



State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
One National Life Drive
Montpelier, VT 05633-5001
vtrans.vermont.gov

Agency of Transportation

[phone] 802-828-2653
[fax] 802-828-2456
[ttd] 800-253-0191

February 14, 2017

Donald Jessome, General Manager
Champlain VT, LLC (d/b/a TDI – New England)
PO Box 155
Charlotte, VT 05445

Subject: New England Clean Power Link Project
19 V.S.A. §1111 Permit # 38887

Dear Mr. Jessome:

Your application for a permit to work within the State Highway right-of-way to install two HDVC transmission cables along various state highways, and as proposed on the attached project plans, has been processed by this office and is enclosed.

As a condition of this permit, prior to a preconstruction meeting between the Permit Holder and/or their representative, the Contractor and State of Vermont's Agency of Transportation ("VTrans") representatives, the Permit Holder shall provide to VTrans all referenced agreements, permits, plans and associated documents as referenced in the attached *Special Conditions*.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator #3 at (802) 786-5826, District Transportation Administrator #8 at (802) 524-5926 AND VTrans' Permitting Services Section at (802) 828-2653, a minimum ten (10) working days in advance of such meeting. Please be advised, prior to the authorization to proceed to construction the Permit Holder shall provide any outstanding information as detailed in the attached *Special Conditions* and as may be required based on the preconstruction meeting.

If you have any questions, please contact me at (802) 828-2473 or Craig Keller, Chief of Permitting Services, at (802) 279-1152.

Sincerely,

A handwritten signature in cursive script, reading "Theresa C. Gilman".

Theresa C. Gilman
Permitting Services Supervisor
Permitting Services Section

Enclosures

cc: Josh Bagnato, TDI New England
Robert Harrison, TDI New England
Billy Coster, Vermont Agency of Natural Resources
Ed McNamara, Vermont Department of Public Service
Scott Dillion, Vermont Division of Historic Preservation
Northwest Regional Planning Commission
Rutland Regional Planning Commission
Southern Windsor County Planning Commission
Matthew Hake, Vermont Division – Federal Highway Administration
Town of Alburgh
Town of Benson
Town of Fair Haven
Town of Castleton
Town of Ira
Town of West Rutland
Rutland Town
Town of Clarendon
Town of Shrewsbury
Town of Wallingford
Town of Mount Holly
Town of Ludlow
Town of Cavendish.

PERMIT ID# 38887

FOR AGENCY USE ONLY
Town: VARIOUS
Route: VARIOUS
Mile Marker: VARIOUS
Log Station: VARIOUS

VERMONT AGENCY OF TRANSPORTATION
State Highway Access and Work Permit

Owner's/Applicant's Name, Address & Phone No. Donald Jessome, General Manager, Champlain VT, LLC
P.O. Box 155, Charlotte, VT 05445, 902-440-0664

Co-Applicant's Name, Address & Phone No. (if different from above) _____

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
Various locations on VT22A, US4, US7, VT103, VT100 (see attached letter) under US2

Description of work to be performed in the highway right-of-way (attach plan) (see attached letter)

Property Deed Reference Book: _____ Page: _____ (only required for Permit Application for access)

Is a Zoning Permit required? Yes ☐ No ☒ - If Yes, # _____

Is a 30 VSA § 248 permit required? Yes ☒ No ☐ - If Yes, # 8400

Is an Act 250 permit required? Yes ☐ No ☒ - If Yes, # _____

Other permit(s) required? Yes ☒ No ☐ - If Yes, name and # of each (see attached letter)

Date applicant expects work to begin April 2017

Owner/Applicant: Donald Jessome Position Title: General Manager/CEO
(Print name above)

Sign in Shaded area:

Date:

Feb 4, 2016

Co-Applicant: _____ Position Title: _____
(Print name above)

Sign in Shaded area:

Date:

INSTRUCTIONS:

-Contact the Agency of Transportation, Development Review and Permitting Services Section (802.828.2653), One National Life Drive, Montpelier, VT 05633, or your local area Agency Transportation Maintenance District to determine your issuing authority. The issuing authority will determine what plans and other documents are required to be submitted with your Vermont Statutes Annotated, Title 19, Section 1111, permit application request.

-Read both sides of this Application Form then complete (some information may not apply to you) and attach all necessary documents and submit it to the issuing authority. We require this application to be signed by the property owner or their legally authorized representative. **Original signatures are required on an original Form.**

-The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the state highway right-of-way to install two HVDC (high-voltage direct current) electric power transmission cables (1,000-MW) along 154 miles of various state highways. All work shall be in accordance with the attached plans, standards and special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed December 1, 2021

Date work accepted: _____

By Long Shu
Authorized Representative for
Secretary of Transportation

Issued Date

February 14, 2017

By: _____
DTA or Designee

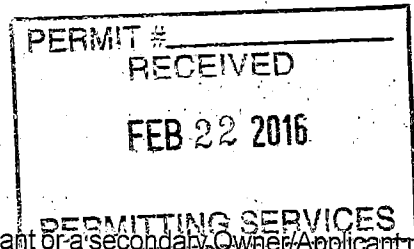
NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations. This permit addresses only access to, work within, and drainage affecting the state highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

District #3, (802) 786-5826 AND District #8, (802) 524-5926 AND Permitting Services Section, (802) 828-2653

May 1, 2015 (All previously dated editions are not valid)

RESTRICTIONS AND CONDITIONS



DEFINITIONS:

"Agency" means the Vermont Agency of Transportation (a/k/a VTrans).

"Engineer" means the authorized agent of the Secretary of Transportation.

"Owner/Applicant" means the party(s) to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant or a secondary Owner/Applicant under a joint permit application.

"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the restrictions and conditions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer within 30-days of permit issuance and prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 ("Dig Safe") requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, please note that the Agency and many municipalities are not members of Dig Safe and will need to have their utility facilities investigated with due diligence prior to starting excavation activities in or on the State Highway right-of-way.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State Highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use a pre-approved Blasting Plan. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.

All temporary and permanent traffic control measures and devices shall be MUTCD compliant.

The Owner/Applicant shall not do any work or place any structures or obstacles within the State Highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any approved variance from the permitted plans is to be recorded on "as-builts" with copies provided to both the Chief of Permitting Services and the District Transportation Administrator.

ACCESS:

This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway. Direct connections shall not be allowed without written approval.

UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the State Highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

Poles and appurtenances shall be located out of conflict with intersection sight distance, guardrail, ditches, signs, culverts, etc.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the State Highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.

SPECIAL CONDITIONS

Authorization to proceed to construction under this permit shall be contingent on the receipt of the following documents prior to the preconstruction meeting between the Permit Holder and/or their representatives, the Contractor and State of Vermont's Agency of Transportation ("VTrans") representatives;

- an executed agreement (Inspection Agreement) between the State of Vermont, acting through its Agency of Transportation, and the Permit Holder, for the periodic inspection of work being performed under this permit,
- an executed agreement (Master License Agreement) and all associated required attachments, between the Permit Holder, the State of Vermont, acting through its Agency of Transportation, joined by Green Mountain Rail Company (GMRC), for the use of the State-owned railroad property operating as the Green Mountain Railroad, Bellow Falls to Rutland rail line,
- an executed agreement (Lease Agreement as contained in Exhibit A of "Lease Option Agreement") between Champlain VT, LLC and the State of Vermont, dated July 17, 2015) between the Permit Holder and VTrans, for the use of the State's property as specified in the Lease Agreement ("State's Property"); and, receipt of any outstanding items required under this agreement, including but not limited to payments and a fiber optic design plan to be approved by both VTrans and the Department of Public Service,
- an executed agreement and any subsequent amendments required (Reimbursement Agreement) between the Permit Holder and the State of Vermont, acting through its Agency of Transportation, for payment by the Permit Holder to VTrans for the engineering costs associated with VTrans' review of the Permit Holder's 19 V.S.A. §1111 application,
- receipt of all outstanding permits, or permit extensions, required by State and/or Federal agencies.
- a surety in the form of a bond or irrevocable letter of credit in the amount of \$1.5 million, to remain in effect for 90 days after the Agency's final inspection and acceptance of the work,
- the Contractor's signature as the co-applicant to the Agency's "State Highway Access and Work Permit" (a/k/a 19 V.S.A. §1111 Permit) for the referenced project,
- a copy of any revisions to the project plans and specifications referenced in, and attached to, this permit. Plans shall be provided to VTrans a minimum of 90-days in advance of any work planned within the State highway right-of-way,
- a Maintenance and Protection of Traffic (MPT) plan and Traffic Control Plan (TCP) to be implemented for the entire project. These plans shall include site specific detail and consider American with Disabilities Act (ADA) pedestrian access throughout the project areas, where applicable.

[VTrans reserves the right to add additional conditions to this permit, including but not limited to the requirement for any additional information, up to the time of planned construction. Any changes to the project plans and/or additional items submitted may require a revision of this permit.]

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. **This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable federal, state and local statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.) or securing any other necessary permits from federal, state and local municipalities.** The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator at (802) 786-5826 AND VTrans' Permitting Services Section at (802) 828-2653, a minimum ten (10) working days in advance of such meeting.

Prior to beginning work on any segment of State highway or rail right-of-way, the Permit Holder shall coordinate with the Agency (and GMRC, in the case of the State-owned Bellows Falls-Rutland railroad corridor) regarding all plans and work to be performed to avoid conflict with potential transportation projects or ongoing maintenance operations.

Prior to beginning work the Contractor shall provide a detailed work schedule for work along the State highway right-of-way and State owned rail corridor.

Prior to beginning work the Permit Holder shall provide the name and contact information of the Public Relations Specialist for this project. The Permit Holder shall have a Public Relations Specialist assigned to address inquiries, questions and provided notification to the public of project activity, as deemed necessary. The Permit Holder and/or their assignee shall keep the Agency's Project Inspector apprised of the project schedule; specifically, any changes related to traffic control, major construction activities and other milestones as deemed necessary by the Agency.

Prior to beginning work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers' Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$10,000,000 Per Occurrence
\$10,000,000 General Aggregate
\$10,000,000 Products/Completed Operations Aggregate
\$10,000,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

The Permit Holder shall accomplish all work under this permit in accordance with the attached plans entitled, *New England Clean Power Link, TDI New England, Overland Route Segment*, dated September 19, 2014 and last revised July 24, 2015, unless otherwise specified by the conditions of this permit.

All work within the State highway rights-of-way that is not addressed in the referenced plans, project specifications and any revisions thereof, shall be done in accordance with the Vermont Agency of Transportation *2011 Standard Specifications for Construction*, as amended by any General Provisions or Special Provisions and all applicable Vermont Agency of Transportation Standard Drawings. If any discrepancy exists between the referenced plans and Agency specifications and standards, the more stringent shall apply unless otherwise approved by the Agency in writing.

The Permit Holder shall be responsible for the coordination, in advance of construction, of all necessary utility relocations so as not to delay the project construction. This includes both aerial and underground utilities and temporary and permanent relocation work. This permit does not cover work performed by utility companies and/or their contractors. A separate *State Highway Access and Work Permit* (a/k/a 19 V.S.A. §1111 Permit) shall be required from all affected utility owners if utility relocation work within the State highway right-of-way is needed.

The Permit Holder or its suppliers shall be responsible for obtaining any necessary permits from the Vermont Department of Motor Vehicles for any oversize deliveries transported over the State highways.

The Permit Holder shall be responsible for locating all existing utility facilities along the highway corridors prior to excavation. Please note that the Vermont Agency of Transportation and many locally owned utilities are not members of Dig Safe. The Permit Holder shall contact individual municipalities prior to conducting work within their boundaries and shall also contact VTrans Signal Technician, Steve Guyette at (802) 343-2188. Mr. Guyette will locate and mark all existing buried utility facilities owned by the Agency within the proposed work areas.

The Permit Holder shall engineer, construct, and install the facility to make it fully compatible with the continued operation and maintenance of existing utility infrastructure within the affected state highways and rail corridor. Infrastructure may include electric, gas, telecommunications, water and wastewater lines and equipment, whether above ground, below ground or submerged.

Construction access to construction work zones within limited access highways shall be provided from off-highway locations unless otherwise approved by the Agency; an access plan for work in these areas shall be identified on the project plan or provided to the Agency in advance of construction along these corridors. Any staging areas proposed within the State's highway right-of-way will require review and approval by the Agency.

Except with specific written permission by the Agency, all work within the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, holidays (including the day before and following), during severe storms and between December 1 and April 15. If work is requested outside normal daylight hours, as will likely be the case during horizontal directional drills, the Permit Holder shall submit, for review and approval by the Agency, a site specific engineered lighting plan and traffic control plan, including a description of flagger reflective apparel for nighttime work.

The Permit Holder shall use methods that will minimize tracking of material onto the State highway. If tracking does occur, it will be immediately cleaned up so that traveling conditions and safety of the highway users is not compromised.

The Permit Holder shall erect and maintain all necessary site erosion prevention and sediment control measures to maintain compliance with Vermont Water Quality Standards within the State Highway right-of-way. All exposed earth areas having erosion potential must be temporarily or permanently stabilized within fourteen (14) days of disturbance or as necessary to prevent sediment from entering the Agency's State Highway stormwater management system. Slopes steeper than 1:3 shall make use of appropriate erosion matting. For each location where the facility involves construction across or within State highway right-of-way or rail corridor, the Permit Holder shall implement the approved EPSC plan as referenced in the Individual Construction Stormwater Discharge Permit issued by Vermont DEC for the Project (7354-INDC).

The Permit Holder shall protect State owned infrastructure located within the State highway right-of-way, including but not limited to, guardrail, continuous traffic counters, signage, drainage infrastructure, signal equipment and lighting, boundary markers, fencing, bridge structures, pavement and line striping. Any damage and/or required relocation of these facilities or other highway infrastructure shall be repaired and/or replaced as directed by the Project Inspector.

The Permit Holder shall be responsible for evaluating all culverts within the State's right-of-way and assuring they are not damaged, crushed or blocked and if found that they are, shall take immediate steps to replace or repair the culvert in accordance with applicable State standards.

Any State signage requiring relocation, temporarily or permanently, shall be removed so as to cause no damage and reinstalled as directed by the Project Inspector. Signs damaged by the Permit Holder shall be replaced with new signs in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and Agency standards.

The Permit Holder shall restore all town highway intersections and abutting property owner's lawn, driveway and other incidental items that may be disturbed by the project construction; restoration and repair shall be the satisfaction of the owner.

Prior to any blasting within the State highway right-of-way, the Permit Holder shall submit a blasting plan for review and approval by the Agency.

The Permit Holder shall replace any disturbed State highway property bounds and private property boundary markers. All boundary markers shall be reset by a land surveyor licensed in the State of Vermont.

Any excavation within 5-feet from the edge of the paved shoulder and more than 5-feet deep may require sheeting, if deemed necessary by the Project Inspector, to prevent undermining of the highway pavement; and, trench excavation material shall not be stockpiled on the highway shoulders.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the Project Inspector or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the Project Inspector. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

Any vegetation removal in the State Highway right-of-way proposed within Stream/Riparian Buffer Zones shall conform to all Local, State, and Federal Regulatory requirements for Stream Buffer Protection. Vegetation removal in the State Highway right-of-way must be pre-approved by the Project Inspector.

All utility crossings under the State highway shall be installed by horizontal directional drill or jacking and boring and encased in a utility sleeve in accordance with VTrans standards, unless otherwise approved by the Agency.

The Permit Holder must backfill all open trenches or pits at the end of each day. With permission from the Project Inspector, trenches or pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

Unless otherwise approved, where a trench is excavated within the roadbed, all backfill material within 24 inches of the bottom of pavement shall be new material from a source approved by the Project Inspector. Unless otherwise approved, within 24 inches from the bottom of the pavement, the Permit Holder shall place all backfill material in six inch layers and compacted to not less than 95% of the material's maximum dry density as determined by AASHTO (American Association of State Highway and Transportation Officials) Standard Method of Test, T-99, Method C, using air or mechanical tampers. *(This is a contingency condition in the event the "open cut method" for road crossings is approved at site specific locations.)*

The Permit Holder must install temporary pavement prior to weekend shutdown after completion of backfilling where an open cut excavation has been made through a roadway subject to vehicular traffic or where construction for any roadway widening has been brought to grade unless otherwise approved by the Agency Project Inspector. The temporary pavement shall consist of, at least, 2 inches of compacted bituminous concrete. Temporary pavement shall be properly maintained and shall be replaced with permanent pavement prior to completion of the project or suspension of work for the winter season. *(This is a contingency condition in the event the "open cut method" for road crossings is approved at site specific locations.)*

All existing pavement markings that become disturbed or overlaid with pavement shall be replaced by the Permit Holder with durable markings to the satisfaction of the Project Inspector. The placement, size, shape, and color of all pavement markings must be in accordance with the most recent editions of the MUTCD (Manual on Uniform Traffic Control Devices) and Vermont standards. The Permit Holder shall bear all costs associated with this work. *(This is a contingency condition in the event the "open cut method" for road crossings is approved at site specific locations.)*

The Permit Holder shall install an underground utility warning tape or tracer wire system to detect, locate and identify the approved underground utility facility. As part of the final inspection the Project Inspector may require a conductivity test prior to acceptance of the work. Additionally, if the utility warning system becomes unreliable or inoperable in the future the Agency may require that the Permit Holder repair or install a replacement system.

The Permit Holder shall install Agency approved Delineator Posts at the designated locations, to be determined by VTrans and TDI-NE, to clearly and quickly identify manholes, pipelines, valves, underground utilities, etc. and shall install and maintain flexible fiberglass reinforced composite identification Marker Posts at the designated locations to clearly and quickly identify underground utilities.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his or her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Permit Holder shall be responsible for obtaining the modification of this permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. The Agency will treat the Permit Holder's failure to fully, promptly, and conscientiously comply with all of conditions of this paragraph, including but not limited to the obligation to pay for repairs, as grounds for the Agency to refuse to grant any further requests by the Permit Holder for any other permits for subsurface work unless the Permit Holder furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

Should any portion of the utility facility installed within the State highway or railroad rights-of-way require relocation or adjustment in the future to accommodate maintenance work, reconstruction and / or expansion of the highway or railroad, the Permit Holder shall bear all expenses and complete the adjustments in a timely manner, as required by 19 V.S.A. §1606(a).

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the Project Inspector. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the Project Inspector to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. Two-way traffic shall be maintained at all times unless permission is granted from the Project Inspector or otherwise approved in the project's TCP and TMP. Whenever two-way, one-lane controlled traffic is authorized to be maintained by the Applicant's Contractor, **the traveling public shall not be delayed more than 10 minutes**. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The Project Inspector may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the Project Inspector may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

As the utility operation moves, flagger signs shall be moved accordingly. At no time should the flagger symbol sign be more than 1,000 feet from the flagger station. Flagger signs shall be covered or turned away from traffic when flagging operations cease for longer than 15 minutes.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way -shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Upon completion of the work the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator at (802) 786-5826 **AND** VTrans' Permitting Services Section at (802) 828-2653, a minimum ten (10) working days in advance of such meeting.

Upon completion of the work the Permit Holder shall provide the Development Review and Permitting Services Section with an electronic as-built of the utility facility improvements **no later than 90 days** following the completion of the underground HVDV cable installations. Any 3D plans and data generated in geographic information system (GIS) format or computer aided drafting and design (CADD) format for this project, reflecting the location of the underground transmission cables and utility assets, as well as associated base map data are to be provided to the Agency. Preference is to receive the raw ASCII survey data or at least a point list of all measured locations, and for data to be provided to the Agency in Esri file geodatabase and Bentley MicroStation DGN format, with 3D data having x, y and z values. Metadata on the data layers and plans provided needs to be included, providing details on projection, horizontal and vertical datum, and units of measure in U.S. Survey Feet using the Vermont State Plan Grid (NAD83 and NAVD88).

Upon completion of the work for the New England Clean Power Link project and, prior to operation of the facility, the Permit Holder shall apply for an annual *Routine Maintenance and Emergency Work Permit* (a/k/a 19 V.S.A. §1111 Permit) for ongoing maintenance and access within the State highway rights-of-way. The Permit Holder and/or their assignees shall submit an application to the Agency for this work, **prior to the start of each calendar year** and shall continue to for the years in which the facility is operational and/or the facility requires maintenance. The first permit submission shall include a copy of the Emergency Repair and Response Plan for the facility.