



July 25, 2023

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

**RE: New England Clean Energy Connect Minor Revision Application
Minor Revision Order # L-27625-26-Q-M, L-27625-TB-R-M, L-27625-2C-S-M, L-27625-VP-T-M, L-27625-IW-U-M (FAR Approval Order)**

Dear Mr. Beyer:

Central Maine Power Company (CMP) and NECEC Transmission LLC (NECEC LLC) (collectively, Applicants) hereby submit the attached minor revision application with respect to the New England Clean Energy Connect Project (NECEC or the Project) Field Adjustment Request (FAR) process.

Since the start of construction and implementation of the FAR process, as approved by Minor Revision Department Order #L-27625-26-Q-M, L-27625-TB-R-N, L-27625-2C-S-M, L-27625-VP-T-M, L-27625-IW-U-M on May 7, 2021 (the FAR Approval Order), Applicants have identified modifications to the FAR process that are necessary to construct the Project as permitted. The proposed changes to the FAR process fall into three categories: (1) administrative changes intended to facilitate tracking and cataloging of FARs; (2) clarification of existing FAR forms language; and (3) additional field adjustment allowances due to altered field conditions and to address health and safety concerns so that the Project can be constructed in a timely and sequential manner, thereby reducing the risk of adverse environmental impacts. Moreover, the proposed changes do not significantly expand the Project, do not change the nature of the Project, and do not modify any Department findings with respect to any licensing criteria.

Proposed revised NECEC – Category I Field Adjustment Request Form (CAT I form) and NECEC – Category II Field Adjustment Request Form (CAT II form) are attached hereto as Attachments A and B, respectively, along with redline versions to show changes from the forms dated 4/26/2021 and approved in the FAR Approval Order.

1. Administrative Changes

Applicants propose the following administrative changes to the forms:

- Addition of reference numbers and letters next to the check boxes on the CAT I and CAT II forms;
- Addition of the FAR ID# in the upper right corner of the CAT I and CAT II forms;
- Updated Form Date on the CAT I and CAT II forms to reflect the revision date; and
- Removal of the U.S. Army Corps of Engineers (USACE) signature requirement on the CAT II form.

These administrative changes will facilitate accurate tracking and cataloging of FARs. In addition, removal of the USACE signature requirement on the CAT II form will correct the approval processes, as a USACE signature is not applicable to the MDEP approval process.

2. Changes for Clarification

The following changes are modifications to the existing language on the CAT I and CAT II forms that are intended to clarify the objective of the existing allowable FARs and ensure use of the proper FAR form and approval process. Proposed additions are noted below in *italics*. Clean versions of the proposed revised FAR forms are included as Attachment A and redlines are included in Attachment B.

- **CAT I FAR Form, Check box #1:** Refueling, maintenance, or overnight parking within *100 feet of a wetland or waterbody; within 200 feet of a known private water supply well; within 400 feet of a known public water supply; within 25 feet of a MNAP mapped rare plant or natural community; within a mapped significant sand and gravel aquifer; or within 25 feet of any mapped RTE species identified by MDIFW, MDMR, or USFWS, when no practicable alternative exists.*

Reason for change: Consistent with the FAR Approval Order, the CAT I form allows for refueling, maintenance, or overnight parking within the setbacks of certain protected resources, but not within these protected resources. Therefore, this adjustment is consistent with the intent of the FAR allowances and clarifies which resources are considered for a CAT I or CAT II FAR by specifically identifying them.

Further, “vernal pool habitat”, listed on both the CAT I and CAT II forms – intended to denote Significant Vernal Pool (SVP) habitat - caused confusion regarding the appropriate categorization of this activity. Applicants propose that activities which occur in SVP habitat, which by definition consists of the pool depression and the 250-foot critical terrestrial habitat, are more appropriately considered under CAT II FARs.

- **CAT II FAR Form, Check box #1:** Refueling, maintenance, or overnight parking in *a protected natural resource identified in the vegetation clearing plan (wetland; significant vernal pool habitat; IWWH; MNAP rare plant areas or natural communities; or an RTE species habitat identified by MDIFW, MDMR, or USFWS) when no practicable alternative exists.*

Reason for change: The CAT II form allows for refueling, maintenance, or overnight parking in certain resources identified in the NECEC Vegetation Clearing Plan (VCP, revised October 2020) where refueling, maintenance, and overnight parking restrictions exist, provided there is no practicable alternative. Similar to CAT I Check box #1 reasoning above, listing specific resources on the CAT II form will assist in utilizing the correct FAR form and activity approval process. Further, because Applicants do not foresee refueling, maintenance, or overnight parking in “streams,” Applicants propose removing that resource. Also, “significant” has been added to “vernal pool habitat” to clarify this term’s intent, and “practical” has been revised to “practicable,” which is a defined term under the Department’s rules.

- **CAT I FAR Form, Check box #2:** Adjustment in permitted construction access road layout or location a) in uplands (no identified *protected* natural resources) or b) that results in reduction or elimination of wetland impact.

Reason for change: “*Protected* natural resources” is a defined term under the Natural Resources Protection Act, 38 MRSA 480-B, and further clarifies this FAR category.

- **CAT II FAR Form, Check box #2:** Adjustment to location of permitted stream crossing necessitated by *health or safety issues* (e.g. stream bank stability) or to *reduce risk of adverse environmental effects* (e.g. channel width or location); no *identified* rare, threatened or endangered species.

Reason for change: The removal of “within corridor” from this FAR category allows a proposed temporary access road stream crossing at an alternate location within lands over which CMP and/or NECEC LLC has property rights, to minimize or mitigate a significant health or safety issue and/or reduce the risk of adverse environmental effects.

- **CAT I FAR Form, Check box #4:** “Lop and drop” where access with heavy equipment is difficult and allowing cut vegetation to remain in place would minimize environmental impact by avoiding soil disturbance *and damage to remaining live trees resulting from* winching or cable skidding logs.

Reason for change: In certain areas and due to site constraints, allowing cut vegetation to remain in place would minimize impact to nearby remaining trees. For example, within the vegetation management areas required along the Segment 1 corridor (Appendix C of DEP’s May 2020 Order) handcutting will likely be the preferred method of removal due to difficult access within the maintained trees. Allowing lop and drop in these cases would minimize adjacent impacts.

- **CAT II FAR Form, Check box #4:** Relocation of access road or *increase in the permitted structure preparation areas within the vegetation management areas required along the Segment 1 corridor (Appendix C of DEP’s May 2020 Order), where no practicable alternative exists, in order to:*
 - a. Minimize or mitigate a significant health or safety issue, or*
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.*

Reason for change: The DEP’s May 11, 2020 Order designated specific vegetation management practices in all of Segment 1, as identified in the VCP. Within these areas, NECEC LLC is allowed to establish and maintain temporary access roads and pole preparation areas in a scrub-shrub condition to allow for pole installation. All other locations must be maintained per the specific vegetation management requirements.

Certain circumstances may require a change to the proposed temporary access within these vegetation management areas *required along the Segment 1 corridor (Appendix C of DEP’s May 2020 Order)* to minimize a significant health or safety issue or to reduce the risk of adverse environmental effects associated with unavoidable field conditions. Similar to other field adjustment categories, field conditions resulting in unsafe access to the pole location—*e.g.*,

steep grades and rugged terrain or insufficient width or turning radius for larger construction vehicles (such as concrete trucks)—may not allow the Project to be constructed as proposed without risk to safety or the environment. Such adjustments in specific vegetation management areas would be limited to temporary impacts only.

- **CAT I FAR Form, Check box #5:** Adjustment in the location or number of *guy wire anchors* or ground wires (*e.g., ground grid*), *beyond the permitted structure preparation areas and access roads*, due to soil conditions in uplands (no identified *protected* natural resources).

Reason for change: Both *guy wire anchors* and *ground grid* impacts will be primarily subsurface. Because *guy wire anchors* and *ground grid* installations will be located based on soil resistivity conditions, there may be areas where these wires extend beyond the permitted temporary impact area for pole installations. The CAT I form would allow this in upland areas only. Disturbed areas are temporary and will be restored to pre-existing conditions.

- **CAT II FAR Form, Check box #5:** Adjustments in the location *or number* of *guy wire anchors* or *ground grid wires* *beyond the permitted temporary structure impact area* due to soil conditions in:
 - a. *freshwater wetlands, and involving*
 - i. *Less than 4,300 sq. ft. of impact, to be restored w/in 12 months of initial impact, or*
 - ii. *Between 4,300 and 30,000 sq. ft. of impact, to be restored w/in 3 months of initial impact.*
 - or, in*
 - b. *the vegetation management areas required along the Segment 1 corridor (Appendix C of DEP’s May 2020 Order).*

Reason for change: Similar to CAT I FAR Form, Check box #5, this change allows for temporary impacts beyond the permitted temporary structure impact area due to soil resistivity conditions that requires additional temporary impact in *freshwater wetlands* or in the *vegetation management areas* required along the Segment 1 corridor (Appendix C of DEP’s May 2020 Order).

Because *guy wire anchors* and *ground grid wire* installations may require tree removal, this category requires approval to remove trees and/or to maintain scrub-shrub habitat above the ground grid where installation is required.

Further, it also identifies temporary impact to *freshwater wetlands*, rather than the broader “protected natural resources.”

The Natural Resources Protection Act (NRPA) regulates activities occurring in, on, or over any protected natural resource. Protected natural resources are defined to include coastal sand dune systems, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, great ponds and rivers, streams, or brooks (38 M.R.S. § 480-B). The NRPA provides an exemption for activities that alter less than 4,300 square feet (approximately 1/10 of an acre) of “*wetland area*.” Consistent with this NRPA exemption, Applicants propose clarifying that #5 (and #6, below) on the CAT II form applies specifically to “*freshwater wetlands*,” and not more broadly to “protected natural resources,” which may contain both upland and wetland areas.

Clarifying that CAT II Box #5 (and #6, below) applies to “freshwater wetlands” also facilitates accurate accounting of the Project’s wetland impacts.

- **CAT II FAR Form, Check box #6:** *Adjustment that results in new temporary impacts to freshwater wetlands (must include justification and evaluation of alternative) and involves:*
 - a. *Less than 4,300 sq. ft. of impact, to be restored w/in 12 months of initial impact, or*
 - b. *Between 4,300 and 30,000 sq. ft. of impact, to be restored w/in 3 months of initial impact.*

Reason for change: The reason for this change is explained in CAT II FAR Form, Check Box #5 above.

3. Additional Field Adjustment Categories

As discussed below, Applicants request that the MDEP include additional adjustment categories on the CAT I and CAT II forms. These additions will address altered field conditions identified at the time of construction and address health and safety concerns so that the Project can be constructed in a timely and sequential manner, thereby reducing the risk of adverse environmental impacts.

Consistent with the FAR Approval Order, the proposed additional FAR categories will not increase the need for additional mitigation (*e.g.*, in-lieu fees) and will comply with the conditions of the DEP’s May 11, 2020 Order. Consistent with the FAR Approval Order, the proposed additions are limited to three categories, all of which:

- (1) avoid or minimize environmental impact through the reduction of permanent, temporary, or secondary impacts;
- (2) reduce the risk of adverse environmental effects (*e.g.*, erosion and sedimentation) associated with unfavorable environmental conditions; or
- (3) address significant health and safety issues encountered in the field.

Further explanation of each proposed additional FAR category is provided below. Proposed additions are noted below in italics. Clean versions of the proposed revised FAR forms are included as Attachment A and redlines are included in Attachment B.

1. Changes occurring in cultural resource areas

- **CAT II FAR Form, Check box #3:** Adjustment resulting in increased temporary impact to a protected natural resource (*other than freshwater wetlands*) or cultural resource, where a practicable alternative does not exist, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.

Reason for Change: Certain circumstances may require a change to the location of a proposed temporary access road adjacent to or through cultural resource sites to minimize a significant health or safety issue or to reduce the risk of adverse environmental effects associated with existing field conditions at the time of construction. To ensure that a proposed temporary access road has no permanent adverse effect on cultural resources, any proposed change will be

reviewed by CMP's and NECEC LLC's cultural resource consultant, who will provide written documentation, to be attached to the FAR request, verifying that no permanent adverse impacts to cultural resources will occur as a result of the temporary accessway adjustment.

Increased temporary impact to freshwater wetlands is considered under CAT II FAR Form, Check box #6 and is therefore excluded from Check box #3 to avoid confusion.

2. Adjustment of pole locations

- **CAT I Form, Check box #6:** *Adjustment of pole locations laterally up to 25 feet from the outer boundaries of the pole location icons depicted on the approved natural resource maps, resulting in the elimination, reduction, or no change in permanent impacts to protected natural resources, where no practicable alternative exists, in order to:*
 - a. *Minimize or mitigate a significant health or safety issue, or*
 - b. *Reduce risk of adverse environmental effects associated with unavoidable field conditions.*

- **CAT II Form, Check box #7:** *Adjustment of pole locations along the tangent up to 75 feet from the outer boundaries of the pole location icons depicted on the approved natural resource maps resulting in a reduction or no change in permanent impacts to protected natural resources, where no practicable alternative exists, in order to:*
 - a. *Minimize or mitigate a significant health or safety issue, or*
 - b. *Reduce risk of adverse environmental effects associated with unavoidable field conditions.*

Reason for Change [CAT I Form box #6 and CAT II Form box #7]: Certain field conditions and constructability obstacles may require changes to pole locations that could not have been foreseen at the time of engineering design. Allowing these changes as field adjustments will enable construction to proceed in a timely and sequential manner and will reduce the risk of adverse environmental impacts.

Circumstances or field conditions that may not have been known at the time of engineering design include, for example: obstacles such as large boulders; the presence of ledge requiring blasting and the proximity to other protected natural or cultural resources; previously unknown encroachments within the ROW; and unsafe access to the pole location due to steep grades, rugged terrain or unstable soils. Changes would be limited to adjustments resulting in a reduction, elimination, or no change in impacts to protected resources. No new impacts to new wetlands would be allowed. Accordingly, where a pole shift results in no net change in wetland impact, the shift must occur within the same wetland, and must not impact a new wetland. Therefore, approval of limited pole location adjustments within the above parameters will not increase the need for additional mitigation (*e.g.*, in-lieu fees) consistent with the FAR Approval Order.

Further, FAR-authorized pole location adjustments would be limited to minor adjustments along the tangent (up to 75 feet), and to even smaller lateral adjustments (up to 25 feet). Limiting the extent of lateral adjustments from the pole location as depicted on the approved natural resources maps will minimize shifts to the conductor centerline and may avoid conflicts with vegetation management areas required along the Segment 1 corridor (Appendix C of DEP's May

2020 Order). Applicants propose that CAT I forms be used for lateral pole location adjustment up to 25 feet from the permitted pole location (*i.e.*, 25 feet beyond the outer boundaries of the pole location icons depicted on the approved natural resource maps), and that CAT II forms be used for pole location adjustments along the tangent of up to 75 feet from the permitted pole location (*i.e.*, 75 feet beyond the outer boundaries of the pole location icons depicted on the approved natural resource maps).

3. Culvert replacement or removals

- **CAT II FAR Form, Check box #8:** *Culvert replacement or removals, to be conducted using Stream Smart principles, "in-the-dry," and during the time-of-year work window (work allowed in non-tidal waters between July 15 and September 30). Candidate culverts must not be located in endangered Atlantic salmon streams or their critical terrestrial habitat, nor any habitat of State-protected species.*

Reason for Change: The NECEC Culvert Replacement Program (revised June 2020) (the Culvert Replacement Program) includes a proposal to evaluate the condition of all culverts on Applicant-controlled lands in the vicinity of Segments 1 and 2, including the transmission line corridors, mitigation parcels, and access easements held by NECEC LLC or CMP. Culverts identified as barriers to fish passage will be documented and recommended for replacement or removal. All projects completed under the Culvert Replacement Program will have no effect on endangered Atlantic salmon or their critical habitat. The Culvert Replacement Program identifies the Field Adjustment Process, formerly referred to as the Field Variance Process, as the appropriate mechanism to informally review and approve culvert replacements on Applicant-controlled lands. Consistent with the Culvert Replacement Program, a CAT II FAR will allow the MDEP to approve the replacement or removal of culverts that are a barrier to fish passage.

If you have any questions regarding this submittal, please give me a call at (207) 242-1682 or email me at gerry.mirabile@cmpco.com.

Sincerely,



Gerry J. Mirabile
Director – NECEC Permitting & Compliance
AVANGRID Networks, Inc.

Enclosures

cc: Maine Project Office, US Army Corps of Engineers
DEP.LandApplication@maine.gov
NECECEA@hq.doe.gov
NECEC Service List

File: New England Clean Energy Connect

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

MINOR REVISION APPLICATION
For Site Location, Natural Resources Protection Act & Stormwater Projects

This form shall be used for minor revisions to a project that has received previous Site Law, NRPA or Stormwater Law approval from the Department, where the revision(s) significantly decreases or eliminates an environmental impact, does not significantly expand the project, does not change the nature of the project or does not modify any Department findings with respect to any licensing criteria. If significant project changes are proposed, then an amendment application will be required by the Department.

Please contact the DEP for current fee schedule information. The fee schedule is updated every November 1. The fee is payable to "Treasurer, State of Maine", and **MUST** accompany the application.

Please type or print in black ink only

1. Name of Applicant:	Central Maine Power Company/ NECEC Transmission LLC	5. Name of Agent:	Burns & McDonnell/James Morin
2. Applicant's Mailing Address:	83 Edison Drive, Augusta, ME 04336 / One City Center 5th Floor, Portland, Maine 04101	6. Agent's Mailing Address:	27 Pearl Street, Portland, Maine 04101
3. Applicant's Daytime Phone #:	(207) 242-1682	7. Agent's Daytime Phone #:	(207) 800-9545
4. Applicant e-mail address (REQUIRED):	gerry.mirabile@cmpco.com	8. Agent e-mail address (REQUIRED):	jmorin@burnsmcd.com
LOCATION OF ACTIVITY			
9. Name of Project:	New England Clean Energy Connect (NECEC)		
10. Name of Town where project is located:	Various	11. County:	Various
REQUIRED INFORMATION:			
12. Existing DEP permit number:	See attached cover letter for Order #'s	13. DEP Project Manager for previous application (if known):	James Beyer
14. Description of Proposed Change: (Use additional sheet, if necessary)	Proposed modifications to the NECEC Field Adjustment Request (FAR) process (see attached for details).		

Provide all documentation necessary to support the proposed change. This documentation should include, as appropriate, revised site plans, construction drawings, and technical data such as HHE-200 forms. (If you are unsure of what information to include, please contact the original DEP project manager, or the Division of Land Resource Regulation in the appropriate regional office for assistance.)

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

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-3901	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
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IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

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

CERTIFICATIONS / SIGNATURES

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

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

Signed: Gerry Michèle Title: Director - NECEC Permitting & Compliance Date: 7/25/2023

Notice of Intent to Comply with Maine Construction General Permit

If over one acre of new disturbance will result as part of the proposed minor revision, please sign here acknowledging that with this minor revision form and signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit. I have read and will comply with all of the MCGP standards.

Signed _____ Date: _____

NOTE: If a Notice of Intent is required, you must file a Notice of Termination (NOT form available from the Department) within 20 days of completing permanent stabilization of the project site.

Attachment A- Revised FAR Forms

NECEC – Category I Field Adjustment Request Form

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

**Category I Field Adjustment Request
(reviewed and documented by 3PI in the field)****Adjustment Requested (check boxes that apply):**

1. Refueling, maintenance, or overnight parking within 100 feet of a wetland or waterbody; within 200 feet of a known private water supply well; within 400 feet of a known public water supply; within 25 feet of a MNAP mapped rare plant or natural community; within a mapped significant sand and gravel aquifer; or within 25 feet of any mapped RTE species identified by MDIFW, MDMR, or USFWS, when no practicable alternative exists.
2. Adjustment in permitted construction access road layout or location
 - a. in uplands (no identified protected natural resources), or
 - b. that results in reduction or elimination of wetland impact
3. Adjustment in permitted construction access road layout or location resulting in no change in wetland impact in order to:
 - a. minimize or mitigate a significant health or safety issue, or
 - b. reduce the risk of adverse environmental effects associated with unavoidable field conditions.
4. “Lop and drop” where access with heavy equipment is difficult and allowing cut vegetation to remain in place would minimize environmental impact by avoiding soil disturbance and damage to remaining live trees associated with winching or cable skidding logs.
5. Adjustment in the location or number of guy wire anchors or ground wires (e.g., ground grid), beyond the permitted structure preparation areas and access roads, due to soil conditions in uplands (no identified protected natural resources).
6. Adjustment of pole locations laterally up to 25 feet from the outer boundaries of the pole location icons depicted on the approved natural resource maps, resulting in the elimination, reduction, or no change in permanent impacts to protected natural resources, where no practicable alternative exists, in order to:
 - a. minimize or mitigate a health or safety issue, or
 - b. reduce the risk of adverse environmental effects associated with unavoidable field conditions.

NECEC – Category II Field Adjustment Request Form

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

**Category II Field Adjustment Request
(reviewed by 3PI, as well as MDEP)****Adjustment Requested (check boxes that apply):**

1. Refueling, maintenance, or overnight parking in a protected natural resource identified in the vegetation clearing plan (wetland; significant vernal pool habitat; IWWH; MNAP rare plant areas or natural communities; or an RTE species habitat identified by MDIFW, MDMR, or USFWS) when no practicable alternative exists.
2. Adjustment to location of permitted stream crossing necessitated by health or safety issues (e.g. stream bank stability) or to reduce the risk of adverse environmental effects (e.g., channel width or location); no identified threatened or endangered species.
3. Adjustment resulting in increased temporary impact to a protected natural (other than freshwater wetlands) or cultural resource, where a practicable alternative does not exist, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.
4. Relocation of access road or increase in the permitted structure preparation areas in the vegetation management areas required along the Segment 1 corridor (Appendix C of DEP's May 2020 Order), where no practicable alternative exists, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.
5. Adjustments in the location or number of guy wire anchors or ground grid wires beyond the permitted temporary structure impact area due to soil conditions in:
 - a. freshwater wetlands, and involving
 - i. Less than 4,300 sq. ft. of impact, to be restored w/in 12 months of initial impact, or
 - ii. Between 4,300 and 30,000 sq. ft. of impact, to be restored w/in 3 months of initial impact.
 - b. the vegetation management areas required along the Segment 1 corridor (Appendix C of DEP's May 2020 Order).
6. Adjustment that results in new temporary impacts to freshwater wetlands (must include justification and evaluation of alternative) and involves:
 - a. Less than 4,300 sq. ft. of impact, to be restored w/in 12 months of initial impact, or
 - b. Between 4,300 and 30,000 sq. ft. of impact, to be restored w/in 3 months of initial impact.
7. Adjustment of pole locations along the tangent up to 75 feet from the outer boundaries of the pole location icons depicted on the approved natural resource maps resulting in a reduction or no change in permanent impacts to protected natural resources, where no practicable alternative exists, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.
8. Culvert replacement or removals, to be conducted using Stream Smart principles, "in-the-dry," and during the time-of-year work window (work allowed in non-tidal waters between July 15 and September 30). Candidate culverts must not be located in endangered Atlantic salmon streams or their critical terrestrial habitat, nor any habitat of State-protected species.

Attachment B- Revised FAR Form Redlines

NECEC – Category I Field Adjustment Request Form

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

USACE NAE 2017-01342**Category I Field Adjustment Request
(reviewed and documented by 3PI in the field)****Adjustment Requested (check boxes that apply):**

1. Refueling, maintenance, or overnight parking within setback-100 feet of resource-a wetland or waterbody; within 200 feet of a known private water supply well; within 400 feet of a known public water supply; within 25 feet of a MNAP rare plant or natural community; within a mapped significant sand and gravel aquifer; or within 25 feet of any mapped RTE species identified in vegetation clearing plan (wetland, stream, vernal pool habitat, etc.) by MDIFW, MDMR, or USFWS, when no practical practicable alternative exists.
 2. Adjustment in permitted construction access road layout or location (a) in uplands (no identified protected natural resources) or (b) that results in reduction or elimination of wetland impact
 3. Adjustment in permitted construction access road layout or location resulting in no change in wetland impact in order to (a) minimize or mitigate a significant health or safety issue, or (b) reduce the risk of adverse environmental effects associated with unavoidable field conditions
 4. “Lop and drop” where access with heavy equipment is difficult and allowing cut vegetation to remain in place would minimize environmental impact by avoiding soil disturbance and damage to remaining live trees associated with resulting from winching or cable skidding logs
 5. Adjustment in the location or number of guy wire anchors or ground wires (e.g., ground grid), beyond the permitted structure preparation areas and access roads, due to soil conditions in uplands (no identified protected natural resources)
 6. Adjustment of pole locations laterally up to 25 feet from the outer boundaries of the pole location icons depicted on the approved natural resource maps, resulting in the elimination, reduction, or no change in permanent impacts to protected natural resources, where no practicable alternative exists, in order to:
 - a. minimize or mitigate a health or safety issue, or
 - a. reduce the risk of adverse environmental effects associated with unavoidable field conditions.
-

Location and Description:

3PI Comments:

Project Representative Requesting Change:

_____	_____	_____
Printed Name	Signature	Date

3PI:

- Agree
- Disagree

_____	_____	_____
Printed Name	Signature	Date

DEP/ACOE:

- Agree
- Disagree

Not Required for CAT1 FAR		n/a
_____	_____	_____
Printed Name	Signature	Date

NECEC – Category II Field Adjustment Request Form

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

Category II Field Adjustment Request
 (reviewed by 3PI, as well as MDEP ~~and USACE~~)

Adjustment Requested (check boxes that apply):

1. Refueling, maintenance, or overnight parking in a protected natural resource identified in the vegetation clearing plan (wetland, ~~stream~~; significant vernal pool habitat, ~~etc.~~); IWWH; MNAP rare plant areas or natural communities; or an RTE species habitat identified by MDIFW, MDMR, or USFWS) when no ~~practical~~practicable alternative exists.
2. Adjustment to location of permitted stream crossing ~~within corridor~~ necessitated by changes in health or safety issues (e.g. stream bank stability) or to reduce the risk of adverse environmental effects (e.g., ~~or~~ channel width or location); no identified threatened or endangered species.
3. Adjustment resulting in increased temporary impact to a protected natural (other than freshwater wetlands) or cultural resources, where a practicable alternative does not exist, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.
4. Relocation of access road from non-tapered 54' center line area or increase in the permitted structure preparation areas in special vegetation management areas (from non-tapered 54' wire zone, within wildlife areas or within vegetation managed for RTE or special concern species), where no practicable alternative exists, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.
- 4.5. Adjustments in the location or number of guy wire anchors or ground grid wires beyond the permitted temporary structure impact area due to soil conditions in protected natural resources:
 - a. freshwater wetlands, and involving
 - i. Less than 4,300 sq. ft. of impact, to be restored w/in 12 months of initial impact, or
 - ii. Between 4,300 and 30,000 sq. ft. of impact, to be restored w/in 3 months of initial impact.
 - or, in
 - b. the vegetation management areas required along the Segment 1 corridor (Appendix C of DEP's May 2020 Order).
6. Adjustment that results in new temporary impacts to freshwater wetlands (must include justification and evaluation of alternative) and involves:
 - a. Less than 4,300 sq. ft. of impact, to be restored w/in 12 months of initial impact, or
 - b. Between 4,300 and 30,000 sq. ft. of impact, to be restored w/in 3 months of initial impact.
7. Adjustment of pole locations along the tangent up to 75 feet from the outer boundaries of the pole location icons depicted on the approved natural resource maps resulting in a reduction or no change in permanent impacts to protected natural resources, where no practicable alternative exists, in order to:
 - a. Minimize or mitigate a significant health or safety issue, or
 - b. Reduce risk of adverse environmental effects associated with unavoidable field conditions.

