

Bureau of Land Resources, c/o Jim Beyer
Maine Department of Environmental Protection
106 Hogan Road Suite 6
Bangor, Maine 04401

January 24, 2019

Re: Request to include greenhouse gas impacts in public hearings

Dear Ms. Miller:

At the second prehearing conference on January 17, 2019, consolidated Group 4 (the Appalachian Mountain Club, the Natural Resources Council of Maine, and Trout Unlimited) requested the opportunity to present a witness at the public hearing on the proposed project's lack of benefits from greenhouse gas emission reductions and the potential for the project to cause a net increase in greenhouse gas emissions. You requested that we submit this request, in writing, on or before Thursday, January 24, 2019.

We believe that testimony on net greenhouse gas emissions as a result of this project should be considered during the public hearing in this proceeding because CMP has stated that this proposed project is necessary to achieve certain greenhouse gas emissions reduction goals and because climate impact is a component of the "no adverse effect on the natural environment" standard of the Site Location Law, 38 M.R.S.A. § 484(3).

In Section 1.4 of CMP's Site Location of Development Application, CMP writes:

The use of the NECEC for delivery of up to 8,500,000 MWh of Clean Energy Generation will provide many significant benefits to Maine and all of New England. In particular, the delivery of Quebec-sourced Clean Energy Generation is expected to reduce greenhouse gas emissions from fossil-fuel fired thermal generation in New England, enhance electric reliability (particularly during winter months when natural gas supply constraints have occurred in recent years), and reduce the wholesale cost of electricity for the benefit of retail customers across the region.

In this same section, CMP notes that "Clean Energy Generation" is defined by Massachusetts as "(i) firm service hydroelectric generation from hydroelectric generation alone; (ii) new Class I Renewable Portfolio Standard ("RPS") eligible resources that are firm up with firm service hydroelectric generation; or (iii) new Class I RPS eligible resources." CMP's full Site Law Application was incorporated by reference into CMP's NRPA Application.¹

In its NRPA Application, CMP states that

The NECEC project is expected to reduce regional CO₂ (greenhouse gas) emissions by over one million metric tons per year in Massachusetts, which is a

¹ NECEC NRPA Application at p. 1-1.

direct benefit to neighboring states, including Maine. This amount would help achieve the stated goals of the Regional Greenhouse Gas Initiative (RGGI) by reducing the total amount of CO₂ emissions from the power sector of the six New England states, and Delaware, Maryland, and New York. The NECEC's ability to deliver reliable, renewably-generated electricity from Québec will help alleviate the need to build new non-renewable generation plants, and may allow retirement of older, less efficient fossil fueled power plants.²

CMP is alleging that they need to build this project to achieve greenhouse gas reductions goals and that the purported greenhouse gas emissions reductions in New England will have a benefit in Maine, both climatically and in achieving the state's RGGI goals. Because CMP is relying so heavily on these alleged benefits, Intervenors should have the opportunity to present witnesses at the public hearing to rebut these unsupported assertions in CMP's applications.

In Chapter 375, Section 2, "No Unreasonable Alteration of Climate", "[t]he Department recognizes the potential of large-scale, heavy industrial facilities, such as power generating plants, to affect the climate in the vicinity of their location by causing changes in climatic characteristics such as rainfall, fog, and relative humidity patterns." While CMP's proposed transmission line will not have direct emissions, the proposed transmission line will have a dramatic impact on numerous power generating plants throughout the region with the potential for dramatic shifts in where and how much greenhouse gas is emitted.

Section 2(B) of this same chapter contains broad language stating that "the Department shall consider all relevant evidence" "[i]n determining whether the proposed development will cause an unreasonable alteration of climate." Hydro-Quebec stated in its response to the Massachusetts 83(D) Request For Proposals (RFP) that:

This Proposal offers a viable, low cost Clean Energy Generation delivery project with limited risk, because (i) there is no construction risk related to the generation resources which are already in service... Because no new hydroelectric generation projects will be required, there will be no incremental environmental impacts from hydroelectric generation as a result of this Proposal.³

Although CMP proposed NECEC as a response to a Massachusetts program to decrease greenhouse gas emissions, we have evidence that indicates that there will be **no reduction in greenhouse gas emissions** associated with this project at all.

The State of New Hampshire wisely rejected a similar proposal to run a transmission corridor from Quebec to Massachusetts through New Hampshire (called "Northern Pass"), concluding that there was no evidence that Northern Pass would have any greenhouse gas benefits. Specifically, in its decision document at the end of years of hearings and study, New Hampshire's Site Evaluation Committee stated:

² NRPA Application at 2-2.

³ HRE Section 83D Request for Proposal Application Form. Pp. 4, 56.

As to the savings associated with a decrease in carbon emissions, we agree with Counsel for the Public that no actual greenhouse gas emission reductions would be realized if no new source of hydropower is introduced and the power delivered by the Project to New England is simply diverted from Ontario or New York. The record is unclear as to whether the hydropower is new or will be diverted from another region.⁴

Because Hydro-Quebec has clearly indicated that it will not build any new hydro-power generation for NECEC, it is important to investigate whether Hydro-Quebec will have to shift sales from other areas into the NECEC line, potentially causing an increase in total carbon emissions. This project also has the potential to reduce renewable energy project development in Maine by using up capacity on Maine's grid. This too could result in an overall increase of carbon emissions from NECEC.

Given that the applicant alleges that this project is specifically designed to reduce greenhouse gas emissions, it seems reasonable for the Department to evaluate all relevant evidence to ensure that the project will deliver the intended benefit and will not cause any increase in harmful greenhouse gas emissions, which would contribute to local impacts from a changing climate.

Because CMP bases the "need" for this project primarily on climate benefits, and because this project could, in fact, have a detrimental impact on Maine's climate, we believe that the Department must allow testimony on the presence or absence of greenhouse gas reduction benefits during this proceeding.

Furthermore, the presence or absence of climate benefit or harm from NECEC is critical to determining whether the project meets the "No Undue Adverse Impact" standard of the Site Law. At its core, the Site Law balances the harms of a given project versus its benefits. If there are no climate benefits to NECEC, the evidence would weigh heavily against issuing a permit that would cause so much environmental damage and provide no energy to Maine.

CMP has made numerous disputed and unsubstantiated claims about the emissions benefits of NECEC as a part of its attempts to sell this project to Maine decision makers and citizens. The presence or absence of greenhouse gas benefits is a central question at the heart of whether or not to build this corridor. Therefore, climate issues must be a subject for the public hearing. Thank you for your consideration of our request.

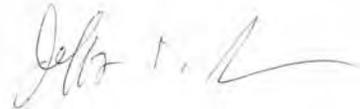
Sincerely,



Susan Ely
Natural Resources Council of Maine



David Publicover
Appalachian Mountain Club



Jeff Reardon
Trout Unlimited

⁴ New Hampshire Site Evaluation Committee. 2018. Decision and Order Denying Application for Certificate of Site and Facility. March 30. P. 161. Accessed at https://www.nhsec.nh.gov/projects/2015-06/orders-notices/2015-06_2018-03-30_order_deny_app_cert_site_facility.pdf