



MAINE LEGISLATURE

STATE HOUSE STATION
AUGUSTA, MAINE 04333

June 13, 2025

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

Dear Ms. Hallowell:

We are writing to express our concerns about the proposed Conservation Plan ("Plan") submitted by NECEC Transmission LLC for the New England Clean Energy Connect (NECEC) project. Based on our concerns, outlined below, we request that the Department of Environmental Protection (DEP) deny the Plan and direct NECEC Transmission LLC to develop a revised plan that complies with the very clear requirements spelled out in the permit.

The DEP permit, issued May 11, 2020, requires that NECEC Transmission LLC develop a Plan that, among other purposes: 1) provides permanent conservation of 40,000 acres in the vicinity of Segment 1; 2) has as its primary goal the compensation for the fragmenting effect of the transmission line on habitat; and 3) is focused on large habitat blocks managed for species preferring mature forest habitat and wildlife travel corridors along riparian areas and between mature forest habitat.

The impact of the NECEC on wildlife habitat was affirmed by the Board of Environmental Protection when it decided in its July 21, 2022, ruling to amend Special Condition 39 of the DEP Order to *increase* the required permanent conservation area to 50,000 acres, from the 40,000 acres originally required. As stated in the Board's ruling:

"After consideration of the arguments raised in the appeals that the conservation of 40,000 acres is not adequate to compensate for the value of the habitat affected, as asserted by the appellants, the Board finds that conservation should be required at a ratio of 10 to 1, and a total of 50,000 acres of conservation."

This was the *only* substantive modification that the Board of Environmental Protection made to the DEP permit on appeal, demonstrating the significance of the Conservation Plan to the regulatory bodies that reviewed the impacts of this project.

Whether the Conservation Plan complies with the DEP and BEP Orders also is of paramount importance to the people of Maine, who voted overwhelmingly in November 2021 to terminate the project in no small part due to concerns about the NECEC's environmental impacts.

Based on our review of the proposed Plan, and from conversations with experts, we conclude that the Plan should be denied and NECEC Transmission LLC should be required to make changes that will meet the letter and spirit of the Orders.

Specifically, we are concerned about the following deficiencies in the Plan:

- **Essentially no mature forests in the Plan area.** The proposed conservation area lies in one of the most heavily harvested regions in the unorganized territories. The area includes almost no mature forests, which means Maine people and wildlife would need to wait 40 to 60 years before anything approximating a mature forest emerges. This does not seem consistent with what state regulators intended.
- **No protection for late-successional and older growth stands:** Although small patches of older age class forest stands exist within the 50,063 acres, they are largely unprotected from being harvested. This does not seem consistent with the DEP and BEP focus on conserving mature forests.
- **Inadequate wildlife habitat for key species:** The Plan calls for a “shifting mosaic” harvesting technique that involves ongoing logging throughout the entire conservation easement, except within riparian zone buffers. As a result, almost no portion of the landscape will ever be allowed to grow to full maturity, which is essential for many species. This approach does not seem consistent with the Order’s directive to protect habitat for species that prefer mature forest habitat.
- **Flawed conservation easement language:** The conservation easement allows for additional fragmentation of the conservation area, including new roads and rights of way, and commercial sale of gravel, sand and rock. These allowances for additional fragmentation seem inconsistent with a Plan that is intended to provide mitigation for the fragmentation impacts of the NECEC.
- **Excessive use of working forest easement:** The entire Plan area is proposed to be within a conservation easement, with no fee acquisition. Given the landscape’s heavily harvested current condition, and the allowance for continued ongoing harvesting, we do not believe this approach will ever result in the type of mature forest habitat envisioned. The BEP specifically stated that while “commercial timber operations are not expressly precluded, standard sustainable forestry operations commonly allowed in areas subject to working forest easements would not be consistent with the primary goal of the Conservation Plan.” Thus, the complete reliance on a working forest easement seems inconsistent with the Orders.

These concerns lead us to believe that the DEP should deny the Plan and require NECEC Transmission LLC to develop a revised version that includes the following changes, at a minimum:

- **Protect what little mature forest exists:** The Plan should provide no-cut boundaries around all existing older age class forest stands within the Plan area, including forest stands that are transitioning toward late successional forests.
- **Add more mature forest through fee acquisition:** This could be achieved by reducing the conservation easement by 10,000 to 20,000 acres of heavily harvested forest and adding to the Plan 10,000 to 20,000 acres of fee acquisition elsewhere in the vicinity of Segment 1 that has a larger volume of existing mature forest stands, and would be managed for mature forest habitat.
- **Strengthen conservation easement:** Language in the conservation easement that would allow additional habitat fragmentation should be removed.

We appreciate the opportunity to provide these comments,

Regards,

Senator Stacy Brenner

Senator Henry Ingwersen

Senator Nicole Grohoski

Senator Anne Carney

Representative Lori Gramlich

Senator Rick Bennett