

Commonwealth of Pennsylvania  
 Department of Environmental Protection  
 Northwest Regional Office  
 Waterways and Wetlands Program

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT**

The Department of Environmental Protection ("Department"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§510.1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851 (32 P.S. §§679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987, (35 P.S. §§691.1 et seq.), known as "The Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers the Department to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

**ITC Lake Erie Connector LLC  
 27175 Energy Way  
 Novi, MI 48377**

giving its consent to **conduct the following activities in regulated waters of the Commonwealth for the construction of a high voltage direct current (HVDC) transmission line to transmit power between the United States and Canada, and an associated converter station along Lexington Road (Springfield, PA Quadrangle N: 41°, 56', 12"; W: -80°, 22', 35") in Conneaut Township, Erie County:**

1. **Buried HVDC electric and communication lines within the bed of Lake Erie beginning at the shoreline approximately 2 miles west of the mouth of Elk Creek (Fairview SW, PA Quadrangle N: 42°, 00', 45"; W: -80°, 00', 45") in Springfield Township, Erie County and extending north and east approximately 35.4 miles to the US-Canada Border within Lake Erie at or near N: 42°, 25', 30"; W: -79°, 59', 30". The line will be directionally bored under the bluff and shoreline of Lake Erie from a bore pit located north of SR 5 approximately 560 feet south of the lake bluff (Fairview SW, PA Quadrangle N: 42°, 0', 42"; W: -80°, 24', 10") in Springfield Township, Erie County and emerging approximately 1340 feet offshore in Lake Erie. The crossing of Lake Erie results in a total permanent impact of 5.62 acres, and a total temporary impact of 9.29 acres of lake bed during construction.**
2. **Buried HVDC electric and communications lines across a total of 15 streams including Crooked Creek, tributaries to Crooked Creek, and tributaries to Lake Erie, and across a total of 11 wetlands beginning at the proposed converter station along Lexington Road in Conneaut Township, Erie County and proceeding north through Conneaut, Girard, and Springfield Townships, Erie County approximately 7 miles to the bore pit south of the lake bluff in Springfield Township, Erie County. The wetland crossings result in a total permanent impact of 1.02 acre of wetland, including permanent conversion from PFO to PEM within right-of-way areas, and a total temporary impact of 0.31 acre of wetland.**

- 3. Buried alternating current electric cables across a total of three wetlands beginning at the converter station and extending approximately 2000 feet west to the existing PENELEC Erie West Substation in Conneaut Township, Erie County. The wetland crossings result in a total permanent impact of 0.10 acre of wetland, including permanent conversion from PFO to PEM within right-of-way areas, and a total temporary impact of 0.11 acre of wetland.**

**Compensatory mitigation for the project includes the creation of 0.77 acres of wetland (0.73 PFO, 0.04 PSS), restoration of 2.68 acres of wetlands (2.61 PFO, 0.07 PSS), enhancement of 0.95 acre of wetland (0.40 PFO, 0.55 PSS), preservation of surrounding upland forested buffer totaling 0.92 acre, and the creation of a 0.03 acre stormwater treatment wetland at a location along Springfield Road just north of I-90 (Albion, PA Quadrangle N: 41°, 57', 10"; W: -80°, 22', 18") in Girard Township, Erie County.**

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

This permit is issued in response to an application filed with the Department of Environmental Protection on February 1, 2016, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles and specifications filed with and made a part of the application on February 1, March 10, June 9, September 6, September 27, October 7, and October 31, 2016, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, The Clean Streams Law, the Administrative Code, the Rules & Regulations promulgated thereunder and the following conditions and restrictions. **If the work authorized by this permit is not completed on or before December 31 2021, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.**

1. The permittee and an individual responsible for the supervision or conduct of the construction work shall complete and sign an Acknowledgement of Appraisal of Permit Conditions certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return the completed and signed form to the Department. The permit will not be effective until the signed copy is received by the Department.
2. The Department, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the Department may, in addition, institute appropriate legal proceedings;
3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary;
4. The work shall at all times be subject to supervision and inspection by representatives of the Department, and no changes in the maps, plans, profiles, and specifications

as approved shall be made except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. The Department further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby;

5. This permit authorizes the construction, operation, maintenance and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of the Department and term and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval and permit of the Department;

6. All construction debris, excavated material, brush, rocks, and refuse incidental to this work shall be removed entirely from the stream channel and placed either on shore above the influence of flood waters, or at such dumping ground as may be approved by the Department;

7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction;

8. If future operations by the Commonwealth of Pennsylvania require modification of the structure or work, or if, in the opinion of the Department of Environmental Protection, the structure or work shall cause unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice, remove or alter the structures, work or obstructions caused thereby, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as the Department may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration;

9. The permittee shall notify the Department, in writing, of the proposed time for commencement of work at least 15 days prior to the commencement of construction;

10. If construction work has not been completed within the time specified in this permit and the time limit specified in this permit has not been extended in writing by the Department or if this permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department may prescribe, remove all or any portion of the work as the Department requires and restore the watercourse and floodplain to their former condition;

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of the work, of the terms, conditions, restrictions and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the work acknowledging and accepting the general and special conditions contained in this permit. Unless the acknowledgment and acceptance have been filed, this permit is void. A copy of this permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or municipal agency;

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications;

13. This permit may not be transferred without prior written approval from the Department, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form;

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by the Department;

15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620, telephone 814-359-5140;

16. Permittee shall implement and monitor an Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102 so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water;

17. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Northwest Region office at 814-337-0444;

18. The project site shall at all times be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Erie County Conservation District at 814-825-6403;

19. SPECIAL CONDITIONS

- A. Prior to conducting any blasting activities within the bed of Lake Erie, the permittee shall obtain any applicable blasting permits or approvals from the Department's Knox District Mining Office, and from the Pennsylvania Fish and Boat Commission.
- B. Project construction shall take place when the stream is at low flow.
- C. Streambank disturbance shall be kept to a minimum and stabilized with indigenous vegetation within 20 days of final earthmoving to prevent erosion and provide cover, shading, and food source for aquatic life.
- D. Since Crooked Creek has a migratory fish classification, no work shall be done in the stream channel between September 1 and April 1 without prior written approval of the Pennsylvania Fish & Boat Commission.

- E. Since Crooked Creek is a stocked trout stream, no work shall be done in the stream channel between March 1 and June 15 without the prior written approval of the Pennsylvania Fish & Boat Commission.
- F. All disturbed areas are to be restored to the original contours and shall be replanted from indigenous plant species. Any excess fill material must be removed from the wetland and not spread on-site.
- G. The construction of the wetland mitigation areas shall be started at the commencement of or prior to the placement of fill authorized by this permit. "As-built" plans of the wetland mitigation areas shall be submitted to the Department within 30 days after final planting has been completed.
- H. The permittee shall monitor the wetland mitigation areas approved with this permit for at least five years after construction of the approved mitigation projects, unless otherwise approved by the Department in writing.

For the first three years, the permittee shall conduct an inspection during the month of April and another inspection during the month of September. For the remaining two years, the permittee shall conduct an inspection during the month of September.

A written Mitigation Report shall be prepared for each inspection conducted during the monitoring period and submitted within 30 days to the Department of Environmental Protection, Attention: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

Unless instructed otherwise in writing from the Department, the permittee shall provide the following minimum information in the written Mitigation Reports:

- An inventory of the surviving plant species and percent aerial coverage
- Photographs of the wetland mitigation areas with plans showing the location and orientation of each photograph
- A written plan to correct any deficiencies identified during the monitoring phase
- Other measures as identified in the approved mitigation plan.

- I. If wetlands constructed, restored and/or enhanced on the approved sites have not achieved design objectives within the monitoring period, remedial work will be required to assure establishment of 0.77 acre of wetlands [0.73 PFO, 0.04 PSS], restoration of 2.68 acres of wetland [2.61 PFO, 0.07 PSS], and enhancement of 0.95 acre of wetland [0.40 PFO, 0.55 PSS]. Wetland mitigation shall be considered successful when the design objectives stated in the approved wetland mitigation plan have been met.
- J. There shall be no more than 50 percent dominance of each stratum by any plant listed within Pa. Code Title 7, Chapter 110 (Noxious Weeds) – under section 3(b) of the Noxious Weed Control Law (3 P.S. § 255.3(b)).

- K. There shall be no more than 50 percent dominance of the herbaceous stratum by *Phalaris arundinacea* (Reed Canary Grass), *Phragmites australis* (Common Reed), *Typha angustifolia* (Narrow-leafed Cattail), *Typha glauca* (Hybrid Cattail) and *Typha Latifolia* (Broad-leafed Cattail).
- L. This permit does not convey any real property rights or interests or authorization to trespass on privately owned riparian land. By accepting this permit, the permittee certifies that he/she holds title, easement, right or other real interest in the riparian land. Any dispute over ownership of this land is solely a matter for private litigation.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*Lori A. Boughton*

\_\_\_\_\_  
Lori A. Boughton  
Regional Manager  
Waterways and Wetlands Program

*5/25/17*

\_\_\_\_\_  
Date

Permit No.: E25-778

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Protection  
Waterways and Wetlands Northwest Region

**ACKNOWLEDGEMENT OF APPRISAL OF PERMIT CONDITIONS**

Project Location:

County: Erie

Municipality: \_\_\_\_\_

Gentlemen:

Acknowledgment is made that I, ITC Lake Erie Connector LLC and  
(Permittee Name)

Todd Edwards, ITC Holdings Corp., 27175 Energy Way, Novi, MI 48377  
(Name, Address and Telephone of Individual Responsible for Supervision of Work)

Phone : 248-946-3323 have been apprised of,

acknowledge, and accept the general and special conditions contained in Permit No. E25-778, issued  
to ITC Lake Erie Connector LLC.  
(Permittee Name)

Return to: Department of Environmental Protection  
Waterways and Wetlands – Permitting and Technical Services Section  
230 Chestnut Street  
Meadville PA 16335

Christine Nasen Soneal  
Permittee Signature

6.13.17  
(Date)

Christine Nasen Soneal, General Counsel  
Permittee Name (Please Print) <sup>SVP+</sup>

Todd Edwards  
(Signature of Individual Responsible for Supervision of Work)

6/21/2017  
(Date)

Todd C. Edwards  
Individual Responsible for Supervision of Work (Please Print)

Permit No. \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Protection  
Waterways and Wetlands Northwest Region

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT COMPLETION REPORT**

Project Location: \_\_\_\_\_

County: \_\_\_\_\_

Municipality: \_\_\_\_\_

Gentlemen:

I (We) hereby certify that the \_\_\_\_\_  
(Work Authorized by Permit)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

was completed on \_\_\_\_\_, in accordance with the plans approved and that all unauthorized obstructions have been removed.

Name: \_\_\_\_\_  
(Typed or Printed)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

Return to: Department of Environmental Protection  
Waterways and Wetlands -- Permitting and Technical Services Section  
230 Chestnut Street  
Meadville, PA 16335