



# SIERRA CLUB

## MAINE CHAPTER

PO Box 3760  
Portland, ME 04104  
Phone: (207) 761-5616  
[www.sierraclub.org/maine](http://www.sierraclub.org/maine)

March 23, 2026

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

Dear Chair Duchesne,

On behalf of Sierra Club Maine (SCME), I am writing to express our strong support of the appeal filed with the Board of Environmental Protection (BEP) on December 18, 2025, by the Natural Resources Council of Maine, Maine Audubon, the Appalachian Mountain Club, and Trout Unlimited (“Co-Appellants”). This appeal was filed in response to the licensing decision issued by the Maine Department of Environmental Protection (DEP) on November 18, 2025, approving the Conservation Plan (“Plan”) submitted by NECEC Transmission LLC (“NECEC LLC”) to satisfy the conditions of their permit.

SCME submitted comments on NECEC LLC’s Plan on June 13, 2025, where we highlighted several concerns that we had with the proposal. Ultimately, **we recommended that DEP reject the proposal and require NECEC LLC to revise the Plan to address these concerns.**

In our comments from June 2025, we highlighted four specific areas where NECEC LLC’s Plan fails to meet the requirements outlined in Conditions #39 and #10 of the DEP and BEP Orders (“Orders”). Although the Plan along with the associated Conservation Easement (CE) and Forest Management Plan (FMP) were ultimately amended before approval by DEP in November 2025, these amendments were minor and did not address the concerns raised in our June 2025 comments. More specifically, our primary concerns with NECEC LLC’s Plan were and continue to be:

1. **Inadequate Compensation for Mature Forest Habitat and Fragmentation Impacts.** The conditions of the Orders require that the primary goal of the Plan be “promoting habitat connectivity and conservation of mature forest areas” as “compensation for the fragmenting effect.” Despite this primary goal, the Plan allows for the continuation of commercial forest management activities on the vast majority of the conserved property to maintain a “dynamic landscape at different stages of growth, ages, and composition.” This continued harvesting does not provide the immediate, intact, and undisturbed mature forest habitat critical for species like pine marten (an umbrella species) that require “tree to tree movement” and avoid “large forest openings.” Understanding this, the BEP provided the directive in its Order that “standard sustainable forestry operations



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commonly allowed in areas subject to working forest easements would not be consistent with the primary goal of the Conservation Plan.” **The Plan's proposed management, which involves achieving mature forest by 2065, does not sufficiently provide the “ecosystem wide services” that an intact, unharvested mature forest would offer as direct compensation for the habitat value lost or compromised by the project's fragmentation.**

2. **Inclusion of Already Fragmented or Impacted Lands Undermines Compensatory Purpose.** The inclusion of the NECEC corridor itself and other already fragmented areas, such as portions near Route 201, within the 50,000-acre conservation area fails to provide adequate new or net compensatory habitat as explicitly required by the Orders. **If the intent of the conservation is “compensation for the fragmenting effect;” including areas that are themselves part of the fragmentation or already significantly impacted diminishes the genuine additional value that the conditions aim to achieve.**
3. **Climate Impact and Immature Forest Management Compromise Habitat Compensation Goal.** The Orders require NECEC LLC to compensate for habitat fragmentation by “promoting habitat connectivity and conservation of mature forest areas.” Truly mature forests offer superior structural complexity, micro-climates, and long-term stability essential for many forest interior species and overall habitat resilience; conditions that are less prevalent in managed forests. These features make truly mature forests a more effective compensatory habitat as mandated by the conditions for “mature forest areas.” The existing landscape traversed by Segment 1 is described as “intensively managed commercial timberland” and a “mosaic of various aged forests,” and SCME has previously highlighted concerns about the project's large-scale fragmentation impact on the greater ecologically significant and biodiverse region. **The Plan's trajectory towards mature forest, while a stated improvement, may not align with the immediate and high-quality habitat compensation needed to truly offset the project's impacts under the terms of the Orders.**
4. **Insufficient Analysis of Riparian Impacts.** The Plan fails to address the net impact to riparian ecological services. Despite direct impacts of the project to forested wetlands along the corridor, many of these areas are carved out from the proposed conservation area. The impacts to these lands have even greater net impacts both locally and downstream than fragmentation. These effects are not accounted for adequately in this Plan.

We support the appeal filed by the Co-Appellants because it is grounded in similar concerns that we have shared in this proceeding. More specifically, the Co-Appellants call out the failure of the Plan to achieve the “primary goal” of “promoting habitat connectivity and conservation of mature forest areas” due to the poor condition of the existing forest on the conserved property, as we highlight in #3 above. The Co-Appellants also state the shortcomings of the Plan's proposal to manage the



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property for mature forest through a “shifting mosaic” approach that effectively prevents the forest from achieving true maturity, as highlighted in #1. The appeal also raises the issue of including land impacted by fragmentation as mitigation for this same fragmentation, which we also raise in #2 above.

Additionally, we strongly support the recommended remedies included in the appeal because if implemented, they would alleviate the primary concerns that we have with the Plan. In the appeal, the Co-Appellants specifically call for:

1. The purchase of at least an additional 10,000 acres to be permanently managed as mature forest.
2. The adoption of a new, ecologically defensible definition of “mature forest” that applies to the entire conserved property.
3. The establishment of “Special Management Areas” covering 10,000 acres within the proposed easement area that are permanently managed as mature forest and not subject to “shifting mosaic” management.
4. The establishment of additional no-cut areas and/or strict harvesting limitations around the remaining ecologically mature forest within the easement area.

When taken together, we agree with the Co-Appellants that these four additions would bring the Plan into compliance with the permit requirements outlined in the Orders. The purchase of an additional 10,000 acres outside of the current easement area to be permanently managed as mature forest will help to offset the lack of existing mature forest and the inclusion of fragmented land within the easement area. If this additional acreage were to have substantial riparian habitat within it, its inclusion would address our concern of inadequate compensation for the net impact to riparian ecological services of the project. This additional acreage and the 10,000 acres of “Special Management Areas” within the easement area will also alleviate our concerns around “shifting mosaic” management by providing an additional 20,000 acres that will be permanently managed as mature forest. Finally, by requiring the adoption of an ecologically defensible definition of “mature forest” and the establishment of stricter harvesting limitations for the remaining ecologically mature forest within the easement area, the Plan will more adequately achieve the high bar for habitat and mature forest compensation established in the Orders.

For these reasons, we strongly encourage the BEP to accept the appeal submitted by the Co-Appellants and demand that NECEC LLC update the Plan to include the above remedies.

Sincerely,

Philip Mathieu  
Sierra Club Maine