

March 23, 2026

Robert Duchesne, Chair  
Board of Environmental Protection  
17 State House Station  
Augusta, ME 04333  
c/o: Ruth Ann Burke, Board Clerk

Re: Comments of Ronald Joseph on Appeal of NECEC Transmission LLC Condition  
Compliance Application

Dear Chair Duchesne,

Please correct the mistake that was made when the Department of Environmental Protection (DEP) last November approved a woefully inadequate Conservation Plan for the New England Clean Energy Connect (NECEC).

As I said in my June 12, 2025, comments, the NECEC Conservation Plan, quite frankly, is an embarrassment. It falls well short of the conservation compensation framework that the NECEC agreed to when it received the green light from the State.

I have read the appeal filed by the Natural Resources Council of Maine, Maine Audubon, Appalachian Mountain Club, and Trout Unlimited, as well as comments in the record from John Hagan and others, and believe their analyses of the shortcomings of the NECEC Conservation Plan are spot on. I reach this conclusion based on my career as a state and federal wildlife biologist who has spent many years studying deer yards, moose, lynx, and breeding birds in the woods in and around Segment 1 of the NECEC Transmission project. In the late 1980s and early 1990s, I served as Maine's regional wildlife biologist in Greenville.

As the Board considers this appeal, I urge you to hold in your mind an image of the 53-mile corridor that has been cut through the western Maine forest for this transmission project. This is an enormous fragmenting feature within that landscape – one of the largest in Maine.

Aware of the habitat fragmentation caused by this project, the DEP and the Board properly required NECEC to provide a mitigation plan of at least 50,000 acres that would conserve mature forestland and blocks of habitat for species preferring mature forest habitat.

However, what NECEC provided cannot possibly be what the Board had in mind, because:

**This is not mature forest.** The overwhelming majority of trees within the 50,000 acres are nothing close to mature. They predominantly are small trees in an area that has

been heavily harvested. According to John Hagan's analysis, only 7% of the trees in the Plan area are greater than 50 feet tall and 78% are below 35 feet tall.<sup>1</sup>

**The “mature forest” definition is weak.** The NGOs and state agencies that commented on the Plan agree that the Plan's definition of “mature forest” is inadequate. They flagged their concerns for the DEP, but the DEP went ahead and approved the Plan anyway with language saying that the definition was not a precedent. That is a troubling decision because it likely *will* be considered a precedent. I am also concerned that it opens the door to the possibility of DEP and other agencies in the future adopting definitions for key compliance terms of other development applications and similarly claiming they need not be considered as precedents.

**Older forest stands will be cut.** Other than within the 100' stream buffers, the Conservation Plan includes no additional no-cut zones. This means that most of the older trees still standing within the 50,000 acres almost certainly will be harvested and gone in 50 years. John Hagan estimated that there were 1,944 acres of trees in the easement area that were transitioning toward late successional, or already late successional or old growth forest [LSOG]. Only 240 acres of these older trees fall within the protected stream buffers.<sup>2</sup> As described in the appeal, many of these older stands already are scheduled to be cut during the next decade, and all of it is fair game under the “shifting mosaic” strategy that governs the easement.

**These older stands meet the Board's expectations.** Although the DEP has approved a Conservation Plan that allows Weyerhaeuser to cut most of the older forest stands within the easement area, these are the stands that best fit what the permit requires protecting. As one who has walked through so many of Maine's woodlands during my career, I concur wholeheartedly with John Hagan's comments about the value of protecting even small patches of older growth trees for the type of plant species that live in older forests:

“While these species do not need much area to survive, they do not disperse across the landscape very well. It can take them a long time (decades) to reach a nearby forest stand that grows into an LSOG condition. This is why these small patches of LSOG are so significant today. If we hope to restore these species to a larger area someday, these ‘lifeboats’ of LSOG will be key. If biodiversity conservation is a goal of this easement, the easement developers could consider making these remnants of LSOG forest off limits to timber harvesting. Indeed, the landowners will need to be compensated for the forgone timber revenue, but the biodiversity benefit of the easement would be greatly increased.”<sup>3</sup>

**The extinguished development rights are not significant.** While I appreciate the value of conservation easements that prevent fragmentation that would have been caused by future development, we need to be realistic about whether there is any real

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<sup>1</sup> John Hagan [June 12, 2025 comments](#), pg. 7.

<sup>2</sup> John Hagan June 12, 2025, comments, pg. 4.

<sup>3</sup> John Hagan June 12, 2025, comments, pg. 3.

threat of scattered development within the easement area. Other than along Route 201, there are very few locations within the easement area that would be of any interest for building a camp or vacation destination. This area is industrial timberland, and it will remain industrial timberland under the easement. This means that, in terms of development, there would be very little difference in what happens over the next 50 years with or without the NECEC Conservation Plan.

**Business-as-usual harvesting will continue.** There also will be little difference in the harvesting activity that happens within the easement area because of the Conservation Plan. Even though the permit requirement is clear in saying that the mitigation plan should not look like business-as-usual harvesting, it's hard for me to see much difference. The "shifting mosaic" harvesting method means that nearly all the habitat within the 50,000 acres will be subject to regular disruption. Because the area has been so heavily harvested, Weyerhaeuser probably needs to let most of this land grow for a while anyway, focusing on other parts of its ownership (beyond the older trees within the easement area) for its harvesting plans. But as soon as forest stands reach 50 feet tall, they will be fair game to cut.

How DEP approved a plan with all these shortcomings is a mystery to me. Perhaps the DEP felt that they had no choice, since NECEC brought the Plan to them so late, as described in the comments from The Nature Conservancy and Conservation Law Foundation.<sup>4</sup> Perhaps DEP and state agencies felt they had to settle for this Plan, as suggested by the misgivings they expressed.

Whatever the reason, it seems to me that it is the Board's responsibility to correct a grievous mistake by enforcing compliance with the NECEC permit. The appeal provides you with an opportunity to do so, with prescribed remedies that would move this Plan from being an embarrassment and bad precedent to being a Plan that provides meaningful conservation of mature forests and habitat for species that require mature forests.

**Ronald Joseph, Certified Wildlife Biologist**

Maine Dept. of Inland Fisheries and Wildlife/U.S. Fish and Wildlife Service (Retired)

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<sup>4</sup> TNC and CLF June 13, 2025, comments, pg. 1-2.