

Alna Planning Board
Findings of Fact and Conclusions of Law
Central Maine Power Company Transmission Line Section 3027

On August 3, 2021 the Town of Alna (Alna) Planning Board (Planning Board) met and held a public meeting under Section 16 of the Shoreland Zoning Ordinance of the Town of Alna, Maine (Amended March 19, 2011) (SZO), and Articles V and VIII of the Floodplain Management Ordinance for the Town of Alna, Maine (Jan. 22, 2015) (FMO), regarding the May 28, 2021 Application for Shoreland Zoning and Floodplain Management Permits (Application) of Central Maine Power Company (CMP) for the construction of Section 3027, a 345 kilovolt (kV) transmission line (Section 3027 or the Project) in Alna.

The Planning Board previously discussed the Application at a public meeting on July 6, 2021, and conducted a site visit on July 22, 2021. Public notice of the public meetings and the site visit was provided, and the public had the opportunity to participate.

In consideration of the comments and materials received prior to and at the August 3, 2021 meeting, the Planning Board hereby makes the following findings of fact and conclusions of law, as confirmed by their signatures at the end of this document.

I. General Findings of Fact

1. The Planning Board reviewed the Application and determined it to be complete on July 6, 2021.
2. The Project in Alna includes a 5.3 mile section of a new 345kV AC electric transmission line extending from the Coopers Mills Substation in Windsor to the Maine Yankee Substation in Wiscasset.
3. The portion of the Project in Alna involves installation of 48 new poles. Wooden H-frame poles will be “direct embedded” into the ground (i.e., with no foundations) in 44 locations; self-weathering steel poles consisting of three poles will be installed on drilled concrete pier foundations in three locations; and a steel monopole will be installed on a drilled concrete pier foundation in one location in Alna. The average height of the new poles is 90 feet.
4. The Project will be co-located within an existing CMP corridor on land that CMP owns in fee.
5. The Project is related to, but separate from, the New England Clean Energy Connect (NECEC). The Project is required for interconnection of the NECEC to the existing New

England Transmission System in accordance with requirements of the Tariff of ISO-New England Inc. CMP has obtained all necessary approvals from federal and state authorities to construct the Project, including the following approvals: the United States Army Corps of Engineers issued its permit on November 6, 2020; the Maine Department of Environmental Protection (MDEP) issued its permit on May 11, 2020; and the Maine Public Utilities Commission issued its Certificate of Public Convenience and Necessity on May 3, 2019.

6. CMP will implement procedures developed in consultation with the MDEP to avoid and minimize adverse environmental impacts during construction, operation, and maintenance of the Project. CMP provided, as Exhibits 5-8 of its Application, the Plan for Protection of Sensitive Natural Resources During Initial Vegetation (Vegetation Clearing Plan or VCP), Post Construction Vegetation Maintenance Plan (VMP, collectively with the VCP the Vegetation Maintenance Plans), Environmental Guidelines for Construction and Maintenance Activities on Transmission Line and Substation Projects (Environmental Guidelines), and CMP's Environmental Control Requirements for CMP Contractors and Subcontractors - Oil and Hazardous Material and Waste (Environmental Control Requirements).

II. Shoreland Zoning Permit Application

For the following reasons, the Planning Board concludes that the Project complies with the SZO.

A. Findings of Fact

1. Shoreland Zone Activity. According to the Town of Alna Shoreland Zoning Map (March 2010), the Project will cross one Resource Protection (RP) District associated with Palmer Brook. One pole will be placed in the RP District.
2. Essential Service. The Project involves electrical facilities and is accordingly an Essential Service.
3. Principal and Accessory Structures. The Project does not involve construction of any structures with walls or a roof.
4. Standards Not Applicable. The Project does not involve any campgrounds, individual private campsites, commercial and industrial uses, permanent parking areas, signs, subsurface sewage disposal systems, mineral exploration or extraction, agriculture, or timber harvesting.
5. Water Access. The Project will not require access from the shore and will not interfere with beach areas. No new or existing structures will be built on, over or abutting a pier,

dock, wharf, or other structure extending beyond the normal high water line of a water body or within a wetland. There will be no in-stream work and CMP will provide the applicable riparian buffers and implement its environmental protection requirements described in its Environmental Guidelines and Environmental Control Requirements. The Project is sized appropriately, and is no larger than necessary, for its purposes as a 345kV transmission line and to be consistent with the surrounding character and uses of the area.

6. Roads and Driveways. There will be no permanent roads, driveways, drainage systems, culverts, or other related features associated with the Project. Temporary access ways will be established for equipment access within the corridor for construction and maintenance purposes. CMP's Environmental Guidelines contain requirements and best practices regarding temporary access way installation. After construction has been completed, disturbed areas associated with temporary access ways will be returned to preconstruction contours, reseeded as needed, and stabilized. The transmission corridor will be permanently maintained in a scrub-shrub condition.
7. Stormwater Runoff. The Project will minimize stormwater runoff. Temporary access ways and construction activities will be carefully planned and designed to utilize existing natural runoff control features, such as upland vegetated buffers, and diversion and dissipation techniques such as water bars, check dams, or settling basins. Shrubby vegetation will be retained to the extent practicable and the extent and duration of soil exposure during construction will be minimized. After construction is complete, all areas will be returned to preconstruction contours, reseeded as needed, and allowed to revegetate to a scrub-shrub condition.
8. Essential Services. Within Alna, construction of the Project will occur entirely within CMP's existing transmission line corridor adjacent to existing transmission line Sections 392 and 68. No widening of the existing ROW will be necessary in Alna. Although the Project requires installation of one pole in the RP District, no reasonable alternative exists, and CMP has minimized the impact of the new transmission line by co-locating it within an existing corridor. The alternative to CMP's proposal would require CMP to acquire additional land rights and site the transmission line in an entirely new corridor in Alna and/or to erect much taller and more visible and substantial transmission line poles to achieve the required transmission line spans, which would have greater visual and environmental impacts.
9. Vegetation Removal. Some limited vegetation removal will be required within the existing transmission line corridor to accommodate pole installation and ensure that the Project meets federal reliability and safety standards. The vegetation removal standards of Section 15(P) do not apply to vegetation removal that is necessary for uses expressly authorized in the district (such as Essential Services). The amount of vegetation removal will be limited to activities CMP typically undertakes in the maintenance of its corridors. These maintenance activities include the removal of "capable species," dead trees, and "hazard trees." Non-capable species are allowed to grow to ensure that the corridor is vegetated to the greatest extent allowable, which helps prevent erosion and provides wildlife habitat. Maintenance procedures will be to cut all capable species and any dead

or hazard trees at ground level, primarily using hand tools, with the occasional use of chain saws and limited use of motorized equipment in areas directly accessible from public or private access points. Selective herbicide application will be used in conjunction with mechanical methods of vegetation control; however, herbicides will not be used within the riparian buffers associated with the shoreland zones.

10. Erosion Control. CMP submitted Environmental Guidelines (Application Exhibit 7), which are used as a routine part of all transmission and substation projects and contain erosion and sedimentation control requirements, standards, and methods that will be used to protect soil and water resources during construction of the various Project components. The Environmental Guidelines were developed in consultation with the MDEP and are based on MDEP's Maine Erosion and Sediment Control BMPs and MDEP's Chapter 500 rules. These guidelines will be followed in the construction of the transmission line. The Project has also been designed to fit the existing topography and soils of the site and will utilize natural contours as closely as possible to minimize soil exposure and the potential for erosion. Project activities will be sequenced to minimize the extent and duration of exposed soils and will provide temporary stabilization during construction and permanent stabilization after construction is completed, consistent with the requirements of the SZO.
11. Soils. Based on the Soil Survey Geographic Database compiled by the United States Department of Agriculture – Natural Resources Conservation Service, the Project will be located on soils in or upon which the proposed uses and poles can be established and maintained without causing adverse environmental impacts. Soil constraints within the transmission line corridor will be managed and mitigated through implementation of erosion and sedimentation control measures, proper siting and project design, and proper construction sequencing.
12. Water Quality. To protect water quality and minimize spill potential during construction, no fueling or maintenance of vehicles will be performed within 100 feet of wetlands, streams, or other sensitive natural resources, unless done on a paved road. CMP uses a selective herbicide program to treat areas once every four years to maintain early successional scrub shrub growth. Herbicide is selectively applied (using a low-pressure backpack-mounted applicator) to individual capable specimens to prevent growth (or re-growth of a cut plant) of individual plants.
13. Archaeological Sites. CMP has conducted extensive potential pre-historic archaeological, historic archaeological, and historic architectural investigations and surveys along the Project route, for State purposes under Chapter 375.11 of the MDEP rules and for federal action under Section 106 of the National Historic Preservation Act (16 U.S.C § 470-f). CMP has consulted with the Maine Historic Preservation Commission throughout the state and federal permitting process. No archaeological sites or historical properties listed on, or eligible to be listed on, the National Register of Historic Places were documented within the Shoreland Zone in Alna.
14. Safety. The infrastructure and equipment in the substation and transmission line corridor is regularly maintained to established industry standards so as to ensure the safety of utility workers and the general public. Maintaining sufficient clearances around the

conductors is paramount to the safe and reliable operation of the transmission lines. These clearances are achieved through appropriate siting of the poles themselves and through vegetation maintenance practices as described above. All construction will be in accordance with general industry standards, including all necessary live-line working clearances, strength factors, and reliability factors as governed by the National Electrical Safety Code (NESC). In all instances, the line will be designed to meet or exceed the NESC and other applicable standards. The transmission line will be operated in full compliance with CMP safety standards, which fully comply with Federal Occupational Safety & Health Administration requirements.

15. Wastewater. The Project does not involve disposal of any wastewater.
16. Wildlife Habitat. In order to identify existing resources, field biologists documented wildlife while conducting extensive field surveys for the Project. CMP also conducted fish and wildlife database searches and contacted state and federal natural resource agencies to obtain existing data on wildlife and fisheries resources in the vicinity of the Project components. There are no verified deer wintering areas, significant vernal pools, inland waterfowl and wading bird habitats, or other significant wildlife habitat identified within the mapped shoreland zones crossed by the Project corridor in Alna.
17. Flood Hazard. Because of the nature of a transmission line and the minimal additional impervious surface associated with the Project, construction and maintenance of the proposed transmission line will not cause or increase flooding or cause a flood hazard to any neighboring structures. Furthermore, the Project will not affect runoff/infiltration relationships.

B. Conclusions of Law

Section 15 - Land Use Standards

1. Based on the findings in Paragraph II.A.5 above, the Planning Board concludes that the Project does not require access from shore, does not interfere with existing developed or natural beach areas, is located to minimize adverse effects on fisheries, is not larger than necessary for its purposes as a 345kV transmission line and to be consistent with the surrounding character and uses of the area, and does not involve any structures on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland.
2. Based on the findings in Paragraph II.A.6, the Planning Board concludes that there will be no permanent roads, driveways, drainage systems, culverts, or other related features associated with the Project.
3. Based on the findings in Paragraph II.A.7, the Planning Board concludes that the Project has been designed so as not to alter stormwater runoff volume or direction from their predevelopment conditions.

4. Based on the findings in Paragraph II.A.8, the Planning Board concludes that the Project is limited to existing public ways and service corridors. The Planning Board further concludes that CMP has demonstrated that no reasonable alternative exists and that the Project is located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
5. Based on the findings in Paragraph II.A.9, the Planning Board concludes that the SZO vegetation removal standards do not apply to clearing of vegetation that is necessary for uses expressly authorized in the district (such as essential services) or to the development of permitted uses (such as essential services), and because vegetation removal associated with the Project will be limited to activities that are necessary for the maintenance of the existing corridor.
6. Based on the findings in Paragraphs II.A.10, the Planning Board concludes that CMP has demonstrated that the Project has been designed to fit the existing topography and soils of the site and will utilize natural contours as closely as possible to minimize soil exposure and the potential for erosion.
7. Based on the findings in Paragraph II.A.11, the Planning Board concludes that the Project is located on soils in or upon which the proposed uses and poles can be established and maintained without causing adverse environmental impacts.
8. Based on the findings in Paragraph II.A.12, the Planning Board concludes that the Project will not deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
9. Based on the findings in Paragraph II.A.13, the Planning Board concludes that no archaeological sites or historical properties eligible to be listed on the National Register of Historic Places were documented within the Shoreland Zone in Alna.

Section 16 – Approval Standards

1. Based on the findings in Paragraph II.A.14, the Planning Board concludes that the Project will maintain the same safe and healthful conditions that currently exist within the transmission line corridor.
2. Based on the findings in Paragraphs II.A.7, 10, 12, and 15, the Planning Board concludes that the Project will not result in water pollution, erosion, or sedimentation to surface waters.
3. Based on the findings in Paragraph II.A.16, the Planning Board concludes that CMP has demonstrated that the Project will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat in Alna.

4. Based on the findings in Paragraph II.A.5, the Planning Board concludes that the Project will take place entirely within the existing transmission line corridor and does not include alterations to points of access to inland waters.
5. Based on the findings in Paragraph II.A.13, the Planning Board concludes that the Project will not impact any archaeological and historic resources within the shoreland zone in Alna.
6. Based on the findings in Paragraph II.A.17, the Planning Board concludes that the Project will avoid problems associated with floodplain development and use.
7. Based on the findings in Paragraphs II.A.1 through 17, and based on the conclusions with respect to SZO Section 15 described above, the Planning Board concludes that the Project complies with all applicable provisions of the SZO.

III. Floodplain Management Ordinance

For the following reasons, the Planning Board concludes that the Project complies with Article VIII of Alna's FMO, which requires that the Planning Board, when reviewing projects that require review under other federal law, state law, or local ordinances or regulations and projects on five acres or more, make the following assurances.

A. Findings of Fact

1. The Planning Board has reviewed the application to assure that the Project in Alna is reasonably safe from flooding and has determined that all pertinent requirements of Article VI are met.
2. The Planning Board has determined that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law.
3. The Project will be co-located within an existing transmission line corridor, and three poles will be within the Flood Zone. Due to the small area of disturbance associated with these poles, the Project does not involve any alteration or relocation of a water course.
4. The Project has been designed to prevent flotation, collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, and the Project uses construction materials and methods that are resistant to and will minimize flood damage.
5. The Project does not involve installation of any sewer, gas, or water systems.
6. There is no increase in impervious surface area associated with the transmission line. The Project will not cause or increase flooding or cause a flood hazard to any neighboring structures, and the Project will not affect runoff/infiltration relationships. The Project will minimize stormwater runoff by deploying stormwater control methods. Temporary access points and any construction activities will be carefully planned and designed to

utilize existing natural runoff control features, such as upland vegetated buffers, and diversion and dissipation techniques such as water bars, check dams, or settling basins. Shrubby vegetation will be retained to the extent practicable and the extent and duration of soil exposure during construction will be minimized. After construction is complete, all areas will be returned to preconstruction contours, reseeded as needed, and allowed to revegetate to a scrub-shrub condition. The Project will not alter stormwater runoff from predevelopment conditions.

7. The Project Scope and Natural Resource Maps (Application Exhibit 1) depict the FEMA flood boundaries in Alna.

B. Conclusions of Law

1. Based on the findings in Paragraph III.A.3 above, the Planning Board concludes that the Project minimizes flood damage to the extent practicable.
2. Based on the findings in Paragraph III.A.5 above, the Planning Board concludes that no sewer, gas, or water systems are proposed by this Project, and the proposed new electric transmission line is appropriately co-located within an existing transmission line corridor and minimizes flood damage to the extent practicable.
3. Based on the findings in Paragraph III.A.6 above, the Planning Board concludes that CMP has demonstrated the Project includes adequate drainage to reduce exposure to flood hazards.
4. Based on the findings in paragraph III.A.7 above, the Planning Board concludes that CMP provided Project Scope and Natural Resource Maps depicting the FEMA flood boundaries in Alna. The Planning Board further concludes that the requirement for base flood elevations does not apply to the Project because the Project does not involve new construction or substantial improvement of “structures” as that term is defined in the FMO.

Because the Planning Board finds and concludes that the Project conforms with the applicable standards and requirements set forth above, the Planning Board approves CMP’s Application for a Shoreland Zoning Permit. The Planning Board further concludes that the Project satisfies the requirements of the FMO.

APPROVED: TOWN OF ALNA PLANNING BOARD

BY:

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DATE: August 3, 2021

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