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June 13, 2025

Dawn Hallowell, Director
Southern Maine Regional Office
Maine Department of Environmental Protection
312 Canco Road, Portland, ME 04103

VIA E-MAIL: dawn.hallowell@maine.gov

RE: NECEC Draft Conservation Plan and Conservation Easement

Dear Ms. Hallowell,

I am writing to provide comments from the Bureau of Parks and Lands ('the Bureau') on the draft NECEC Conservation Plan and Conservation Easement. As you know, the Bureau has agreed to hold the easement according to the terms outlined in a May 5, 2025, letter of preliminary consent.

The proposed easement lies in a geography appropriate for the project: it is bisected by the transmission line, surrounds an existing Public Reserve Land (the Cold Stream Unit), and connects with adjacent landscape-scale conserved lands. As a result, the easement will promote habitat connections during NECEC operation and beyond the line's decommissioning.

While the Department of Environmental Protection (DEP) Order provides broad guidance on the parameters of the conservation plan and easement, it does not define terms such as mature forest and habitat connectivity. Following numerous negotiations among NECEC, Weyerhaeuser, the Department of Inland Fisheries and Wildlife (DIFW), and the Maine Natural Areas Program, discussions concluded with definitions of a minimum measurable and enforceable threshold for mature forest. The Bureau recognizes that most 'mature' forest stands in the easement will be taller than 50 feet and have a higher density than 60 square feet of basal area per acre.

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The Bureau also recognizes the unique circumstances associated with this conservation easement. The mature forest definition used here should not be considered a precedent in other regulatory proceedings requiring mature forest. In addition, other approaches to conserving mature forest and promoting habitat connectivity, including alternate definitions of mature forest, fee ownership by the Bureau or DIFW, or the establishment of large set-aside reserves, are worthy of consideration.

One of the Bureau's main priorities in negotiating the easement was the requirement for easement terms that are objective, measurable, straightforward to interpret, and amenable to repeated, consistent, long-term monitoring. Accordingly, the Bureau focused on the following:

- Eliminating subdivisions,
- Specifying riparian management standards (i.e., no-harvest stream buffers) that can be monitored on the ground, from the air, or through remote means,
- Developing forest conditions that can be monitored on the ground, via remote means (e.g., LIDAR), or through forest stand data,
- Establishing a stewardship endowment sufficient to cover the Bureau's long-term monitoring costs, and
- Establishing a limit on plantations.

The Bureau believes these features are consistent with our need for long-term monitoring and enforcement.

The draft easement guarantees permanent foot access to the property in perpetuity. We understand that Weyerhaeuser intends to honor current agreements with the Bureau for motorized access. However, the easement does not convey permanent motorized access rights to the state.

Thank you for the opportunity to comment on this project. Please let me know if you have any questions.

Sincerely,



Andy Cutko
Director

cc: Amanda Beal, DACF Commissioner
Bill Patterson, BPL Deputy Director