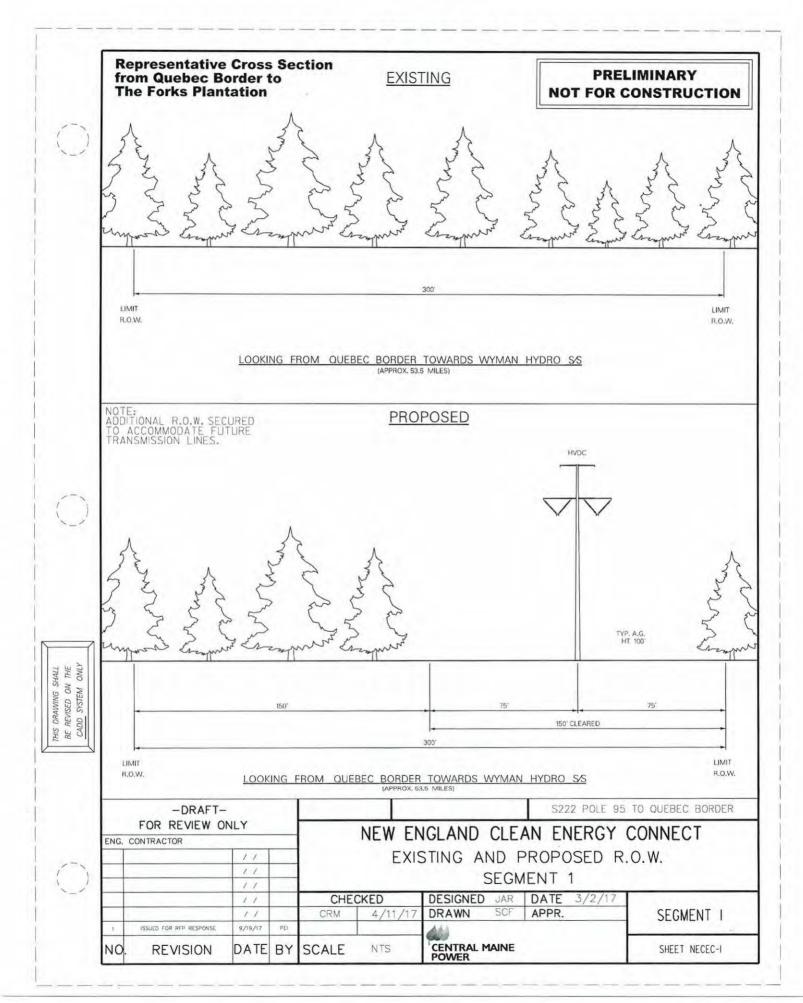
<sup>&</sup>lt;sup>2</sup> Given that hydrology or significant soil disturbance will not result, all forested wetlands will convert to scrub-shrub wetland.

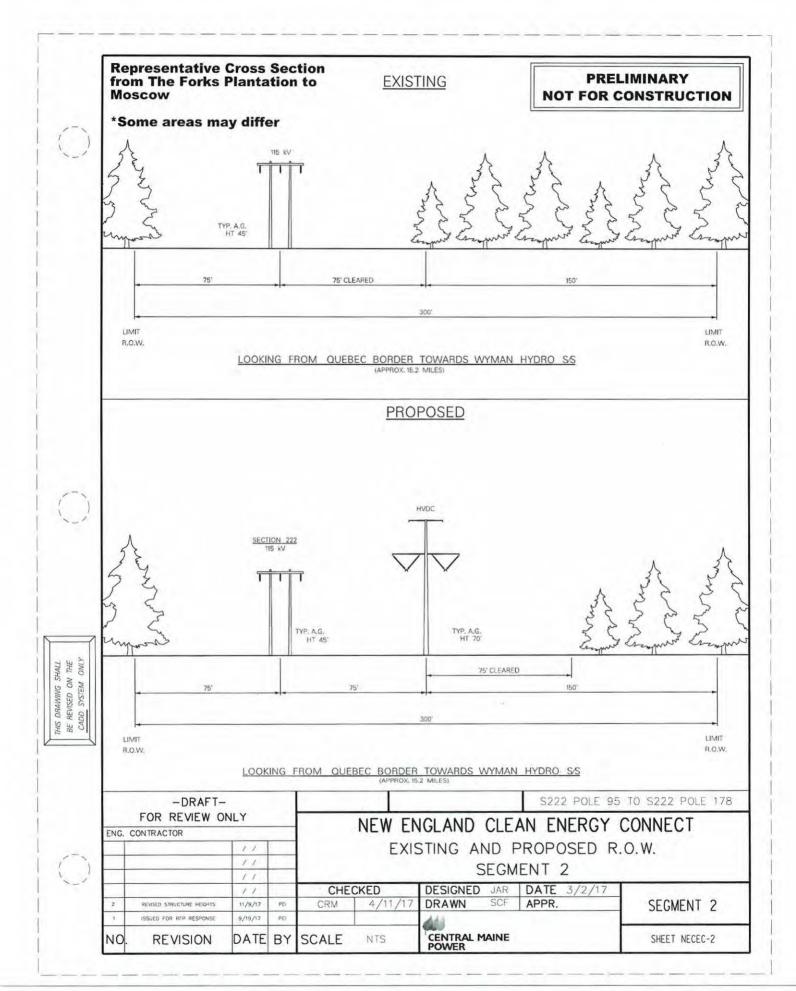
<sup>&</sup>lt;sup>3</sup> Conversion of forested wetlands excludes clearing within SVPH or IWWH, and are reported separately in their own respective categories.

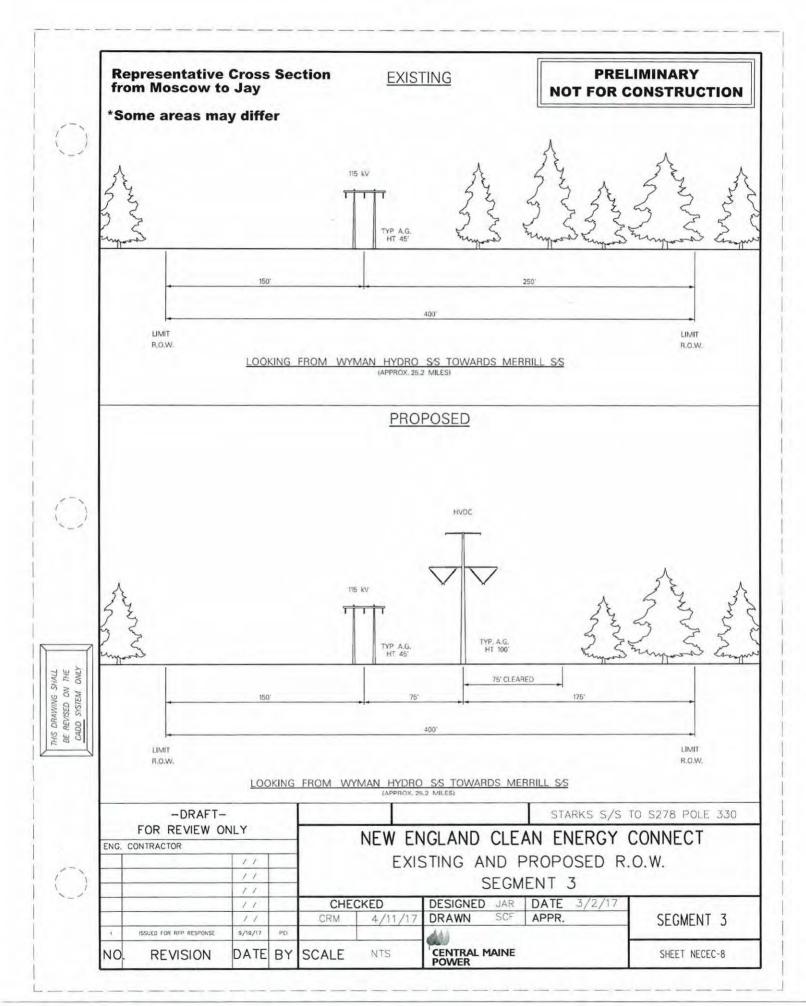
<sup>&</sup>lt;sup>4</sup> Excludes impacts to SVPH.

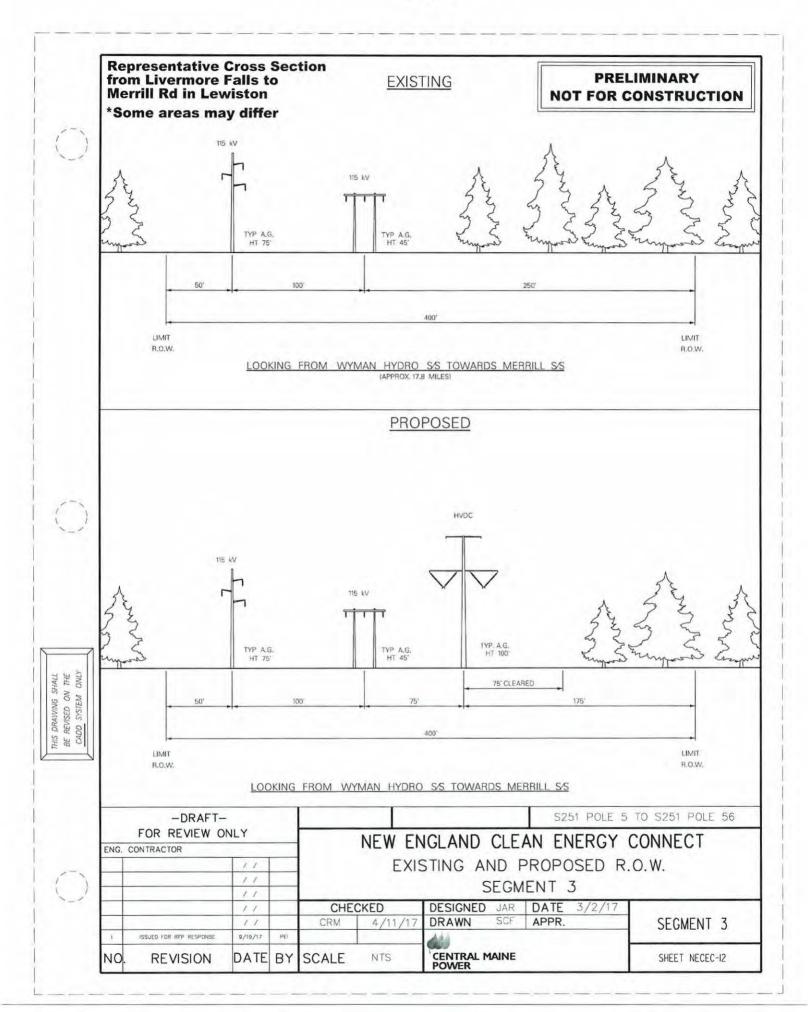
<sup>&</sup>lt;sup>5</sup> Vernal pools were assigned values of high, medium or low to determine appropriate mitigation for vernal pool impacts using the "NECEC Proposed Criteria for USACOE Vernal Pools Values Determination for Compensation Plan Development, May 2018 draft"

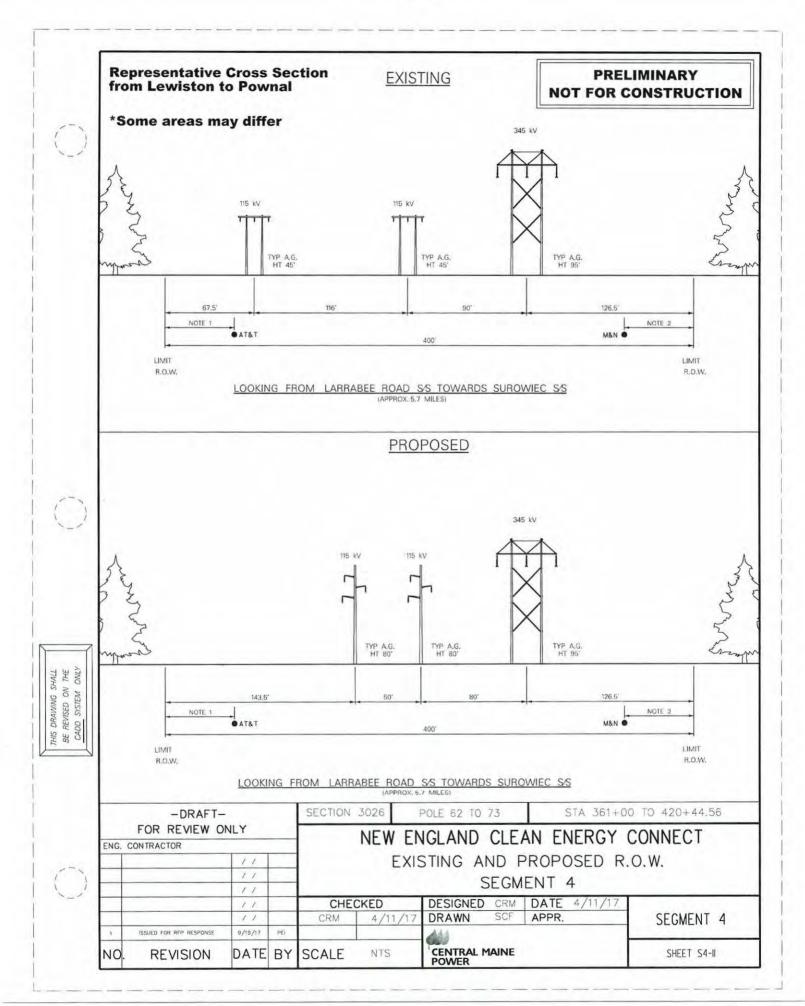
<sup>&</sup>lt;sup>6</sup> Of the 743 total waterbodies in CMP controlled lands, 406 waterbodies or 11.02 linear miles will be subject to permanent forested conversion impacts and 224 will be crossed by temporary bridge spans.

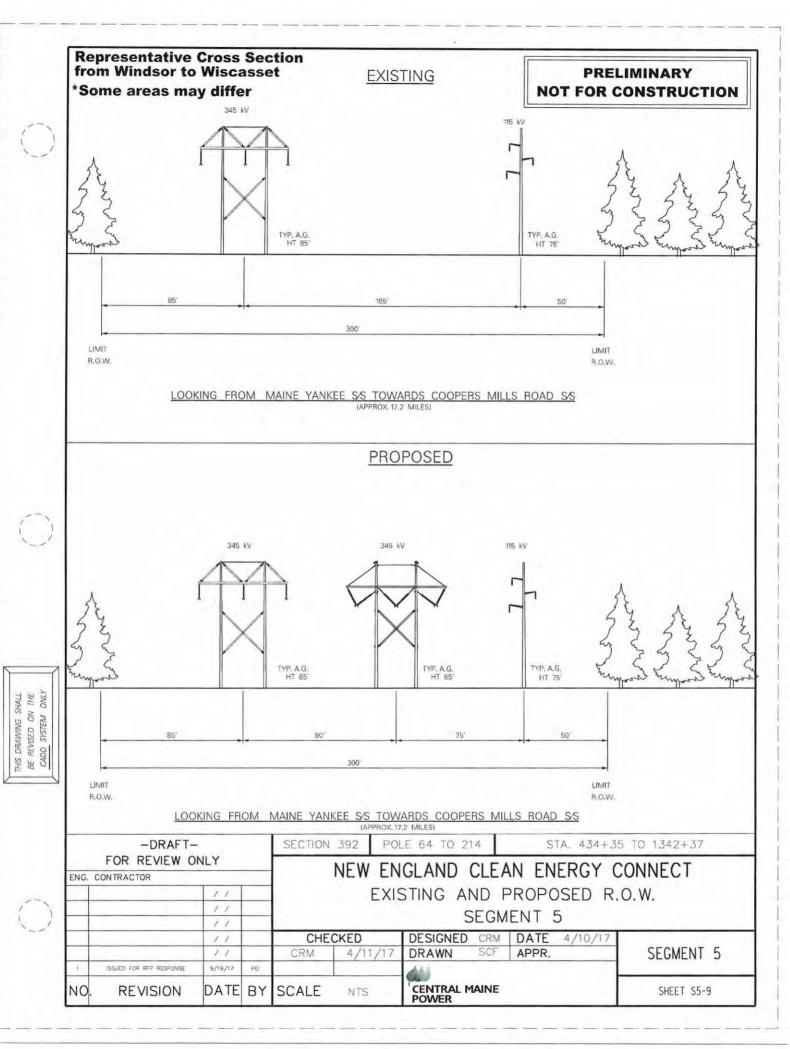


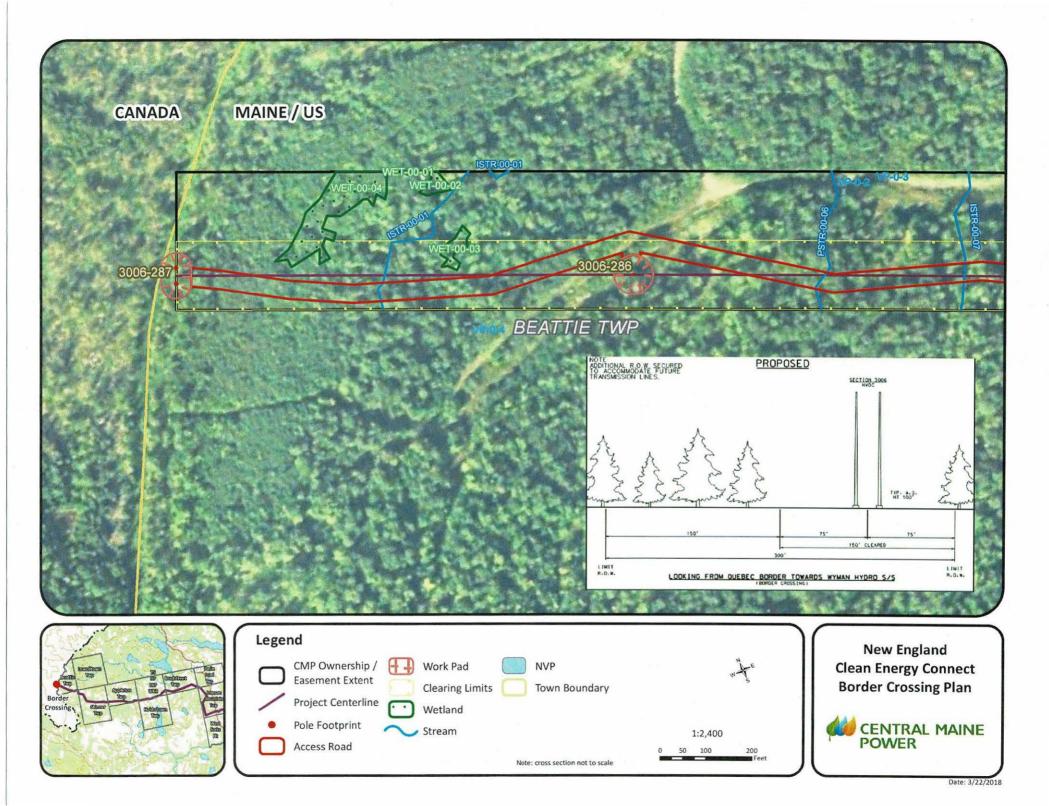












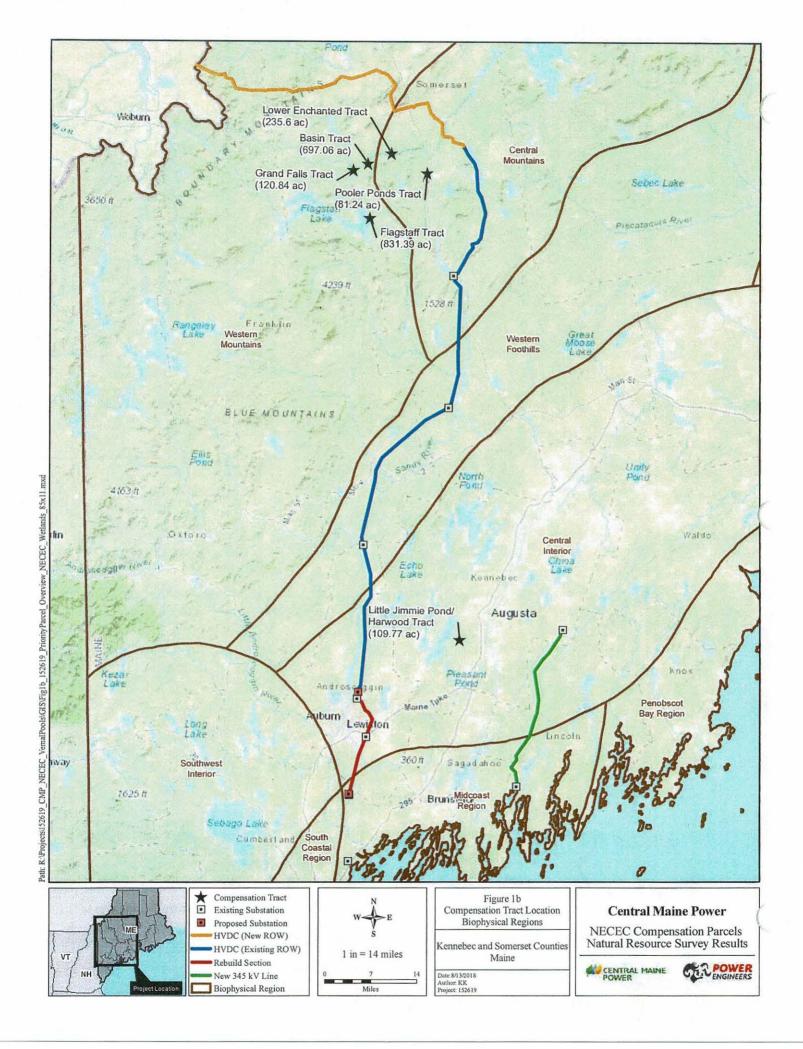


Table 1-1: Summary of Compensation as Required by NRPA and/or USACE

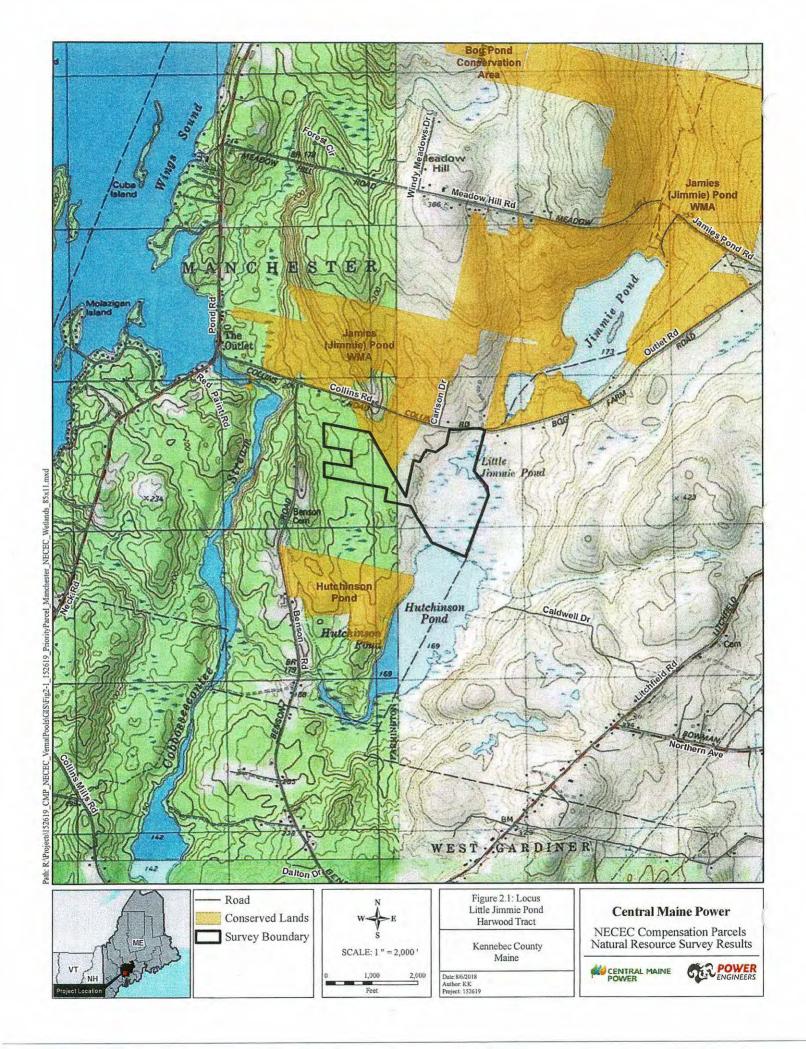
Resource Type & Impact	Agency Requiring	Form of Compensation	Type and Amount of Compensation	
47.687 acres of Temporary Wetland Fill	USACE	Preservation and In-Lieu Fee	Preservation of 57.01 acres of wetlands. \$154,535.04	
105.548 acres of Permanent Cover Type Conversion of Forested Wetlands <sup>1</sup>	USACE and	Preservation	Preservation of 440.29 acres of wetlands	
3.814 acres of Permanent Fill in Wetlands of Special Significance (WOSS) <sup>2</sup>	MDEP	Preservation		
0.307 acres of Permanent Fill in Wetland (Non-WOSS)				
0.743 acres of Permanent Wetland Fill in SVP Habitat	7		\$641,653.12	
3.895 acres of Permanent Forested Wetland Conversion in SVPH	MDEP	In-Lieu Fee		
0.720 acres of Permanent Upland Fill in SVP Habitat				
29.607 acres of Permanent Upland Conversion in SVPH				
Direct and Indirect Impact to USACE Jurisdictional Vernal Pools	USACE	In-Lieu Fee	\$2,024,875.37	
0.003 acres of Permanent Wetland Fill in IWWH	,			
2.622 acres of Permanent Forested Wetland Conversion in IWWH	MDEP	In-Lieu Fee	\$253,352.53	
0.014 acres of Permanent Upland Fill in IWWH				
12.387 acres of Permanent Upland Conversion in IWWH				
	In-Lieu Fee		\$3,074,416.06	
	Land Preservation		1022.4 acres of preservation containing 510.75 acres of wetland.	

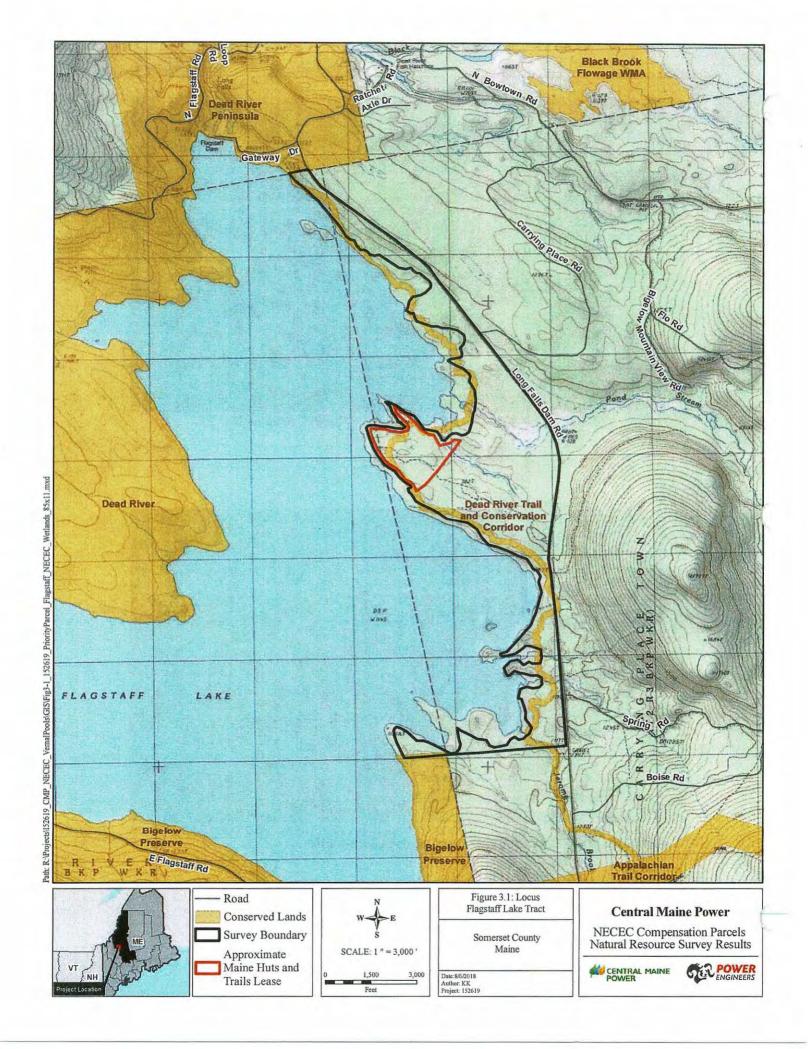
<sup>1</sup>The USACE requires compensation for Permanent Cover Type Conversion of Forested Wetlands. The MDEP requires compensation for Permanent Cover Type Conversion of significant wildlife habitat. Compensation for wetlands within significant wildlife habitat, IWWH and SVPH, are not included within the Permanent Cover Type Conversion of Forested Wetlands calculation and are calculated separately within their respective categories. Cover type conversion within upland areas of IWWH and SVPH are compensated separately as well.

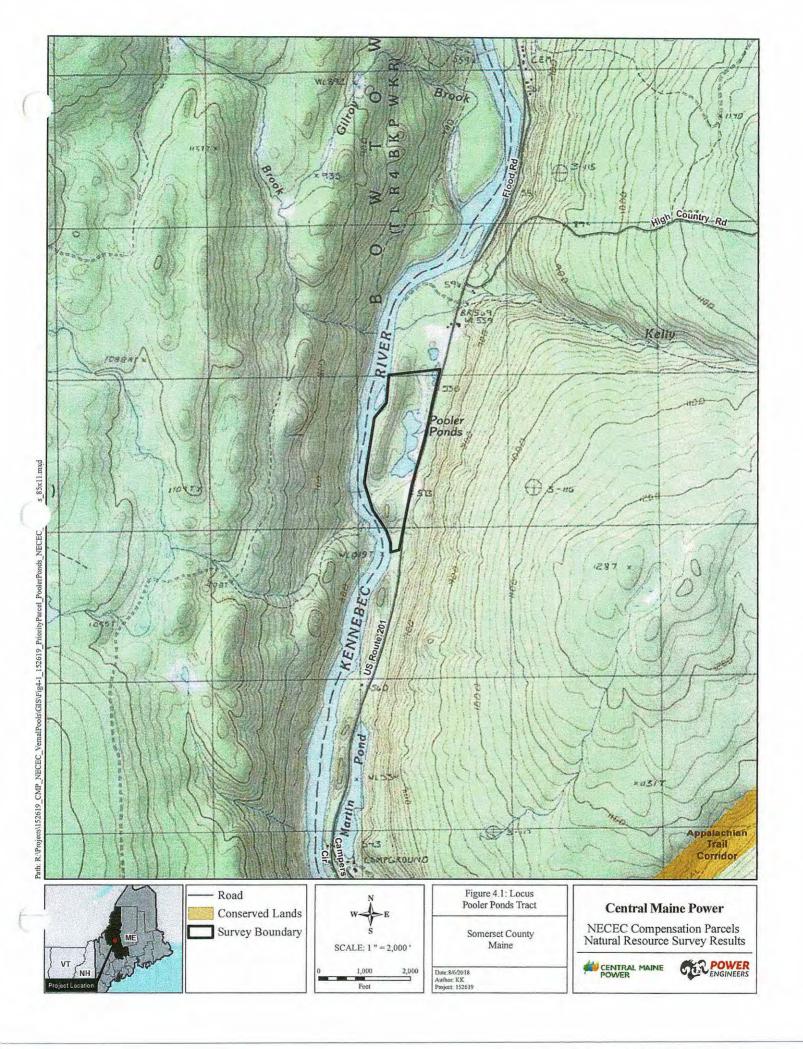
<sup>2</sup>Permanent fill in WOSS excludes fill in IWWH and SVPH, which are calculated separately, in their respective categories.

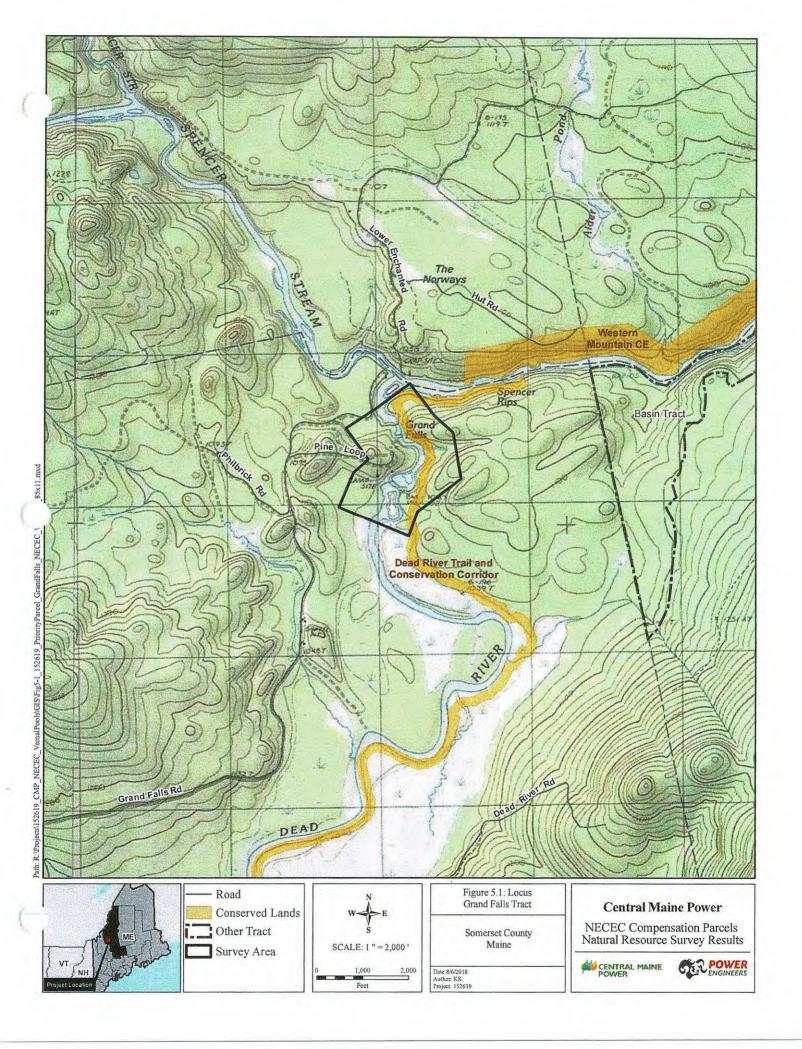
Table 1-2: Summary of Compensation Resulting from Consultation with Resource Agencies

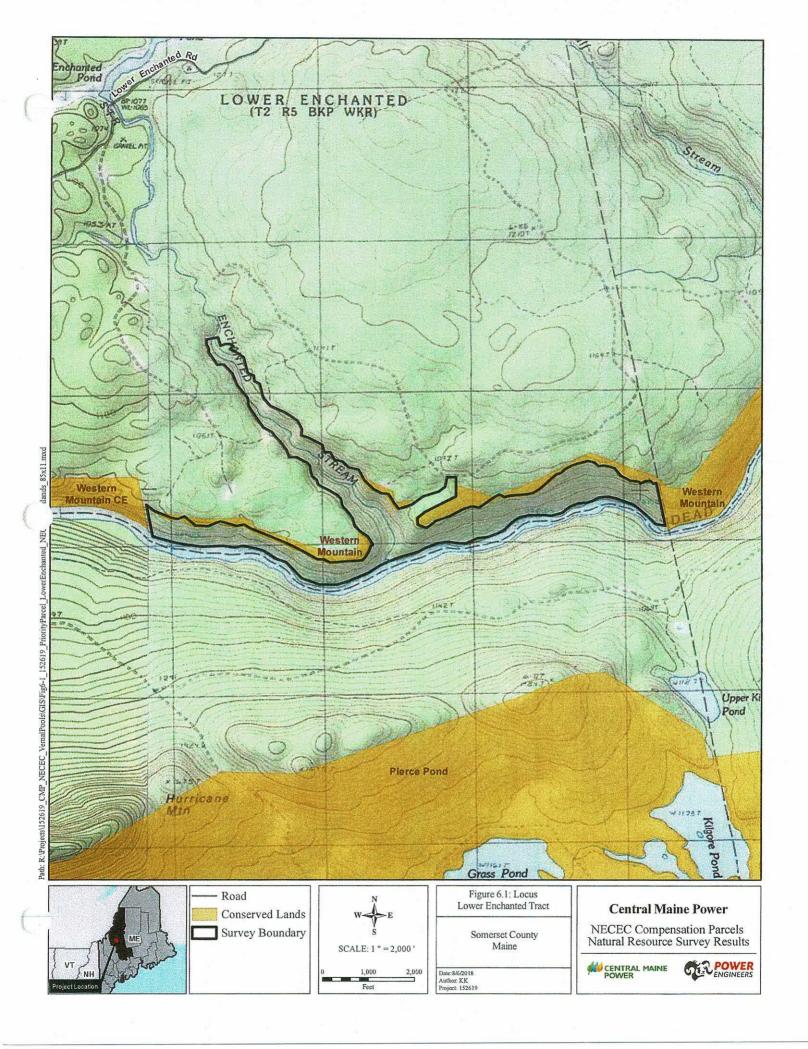
Resource Type & Impact	Agency Form of Compensation		Amount of Compensation	
9.229 acres of forested conversion in Unique Natural Communities	ique MNAP Fee Contribution to Maine Natural Areas Conservation Fund		\$1,224,526.82	
Forested conversion to the Goldie's Wood Fern	Funding for rare plant surveys to the Maine Natural Areas Conservation Fund		\$10,000	
26.416 acres of forest conversion in Roaring Brook Mayfly and Northern Spring Salamander Conservation Management Areas	MDIFW	Fee Contribution to Maine Endangered and Nongame Wildlife Fund	\$469,771.95	
39.209 acres of forest conversion in the Upper Kennebec Deer Wintering Area	MDIFW	Preservation	Seven parcels, totaling 717 acres of land in the Upper Kennebec DWA	
		Preservation	Three preservation parcels, totaling 1053.5 acres, containing 12.02 linear miles of stream	
11.02 linear miles of forested conversion in riparian buffers	MDEP and MDIFW			
		Funding for Culvert Replacements	\$200,000	
Impact to Outstanding River Segments	MDEP	Preservation	Three preservation parcels, offering 7.9 miles of frontage on the Dead River, an Outstanding River Segment	
	Total Additional Monetary Contribution		\$2,084,298.76	
	Total Addition	onal Land Preservation	1770.5 Acres	











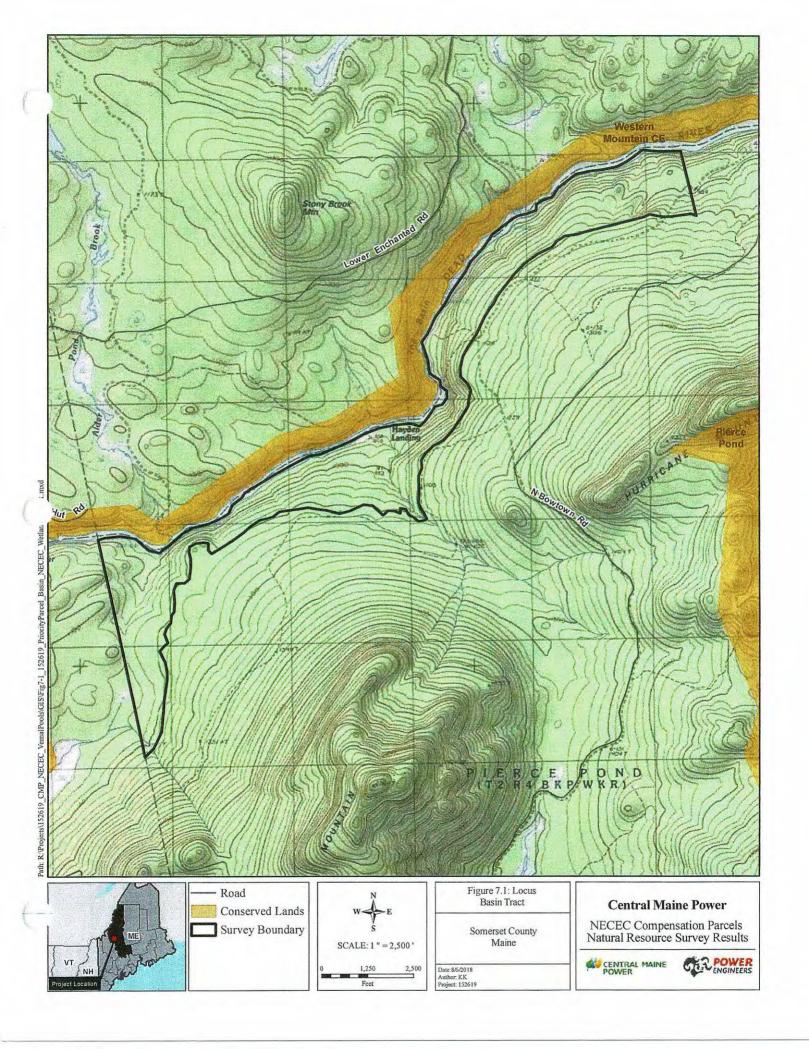


TABLE 8-2 NECEC POTENTIAL COMPENSATION TRACTS SUMMARY

	PHYSICAL ATTRIBUTES	WETLAND CLASSIFICATION	FUNCTIONS AND VALUES	SWH / JUXTAPOSITION	DEVELOPMENT
Little Jimmie Pond –Harwood (LJPT) 109.77 Acres	Wetlands: 68.46 acres Streams: 3,030 feet (ft) (0.58 miles [mi]) Frontage: 0.17 mi Hutchinson Pond	NWI: L1UB, PFO4/1, PSS, PEM WOSS: SWH (moderate value IWWH), GP250, FP, PT, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, ED, REC	SWH: 211.5-acre medium ranked IWWH, candidate DWA, 2 PSVPs  Conserved Land: 886-acre Jamie's Pond WMA, 81-acre Hutchinson Pond (KLT)	Zoning: Rural/Residential (R1) – 2.0-acre Shoreland Zone Resource Protection Aquifer Overlay
Flagstaff Lake (FLT) 831.39 Acres (76.31 Acres Leased)	Wetlands: 423.96 acres Streams: 10,790 ft (2.04 mi) Frontage: 8.5 miles Flagstaff Lake	NWI: L1UB, PFO1/4 PSS, PEM, PUB WOSS: SWH (high value IWWH), GP 250, 20k POW/PEM, FP, PT, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, ED, REC	SWH: 36.5-acre high value IWWH, 1 PSVP  Conserved Land: Bigelow Preserve, Dead River Peninsula, Dead River Trail & Conservation Corridor, Appalachian Trail Corridor	Zoning: M-GN P-AL, P-GP, P-SL2 P-WL1, P-WL2, P- WL3
Pooler Ponds (PPT) 81.24 Acres	Wetlands: 18.33 acres Streams: 4,480 ft (0.85 mi) Frontage: 0.8 mi Kennebec River	NWI: R2UB, PFO1/4, PSS, PEM, PUB  WOSS: SWH (moderate value IWWH), GP 250, 20k POW/PEM, FP, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, ED, REC	SWH: 31.39 moderate value IWWH  Conserved Land: none within 1.0 mile  Appalachian Trail Corridor 3.4 miles to south	Zoning: M-GN P-GP, P-SL1, P- SL2, P-WL1, WQLL
Grand Falls (GFT) 120.84 Acres (< 1 acre leased)	Wetlands: 14.51 acres Streams: 5,610 ft (1.06 mi) Frontage: 0.7 mi Dead River	NWI: R3UB, PFO1/4, PSS, PEM WOSS: SWH (moderate value IWWH), 20k POW/PEM, FP, PT, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, ED, REC	SWH: 16.01 acres of 1,542-acre moderate value IWWH, DWA (LUPC): 1 SVP, 1 PSVP Conserved Land: Dead River Trail & Conservation Corridor	Zoning: M-GN P-FP, P-FW 0600300 P-RR, P-SL1, P- UA P-WL1, P-WL2, P- WL3

	PHYSICAL ATTRIBUTES	WETLAND CLASSIFICATION	FUNCTIONS AND VALUES	SWH / JUXTAPOSITION	DEVELOPMENT
Lower Enchanted (LET) 235.60 Acres	Wetlands: 12.97 acres Streams: 22,620 ft (4.28 mi) Frontage: 2.3 mi Dead River 1.33 mi Enchanted Stream	NWI: R3UB, PFO1/4, PSS WOSS: FP, PT, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, REC	SWH: w/in 150 ft of 276-acre moderate value IWWH, 1 PSVP  Conserved Land: Western Mountain Charitable Foundation Easement	Zoning: M-GN P-RR, P-SL1, P- SL2 P-WL2, P-WL3
Basin (BT) 697.06 Acres	Wetlands: 63.37 acres Streams: 35,210 ft (6.67 mi) Frontage: 4.2 mi Dead River	NWI: R3UB, PFO1/4, PSS, PEM WOSS: FP, PT, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, REC	SWH: DWA (LUPC)  Conserved Land: 10,000+ contiguous acres one mile to the south	Zoning: M-GN P-FW 060030, P-RR PSL-1, P-SL2 P-WL1, P-WL2
SUMMARY: 2,075.90 ACRES	Wetlands: 601.6 acres  Streams: 81,740 ft (15.48 mi) Frontage: 8.0 mi Rivers 8.67 mile Lakes	NWI: L1UB, R2UB, R3UB, PFO1/4, PSS, PEM, PUB WOSS: SWH (M/H value IWWH, SVP), GP 250, 20k POW/PEM, FP, PT, RSB	Principal: GW, FF, WH, FH, PE, STPR, NR, SS, ED, REC	SWH: 211.54 acres moderate / high value IWWH, 1 SVP, 5 PSVPs  Contiguous Conserved Land: > 41,600 acres	Zoning:  All 6 Tracts suitable for residential development

Code explanations can be found at: NWI - page 7; WOSS - page 8; Functions & Values - pages 11-12; SWH/IWWH - page 8; Vernal Pools - pages 8-10; Development - page 124.