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Admitted in: MA, ME, NH

September 18, 2019

VIA ELECTRONIC MAIL

Mr. James R. Beyer
Maine Department of Environmental Protection
Division of Land Resources Regulation
106 Hogan Road
Bangor, ME 04401

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

RE: NECEC – Petition of Central Maine Power Company to Reopen Record

Dear Jim and Bill:

On behalf of Central Maine Power, please find enclosed a petition to reopen the record for the limited purpose of accepting evidence relevant to an alternative to the existing New England Clean Energy Connect Project route through the Recreation Protection subdistrict at Beattie Pond, and related attachments.

Thank you.

Sincerely,

Matthew D. Manahan

Enclosures
cc: Service Lists

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY	)
NEW ENGLAND CLEAN ENERGY CONNECT	)
#L-27625-26-A-N/#L-27625-TG-B-N/	)
#L-27625-2C-C-N/#L-27625-VP-D-N/	)
#L-27625-IW-E-N	)
CENTRAL MAINE POWER COMPANY	)
NEW ENGLAND CLEAN ENERGY CONNECT	)
SITE LAW CERTIFICATION SLC-9	)
Beattie Twp, Merrill Strip Twp, Lowelltown Twp,	)
Skinner Twp, Appleton Twp, T5 R7 BKP WKR,	)
Hobbstown Twp, Bradstreet Twp,	)
Parlin Pond Twp, Johnson Mountain Twp,	)
West Forks Plt, Moxie Gore,	)
The Forks Plt, Bald Mountain Twp, Concord Twp	)

PETITION OF
CENTRAL MAINE POWER COMPANY TO REOPEN RECORD

Central Maine Power Company (CMP or Company) hereby petitions the Presiding Officers to reopen the record in the above-captioned matter for the limited purpose of accepting evidence relevant to an alternative to the existing Project route that avoids the Recreation Protection (P-RR) subdistrict at Beattie Pond.

As described in its September 27, 2017 Site Location of Development Act (Site Law) and Natural Resources Protection Act (NRPA) permit applications, "CMP attempted to negotiate an alternative alignment south of the Beattie Pond P-RR subdistrict through Merrill Strip Twp, but

was unable to come to mutually-acceptable terms with the landowner."[1] CMP was unable to do so because the landowner demanded almost 50 times fair market value.[2] Consequently, CMP concluded that the alternative alignment south of the Beattie Pond P-RR subdistrict (the Merrill Strip Alternative) was neither suitable for the proposed use nor reasonably available to CMP.[3]

Nevertheless, and in light of the questions and concerns expressed by LUPC Commissioners and staff during the hearing,[4] CMP continued to pursue the Merrill Strip Alternative and recently had the opportunity to re-engage in negotiations with the landowner. Good cause exists to reopen the record because on August 30, 2019 CMP was able to close on the purchase of an easement, reviving the Merrill Strip Alternative and enabling CMP to propose construction of the Project entirely outside of the Beattie Pond P-RR subdistrict. Since that time, CMP has worked diligently and as expeditiously as possible to gather and analyze information to support a filing with the agencies that shows that this routing of the Project through Merrill Strip meets the LUPC's land use standards and the Site Law and NRPA standards. CMP thus is, at its earliest opportunity, petitioning the Presiding Officers to reopen the record in this matter.

Attached to this petition is evidence of CMP's title, right, and interest to the Merrill Strip Alternative, as well as CMP's analysis of impacts relevant to the DEP's and LUPC's review of this alternative. This analysis demonstrates that the Merrill Strip Alternative alignment meets the LUPC's land use standards and the Site Law and NRPA standards, and is preferable to the existing alignment of the Project through the P-RR subdistrict. No new abutters are created or impacted by the Merrill Strip Alternative.

---

[1] Site Law Application at 25.3.1.1; NRPA Application at 2.4.1.1.

[2] Mirabile Direct Testimony at 21; Berube Direct Testimony at 13; Hearing Day 2 Transcript at 130:11-13 (Berube), 134:19-21 (Mirabile).

[3] Site Law Application at 25.3.1.1; NRPA Application at 2.4.1.1; Mirabile Direct Testimony at 22; Berube Direct Testimony at 14.

[4] *See, e.g.*, Hearing Day 6 Transcript at 432:14-433:25 (Commissioner Billings); *see also* Hearing Day 2 Transcript at 140:11-142:10 (Hinkel/Livesay). The Commissioners also asked numerous questions about the Merrill Strip alternative at their September 11, 2019 deliberative session.

Given the timing of its acquisition of the Merrill Strip Alternative and of the completion of its analysis of impacts relevant to the DEP's and LUPC's review of this Project, CMP agrees to a reasonable extension of the DEP's decision deadline in this matter.

For the foregoing reasons, the Presiding Officers should reopen the record for the limited purpose of introducing this new evidence.

Dated this 18th day of September, 2019.

Matthew D. Manahan
Lisa A. Gilbreath

PIERCE ATWOOD LLP
Merrill's Wharf
254 Commercial Street
Portland, ME 04101
(207) 791-1100
Attorneys for Applicant Central Maine Power Company

CENTRAL MAINE POWER

September 18, 2019

Mr. James R. Beyer
Maine Department of Environmental Protection
Bureau of Land Resources Regulation
106 Hogan Road
Bangor, ME 04401

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

Mr. Jay Clement
U.S. Army Corps of Engineers
Maine Project Office
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

RE: New England Clean Energy Connect (NECEC) Project
Supplemental Information for the Merrill Strip Alternative

Dear Mr. Beyer, Mr. Hinkel, and Mr. Clement:

Central Maine Power Company ("CMP") is pleased to provide the attached information that supplements its Site Location of Development Act ("Site Law") and Natural Resources Protection Act ("NRPA") permit applications with the proposed Merrill Strip Alternative, which is the preferred alternative to the portion of the New England Clean Energy Connect ("NECEC") Project (the "Project") that is located in the Land Use Planning Commission ("LUPC") Beattie Pond Recreation Protection Subdistrict ("P-RR"). CMP has evaluated those chapters or sections of the Site Law and NRPA applications that require supplemental information to demonstrate the Merrill Strip Alternative's compliance with the applicable standards. Attachments I and II to this letter include summary tables indicating which Site Law Chapters or NRPA Sections are addressed herein, followed by the associated discussion. Those chapters or sections unaffected by this proposed alternative are indicated as such in the summary tables.

The following exhibits are included with this submittal:

- Exhibit A: Project Plans
- Exhibit B: Title, Right or Interest
- Exhibit C-1: Merrill Strip Alternative – Visual Evaluation of Beattie Pond
- Exhibit C-2: Photosimulation 59 Merrill Strip Road
- Exhibit D: Merrill Strip Alternative – Protected Natural Resources Survey & Cultural Resources Survey Report

If you have any questions regarding this submittal, please give me a call at (207) 629-9717 or email me at gerry.mirabile@cmpco.com.

Sincerely,

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

Enclosures
cc: MDEP Service List; LUPC Service List
File: New England Clean Energy Connect

Attachment I – Merrill Strip Alternative - Site Law Supplemental Information

Table 1 - Summary of Supplemental Information Associated with the NECEC Site Law Application		
Site Law Chapters & Title	*Affects Pending Application? (Yes/No)*	*Supplemental Information Provided Below*
Chapter 1- Development Description	**Yes**	**See 1.0, Exhibit A**
Chapter 2- Title, Right or Interest	**Yes**	**See 2.0, Exhibit B**
Chapter 3- Financial Capacity	No	n/a
Chapter 4- Technical Ability	No	n/a
Chapter 5- Noise	No	n/a
Chapter 6- Visual Quality and Scenic Character	**Yes**	**See 6.0, Exhibit C**
Chapter 7- Wildlife and Fisheries	**Yes**	**See 7.0, Exhibit D**
Chapter 8- Historic Sites	**Yes**	**See 8.0, Exhibit D**
Chapter 9- Unusual Natural Areas	**Yes**	**See 9.0, Exhibit D**
Chapter 10- Buffers	No	n/a
Chapter 11- Soils	No	n/a
Chapter 12- Stormwater Management	No	n/a
Chapter 13- Urban Impaired Streams	No	n/a
Chapter 14- Basic Standards Submissions	No	n/a
Chapter 15- Groundwater	No	n/a
Chapter 16- Water Supply	No	n/a
Chapter 17- Wastewater Disposal	No	n/a
Chapter 18- Solid Waste	No	n/a
Chapter 19- Flooding	No	n/a
Chapter 20- Blasting	No	n/a
Chapter 21- Air Emissions	No	n/a
Chapter 22- Odors	No	n/a
Chapter 23- Water Vapor	No	n/a
Chapter 24- Sunlight	No	n/a
Chapter 25- LUPC Certification	**Yes**	**See 25.0**
Chapter 26- Notices	No	n/a
Chapter 27- Project Plans	**Yes**	**See 27.0, Exhibit A**

NECEC Site Law Supplemental Information

1.0 Development Description

The Merrill Strip Alternative is a 150-foot wide transmission line corridor that extends for approximately 1 mile across the northeast corner of Merrill Strip between Skinner and Beattie Townships. See Exhibit A. This alternative is preferred to the 1.4 miles of corridor proposed through the Beattie Pond P-RR subdistrict.

The 150-foot wide corridor will be cleared of capable woody vegetation and managed in a persistent early successional habitat (i.e., scrub-shrub), consistent with the NECEC's Vegetation Management Plans[1] to accommodate construction and maintenance of the HVDC line. The Merrill Strip Alternative will require six new structures, five of which will be direct-embed monopoles and one will be a direct-embed two pole structure. The structures will be self-weathering steel, consistent with the CMP's original proposal, ranging in heights from 96 feet to 118.5 feet above ground level. No new abutters to the Project are created as a result of this proposed alternative.

2.0 Title, Right or Interest

CMP acquired an easement from Bayroot, LLC for the lands in Merrill Strip by deed recorded with the Franklin County Registry of Deeds and attached as Exhibit B.

6.0 Visual Quality and Scenic Character

TJD&A evaluated the potential visibility of the Merrill Strip Alternative by assessing potential views from two locations, Beattie Pond in Lowelltown Twp and Merrill Strip Road in Merrill Strip Twp (see Exhibits C-1 and C-2). There are no views of the Merrill Strip Alternative from any other publicly owned scenic resources, including Wing Pond in Lowelltown Twp, due to intervening topography.

TJD&A used the same photographs from Beattie Pond for the visibility evaluation of the Merrill Strip Alternative as were used in developing the photosimulations for the original NECEC route alignment through the Beattie Pond P-RR subdistrict. The viewpoint is from the northern end of the pond looking southeast to southwest, and represents the location of the pond with the greatest potential visibility. A 3D computer model, overlaid upon the photographs, shows how intervening topography and/or vegetation will screen all of the structures, conductors, and shield wires from this viewpoint. See Exhibit C-1.

Merrill Strip Road, a private forest management road located south of Beattie Pond, is roughly parallel to the proposed alternative alignment. The selected viewpoint from the road looks over a regenerating timber harvesting laydown area approximately 500 feet from the alternative easement area, with intervening vegetation averaging 20 to 30 feet in height. Two structures and associated conductors and shield wires would be visible from this viewpoint. See Exhibit C-2.

Based on the NRPA Chapter 315 regulations and the Site Law Chapter 375.14 standards, visual impacts associated with the proposed Merrill Strip Alternative will not adversely affect scenic

[1] *NECEC Plan for Protection of Sensitive Natural Resources During Initial Vegetation Clearing (VCP)* and *NECEC Post-Construction Vegetation Maintenance Plan (VMP)*, submitted to the MDEP and LUPC on January 30, 2019.

character and will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.

7.0 Wildlife and Fisheries

Potential wildlife and fisheries impacts of the NECEC Project have been thoroughly assessed. TRC Companies ("TRC"), on behalf of CMP, completed surveys for protected natural resources including rare, threatened, or endangered species ("RTE species") and significant wildlife habitat along the route of the Merrill Strip Alternative. The letter report, *Merrill Strip Alternative - Protected Natural Resources & Cultural Resources Survey* ("TRC Survey Report"), dated September 18, 2019 and attached as Exhibit D, concludes that there is no significant wildlife habitat, i.e. there are no deer wintering areas, vernal pools, bald eagle nest sites, or suitable habitat for RTE species along the Merrill Strip Alternative.

8.0 Historic Sites

TRC consulted with Dr. Art Spiess of Maine Historic Preservation Commission ("MHPC"), for any known cultural resources in the vicinity of the Merrill Strip Alternative. On September 11, 2019, Mr. Speiss confirmed that no documented archeological sites exist within 12 km of the study area.

TRC completed a Phase 0/1A survey for pre- and post-contact archaeological resources on the Merrill Strip Alternative in consultation with MHPC. The TRC Survey Report concludes that this alternative route does not include any areas or conditions of archaeological sensitivity and did not recommend any additional archaeological investigations. Please see Exhibit D for additional details.

9.0 Unusual Natural Areas

TRC's September 2019 survey included the assessment for rare plants or unusual natural areas along the Merrill Strip Alternative. The TRC Survey Report concludes, "Suitable conditions or habitats were not found with the Alternative Corridor for RTE flora and fauna." Please see Exhibit D for additional details.

25.0 LUPC Certification

As detailed in CMP's Site Law application, the LUPC must certify that the proposed development is an allowed use within all subdistricts within which it is proposed, and that the proposed development meets any LUPC land use standards that are applicable to the Project and that are not considered by the MDEP in its review. 38 M.R.S. § 489-A-1(2)(D)(1-A), (B-1).

The Merrill Strip Alternative is wholly located within the LUPC General Management Subdistrict (M-GN). See Exhibit A. The proposed HVDC transmission line is an allowed use in the M-GN subdistrict. CMP's easement agreement with the landowner includes the legal rights necessary to use the existing privately-owned land management roads (logging roads) to access the Project corridor in this location for both construction and maintenance. No new permanent roads will need to be built for the Merrill Strip Alternative. A portion of Merrill Strip Road is located on the southern margin of the Beattie Pond P-RR subdistrict. CMP is proposing no modifications (e.g., widening) to this portion of this road.

The LUPC standards applicable to the Project, but not considered as part of MDEP's application review, include:

1. Public's Health, Safety and General Welfare, §10.24

   CMP addressed public health, safety and general welfare in the Maine Public Utility Commission's ("MPUC") Certificate of Public Convenience and Necessity ("CPCN") proceeding. The MPUC is the public agency charged with ensuring safe, reasonable and adequate service by public utilities. In the course of the NECEC proceeding, the MPUC considered regarding fire safety and emergency response. In its Final Order approving the company's petition for a CPCN, the MPUC Commissioners concluded "...the record reflects that CMP has adequately addressed such safety concerns throughout other remote areas of its existing transmission system. The Commission, therefore, finds that the NECEC does not pose a threat to public health and safety."

2. Land Division History, as required by the LUPC definition of subdivision, §10.24,F

   The Merrill Strip Alternative is located within an easement conveyed by Bayroot LLC to CMP and thus will not create a subdivision. Bayroot LLC owns the entirety of Merrill Strip Township.

3. Dimensional Requirements, §10.26

   The only project facilities proposed in the Merrill Strip Alternative easement area are transmission structures and overhead wires, therefore the dimensional requirements for lot size, shoreline frontage, road frontage, and lot coverage do not apply.

   Transmission line structures located within the Merrill Strip Alternative meet the minimum setbacks required by LUPC §10.26, D(2).

   LUPC §10.26, F(2) states that the maximum structure height is 100 feet for commercial, industrial, and other non-residential uses involving one or more structures. As provided below, 4 of the 6 transmission line structures in the Merrill Strip Alternative exceed the maximum structure height.

Structure Number	Above Ground Height (ft)
MS-1	118.5
MS-2	109.5
MS-3	114
MS-4	101.4
MS-5	96
MS-6	96

   Structure heights are necessitated by a number of parameters governed by the safety standards of the National Electrical Safety Code ("NESC"). Specifically, for its safe operation,

the transmission line must be designed in a manner that provides adequate clearance (separation) from the ground and vegetation to the transmission line at maximum sag conditions. Structures are located, to the extent practicable, in a manner that avoids and spans protected natural resources. Additionally, topographic constraints and the span length needed to place structures outside of sensitive areas often requires transmission line structures to be taller than 100 feet.

Transmission line structures are freestanding and contain no "floor area." LUPC §10.26, F(3) provides that features of structures which contain no floor area such as freestanding towers and turbines may exceed these maximum heights with the Commission's approval.

4. Vehicular Access, Circulation and Parking, §10.24,B and §10.25,D

   Access to the Merrill Strip Alternative will be through the use of existing privately-owned land management roads and one skidder trail that will be restored following construction. Temporary access through the Merrill Strip Alternative will need to be established for vegetation clearing and construction within the corridor. However, these temporary access roads will be restored to pre-existing contours and revegetated once construction is complete and final restoration has been accomplished. No new permanent roadways will be developed and project construction and maintenance related parking would be in upland locations within the Project corridor.

5. Lighting, §10.25,F

   There will be no permanent lights installed on transmission line structures in LUPC jurisdiction. Some temporary nighttime lighting may be necessary during construction of the Project.

6. Activities in Flood Prone Areas, §10.25,T

   The proposed Merrill Strip Alternative is not located in flood prone areas, including areas of special flood hazard, as identified by Flood Prone Protection (P-FP) subdistricts or Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway, Flood Hazard Boundary or Flood Insurance Rate Maps (FIRM).

7. Vegetation Clearing, §10.27,B

   The 150-foot-wide Merrill Strip Alternative will need to be cleared of capable woody vegetation. As stated previously, the transmission line is an allowed use in the M-GN subdistrict. 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) due to NESC requirements described in Section 2 above. The Project will maintain vegetative buffers in all scenarios, 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. Vegetation clearing activities not in conformance with the standards of §10.27, B may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved.

8. Pesticide Application, §10.27,I

   CMP's commitment to not use herbicides within the 53.5 miles of new corridor in Segment 1 of the Project, including the Merrill Strip Alternative, is unaltered by this submittal.

9. Signs, §10.27,J

   No permanent signs are proposed as a part of this Project within LUPC jurisdiction. Traffic control signs and directional signs related to project construction will be limited and temporary; this signage does not require a permit from the LUPC, provided such signs are in conformance with the requirements of §10.27, J(1) and (2).

27.0 Project Plans

Natural resources maps and a USGS Location Map are provided in Exhibit A. No other map updates are required as a result of the Merrill Strip Alternative.

Attachment II – Merrill Strip Alternative -NRPA Supplemental Information

Table 2 - Summary of Supplemental Information Associated with the NECEC NRPA Application		
NRPA Section & Title	*Affects Pending Application? (Yes/No)*	*Supplemental Information Provided Below*
Section 1- Project Description	**Yes**	**See 1.0 of the Site Law Supplement**
Section 2- Alternative Analysis	**Yes**	**See 2.0**
Section 3- USGS Map	**Yes**	**See Exhibit A**
Section 4- Photographs	**Yes**	**See 4.0**
Section 5- Project Plans	**Yes**	**See Exhibit A**
Section 6- Additional Plans	No	n/a
Section 7- Construction Plan	No	n/a
Section 8- Erosion Control Plan	No	n/a
Section 9- Site Conditions	**Yes**	**See 9.0**
Section 10- Public Notice	No	n/a
Section 11- Maine Historic Preservation Commission and Outreach to Indian Tribes	**Yes**	**See 11.0; Exhibit D**
Section 12- Wetland Functions and Values Assessment	No	**See 12.0**
Section 13- Compensatory Mitigation	**Yes**	**See 13.0**

NECEC NRPA Supplemental Information

2.0 Alternatives Analysis

As described in CMP's applications filed in September 2017, CMP evaluated alternatives where impacts to LUPC subdistricts requiring special exception approval could not be avoided, including the Recreation Protection Subdistrict (P-RR) at Beattie Pond in Beattie Township.

The Merrill Strip Alternative, which until very recently was not reasonably available to CMP, will completely avoid the Beattie Pond P-RR. Because this preferred alternative is not located in an LUPC subdistrict that requires special exception review, the Commission need not consider whether there is an alternative site to the Merrill Strip Alternative which is both suitable to the proposed use and reasonably available to the applicant.

Further, as shown below, environmental impacts associated with the Merrill Strip Alternative are significantly less than those associated with the alignment through the Beattie Pond P-RR.

Route	Number of Significant Vernal Pools	Number of Wetlands	Wetland Area (sq. ft.)	Temporary Wetland Impact (sq. ft.)	Permanent Wetland Fill (sq. ft.)	Forested Wetland Conversion (sq.ft)
Merrill Strip Alternative	0	8	31,356	0	0	8,550
Beattie Pond P-RR Alternative	1	16	139,742	3,049	0	20,836

As a result, the Merrill Strip Alternative is the preferred alternative when compared to the alignment through the Beattie Pond P-RR. The Merrill Strip Alternative would result in an increase in cost to the Project of approximately $950,000.

4.0 Photographs

Representative photographs of the Merrill Strip Alternative are enclosed in TRC's Survey Report, Exhibit D.

9.0 Site Conditions

As described in Exhibit D, natural resource surveys on the Merrill Strip Alternative corridor were performed during the original field survey effort by Boyle Associates, Inc. to support CMP's applications filed in September 2017. The methodology implemented during this effort is described in Section 9.2 of CMP's NRPA application. Wetlands associated with the Merrill Strip Alternative are

provided in the table below. Representative descriptions for each wetland type identified on the Merrill Strip Alternative have been previously provided in Section 9.3.3.1 of CMP's NRPA application. For more information regarding site conditions please refer to TRC's September 18, 2019 Survey Report, Exhibit D.

Wetland ID	Wetlands of Special Significance (Y/N)	National Wetland Indicator Classification
WET-04-07	N	PSS
WET-04-08	N	PEM
WET-MS-03-01	N	PFO01
WET-MS-04-04	N	PEM
WET-MS-04-05	N	PEM
WET-MS-04-06	N	PFO01/4E
WET-MS-04-07	N	PEM
WET-MS-04-08	N	PEM

11.0 MHPC and Outreach to Indian Tribes

Please see TRC's September 18, 2019 Survey Report, Exhibit D.

12.0 Wetland Functions and Values Assessment

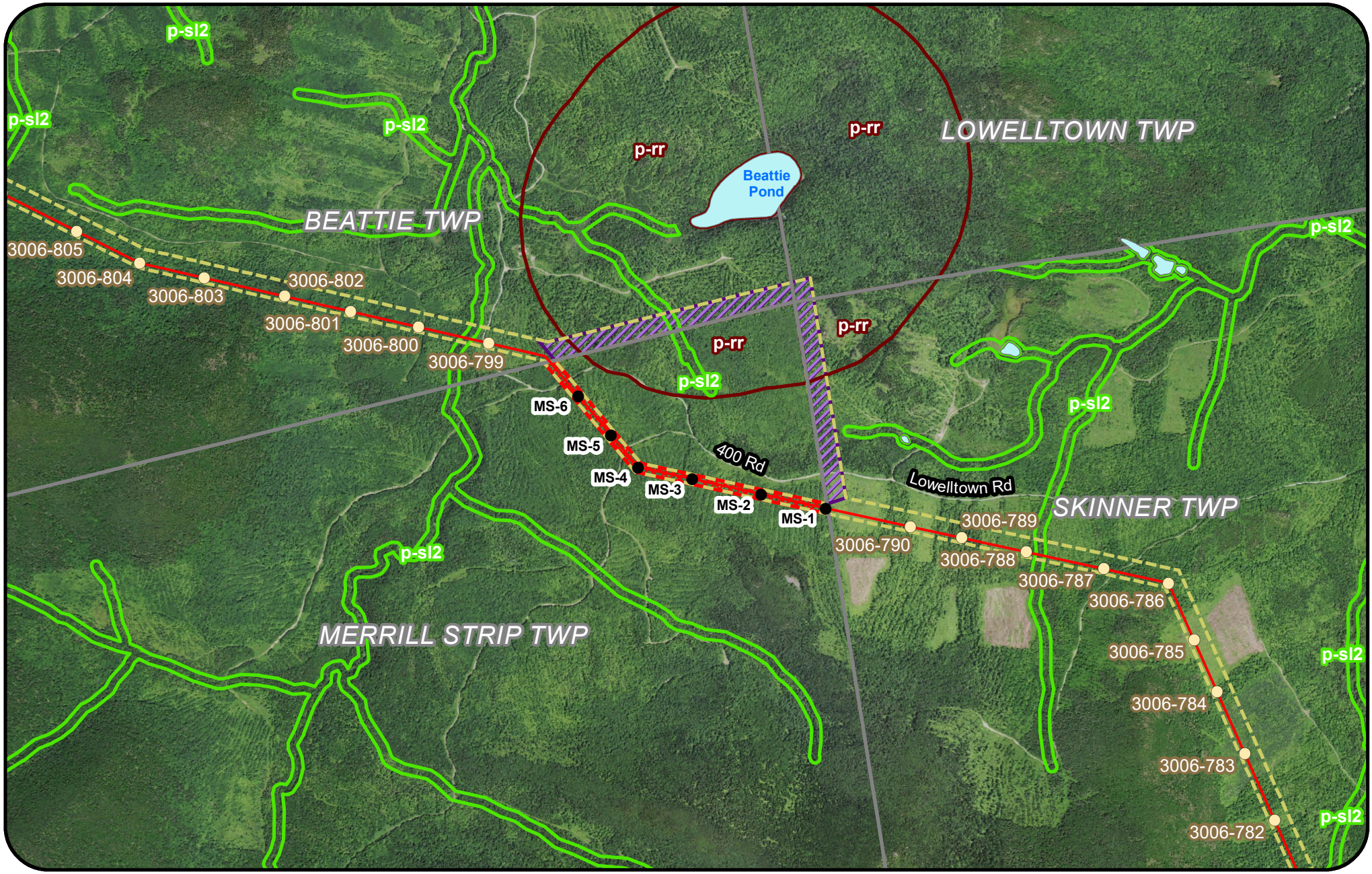
CMP's application includes a functions and values assessment associated with project impacts specific to the wetland types that would be impacted by vegetation clearing and transmission line installation. All wetland types identified on the Merrill Strip Alternative have previously been assessed. As a result, the Wetlands Functions and Values Assessment submitted for the project applies to the Merrill Strip Alternative and remains unchanged.

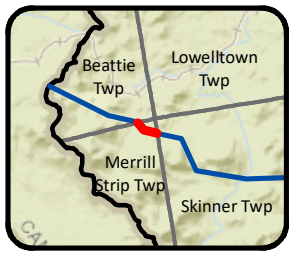
13.0 Compensatory Mitigation

The Merrill Strip Alternative will reduce wetland impacts. Specifically, there will be a 3,049 square foot (0.07 acre) net reduction in temporary fill in Palustrine Scrub-Shrub ("PSS") wetlands and a 12,286 square foot (0.28 acre) net reduction in permanent forested wetland conversion. In the NECEC Compensation Plan, submitted January 30, 2019, CMP proposed land preservation to compensate for impacts associated with temporary fill in PSS wetland and permanent forested wetland conversion. Despite the reduction in wetland impacts resulting from the Merrill Strip Alternative, the area of land proposed to mitigate impacts to these resources remains unchanged.

One significant vernal pool , also jurisdictional under the USACE, no longer requires compensation as a result of the Merrill Strip Alternative realignment. This warrants reduction to the In-Lieu Fee of $11,203.51, resulting in a balance of the proposed In-Lieu Fee for the Project of $3,063,212.55. No other changes to the NECEC Compensation Plan are proposed as a result of the Merrill Strip Alternative.

Exhibit A
Project Plans





Legend

- CMP Ownership / Easement Extent
- Merrill Strip Alternative
- Beattie Pond P-RR Route
- Town Boundary
- NECEC Centerline
- Proposed Structures
- Merrill Strip Alternative Proposed Structures

LUPC Zone

- d-gn
- d-rs
- p-fp
- p-fw
- p-gp
- p-ma
- p-rr; p-rr200
- p-sg
- p-sl1; p-sl2
- p-wl1; p-wl1ow; p-wl2; p-wl3

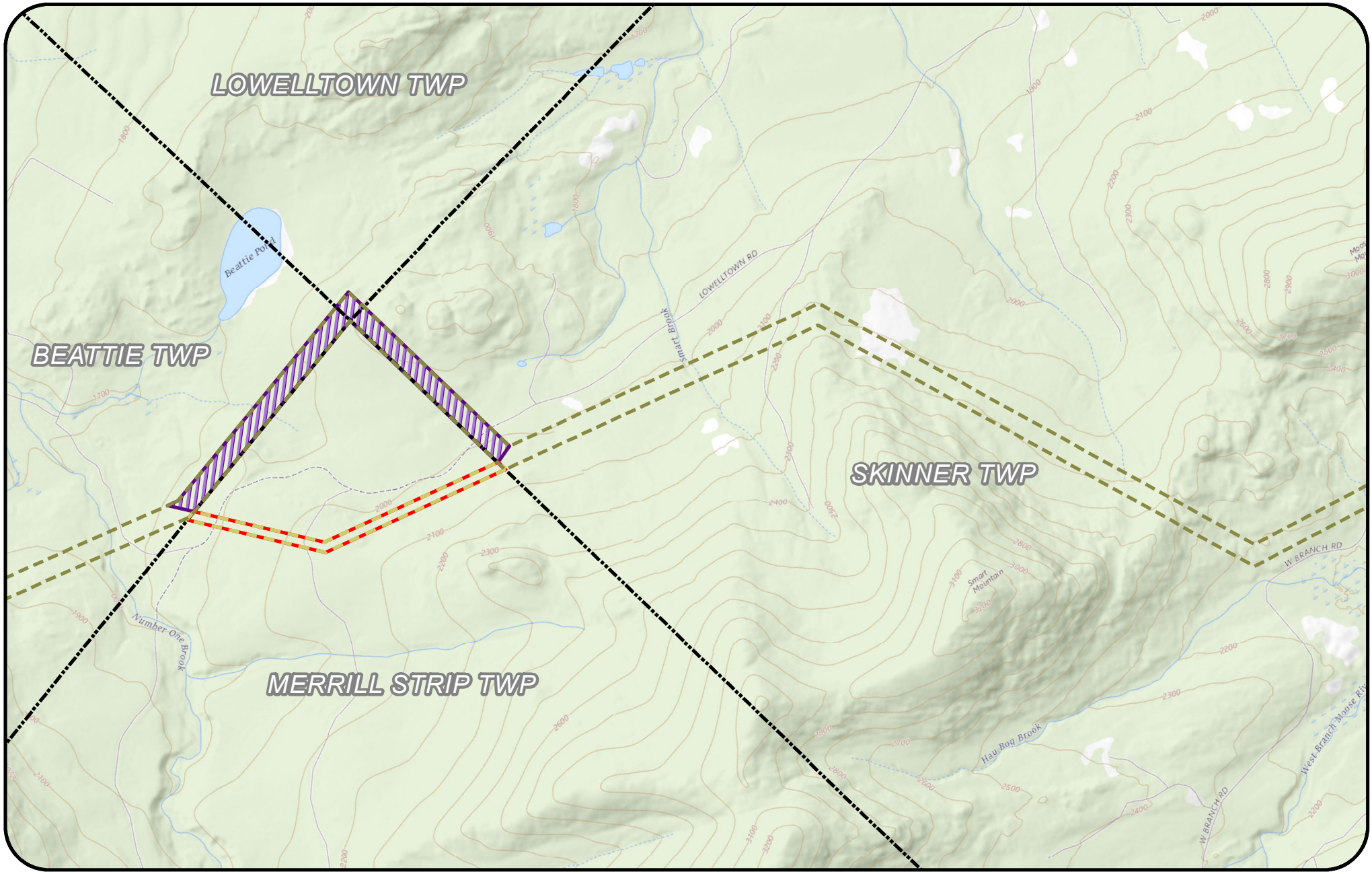
New England Clean Energy Connect

Merrill Strip Alternative LUPC Zones

2,100 Feet

CENTRAL MAINE POWER

9/18/2019



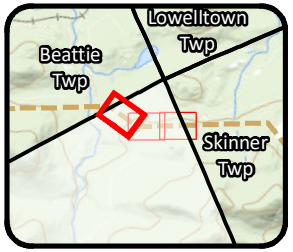
Legend

- CMP Ownership / Easement Extent
- Merrill Strip Alternative
- Beattie Pond P-RR Route
- Town Boundary

USGS Quad(s) :
Kibby Mountain, Skinner, Merrill Mountain, Boundary Pond

New England Clean Energy Connect
USGS Series
Segment 1
2,000
Feet

CENTRAL MAINE POWER



Legend

- Clearing Limits
- CMP Ownership / Easement Extent
- Merrill Strip Alternative
- Town Boundary
- NECEC Centerline
- Proposed Access Road
- Merrill Strip Alternative Proposed Structures
- Stream
- Wetland
- Rare Plant (Polygon)
- Rare Plant (Point)
- SVP/ PSVP
- USACE Vernal Pool
- T and E Species
- Deer Wintering Area (DWA)
- Tidal Waterfowl Wading Bird Habitat (TWWH)
- Waterfowl Wading Habitat (IWWH)
- SVP and PSVP Buffer (250')

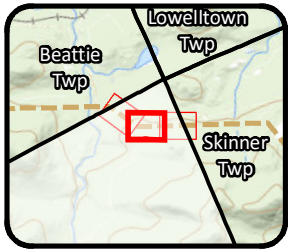
New England Clean Energy Connect

Natural Resource Maps
Segment 1

250 Feet

CENTRAL MAINE POWER

9/18/2019



Legend

- Clearing Limits
- CMP Ownership / Easement Extent
- Merrill Strip Alternative
- Town Boundary
- NECEC Centerline
- Proposed Access Road
- Merrill Strip Alternative Proposed Structures
- Stream
- Wetland
- Rare Plant (Polygon)
- Rare Plant (Point)
- SVP/ PSVP
- USACE Vernal Pool
- T and E Species
- Deer Wintering Area (DWA)
- Tidal Waterfowl Wading Bird Habitat (TWWH)
- Waterfowl Wading Habitat (IWWH)
- SVP and PSVP Buffer (250')

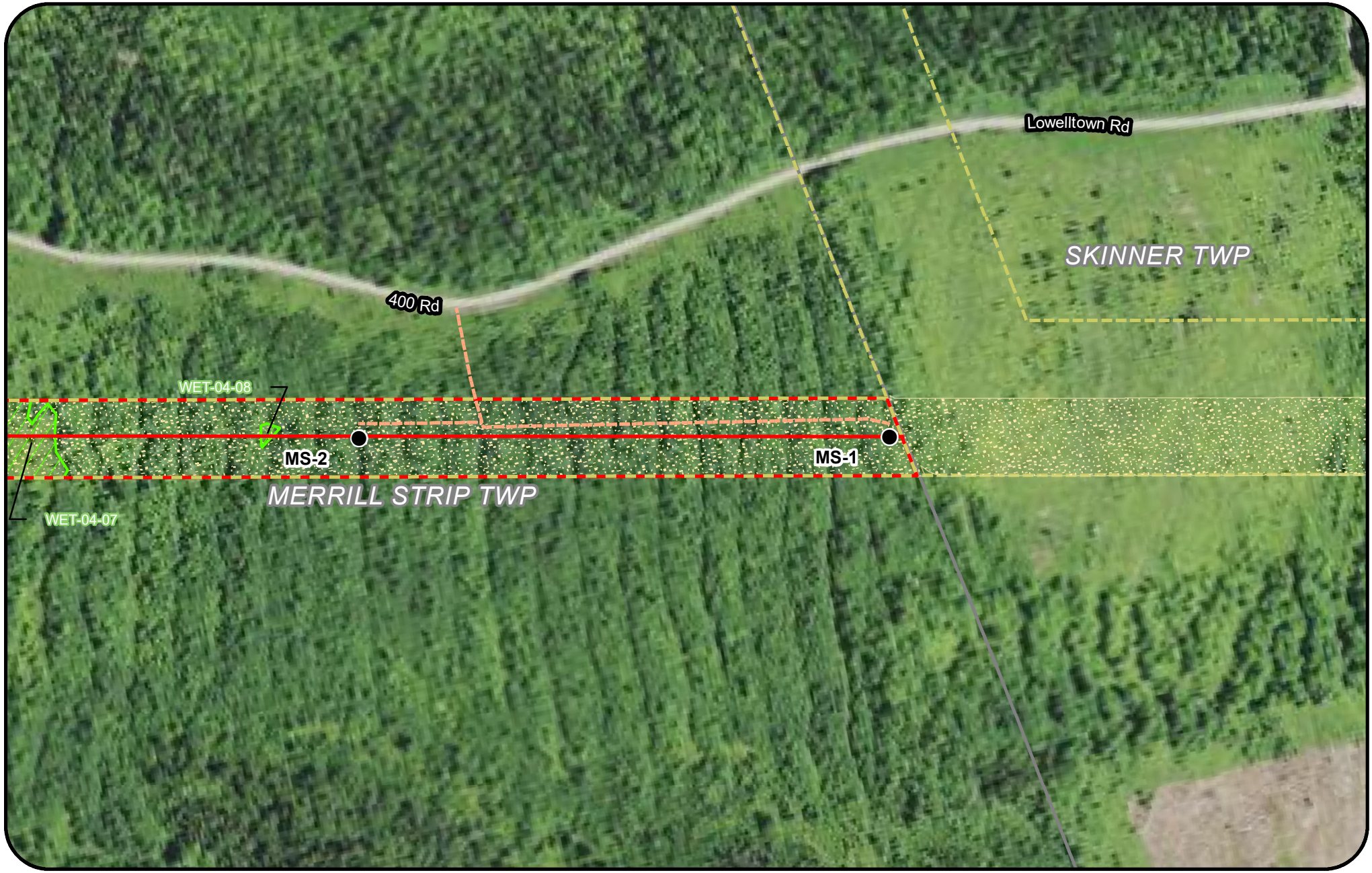
New England Clean Energy Connect

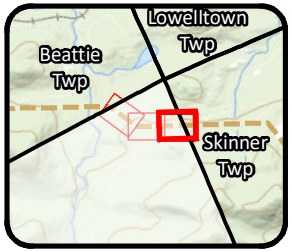
Natural Resource Maps
Segment 1

250 Feet

CENTRAL MAINE POWER

9/18/2019





Legend

- Clearing Limits
- CMP Ownership / Easement Extent
- Merrill Strip Alternative
- Town Boundary
- NECEC Centerline
- Proposed Access Road
- Merrill Strip Alternative Proposed Structures
- Stream
- Wetland
- Rare Plant (Polygon)
- Rare Plant (Point)
- SVP/ PSVP
- USACE Vernal Pool
- T and E Species
- Deer Wintering Area (DWA)
- Tidal Waterfowl Wading Bird Habitat (TWWH)
- Waterfowl Wading Habitat (IWWH)
- SVP and PSVP Buffer (250')

New England Clean Energy Connect

Natural Resource Maps

Segment 1

250 Feet

CENTRAL MAINE POWER

9/18/2019

Exhibit B
Title, Right or Interest

Bk 4118 Ps37 #6891
09-03-2019 @ 09:56a

TRANSMISSION CORRIDOR EASEMENT

THIS EASEMENT is granted and conveyed by **BAYROOT LLC**, a Delaware limited liability company with a mailing address of 150 Orford Road, P.O. Box 160, Lyme NH 03768 ("Grantor"), to **CENTRAL MAINE POWER COMPANY**, a Maine Corporation with a place of business at 83 Edison Drive, Augusta, Kennebec County, Maine 04336 ("Grantee").

WHEREAS, Grantor is the owner of certain lands in Merrill Strip Township, T2 R7 WBKP, Franklin County, Maine conveyed to Grantor by deed recorded in Book 2387, Page 196 of the Franklin County Registry of Deeds; and

WHEREAS, Grantee desires to use a portion of such lands for purposes of preparing, laying, constructing, maintaining, operating, altering, improving and repairing a single 320 kV transmission line extending from land of Grantee located in Skinner Township,T1 R7 WBKP, conveyed to Grantee by the deed recorded in Book 3872, Page 103 of said Registry westerly and northwesterly to land of the Grantee located in Beattie Township, T2 R8 WBKP conveyed to Grantee by deed recorded in Book 3902, Page 329 of said Registry, in accordance with the terms set forth below (the "Permitted Use"), which portion is more generally depicted on the reduced copy of the survey more particularly bounded and described below and attached hereto as Schedule A, and which portion is hereinafter referred to as the "Transmission Corridor Easement Property."

NOW THEREFORE, in consideration of the sum of One Dollar ($1.00) cash in hand paid, and other good and valuable considerations, receipt of which is hereby acknowledged, Grantor hereby grants and conveys to Grantee, its successors and assigns, with Quitclaim Covenant (effective as of the time of delivery hereof), a non-exclusive easement (the "Transmission Corridor Easement") over and upon the Transmission Corridor Easement Property, for the following purposes:

a. to use existing roads within and proximate to the Transmission Corridor Easement Property to provide access for people, vehicles, tools or machinery to the Transmission Corridor Easement Property for the purposes described herein;

b. to enter upon the Transmission Corridor Easement Property at any time with people, vehicles and all necessary tools and machinery for the purposes described herein;

c. to clear and keep the Transmission Corridor Easement Property cleared by any lawful means of trees, undergrowth and all other obstructions;

d. to erect, construct, reconstruct, replace, remove, maintain, repair, rebuild, re-space, operate, use, and patrol a single 320 kV energy transmission line, including suitable and sufficient poles, towers, wires, switches, and other above-ground structures and apparatus used or useful for the above-ground transmission of

electricity, together with all necessary fixtures, anchors, guys, crossarms, and other equipment and appurtenances, and, without limiting the foregoing, for all Utility Services defined in accordance with 33 M.R.S.A. Section 458 pertaining to electricity, over, under and across the Transmission Corridor Easement Property;

e. to transmit electricity over said transmission line for such lawful purposes as the Grantee, its successors and assigns, may from time to time reasonably require to execute the Permitted Use;

f. to establish any and all safety and reliability rules which Grantee deems necessary and proper, in its reasonable discretion, for the safe and reliable construction, operation, and maintenance of said structures, wires, and apparatus and the transmission of electricity; and

g. to erect and maintain signage, gates, and other barriers within the Transmission Corridor Easement Property as are reasonably necessary to restrict recreational vehicles or other public access onto or within the Transmission Corridor Easement Property, except as permitted on and across any crossings contemplated in Section 5 below.

The Transmission Corridor Easement shall be exercised within the Transmission Corridor Easement Property, being a corridor of land one hundred fifty (150) feet in width, together with an additional non-exclusive easement area thirty (30) feet wide extending one-hundred (100) feet in either direction from the southerly side of the angle point in the Transmission Corridor Easement for the purpose of installing, maintaining, repairing and replacing guy anchors, guy rods and guys and to keep as much of such area clear of vegetation as necessary (the "Guy Easement"), all as shown on a survey prepared for the Grantee by Sackett & Brake, Inc., dated July 25, 2019, plan number 2019163 and recorded in the Franklin County Registry of Deeds on substantially even date herewith, a reduced copy of which is attached hereto as Schedule A and made a part hereof (the " Survey") and as more particularly bounded and described in Schedule B attached hereto and made a part hereof.

GENERAL CONDITIONS

It is expressly understood that the foregoing easement rights, including but not limited to the above Guy Easement, are granted to Grantee subject to the following conditions, limitations and stipulations:

1. Permitted Use. Grantor conveys the Transmission Corridor Easement to Grantee only for the Permitted Use and related uses described above and hereby expressly reserves any and all other rights to the properties encumbered hereby. No other use of any kind by Grantee of the easement rights or the lands described herein will be permitted by Grantor nor may be

authorized or permitted by Grantee. This conveyance is executed and delivered by Grantor without representation or warranty, express or implied, as to the condition of the property or property interest hereby conveyed or as to its fitness, merchantability or suitability for the use or uses permitted hereby or otherwise or as to the existence, non-existence, extent or nature of defects of any kind or character therein or thereon and whether patent or latent.

2. Compliance with Laws. Grantee shall comply, at Grantee's expense, with all applicable permits, licenses, laws, regulations, rules and orders with respect to Grantee's exercise of the easements granted hereunder, and all related equipment, electricity, materials and improvements constructed or operated by Grantee hereunder, regardless of when they become effective. Grantee assumes the full responsibility of obtaining any and all required permits or licenses necessary for its exercise of the easements granted hereunder, and shall fully comply with all of the applicable permits, licenses, laws, rules, regulations, and requirements of any government, authority, agency, commission, or regulatory body ("governmental authority"), particularly (by way of example and not limitation) as the same may relate to protection of the environment, water, and air and the prevention of forest fires. If (a) Grantor or Grantee shall receive notice from any such government authority of any failure by Grantee to comply with such permits, licenses, laws, regulations, rules and orders in connection with Grantee's exercise of the easements granted hereunder (a "Violation"), and (b) Grantee shall fail to cure such Violation within ninety (90) days after Grantee receives written notice of such Violation from Grantor or any such government authority or within such other time period as may be required under such written notice by any such governmental authority, then Grantor, at its option, shall have the right to temporarily suspend Grantee's activities hereunder until Grantee provides Grantor with evidence of compliance acceptable to Grantor; provided, however, that if a timely good-faith application or appeal is made by Grantee with respect to a Violation and is pending on said deadline, then Grantor shall not exercise any such right to temporarily suspend Grantee's activities until a final administrative decision has been made on such application or appeal, so long as Grantee ceases any ongoing activities which are asserted by such governmental authority to constitute a Violation.

3. Indemnification. Except to the extent arising from the negligence or willful misconduct of Grantor (or Grantor's employees, agents, or independent contractors), Grantee shall defend, indemnify and hold harmless Grantor from and against any and all losses, liabilities, damages, claims, demands, actions, judgments, fines, penalties, costs (but specifically not including costs of defense, and attorneys' and professionals' fees incurred in defense or incurred in enforcement of this indemnity, and any consequential or incidental damage claims) and expenses arising in connection with: (a) Grantee's exercise or non-exercise of its rights under the Transmission Corridor Easement, including, but not limited to, the use of the Transmission Corridor Easement Property by Grantee, it's employees, agents, and independent

contractors, (b) Grantee's failure to comply with applicable permits, licenses, laws, regulations, rules and orders (including, without limitation, those of any federal or state Environmental Protection Agency or any other federal or state environmental, air, water or land protection agency) relating to Grantee's use of the Transmission Corridor Easement or Transmission Corridor Easement Property, or (c) any lien on any of Grantor's property, including but not limited to the Transmission Corridor Easement Property, arising in connection Grantee's operations. The obligations herein shall survive any termination of this Transmission Corridor Easement.

Except to the extent arising from the negligence or willful misconduct of Grantee (or Grantee's employees, agents, or independent contractors), Grantor shall defend, indemnify and hold harmless Grantee from and against any and all losses, liabilities, damages, claims, demands, actions, judgments, fines, penalties, costs (but specifically not including costs of defense, and attorneys' and professionals' fees incurred in defense or incurred in enforcement of this indemnity, and any consequential or incidental damage claims) and expenses arising in connection with: (i) the use of the Transmission Corridor Easement Property by Grantor, its employees, agents, and independent contractors, or (ii) Grantor's failure to comply with applicable laws, regulations, rules and orders (including, without limitation, those of any federal or state Environmental Protection Agency or any other federal or state environmental, air, water or land protection agency) relating to Grantor's use of the Transmission Corridor Easement Property.

4. Property Taxes. Grantee shall be responsible for any increase in real and personal property taxes assessed against Grantor or lands of Grantor, and shall be responsible for any personal property taxes assessed against Grantee, resulting from (a) personal property of Grantee, or (b) improvements made by Grantee to the Transmission Corridor Easement Property. Grantee shall be responsible for any penalties arising from withdrawal of any portion of the Transmission Corridor Easement Property or any other lands of Grantor classified under the Maine Tree Growth Tax Law or any similar tax classification arising from the conveyance of or exercise of rights pursuant to this easement, or any other action taken by Grantor or Grantee relating to the Transmission Corridor Easement Property. The obligations herein shall survive any termination of this Transmission Corridor Easement.

5. Transmission Corridor Easement Property Crossings.

   a. *Existing Crossings.* Grantor reserves the right to use and maintain the two existing roads across the Transmission Corridor Easement Property as shown on the Survey, each reserved road crossing to be fifty (50) feet in width, centerlined on the existing road surface, and to grant to others easements or licenses to use any such roads and crossings.

b. *New Improved and Unimproved Road/Trail Crossings.* Grantor further reserves the right to construct, use and maintain new, improved road crossings (including but not limited to gravel road crossings) not more than 35 feet in width and new unimproved roads and trails for timber harvesting and other purposes, across the Transmission Corridor Easement Property, and to grant to others easements or licenses to use any such new roads and trail crossings; provided, however, that (i) any such new roads and trail crossings shall be substantially perpendicular to the Transmission Corridor Easement Property and made at a location approved by Grantee, which approval shall not be unreasonably withheld, (ii) any such crossings shall be used and maintained in such manner as will not materially interfere with or impair the operations of Grantee's installations, or the exercise by Grantee of any of its rights under the Transmission Corridor Easement, (iii) the use and maintenance of any such crossings shall be consistent with appropriate customary safety regulations and any additional reasonable provisions Grantee may require, provided, however, that Grantee shall have notified Grantor in writing of any such regulations and provisions, (iv) any work related to such crossings (including but not limited to any alterations or improvements to Grantee's structures or apparatus necessitated by any such crossing, as reasonably determined by Grantee prior to Grantee's approval of any such crossing) shall be performed at the sole cost and expense of Grantor or Grantor's assigns; and (v) any such crossings shall be maintained and restored to a stable site condition so as to prevent soil erosion and soil rutting within or adjacent to the Transmission Corridor Easement Property.

c. In addition to the provisions of General Conditions Paragraph 2, Grantee shall construct, use and maintain its facilities within the Transmission Corridor Easement Property (including any portion within the Crossings, which for purposes of this paragraph shall include those roads and trails contemplated under both Sections 5(a) and (b) above) in accordance with the National Electric Safety Code so as to permit and not otherwise impair the normal passage of teams, trucks, tractors and other means of transportation, silviculture, logging and timber harvesting equipment that move over or across the same in accordance with the foregoing reserved rights. Without limiting the generality of the foregoing, Grantee acknowledges that the exercise of the foregoing reserved rights shall and may include the passage of vehicles and materials up to twenty-two (22) vertical feet within the Crossings and Grantee agrees that the maximum conductor sag shall have a minimum clearance of not less than thirty four (34) feet between the existing ground level and the conductor and exercise by Grantee of any rights under this Easement shall be done in such a way as to permit and not otherwise impair such reserved rights. Nothing contained herein shall be deemed to (i) require Grantee to maintain any particular road or trail crossings within the same, or (ii) prevent Grantee from erecting and maintaining

signage, gates, fences, and other barriers in order to restrict recreational vehicles or other public access from the same, provided that reasonable mutually acceptable accommodations are made in advance for the road/trail crossings contemplated by this Section.

d. The height of any vehicles or equipment (including product or materials transported thereon) operated, placed or maintained within the Crossings shall not exceed twenty-two (22) feet. Grantor's reserved rights to construct, use and maintain roads and trails under Section 5(a) and (b) above are subject to the foregoing height restriction. Further, provided that Grantee's exercise of its rights hereunder are in accordance with the terms of this Easement, including but not limited to the terms of Section 5(c) above, Grantor further agrees that it shall not strike or contact any structures, guy wires, grounding wires or conductors that Grantee has erected on the Transmission Corridor Easement Property in accordance with the terms of this Easement and shall, at all times, be in compliance with the "Overhead High-voltage Line Safety Act", M.S.R. Title 35-A Sections 751 - 761 as from time to time amended . Other than in the exercise of rights reserved under this Easement, Grantor shall not park or operate any vehicles or equipment within the crossings or within the Transmission Corridor Easement Property. Grantor shall not yard or load forest products within the Transmission Corridor Easement Property (including crossings) without the prior approval of Grantee, which approval shall not unreasonably be withheld. In the event Grantor, or those operating for or through Grantor, does strike or contact any structures, guy wires, grounding wires or conductors of Grantee, such party shall notify Grantee immediately regardless of whether any apparent damage occurred to Grantee's facilities.

6. Grantor's Non-Interference. The Grantor and its successors, heirs and assigns, covenants and agrees that it will not erect or permit the erection or maintenance of any building, utilities or other structure of any kind or nature under or upon the Transmission Corridor Easement Property, and will not place any material on, or permit or allow any material of any kind or nature to accumulate on or be removed from said premises if, in the reasonable opinion of the Grantee, its successors and assigns, such erection, maintenance or action would endanger or interfere with current or future use of said easement area in Grantee's operation as a public utility.

7. Prior to Clearing or Construction. Prior to the start of clearing for or construction of the transmission line, Grantee shall provide to Grantor, (a) a plan that describes the type and location of facilities to be constructed by Grantee on the Transmission Corridor Easement Property and (b) a general schedule for construction of the permanent improvements, including anticipated dates and schedules for commencement and completion of construction.

All trees and timber growing in the Transmission Corridor Easement Property remain the property of Grantor. However, during the term of this Transmission Corridor Easement, Grantee shall have the right to harvest and clear timber on the Transmission Corridor Easement Property, with no payment to Grantor. Prior to any and all clearing of timber associated with the Permitted Use, Grantee shall provide notice to Grantor of the location of all such timber to be cleared, the intended dates of commencing and completing the clearing operations, and the permit conditions applicable to such clearing, if any. In addition to conforming with all applicable laws, regulations, and permit conditions, clearing operations shall comply with Best Management Practices, unless expressly exempted by permit. Grantee must clearly mark with flagging in the field the boundaries of all such areas to be cleared prior to notice. All timber severed from the stump shall be become the property of Grantee, who shall affect the removal of all such wood from the Transmission Corridor Easement Property as soon as is reasonably practicable. Grantee may not yard, pile or otherwise store such wood, including chips, tops, brush or stumps, on Grantor's property outside the Transmission Corridor Easement Property without the written permission of Grantor. After construction of the transmission line, Grantee will provide reasonable advance written notice to Grantor of its vegetation maintenance schedule for the Transmission Corridor Easement Property and will permit Grantor or its designee to observe such vegetation maintenance.

8. Insurance. Prior to the start of clearing for construction of the transmission line, Grantee shall also provide to Grantor a certificate of insurance demonstrating commercially standard coverage for the intended activities and listing Grantor as an Additional Insured thereunder. Grantee shall maintain such coverage at all times thereafter, and Grantee shall provide certificates or other proof of such insurance to Grantor when reasonably requested. The minimum standard for commercially standard coverage hereunder shall include (a) commercial general liability insurance in an amount not less than $5,000,000 for each occurrence, (b) worker's compensation insurance as required by Maine law and employer's liability insurance for a minimum of $1,000,000, and (c) auto liability insurance, including owned, hired and non-owned vehicles, for a minimum of $1,000,000 each occurrence for a combined single limit.

9. Protection of Grantor's Property. Grantee shall not allow any Hazardous Substances to be stored, located, discharged, generated, released, possessed, managed, processed or otherwise handled on Grantor's Property, including but not limited to the Transmission Corridor Easement Property, except Hazardous Substances which (a) are stored, generated, discharged, possessed, managed, processed or otherwise handled by Grantee pursuant to validly issued permits issued by the applicable governmental authority which are in full force and effect held by Grantee, and (b) are used, stored, disposed of and handled in compliance with and in quantities permitted by all applicable Environmental Protection Laws, and Grantee shall comply with all Environmental Protection Laws affecting its use and exercise of

the rights conferred herein and its operations hereunder, including those laws regarding the generation, storage, disposal, release and discharge of Hazardous Substances. For purposes of this Easement, "Hazardous Material" means and includes any hazardous, toxic or dangerous waste, substance or material in quantity or concentration defined as such in (or for purposes of) or regulated under the Comprehensive Environmental Response, Compensation and Liability Act, any "Superfund" or "Superlien" law, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic or dangerous waste, substance or material, as now or at any time hereafter in effect (collectively, "Environmental Protection Laws"). Grantee assumes all risks and liability of any kind and nature incident to, occasioned by, or resulting in any manner from its use and exercise of the rights conferred herein and its operations hereunder, and agrees to keep the Grantor's property, including but not limited to the Transmission Corridor Easement Property, duly and fully protected against liens of every character arising in connection with or resulting from the same. The obligations herein shall survive any termination of this Transmission Corridor Easement.

10. Maintenance of Transmission Corridor Easement Property. Grantee shall maintain its improvements and personal property, including without limitation its power line, within the Transmission Corridor Easement Property in good repair. Grantee shall at all times keep the Transmission Corridor Easement Property in safe and clean condition, and Grantee shall not deposit or scatter or allow the depositing or scattering of any type of waste, broken equipment, used cans or containers, or other debris on the Grantor's property, including but not limited to the Transmission Corridor Easement Property, but shall keep the same free and clear of all such refuse; provided, however, that nothing contained herein shall be deemed to require Grantee to maintain (or clean up after any user of) any road or trail crossings allowed pursuant to Section 5 above, or any Other Installations allowed pursuant to Section 6 above. Within a reasonable time after completion of installation of the power line, Grantee shall level, fill and remove its refuse from the Transmission Corridor Easement Property, and render the surface of the land to as near its original (cleared) condition as may be practicable. In the event that Grantee shall not keep and maintain and restore the Transmission Corridor Easement Property as required hereunder within ninety (90) days after written notice given by Grantor (or shall not, within said 90-day period, commence the necessary maintenance or restoration work and thereafter diligently prosecute such work to completion), Grantor will have the option to undertake such maintenance or restoration at the sole cost and expense of Grantee, including any and all cost of legal fees associated with the collection or restoration process undertaken by Grantor. Grantee shall remain liable to Grantor and others for maintenance and repairs to other lands of Grantor, reasonable wear and tear excepted, arising from the exercise by Grantee, its employees, agents and independent contractors, of the easements granted hereunder. The obligations herein shall survive any termination of this Transmission Corridor Easement.

11. Condition of Transmission Corridor Easement Property. Grantee acknowledges and declares that neither Grantor nor any party whomsoever, acting or purporting to act in any capacity whatsoever on behalf of Grantor, has made any direct, indirect, explicit or implicit statement, representation or declaration, whether by written or oral statement or otherwise, upon which Grantee has relied, concerning the existence or non-existence of any quality, characteristic or condition of the Transmission Corridor Easement Property except as may be set forth herein. Grantee has had full, complete and unlimited access to the Transmission Corridor Easement Property for all tests and inspections that Grantee, in its sole discretion, deems sufficiently diligent for the protection of Grantee's interests. The foregoing acknowledgements are a material and integral part of this agreement, and are a component of the consideration paid for this Transmission Corridor Easement.

12. Successors and Assigns. The terms, conditions and obligations herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto. This instrument shall not be binding on any party hereto unless and until the same is executed by all parties hereto. Grantee shall have the right to assign, at any time and from time to time, this Transmission Corridor Easement, and the rights and obligations hereunder, in its entirety, provided that any such assignee shall be at such time of assignment, or coincident with such assignment shall become, either the (i) fee owner of the abutting corridor parcels in Beattie Township and Skinner Township or (ii) a holder of an easement for the same or substantially similar rights to construct and operate a single 320kV transmission line as those set forth herein as the Permitted Uses, of no less than one hundred and fifty feet (150) in width of the said abutting corridor parcels contiguous with the Transmission Corridor Easement ("Permitted Assignee"). The Grantee hereunder warrants that as of the date hereof it is the fee owner of said abutting corridor parcels in Beattie Township and Skinner Township. Grantee further covenants that if the above described abutting fee or easement interest are subsequently transferred or conveyed by the Permitted Assignee following any assignment hereunder, this Transmission Corridor Easement will be transferred or conveyed by the Permitted Assignee, in its entirety, together with those interests to the same successor, and that this Transmission Corridor Easement will not be transferred or conveyed independent from those interests. For purposes of clarity, it is the intention of this Section 12 that the Transmission Corridor Easement be held by the same fee owner or easement holder, as the case may be, of that portion of the abutting lands consisting of one hundred and fifty feet in width and being contiguous with the Transmission Corridor Easement. Grantee shall provide Grantor with prompt written notice setting forth the name and address of any such successor and assign for notice purposes.

13. Notices. All notices, claims, certificates, requests, demands and other communications required or permitted to be delivered hereunder shall be in writing and shall be deemed to have been duly given if delivered personally or mailed by overnight, registered or certified mail, postage prepaid, return receipt requested, at the following addresses: if to Grantor,

Bayroot LLC, c/o Wagner Forest Management, Ltd., Attn: Thomas J. Colgan, P.O. Box 160, 150 Orford Road, Lyme, New Hampshire 03768; and if to Grantee, Central Maine Power Company, 83 Edison Drive, Augusta, Kennebec County, Maine 04336 (or to such other address as the person to whom notice is to be given may have previously furnished to the other in writing in the manner set forth above). Each party, its successors and assigns, shall keep the other party advised of its current mailing address and the representative who will handle inquiries and notifications hereunder.

14. Severability. In the event any provision hereof is deemed illegal, against public policy, or unenforceable, said provision shall not affect the validity and enforceability of the remainder of this agreement, but such unenforceable provision shall be deleted, and the remaining terms and provisions of this agreement shall be interpreted in a manner which most closely effectuates the apparent intentions of the parties as evidenced by this agreement.

15. Governing Law. This Easement shall be construed and interpreted in accordance with the laws of the State of Maine. All and any disputes arising out of or in connection with this Easement shall be adjudicated in the federal or state courts located in the State of Maine, to whose jurisdiction the parties hereby irrevocably submit for such purposes.

16. Entire Agreement. This Easement and the separate agreement referred to in Section 17 below constitute the entire understanding of the parties with respect to its subject matter. This Easement may not be altered or amended except by a writing signed by both parties.

17. Abutting property lease.

a. Grantee is the lessee ("Lessee") under a certain lease agreement with the Passamaquoddy Tribe as lessor ("Lessor"), pertaining to a three hundred (300) by three hundred (300) foot lease area located along a portion of property in Lowelltown Township, which property is described in a deed from Great Northern Nekoosa Corporation to the United States of America, as Trustee for the benefit of the Passamaquoddy Tribe, recorded in the Franklin County Registry of Deeds in Book 718, Page 128 ("Lease") and which abuts other land of the Grantee located in said Skinner and Beattie Townships. In further consideration of the Transmission Corridor Easement, Grantee's rights hereunder are subject to a separate agreement to be executed by Grantor and Grantee on substantially even date, the terms of which are incorporated herein, which separate agreement provides, in part, that Grantor has the right to terminate this Transmission Corridor Easement upon the occurrence of certain event(s) set forth therein. Grantor agrees that, if Grantee is not in default of any such separate agreement or has satisfied its obligations in full under the same, upon written request of Grantee, Grantor shall in each case execute a recordable estoppel certificate or instrument reasonably satisfactory Grantee evidencing the same.

b. In the event Grantee assigns its rights as Lessee under the Lease to a party other than the then Grantee of this Transmission Corridor Easement (or a permitted assignee hereunder), then Grantor shall have the right to terminate this Transmission Corridor Easement upon providing one hundred eighty (180) days written notice of termination to Grantee and an opportunity of Grantee to cure such event of termination within said period. At the expiration of said notification period, unless such event of termination has been cured within said period to Grantor's satisfaction, this Transmission Corridor Easement shall automatically terminate and be of no further force and effect except that those obligations and indemnification provisions which specifically survive termination hereof shall remain in full force and effect.

c. Upon request of Grantor, Grantee shall execute any instrument or document evidencing any such termination of this Transmission Corridor Easement, in a form provided by Grantor.

To have and to hold said right of way and easement with all privileges and appurtenances hereof unto Grantee, its successors and assigns forever.

{Signatures appear on the following pages.}

IN WITNESS WHEREOF, the parties hereto have executed this instrument on this 28th day of August, 2019.

Witness:

Grantor: **BAYROOT LLC**
By: Wagner Forest Management, Ltd.
Its Manager

Kara Durkee

By: _____
Daniel H. Hudnut, Executive Vice President

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON

Then personally appeared the above-named Daniel H. Hudnut, Executive Vice President of Wagner Forest Management Ltd., Manager of Bayroot LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said limited liability company.

Before me this 28 day of August, 2019.

Victoria Maurer

Printed Name: _____
Notary Public
My Commission Expires: _____

SEAL

VICTORIA MAURER, Notary Public
My Commission Expires March 13, 2020

{Signatures continue on the following pages.}

Witness:

Grantee: **Central Maine Power Company**

_____

By: _____
Its: President & Chief Executive Officer
Printed name: Douglas Herling

STATE OF MAINE
COUNTY OF KENNEBEC

Then personally appeared the above-named Douglas Herling, President & Chief Executive Officer of Central Maine Power Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me this 28th day of August, 2019.

_____
Printed Name:
Notary Public
My Commission Expires:_____

Elysabeth L. Armstrong
Notary Public, State of Maine
My Commission Expires 9/19/2023

{Signatures continues on the following page.}

Witness:

Grantee: **Central Maine Power Company**

_____

By: _____
Its: Vice President, Controller & Treasurer
Printed name: Eric Stinneford

STATE OF MAINE
COUNTY OF KENNEBEC

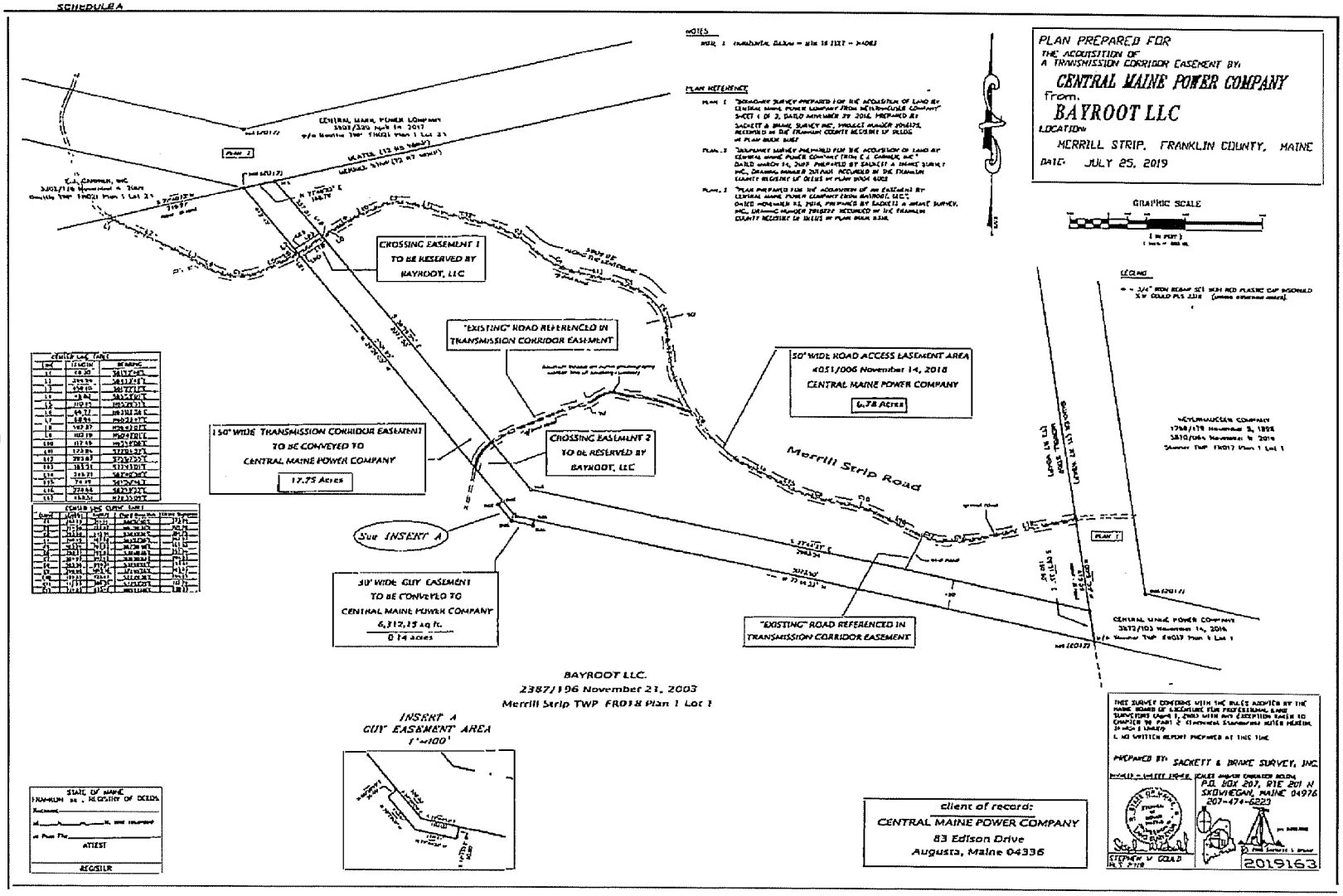
Then personally appeared the above-named Eric Stinneford, Vice President, Controller & Treasurer of Central Maine Power Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me this 28th day of August, 2019.

_____
Printed Name:_____
Notary Public
My Commission Expires:_____

Elysabeth L. Armstrong
Notary Public, State of Maine
My Commission Expires 9/19/2023

SCHEDULE A


PLAN PREPARED FOR
THE ACQUISITION OF
A TRANSMISSION CORRIDOR EASEMENT BY:
CENTRAL MAINE POWER COMPANY
from:
BAYROOT LLC
LOCATION:
MERRILL STRIP, FRANKLIN COUNTY, MAINE
DATE: JULY 25, 2019
GRAPHIC SCALE
CROSSING EASEMENT 1
TO BE RESERVED BY
BAYROOT, LLC
"EXISTING" ROAD REFERENCED IN
TRANSMISSION CORRIDOR EASEMENT
50' WIDE ROAD ACCESS EASEMENT AREA
4051/006 November 14, 2018
CENTRAL MAINE POWER COMPANY
6.78 Acres
150' WIDE TRANSMISSION CORRIDOR EASEMENT
TO BE CONVEYED TO
CENTRAL MAINE POWER COMPANY
17.75 Acres
CROSSING EASEMENT 2
TO BE RESERVED BY
BAYROOT, LLC
Merrill Strip Road
See INSERT A
50' WIDE GUY EASEMENT
TO BE CONVEYED TO
CENTRAL MAINE POWER COMPANY
6,312.15 sq ft.
0.14 acres
"EXISTING" ROAD REFERENCED IN
TRANSMISSION CORRIDOR EASEMENT
BAYROOT LLC.
2387/196 November 21, 2003
Merrill Strip TWP FR018 Plan 1 Lot 1
INSERT A
GUY EASEMENT AREA
1"=100'
client of record:
CENTRAL MAINE POWER COMPANY
83 Edison Drive
Augusta, Maine 04336
PREPARED BY: SACKETT & BRAKE SURVEY, INC.
P.O. BOX 207, RTE 201 N
SKOWHEGAN, MAINE 04976
207-474-6220
2019163
STATE OF MAINE
FRANKLIN ss, REGISTRY OF DEEDS
ATTEST
REGISTER

SCHEDULE B

Certain lots or parcels of land situated on the northerly, southwesterly, and southerly side of Merrill Strip Road, so-called, a private road, located in the township of Merrill Strip (T2 R7 WBKP), County of Franklin, and State of Maine, bounded and described as follows, to wit:

Transmission Corridor Easement Property:

Beginning on the township line, between Skinner Township (T1 R7 WBKP) and Merrill Strip Township (T2 R7 WBKP), at a point marked by a ¾" capped iron rebar set (2017) at the southwesterly corner of land conveyed to Central Maine Power Company by a deed dated November 14, 2016 and recorded in the Franklin County Registry of Deeds in Book 3872, Page 103;

Thence, northwesterly on a course of N 77°-44'-32" W through land conveyed to Bayroot LLC by a deed dated November 21, 2003 and recorded in the Franklin County Registry of Deeds in Book 2387, Page 196 a distance of three thousand seventy-three and fifty hundredths (3073.50) feet to an unmonumented angle point;

Thence, northwesterly on a course of N 39°-29'-05" W continuing through said land of Bayroot LLC a distance of two thousand one and ninety-five hundredths (2201.95) feet to a point marked by a ¾" capped iron rebar set (2017) on the township boundary between Beattie Township (T2 R8 WBKP) and Merrill Strip Township (T2 R7 WBKP), being located at a southeasterly corner of land of E.J. CARRRIER, INC., reference is made to a deed dated November 4, 2009 and recorded in the Franklin County Registry of Deeds in Book 3202, Page 128, also being a southwesterly corner of land conveyed to Central Maine Power Company by a deed dated April 14, 2017 and recorded in the Franklin County Registry of Deeds in Book 3902, Page 329, said point being located on a course of N 77°-48'-23" E along the township line a distance of seven hundred nineteen and ninety-seven hundredths (719.97) feet from the center line of the Merrill Strip Road;

Thence, easterly on a course of N 77°-48'-23" E along the township boundary between Beattie Township (T2 R8 WBKP) and Merrill Strip Township (T2 R7 WBKP), being the southerly line of land conveyed to Central Maine Power Company by deed recorded in Book 3902, Page 329, a distance of one hundred sixty-eight and seventy-nine hundredths (168.79) feet to a point marked by a ¾" capped iron rebar set;

Thence, southeasterly on a course of S 39°-29'-05" E through said land of Bayroot LLC a distance of two thousand seventy-two and fifty-three hundredths (2072.53) feet to an angle point marked by a ¾" capped iron rebar set;

Thence, easterly on a course of S 77°-44'-32" E continuing through said land of Bayroot LLC a distance of two thousand nine hundred sixty-three and fifty-four hundredths (2963.54) feet to a point marked by a ¾" capped iron rebar set on the township boundary between Skinner Township (T2 R8 WBKP) and Merrill Strip Township (T2R7 WBKP), being the westerly line of land conveyed to Central Maine Power Company by deed recorded in Book 3872 Page 103;

Thence, southerly on a course of S 08°-51'-35" E along the township boundary between Skinner Township and Merrill Strip Township, being the westerly line of land conveyed to Central Maine Power Company by deed recorded in Book 3872, Page 103 a distance of one hundred sixty and eighty hundredths (160.80) feet to the point and place of beginning.

Containing 17.75 Acres of land, more or less.

Bearings are based on a GPS Observation of GRID North (UTM Zone 19).

All monumentation noted as ¾" capped iron rebar set is topped with a red plastic cap inscribed *"S.W. GOULD PLS 2318"*.

Reference is made to a plan entitled "Plan Prepared for The Acquisition of a Transmission Corridor Easement by: Central Maine Power Company from: Bayroot LLC", dated July 25, 2019, prepared by Sackett & Brake Survey, Inc., drawing number 2019163, as part of project 2017001, said plan to be recorded in the Franklin County Registry of Deeds.

Guy Easement Area:

Beginning at an unmonumented angle point located at the southwesterly corner of the Transmission Corridor Easement Property described hereinabove;

Thence, easterly on a course of S 77°-44'-32" E along the southerly line of said Transmission Corridor Easement Property a distance of one hundred and zero hundredths (100.00) feet to a point marked by a ¾" capped iron rebar set;

Thence, southerly on a course of S 12°-15'-28" W through said land conveyed to Bayroot LLC by a deed dated November 21, 2003 and recorded in the Franklin County Registry of Deeds in Book 2387, Page 196 a distance of thirty and zero hundredths (30.00) feet to a point marked by a ¾" capped iron rebar set;

Thence, westerly on a course of N 77°-44'-32" W continuing through said land of Bayroot LLC a distance of one hundred ten and forty-one hundredths (110.41) feet to a point marked by a ¾" capped iron rebar set;

Thence, northwesterly on a course of N 39°-29'-05" W continuing through said land of Bayroot LLC a distance of one hundred ten and forty-one hundredths (110.41) feet to an angle point marked by a ¾" capped iron rebar set;

Thence, northeasterly on a course of N 50°-30'-55" E continuing through said land of Bayroot LLC a distance of thirty and zero hundredths (30.00) feet to a point marked by a ¾" capped iron rebar set on the southwesterly line of land of the Transmission Corridor Easement Property;

Thence, southeasterly on a course of S 39°-29'-05" E along the southwesterly line of land of the Transmission Corridor Easement Property a distance of one hundred and zero hundredths (100.00) feet to the point and place of beginning.

Containing 6,312.15 Square Feet (0.14 Acres) of land, more or less.

Bearings are based on a GPS Observation of GRID North (UTM Zone 19).

All monumentation noted as ¾" capped iron rebar set is topped with a red plastic cap inscribed "*S.W. GOULD PLS 2318*".

Reference is made to a plan entitled "Plan Prepared for The Acquisition of a Transmission Corridor Easement by: Central Maine Power Company from: Bayroot LLC", dated July 25, 2019, prepared by Sackett & Brake Survey, Inc., drawing number 2019163, as part of project 2017001, said plan to be recorded in the Franklin County Registry of Deeds.

Exhibit C-1
Merrill Strip Alternative – Visual Evaluation of Beattie Pond

Exhibit C-2
Photosimulation 59 – Merrill Strip Road

Exhibit C-1

MERRILL STRIP TWP ALTERNATIVE, VISUAL EVALUATION FROM BEATTIE POND

NEW ENGLAND CLEAN ENERGY CONNECT

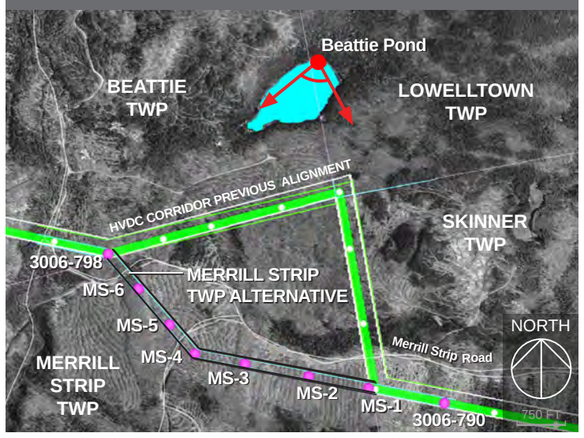
(Above) Computer model of proposed Merrill Strip Twp alternative overlaid on a panoramic view looking southeast to southwest from the northern end of Beattie Pond (Management Class 6, Remote Pond). By using the alternative route, no structures, conductors, or shield wires will be visible from the Pond due to intervening topography and/or vegetation.

The red vertical lines represent the proposed HVDC structures which will be screened and the dashed orange horizontal lines represent conductors and shield wires which will be screened.

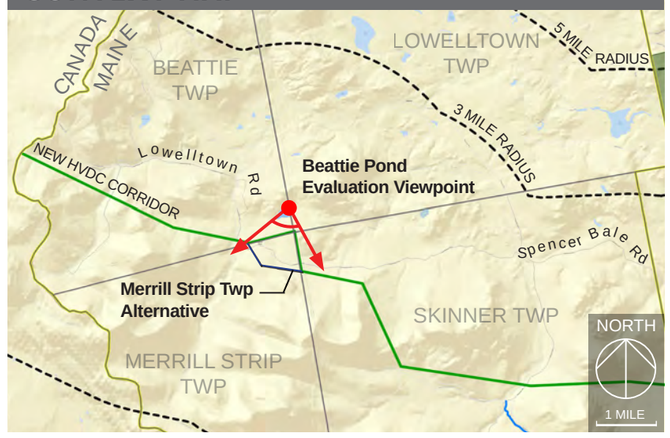
Staking Chart

Structure Number	Structure Type	Above Ground Height (feet)
3006-790	Tangent	132.00
MS-1	Tangent	118.50
MS-2	Tangent	109.50
MS-3	Tangent	114.00
MS-4	30-60 deg guyed deadend	101.40
MS-5	Tangent	96.00
MS-6	Tangent	96.00
3006-798	30-60 deg guyed deadend	101.40

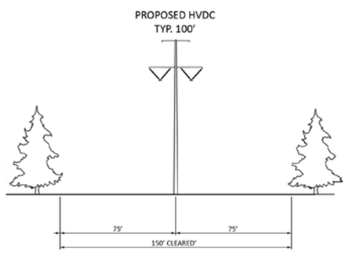
LOCATION MAP



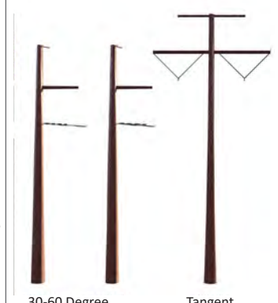
CONTEXT MAP



Typical Cross Section



Structure type



30-60 Degree Guyed Deadend

Tangent

Photograph Information

Location	45.503894°, -70.631858°
Viewing Direction	Southeast to Southwest
Horizontal Angle of View	86°
Date and Time	07/26/17 at 12:46 pm
Camera Focal Length	35 mm
Camera Make/Model	Nikon D5600
Photo Source	TJD&A
Proposed Structures Visible	0
Approximate Distance to Nearest Visible Structure	4,834 feet (0.91 miles)

CENTRAL MAINE POWER

tjd&a

September 18, 2019

Exhibit C-1

MERRILL STRIP TWP ALTERNATIVE, VISUAL EVALUATION FROM BEATTIE POND

NEW ENGLAND CLEAN ENERGY CONNECT

3D Model Illustration: Normal view looking southeast from the northern end of Beattie Pond toward the proposed Merrill Strip Twp alternative of the HVDC transmission line. Based on the alternative location, no structures, conductors, or shield wires would be visible from the Pond due to intervening topography.

September 18, 2019

Exhibit C-1

MERRILL STRIP TWP ALTERNATIVE, VISUAL EVALUATION FROM BEATTIE POND

NEW ENGLAND CLEAN ENERGY CONNECT

3D Model Illustration: Normal view looking south from the northern end of Beattie Pond toward the proposed Merrill Strip Twp alternative of the HVDC transmission line. Based on the alternative locations, no structures, conductors, or shield wires would be visible from the Pond due to intervening topography and/or vegetation.

Exhibit C-1

MERRILL STRIP TWP ALTERNATIVE, VISUAL EVALUATION FROM BEATTIE POND

NEW ENGLAND CLEAN ENERGY CONNECT

3D Model Illustration: Normal view looking southwest from the northern end of Beattie Pond toward the proposed Merrill Strip Twp Alternative of the HVDC transmission line. Based on the alternative location, no structures, conductors, or shield wires would be visible from the Pond due to intervening vegetation.

Exhibit C-1
Merrill Strip Alternative – Visual Evaluation of Beattie Pond

Exhibit C-2
Photosimulation 59 – Merrill Strip Road

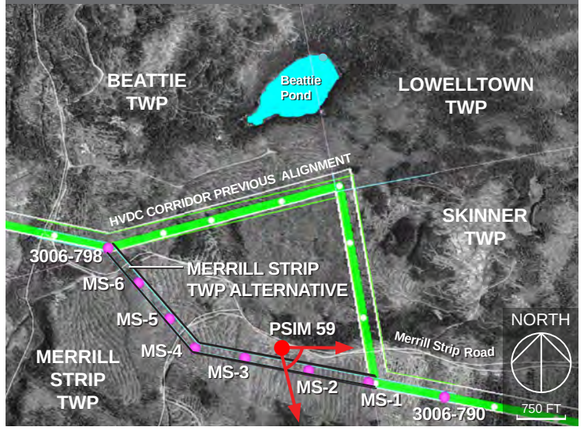
Exhibit C-2

PHOTOSIMULATION 59: MERRILL STRIP ROAD, MERRILL STRIP TWP

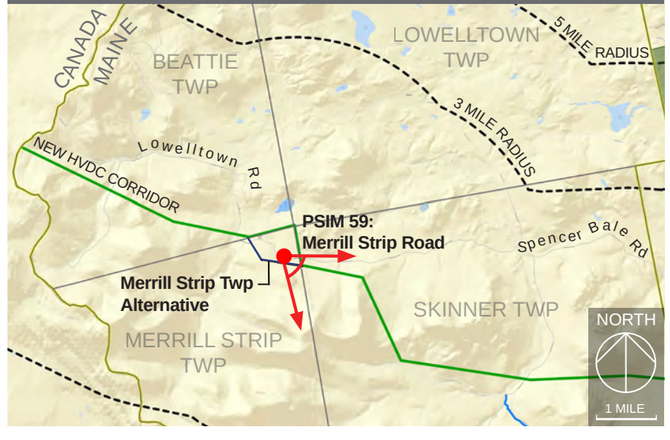
NEW ENGLAND CLEAN ENERGY CONNECT

Proposed Conditions: Panoramic view looking east to southeast from Merrill Strip Road toward the proposed alternative section of the HVDC transmission line in Merrill Strip Township. Merrill Strip Road is a private haul road located south of Beattie Pond. This viewpoint looks over a regenerating timber harvesting laydown area which allows for a greater extent of potential Project visibility. The vegetation between the viewpoint and the proposed 150 ft wide alternative route area is approximately 20 to 30 feet in height. Typical conditions along Merrill Strip Road include 30 to 40 foot regenerating (primarily deciduous) vegetation located directly adjacent to and south of the roadside which will limit potential Project visibility for the majority of the road. Structure #MS-2 (109.5 ft) and #MS-1 (118.5 ft) will be visible from this viewpoint. The closest structure (#MS-2) is 625 feet from the viewpoint. Structure #3006-790 would be screened by the roadside vegetation from this viewpoint. Smart Mountain is visible in the background (on right in image).

LOCATION MAP

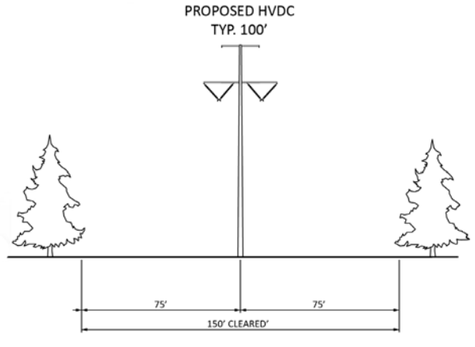


CONTEXT MAP



TECHNICAL INFORMATION

Typical Cross Section



Photograph / Photosimulation Information

Location	45.490713°, -70.634570°
Viewing Direction	East to Southeast
Horizontal Angle of View	86°
Date and Time	08/30/19 at 12:34 pm
Camera Focal Length	35 mm
Camera Make/Model	Nikon D5600
Photo Source	TJD&A
Proposed Structures Visible	2
Approximate Distance to Nearest Visible Structure	625 feet

CENTRAL MAINE POWER

tjd&a

Exhibit C-2

PHOTOSIMULATION 59A: MERRILL STRIP ROAD, MERRILL STRIP TWP

NEW ENGLAND CLEAN ENERGY CONNECT

Existing Conditions: Normal view looking east from Merrill Strip Road in Merrill Strip Township.

September 18, 2019

Exhibit C-2

PHOTOSIMULATION 59A: MERRILL STRIP ROAD, MERRILL STRIP TWP

NEW ENGLAND CLEAN ENERGY CONNECT

Proposed Conditions: Normal view looking east from Merrill Strip Road toward the proposed alternative section of the HVDC transmission line in Merrill Strip Township. Two tangent structures (#MS-2 at 109.5 ft and #MS-1 at 118.5 ft), conductors, and shield wires will be visible from this viewpoint. The closest structure (#MS-2) is 625 feet from the viewpoint.

PHOTOSIMULATION 59B: MERRILL STRIP ROAD, MERRILL STRIP TWP

Existing Conditions: Normal view looking southeast from Merrill Strip Road in Merrill Strip Township.

Exhibit C-2

PHOTOSIMULATION 59B: MERRILL STRIP ROAD, MERRILL STRIP TWP

NEW ENGLAND CLEAN ENERGY CONNECT

Proposed Conditions: Normal view looking southeast from Merrill Strip Road toward the proposed alternative section of the HVDC transmission line in Merrill Strip Township. Structure #MS-2 is shown at 109.5 ft in height and located 625 feet from this viewpoint. The conductors and shield wires will be visible.

Exhibit D
Merrill Strip Alternative – Protected Natural Resources &
Cultural Resources Survey Report

14 Gabriel Dr.
Augusta, ME 04330

T 207.620.3800
TRCcompanies.com

September 18, 2019

Mr. Gerry Mirabile
Manager - NECEC Permitting
Avangrid Networks, Inc.
83 Edison Drive
Augusta, ME 04336

RE: New England Clean Energy Connect (NECEC)
Merrill Strip Alternative, Protected Natural Resources & Cultural Resources Survey

Dear Gerry,

TRC Companies, "TRC" completed a survey for protected natural resources and a Phase 0/1A survey for pre- and post-contact archaeological resources on the NECEC potential alternative corridor in Merrill Strip Township (Attachment 1). The survey area included an approximate one-mile corridor of a 250-foot width and three access easements along land management roads, collectively referred to as the "Alternative Corridor." The purpose of the protected natural and archaeological resources surveys was to determine if these resources exist within the Alternative Corridor. TRC's assessment consisted of the following:

- Review of previous surveys and findings for the NECEC project, in particular surveys of areas north of the Wyman Hydro Substation;
- Review of State of Maine and the US Fish & Wildlife Service (USFWS) Geographic Information Systems (GIS) databases for rare, threatened, or endangered (RTE) flora and fauna, Critical Habitat, and rare natural communities;
- On-site survey, August 28, 2019, of ecological communities and habitats for the occurrence and potential occurrence of protected natural resources such as Significant Wildlife Habitat (SWH) and Significant Vernal Pools (SVP); and
- Review of background information and consultation with the Maine Historic Preservation Commission (MHPC), including a walkover survey to determine if there is any potential for the occurrence of archaeological resources.

Field survey efforts completed for this assessment were organized to evaluate those areas not surveyed during previous protected natural resource surveys. During previous surveys, wetlands and streams were delineated within the transmission and guy anchor portion of the Alternative Corridor, but these resources were not delineated in the access easements. As such TRC completed a wetland and stream delineation within 50 feet of the centerline of each access easement. Other protected natural resources, such as RTE flora and fauna, and archaeological resources that had not been surveyed within any of the Alternative Corridor were subsequently surveyed and evaluated during this effort.

GIS Database Search
TRC evaluated the Maine Department of Environmental Protection (MDEP) and Maine Department of Inland Fisheries & Wildlife (MDIFW) databases of mapped Significant Wildlife Habitats and other protected habitat and resources. Each of the following protected natural resources can be found within the region, but none are present in the Alternative Corridor based on the GIS database:

- Inland Waterfowl & Wading Bird Habitat (IWWH);

- Significant & natural vernal pools;
- Deer Wintering Areas (DWA);
- RTE flora and fauna, and Species of Special Concern (SC); and
- MDIFW bald eagle nest data.

Agency Consultation

TRC used the existing natural resources agency consultations, primarily the MDIFW consultation from June 5, 2017, and the existing surveys completed for the proposed NECEC project to assess possible botanical RTE & SC species based on known occurrences and suitable habitat types. Furthermore CMP has continued outreach and consultation with the MDIFW into 2019.

Flora: Maine Natural Areas Program (MNAP) & USFWS

Botanical features based on MNAP data, which includes federally listed species, have been documented within 1,000 feet of the proposed NECEC transmission line corridor and are summarized in Table 1 below.

Table 1. RTE & SC Flora Documented Within 1,000 feet of the Proposed NECEC Corridor Based on Previous Consultation

Feature	State Status	Site Name	Town
Black Spruce Barren	N/A	Moore Pond	Bradstreet Twp
Boreal Bedstraw *Galium kamtschaticum*	SC	Peaked Mountain	Skinner Twp
Dry Land Sedge *Carex siccata*	SC	ROW at Androscoggin River	Lewiston
Enriched Northern Hardwoods Forest	N/A	Farmington Woods	Farmington
Long-leaved Bluet *Houstonia longifolia*	SC	Wyman Dam	Concord Twp, Moscow
Red-stemmed Gentian *Gentiana rubricaulis*	T	ROW South of Jackson Pond Road	Concord Twp
Spruce – Fir – Northern Hardwoods Ecosystem	N/A	Cold Stream Forest	West Forks Plt
Upper Floodplain Hardwood Forest	N/A	Kennebec River, Bingham Islands, Austin Brook	Bingham
Upper Floodplain Hardwood Forest	N/A	Carrabassett River	Anson
Wild Leek *Allium tricoccum*	SC	Corridor at mouth of Carrabassett River	Anson
Basswood -Ash-Red Maple Floodplain Forest (Upper Floodplain Hardwood Forest)	N/A	Unknown	Livermore Falls

Feature	State Status	Site Name	Town
Pale Green Orchis *Platanthera flava*	SC	Unknown	Wiscasset
Fall fimbry *Fimbristylis autumnalis*	T	Unknown	Lewiston region

Wildlife: MDIFW and USFWS

Numerous state and federal listed wildlife species are known to occur in the vicinity of the proposed NECEC. Table 2 provides a summary of those species, their listing and general habitat use.

Table 2. RTE and SC Faunal Species Documented in Western Maine Habitats

Species	State	Federal	General Habitat
Northern bog lemming (*Synaptomys borealis*)	T	NL	Peat bog or wet meadow communities >2,000 feet elevation, often near spruce fir forests
Brook floater (*Alasmidonta varicosa*);	T	NL	Streams and rivers with moderate flow and stable substrates such as coarse sand and gravel
Creeper (*Strophitus undulatus*)	SC	NL	Small perennial streams & rivers
Roaring brook mayfly (*Eperorus frisoni*);	T	NL	High-gradient, cold, subalpine streams
Northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*);	SC	NL	Cold headwater streams and small rivers
Wood turtle (*Glyptemys insculpta*)	SC	NL	Clear flowing rivers and streams with moderate flow and rocky or gravely bottoms
Great blue heron (*Ardea herodias*)	SC	NL	Nests in mature trees along or in standing water, can be found feeding in ponds, lakes, streams, rivers, or coastal areas
Bicknell's Thrush (*Catharus bicknelli*)	SC	NL	Nests in high altitude (-2,700ft or greater) spruce fir stands
Rusty blackbird (*euphagus carolinus*)	SC	NL	Nests in coniferous forests
Little brown bat (*Myotis lucifugus*)	E	NL	Hibernates in caves and mines over the winter, uses a variety of habitat and roosts in spring, summer, and fall seasons
Northern long-eared bat (*Myotis septentrionalis*)	E	T	Hibernates in caves or mines over the winter, roosts under tree bark, within the trunk of the tree or in caves/mines during spring, summer, and fall season
Eastern small footed bat (*Myotis leibii*)	T	NL	Hibernates in caves over the winter, roots in talus slopes, rocky cliff and shale fields during spring, summer, and fall seasons

Species	State	Federal	General Habitat
Red bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycterus noctivigans*), and tri-colored bat (*Perimyotis subflvus*);	SC	NL	Utilize various forest types for roosting, tri-colored bat hibernates in caves during wither months
Bald eagle (*Haliaeetus leucocephalus*)	NL	BGEPA	Typically found near bodies of water and waterways from spring to fall. Nests in large trees near bodies of water.
Golden eagle (*Aquila chrysaetos*)	E	BGEPA	Mountainous and open areas in the west and north portions of the state.
Peregrine Falcon (*Falco peregrinus*) breeding population	E	NL	Nests on cliffs, buildings, or bridges, utilizes different habitat types for hunting small birds.
Canada lynx (*Lynx canadensis*)	SC	T	Spruce-fir stands in areas of heavy snowfall.
Cold water fisheries (i.e. brook trout (*Salvelinus fontinalis*))	NL	NL	Cold water streams

Results of Previous Surveys

Flora

RTE plants and rare natural communities found on other portions of the NECEC project, but not found in the immediate vicinity of the Merrill Strip corridor, include the following species:

- Small whorled pogonia (*Isotria medeoloides*) found in Greene;
- Red-stemmed gentian (*Gentiana rubricaulis*) found in Concord Township and Moscow;
- Goldie's wood Fern (*Dryopteris goldiana*) found in Moscow at two sites;
- Dry-spike sedge (*Carex siccata*) found in Lewiston;
- Long leaved bluet (*Houstonia longifolia*) found in Moscow;
- Clinton's bulrush (*Trichophorum clintonii*) found in Moscow;
- Boreal bedstraw (Galium kamtschaticum) found in Appleton Township at three sites;
- Yellowseed false pimpernel (*Lindernia dubia var. anagallidea*) found in Jay;
- Jack Pine Forest (lesser frittilary associated with this community) found in Bradstreet Township in three locations;
- Hardwood River Terrace Forest (wood turtle associated with this community) found in Anson;
- Hardwood Floodplain Forest found in Livermore Falls; and
- Enriched Northern Hardwood Forest found in Moxie Gore.

The following discussion addresses the occurrences of boreal bedstraw and Jack Pine forests found within the western Maine mountains that were surveyed during 2018. The remaining species and communities referenced above were found in dissimilar habitat and areas in excess of 30 miles from the Alternative Corridor with most being in or south of Moscow.

Boreal bedstraw was located approximately eight miles to the east of the Alternative Corridor in three distinct populations at the northern extent of the proposed transmission corridor. Three populations (16, 85 & 500 individuals) were found within Appleton Township in Somerset County on the northern slope of Tumbledown Mountain between 2,200 and 2,300 feet in elevation. The three populations were found on old logging roads that created mesic to saturated soil conditions in northern hardwood forests that have previously undergone timber harvest. The regenerating forest structure consisted of sugar maple (*Acer saccharum*) as dominant canopy interspersed with herbaceous wetlands with trees ranging from 6 to 12 inches in diameter.

In addition, three distinct examples of Jack Pine Forest were found approximately 16 miles to the east of the Alternative Corridor, all within Bradstreet Township in Somerset County. Two of the Jack Pine communities were impacted by forest management practices, while the third was a relatively large and undisturbed community.

Fauna

***Northern bog lemming (NBL)*:**
Suitable habitats for NBLs are alpine sedge meadows, krummholz, spruce-fir forest, typically black spruce (*Picea mariana*), with dense herbaceous and mossy understories, wet meadows, and mossy stream-sides, that are > 1,000 feet above MSL (Mean Sea Level) in western mountain and northern areas of Maine. Wetland delineations performed within the proposed corridor and Alternative Corridor during August 2015 did not identify any such suitable NBL habitat. Wetland habitats within the corridors have been impacted by forest management practices and some areas of wetlands have been created by disturbances. These wetlands did not have the dense sedge or other herbaceous plant growth that would provide suitable cover or forage for the NBL.

Alternative Corridor Existing Conditions

Overview

The Alternative Corridor extends across the northeast corner of Merrill Strip Township between Skinner and Beattie Townships at an approximate elevation of between 1,800-2,000 feet (Attachment 1). Terrain is moderately steep, approximately 6%, and there are no areas of steep slopes or cliffs; the corridor extends across a plain at the base of Smart Mountain (elev 3,245 feet). The site was “strip” cut as part of forest management as much as 20 years ago and is growing back in typical fashion with predominately hardwoods. Drainage of the Merrill Strip Township flows through numerous small streams into Number One Stream that eventually connects to Moose River, which subsequently flows into Attean Lake.

Wetland Delineation Methodology

TRC used the “Routine On-Site Determination Method” described in the United States Army Corps of Engineer’s Wetland Delineation Manual (ACOE 1987) and Regional Supplement ACOE (2012) to define wetlands and their limits. The Natural Resources Protection Act definition of streams (Title 38, article 5-A, § 480-B (9)) was used to assess any features that would be classified as such. Global Positioning System technology was used to locate resource points and TRC biologists connected wetland points collected as part of this survey to those collected in 2015.

Vegetative Communities
The RTE species, wetland delineation and archaeological assessment of the Alternative Corridor took place on August 29, 2019. The crew of two biologists were familiar with the identification of and habitat use by RTE species that could be encountered during the survey. Delineations took place along Merrill Strip Road (aka Lowelltown Road) as well as an unnamed forest management road that splits off from Merrill Strip Road to the west. Merrill Strip Road is a gravel road approximately 20 feet wide that follows the proposed route to the north and crosses it at the north end of the Alternative Corridor near the township boundary (Attachment 2). The unnamed forest management road is approximately 15 feet wide and crosses approximately halfway along the Alternative Corridor. The northeast corner of the township where the Alternative Corridor crosses is relatively flat, sloping to the northeast from approximately 1,800 feet to 2,300 feet in elevation.

Wetland Delineation
Four wetlands were identified along the access roads leading to the Alternative Corridor (Attachment 2). Wetlands were delineated a minimum of 25 feet from the center of the road along Merrill Strip Road and the unnamed forest management road. A series of representative photographs is provided in Attachment 3 and a list of all flora identified is provided in Attachment 4.

W-001: This wetland was a small rectangular emergent wetland that was at one time likely part of the road drainage system. Species included sensitive fern (Onoclea sensibilis), with some regenerating sugar maples (*Acer saccharum*), melic manna grass (*Glyceria melicaria*) and spotted touch-me-not (*Impatiens capensis*). Attachment 5 provides the USACE paired plots for this wetland that quantifies vegetation and documents hydrology and soil conditions.

W-002: This wetland was the edge of a larger complex that expanded away from the road to the east. The area of the wetland within the survey boundary was emergent and comprised of sensitive fern, spotted touch-me-not, melic manna grass, Interrupted Fern (*Osmunda claytoniana*), fringed sedge (*Carex crinita*), eastern rough sedge (*Carex scabrata*), and common red raspberry (*Rubus ideaus*).

W-003: This anthropogenic wetland was an extension of a previously delineated wetland (WET-04-07) that crosses the alternative route. The area was a former laydown yard from previous forest management operations, which impacted the hydrology of the site. The site included sensitive fern, common red raspberry, common wrinkle-leaved goldenrod (*Solidago rugosa*), *Carex* spp. and melic manna grass.

W-004: This wetland was an extension of another previously delineated wetland (WET-04-06). It is very similar to wetland W-003, as it was also a laydown yard during logging operations. The species at the site included sensitive fern, common red raspberry, common wrinkle-leaved goldenrod, *Carex* spp. and melic manna grass.

None of the wetlands were suitable habitat for boreal bedstraw, and none was observed during the wetland delineation.

Rare, Threatened, and Endangered Species Survey
A survey for RTE species was conducted using a meandering technique. Biologists traveled through the Alternative Corridor, taking a meandering course and identifying any areas that required a more detailed investigation. The Alternative Corridor south of Merrill Road is beech, birch, and maple forest with sections that have been strip cut in the last 15 to 20 years. The canopy is comprised of yellow birch (*Betula alleghaniensis*), paper birch (*Betula papyrifera*), sugar maple and American beech (*Fagus grandifolia*). Mid-canopy species include striped maple (Acer pensylvanicum), mountain maple (*Acer*

spicatum), yellow birch and sugar maple. The understory is made up of regenerating sugar maples, hobblebush (*Viburnum lantonoides*), wood ferns (*Dryopteris* spp.) and other herbaceous plants. Skidder trails were comprised of sensitive fern, cinnamon fern (*Osmundastrum cinnamomeum*), spotted touch-me-not, common red raspberry, sugar maple and American beech saplings.

Areas that had not been strip cut were more open with a higher or more mature canopy providing a high level of shading, with sparse mid-canopy layer of sugar maple saplings. The understory in this area was predominantly identified as hobblebush and wood fern species.

An open, emergent wetland along the Alternative Corridor that was previously delineated (WET-04-07) was investigated (Attachment 2). This wetland is the same wetland referenced as W-003. The area was cleared during the previous forest management activity and appears to have been used as a main skidder road to the laydown yard. This wetland contained spotted touch-me-not, common wrinkle-leaved goldenrod, tall white aster (*Doellingeria umbellata*), and red maple (*Acer rubrum*).

Several other emergent wetlands that are covered by the tree canopy were previously delineated (Attachment 2). These wetlands had spotted touch-me-not, red maple, sensitive fern, and Carex spp. and displayed evidence of anthropogenic disturbance. These wetlands were WET-04-08, WET-MS-04-01, WET-MS-04-02, WET-MS-04-04, WET-MS-04-05, and WET-MS-04-07.

The density of balsam fir (*Abies balsamea*) and red spruce (Picea rubens) increased slightly north of Merrill Strip Road, but hardwoods still dominated the area surveyed. There two forested wetlands that had been previously delineated (WET- MS-04-06 and WET-MS-03-01), that make up a majority of the Alternative Corridor along this stretch. These wetlands were comprised of red maple, balsam fir, New York fern (*Parathelypteris noveboracensis*), sensitive fern, and *Carex* spp.

A jack pine (*Pinus banksiana*) forest community was identified nearby in Bradstreet Township during the previous RTE survey. Three populations of boreal bedstraw were found during previous surveys in Appleton Township in wetlands between 2,200 and 2,300 feet in elevation. No areas along the Alternative Corridor were found to be similar in nature that could be considered as suitable habitat for boreal bedstraw or to be home to any rare natural communities.

Observed wetland habitats were not appropriate for northern bog lemming, which requires a specific ecological community, given their location and species composition.

Review of State of Maine GIS data layers did not reveal the presence of any known Significant Vernal Pools, potentially SVPs, or natural pools. None of the wetlands in any portion of the Alternative Corridor exhibit the ecological conditions, such as the presence of a shallow depression, to provide vernal pool habitat. In addition, given the wetland communities found in the Alternative Corridor none are suitable as habitat for waterfowl or wading birds. Furthermore, the state GIS data has not mapped any moderate or high value IWWH in the Alternative Corridor.

Identified cover types were not suitable for deer wintering areas or Canada lynx (*Lynx canadensis*) foraging habitat as they are majority open hardwoods. Canada lynx have a large and variable home range and habitat use. While high quality foraging habitat does not exist in the Alternative Corridor there is potential for incidental or temporary use of these habitat types. Conversion to early successional habitat could create foraging habitat and provide some level of ecological benefit to lynx.

No perennial or intermittent streams or waterbodies were observed during the survey of the Alternative Corridor. Therefore, there would be no direct impacts to state threatened species such as the brook

floater (*Alasmidonta varicosa*), Roaring Brook mayfly (*Eperorus frisoni*), Tomah mayfly (*Siphlonisca aerodromia*), or state special concern species such as the northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), wood turtle (*Glyptemys insculpta*), or great blue heron (*Ardea Herodias*). Cold-water fisheries would also not be directly impacted.

Bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) are protected under the Bald and Golden Eagle Protection Act and golden eagles are listed as endangered in Maine. Based on a review of the MDIFW bald eagle nest survey data there are no known nests within the vicinity. Peregrine falcons (*Falco peregrinus*) (state endangered breeding population) and golden eagles have been observed migrating through this region of the state. Golden eagles and peregrine falcons are also known to nest on cliffs and outcroppings in the region. Due to the location of the Alternative Corridor it is unlikely there will be any direct impacts to either species due to a lack of suitable habitat for both foraging and nesting for both species.

Bicknell's thrush (*Catharus bicknelli*) (state listed special concern) have been found on mountains in the region, however the elevation and forest communities in the Alternative Corridor do not represent suitable habitat. Clearing the forested communities in the corridor will not pose a risk to nesting and foraging habitat for this species. Rusty blackbirds are known to nest in coniferous forests, which do not exist in the Alternative Corridor.

Little brown bat (*Myotis lucifugus*) (state endangered), Northern long-eared bat (*Myotis septentrionalis)* (state endangered, federal threatened), Eastern small footed bat (*Myotis leibii*) (state threatened), and bats of special concern; Red bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycterus noctivigans*), and tri-colored bat (*Perimyotis subflvus*) all could use forested habitat within the Alternative Corridor; further study would be necessary to identify which species were present. At this time TRC has no information as to whether other bat studies have been completed. Avoiding impacts to breeding individuals can be prevented by avoiding clearing forested vegetation during the pup rearing season, typically June and July.

Archaeological Survey

In consultation with the MHPC State Archaeologist, TRC developed a protocol for completing a Phase 0/1A survey of the Alternative Corridor. The State Archaeologist evaluated background materials and known archaeological resources and provided oversight of the Phase 0 assessment. TRC utilized environmental staff to assess and document site conditions in support of a Phase 1A study to determine the potential for the occurrence of archaeological resources that could be potentially eligible for listing on the National Register of Historic Places (NRHP). Based on an archaeological assessment (Attachment 6) it is unlikely that the Alternative Corridor includes any areas or conditions of archaeological sensitivity.

Summary

TRC completed this protected natural resource survey of the Alternative Corridor using a variety of techniques. Previously completed agency consultations were reviewed to determine the potential occurrence of protected resources within the region. The state GIS based data was also reviewed for the mapped occurrences of SWH and other protected natural resources such as SVPs. Previous surveys completed for the Alternative Corridor and the proposed NECEC corridor were reviewed to evaluate the likelihood of occurrence of RTE. The Alternative Corridor was previously field surveyed for wetlands, streams, and potential vernal pools. A field survey by two qualified biologists was completed

to document specific habitat types, the extent of wetlands and streams, and the likely occurrence of any RTE species. Archaeologists completed a phase 1A assessment of the Alternative Corridor to determine the potential for the occurrence of archaeological resources that could be potentially eligible for listing on the NRHP.

TRC's assessment and field survey determined that SWHs do not exist in the Alternative Corridor. Suitable conditions or habitats were not found with the Alternative Corridor for RTE flora and fauna. It is possible that far ranging or migrating species or dispersing individuals could temporarily use habitat on site. Based on an archaeological assessment (Attachment 6) it is unlikely that the Alternative Corridor includes any areas or conditions of archaeological sensitivity.

Thank you for the opportunity to complete the protected natural resources and archaeological surveys on the Merrill Strip Alternative Corridor. Please call me at 207-620-3844 or via email at mchristopher@trccompanies.com (please note the new domain name) with any questions or comments.

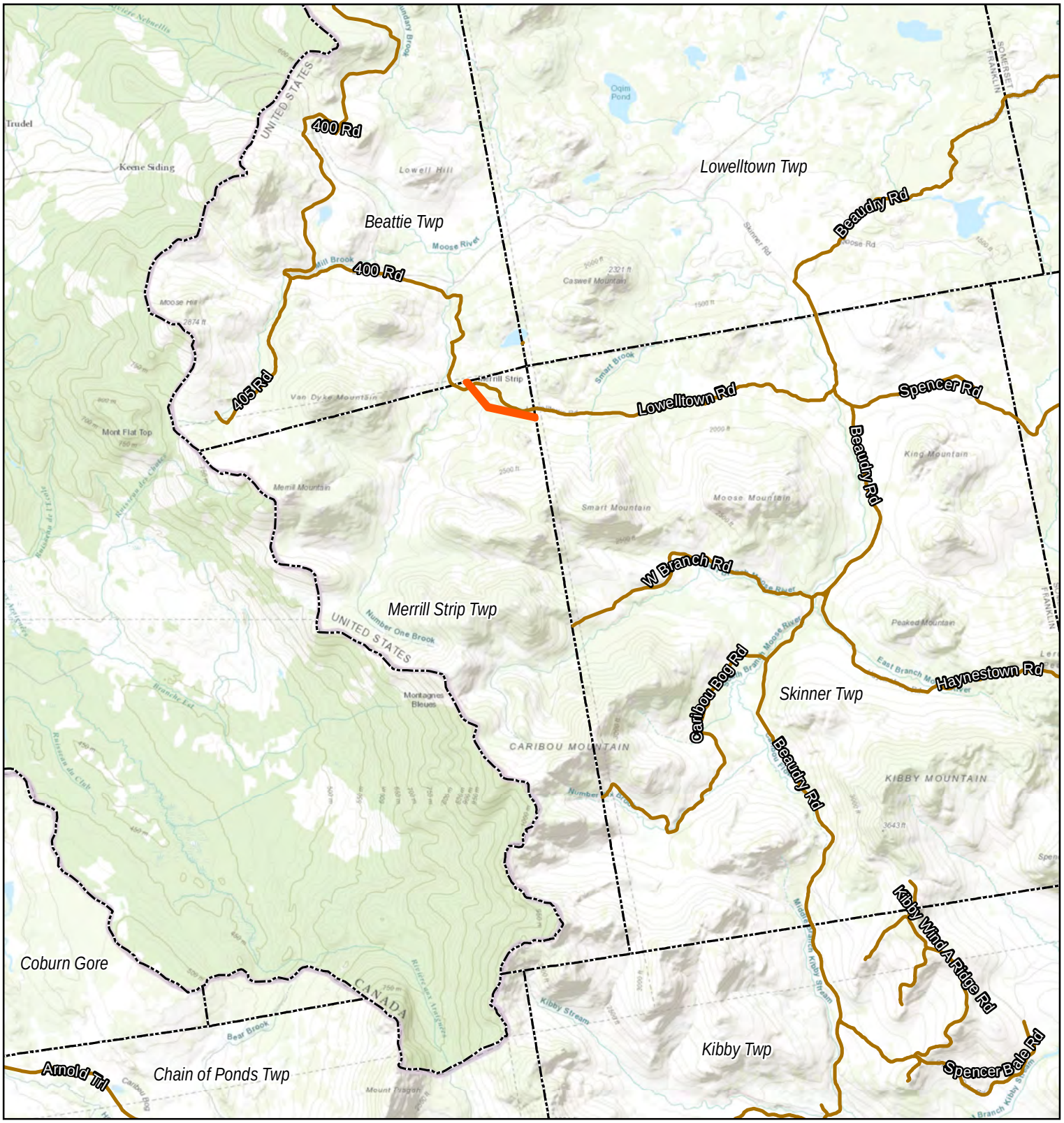
Sincerely,

Mark W. Christopher, MS, CWB
Project Manager

TRC Environmental Corporation
14 Gabriel Drive
Augusta, ME 04330
207-620-3844 (o)
207-441-4225 (c)
207-621-8226 (f)

Attachment 1

Location of the Merrill Strip Alternative Corridor



Legend

Alternative Alignment

N

0 1 2 4

Miles

Sources: ESRI, USGS, MEGIS, Dirigo, TRC

Dirigo Partners, Ltd.
INTEGRATED REALTY SOLUTIONS

New England Clean Energy Connect

Merrill Strip Alternative Alignment Location Figure

Created: 9/16/2019

TRC

14 Gabriel Drive
Augusta, ME 04330

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Attachment 2

Merrill Strip Alternative Corridor Protected Resources Aerial

Beattie Twp

Merrill Strip Twp

Skinner Twp

WET-MS-04-06

WET-MS-03-01

WET-MS-04-05

WET-MS-04-07

WET-MS-04-04

WET-MS-04-02

WET-MS-04-01

WET-MS-04-08

W-001

W-002

W-003

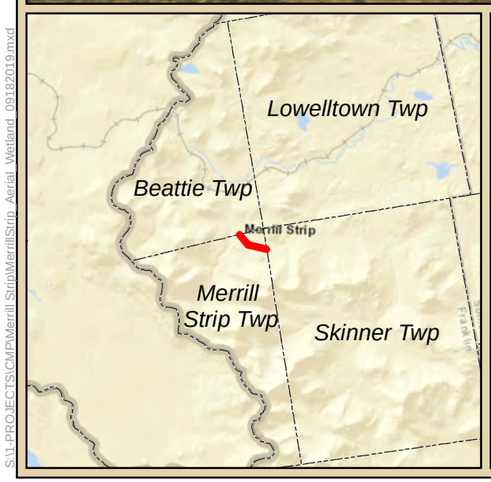
W-004

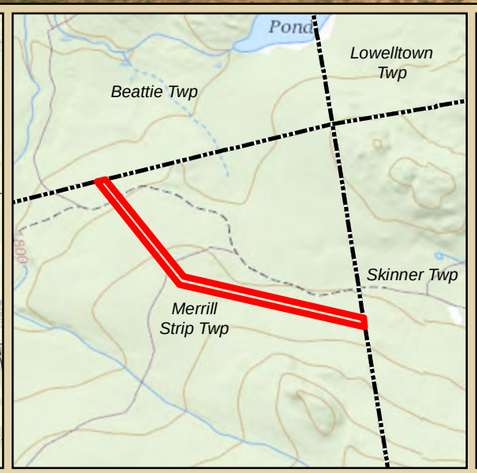
WET-04-06

WET-04-05

WET-04-07

WET-04-08





Legend

- Streams Delineated by Others
- Wetlands Delineated on 08/29/2019
- Wetlands Delineated by Others
- Access Easement
- Alternative Alignment Surveyed Area
- Township Boundary

N

0 1,000 2,000

Feet

Sources: USGS, MEGIS, TRC, Dirigo, CMP

Dirigo Partners, Ltd.
INTEGRATED REALTY SOLUTIONS

New England Clean Energy Connect

Merrill Strip Alternative Alignment Protected Resources

TRC
14 Gabriel Drive
Augusta, ME 04330

9/18/2019

S:\1-PROJECTS\CMP\Merrill Strip\MerrillStrip_Aerial_Wetland_09182019.mxd

Attachment 3

Site Survey Photos

Photo 1. Example of Hardwood Forested Upland-Un-harvested.

Photo 2. Example of Hardwood Regeneration in Strip Cut Area.

Photo 3. Skidder Trail Proposed Access Easement.

Photo 4. Shrub/herbaceous Wetland in the Corridor.

Attachment 4

List of Flora Documented in the Alternative Corridor

Scientific Name	Common Name
Abies balsamea	balsam fir
Acer pensylvanicum	striped maple
Acer rubrum	red maple
Acer saccharum	sugar maple
Acer spicatum	mountain maple
Anaphalis margaritacea	pearly everlasting
Apocynum cannabinum	hemp dogbane
Aralia nudicaulis	wild sarsaparilla
Athyrium angustum	lady fern
Betula alleghaniensis	yellow birch
Betula papyrifera	paper birch
Brachyelytrum aristosum	northern short husk grass
Calamagrostis canadensis var. canadensis	robust bluejoint
Carex crinita	fringed sedge
Carex folliculata	northern long sedge
Carex lucorum	Blue Ridge sedge
Carex scoparia	pointed broom sedge
Clintonia borealis	yellow bluebead-lily
Cornus alternifolia	alternate-leaved dogwood
Corylus cornuta	beaked hazelnut
Dennstaedtia punctilobula	eastern hay-scented fern
Doellingeria umbellata	tall white-aster
Dryopteris carthusiana	spinulose wood fern
Dryopteris intermedia	evergreen wood fern
Epilobium coloratum	eastern willow-herb
Epipactis helleborine	broad-leaved helleborine
Eurybia divaricata	white wood-aster
Eutrochium maculatum	spotted Joe-Pye weed
Fagus grandifolia	American beech
Fragaria virginiana ssp. virginiana	common strawberry
Galeopsis bifida	split-lipped hemp-nettle
Galium trifidum	three-petaled bedstraw
Geum aleppicum ssp. strictum	yellow avens
Glyceria melicaria	northeastern mannagrass
Glyceria striata	fowl mannagrass
Gymnocarpium dryopteris	northern oak fern
Impatiens capensis	spotted touch-me-not
Lonicera villosa	mountain honeysuckle
Luzula parviflora ssp. melanocarpa	small-flowered wood rush

Scientific Name	Common Name
Lycopus uniflorus	northern water-horehound
Lysimachia borealis	starflower
Maianthemum canadense	Canada-mayflower
Maianthemum racemosum	feathery false Solomon's-seal
Nabalus altissimus	tall rattlesnake-root
Onoclea sensibilis	sensitive fern
Osmunda regalis var. spectabilis	royal fern
Osmundastrum cinnamomeum	cinnamon fern
Oxalis montana	northern wood sorrel
Parathelypteris noveboracensis	New York fern
Persicaria sagittata	arrow-leaved tearthumb
Phegopteris connectilis	long beech fern
Picea rubens	red spruce
Prunus pensylvanica	pin cherry
Prunus serotina	black cherry
Rubus allegheniensis	common blackberry
Rubus idaeus ssp. strigosus	strigose red raspberry
Salix bebbiana	long-beaked willow
Sambucus racemosa	red elderberry
Solidago canadensis var. canadensis	Canada goldenrod
Solidago rugosa ssp. rugosa	common wrinkle-leaved goldenrod
Sorbus americana	American mountain-ash
Spiraea alba var. latifolia	meadowsweet
Spiraea tomentosa	rosy meadowsweet
Streptopus amplexifolius	clasping-leaved twistedstalk
Symphyotrichum novi-belgii var. novi-belgii	New York American-aster
Thalictrum pubescens	tall meadow-rue
Tiarella cordifolia	foam-flower
Trillium erectum	red wakerobin
Viburnum lantanoides	hobblebush

Attachment 5

USACE Paired Plot Wetland Routine Wetland Delineation Forms

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Merrill Strip **City/County:** Merrill Strip, Franklin **Sampling Date:** 2019-Aug-29
Applicant/Owner: CMP **State:** **Sampling Point:** 0-0-2; PEM-1
Investigator(s): Meg Stevenson, mes, Erik Lema, Lead **Section, Township, Range:** Merrill Strip TWP
Landform (hillslope, terrace, etc.): Depression **Local relief (concave, convex, none):** Concave **Slope (%):** 1-10
Subregion (LRR or MLRA): **Lat:** 45.4924847 **Long:** -70.6371756 **Datum:** WGS84
Soil Map Unit Name: **NWI classification:**
Are climatic/hydrologic conditions on the site typical for this time of year? Yes _✓_ No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes _✓_ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _✓_ No ____		
Hydric Soil Present?	Yes ____ No _✓_	**Is the Sampled Area within a Wetland?**	**Yes _✓_ No ____**
Wetland Hydrology Present?	Yes _✓_ No ____	**If yes, optional Wetland Site ID:**	0-0-2

Remarks: (Explain alternative procedures here or in a separate report)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

___ Surface Water (A1)
___ High Water Table (A2)
_✓_ Saturation (A3)
___ Water Marks (B1)
___ Sediment Deposits (B2)
___ Drift Deposits (B3)
___ Algal Mat or Crust (B4)
___ Iron Deposits (B5)
___ Inundation Visible on Aerial Imagery (B7)
___ Sparsely Vegetated Concave Surface (B8)
___ Water-Stained Leaves (B9)
___ Aquatic Fauna (B13)
___ Marl Deposits (B15)
___ Hydrogen Sulfide Odor (C1)
___ Oxidized Rhizospheres on Living Roots (C3)
___ Presence of Reduced Iron (C4)
___ Recent Iron Reduction in Tilled Soils (C6)
___ Thin Muck Surface (C7)
___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

___ Surface Soil Cracks (B6)
___ Drainage Patterns (B10)
___ Moss Trim Lines (B16)
___ Dry-Season Water Table (C2)
___ Crayfish Burrows (C8)
___ Saturation Visible on Aerial Imagery (C9)
___ Stunted or Stressed Plants (D1)
___ Geomorphic Position (D2)
___ Shallow Aquitard (D3)
_✓_ Microtopographic Relief (D4)
_✓_ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____ No _✓_	Depth (inches):	
Water Table Present?	Yes ____ No _✓_	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes _✓_ No ____	Depth (inches):	0

Wetland Hydrology Present? Yes _✓_ No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION -- Use scientific names of plants.

Sampling Point: 0-0-2; PEM-1

Tree Stratum (Plot size: 30-ft radius)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft radius)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Herb Stratum (Plot size: 5-ft radius)			
1. *Onoclea sensibilis*	15	Yes	FACW
2. *Impatiens capensis*	10	Yes	FACW
3. *Glyceria melicaria*	10	Yes	OBL
4. *Osmunda claytoniana*	7	No	FAC
5. *Carex crinita*	5	No	OBL
6. *Carex scabrata*	5	No	OBL
7. *Rubus idaeus*	2	No	FACU
8.			
9.			
10.			
11.			
12.			
	54	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft radius)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC:	3	(A)
Total Number of Dominant Species Across All Strata:	3	(B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	100	(A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply By:	
OBL species	20	x 1 =	20
FACW species	25	x 2 =	50
FAC species	7	x 3 =	21
FACU species	2	x 4 =	8
UPL species	0	x 5 =	0
Column Totals	54	(A)	99 (B)
Prevalence Index = B/A =	1.8		

Hydrophytic Vegetation Indicators:

- ✓ 1- Rapid Test for Hydrophytic Vegetation
- ✓ 2 - Dominance Test is >50%
- ✓ 3 - Prevalence Index is ≤ 3.0[1]
- ____ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ✓ No ____

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: 0-0-2; PEM-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
1 - 4	10YR 3/3						Sandy Loam	
4 - 11	2.5Y 5/2						corse Loamy Sand	

[1]Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. [2]Location: PL = Pore Lining, M = Matrix.

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) **(LRR R, MLRA 149B)**
___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
___ Loamy Mucky Mineral (F1) **(LRR K, L)**
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
___ Coast Prairie Redox (A16) **(LRR K, L, R)**
___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
___ Dark Surface (S7) **(LRR K, L)**
___ Polyvalue Below Surface (S8) **(LRR K, L)**
___ Thin Dark Surface (S9) **(LRR K, L)**
___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
___ Mesic Spodic (TA6) **(MLRA 144A, 145, 149B)**
___ Red Parent Material (F21)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: None

Depth (inches):

Hydric Soil Present? Yes ____ No ✓

Remarks:

Photo of Sample Plot

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Merrill Strip **City/County:** Merrill Strip, Franklin **Sampling Date:** 2019-Aug-29
Applicant/Owner: CMP **State:** Maine **Sampling Point:** 0-0-2; UPL-1
Investigator(s): Meg Stevenson, mes, Erik Lema, Lead **Section, Township, Range:** Merrill Strip
Landform (hillslope, terrace, etc.): Hillslope **Local relief (concave, convex, none):** None **Slope (%):** 1-10
Subregion (LRR or MLRA): **Lat:** 45.4924755 **Long:** -70.6371387 **Datum:** WGS84
Soil Map Unit Name: **NWI classification:**
Are climatic/hydrologic conditions on the site typical for this time of year? Yes ✓ No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ✓ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____ No ✓		
Hydric Soil Present?	Yes ____ No ✓	**Is the Sampled Area within a Wetland?**	**Yes ____ No ✓**
Wetland Hydrology Present?	Yes ____ No ✓	**If yes, optional Wetland Site ID:**	

Remarks: (Explain alternative procedures here or in a separate report)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

___ Surface Water (A1)
___ High Water Table (A2)
___ Saturation (A3)
___ Water Marks (B1)
___ Sediment Deposits (B2)
___ Drift Deposits (B3)
___ Algal Mat or Crust (B4)
___ Iron Deposits (B5)
___ Inundation Visible on Aerial Imagery (B7)
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___ Aquatic Fauna (B13)
___ Marl Deposits (B15)
___ Hydrogen Sulfide Odor (C1)
___ Oxidized Rhizospheres on Living Roots (C3)
___ Presence of Reduced Iron (C4)
___ Recent Iron Reduction in Tilled Soils (C6)
___ Thin Muck Surface (C7)
___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

___ Surface Soil Cracks (B6)
___ Drainage Patterns (B10)
___ Moss Trim Lines (B16)
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___ Stunted or Stressed Plants (D1)
___ Geomorphic Position (D2)
___ Shallow Aquitard (D3)
___ Microtopographic Relief (D4)
___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____ No ✓	Depth (inches):	
Water Table Present?	Yes ____ No ✓	Depth (inches):	**Wetland Hydrology Present?** Yes ____ No ✓
Saturation Present? (includes capillary fringe)	Yes ____ No ✓	Depth (inches):	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION -- Use scientific names of plants.

Sampling Point: 0-0-2; UPL-1

Tree Stratum (Plot size: 30-ft radius)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Acer saccharum*	35	Yes	FACU
2. *Betula alleghaniensis*	25	Yes	FAC
3. *Betula papyrifera*	2	No	FACU
4. *Prunus pensylvanica*		No	FACU
5.			
6.			
7.			
	62	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft radius)			
1. *Acer spicatum*	30	Yes	FACU
2. *Viburnum lantanoides*	15	Yes	FACU
3. *Acer saccharum*	5	No	FACU
4. *Acer pensylvanicum*	5	No	FACU
5. *Abies balsamea*	2	No	FAC
6.			
7.			
	57	= Total Cover	
Herb Stratum (Plot size: 5-ft radius)			
1. *Dryopteris intermedia*	10	Yes	FAC
2. *Aralia nudicaulis*	35	Percent cover cannot be greater than a previous species	FACU
3. *Trientalis borealis*	2	No	FAC
4. *Acer pensylvanicum*	1	No	FACU
5. *Acer spicatum*	1	No	FACU
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	49	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft radius)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC:	2	(A)
Total Number of Dominant Species Across All Strata:	5	(B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	40	(A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply By:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	39	x 3 =	117
FACU species		x 4 =	
UPL species	0	x 5 =	0
Column Totals		(A)	(B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

_____ 1- Rapid Test for Hydrophytic Vegetation

_____ 2 - Dominance Test is > 50%

_____ 3 - Prevalence Index is ≤ 3.0[1]

_____ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

_____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes _____ No ✓

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: 0-0-2; UPL-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
1 - 2	10YR 3/3						Sandy Loam	
2 - 2.5	2.5Y 6/1						Sandy Loam	
2.5 - 7	10YR 4/4						Sandy Loam	

[1]Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. [2]Location: PL = Pore Lining, M = Matrix.

Hydric Soil Indicators:

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Dark Surface (S7) **(LRR R, MLRA 149B)**
___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
___ Loamy Mucky Mineral (F1) **(LRR K, L)**
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
___ Coast Prairie Redox (A16) **(LRR K, L, R)**
___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
___ Dark Surface (S7) **(LRR K, L)**
___ Polyvalue Below Surface (S8) **(LRR K, L)**
___ Thin Dark Surface (S9) **(LRR K, L)**
___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
___ Mesic Spodic (TA6) **(MLRA 144A, 145, 149B)**
___ Red Parent Material (F21)
___ Very Shallow Dark Surface (TF12)
___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: None

Depth (inches):

Hydric Soil Present? Yes ____ No ✓

Remarks:

Photo of Sample Plot

Attachment 6

Archaeological Survey Memorandum

TRC
71 Oak St
Ellsworth, ME 04605

Memorandum

To:	Mark Christopher, Project Manager, TRC Augusta, ME
From:	Karen E. Mack, Senior Archeologist, TRC Ellsworth, ME
Subject:	New England Clean Energy Connect (NECEC) alternative corridor, Merrill Strip Twp, Franklin County, ME
Date:	September 11, 2019

Project Description

TRC Companies, "TRC" completed a Phase IA survey for pre and post-contact archaeological resources on the NECEC alternative corridor in the Merrill Strip Township (Attachment 1). The survey area included an approximate one-mile corridor of a 150-foot width, guy anchor easement, and three access easements, essentially two forest management unimproved roads and a trail, collectively referenced as "Alternative Corridor" (Attachment 2).

Environmental Setting

The Alternative Corridor is located in the northeast corner of T2 R7 WBKP Merrill Strip approximately 853 m south of Beattie Pond on the lower northern slope of Smart Mountain. Number One Brook runs from north to south approximately 255 m west of the western most forest management road included in the Alternative Corridor. The easement lies further to east of Number One Brook and approximately 770 m north of a tributary to Number One Brook that flows east to west. A review of historic USGS topographic maps show no mapped structures within the Alternative Corridor. The forest management road first appears on the 1973 topographic map and is later designated as Lowelltown Rd. A structure is located to the west of the Alternative Corridor near the eastern bank of Number One Brook on the 1935 topographic map. It is still shown on the 1973 topographic map but is not depicted on the most recent topographic maps dated 2014. A review of historic aerial imagery from 2007 to 2015 showed that the location was harvested for timber in the early 2000s and does not appear to have been cut since then. Soil in the Alternative Corridor are mapped by the Natural Resource Conservation Service as Telos-Chesuncook association (TCC) 3 – 15% slopes, very stony in the western portion of the Alternative Corridor and Monarda-Telos (MTB) complex, 0 – 8% slopes, very stony in the eastern portion. Both of these soil units are composed of poorly drained loamy lodgment till. The depth to the water table in MTB is between 0 – 12 inches and in TCC is between 6 - 20 inches.

Results of Cultural Resources Review

On September 11, 2019 Dr. Arthur Spiess of MHPC confirmed via email that no documented archaeological sites exist within 12 km of the Alternative Corridor.

Walkover Survey Results

A walkover survey of the area was conducted by Megan Stevenson and Erik Lema (TRC) on August 29, 2018. No streams or waterbodies were identified with the Alternative Corridor and no above ground cultural features were identified. The walkover confirms the area had been cut over and is currently vegetated in immature hardwoods with some open grassy areas. Cobbles and boulders are visible on the ground surface in many locations.

Summary

Based on desktop review of map data and walkover survey of the Alternative Corridor the location does not appear sensitive for archaeological resources. No mapped historic structures exist within the Corridor and no above ground historic features were identified in the field. The location is far removed from navigable water resources and the sediments are rocky and poorly drained therefore it is not likely that it would have been a desirable location for precontact Native settlement. Finally, the area has been previously disturbed by logging activities, skidder trails from harvesting activities in the early 2000s are still visible on aerial imagery. Based on these data the we conclude that the location is not sensitive for cultural resources. Therefore, we do not recommend any additional archaeological investigations for the Alternative Corridor as currently proposed.

References Not Listed in Tables

Natural Resources Conservation Service
2019 http://websoilsurvey.sc.egov.usda.gov.

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