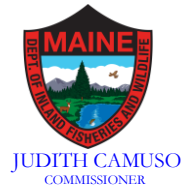




STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
353 WATER STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041



June 13, 2025

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

Re: NECEC 50,000-Acre Conservation Plan

Dear Dawn:

On May 14, 2025, the Maine Department of Inland Fisheries and Wildlife (MDIFW) received the New England Clean Energy Connect (NECEC) 50,000-Acre Conservation Plan. The Plan was required in Condition #39 of the Maine Department of Environmental Protection Site Location/NRPA Permit Number #L-27625-26-A-N, among others, and in Condition #10 of the Maine Board of Environmental Protection Permit Number L-27625-26-F-Z, among others. The parcel presented in the Conservation Plan, , also known as the Parlin Pond Mitigation Parcel, is owned and managed as a working commercial forest by Weyerhaeuser Company. NECEC has filed a Conservation Plan, along with a proposed Conservation Easement (CE) and Forest Management Plan (FMP) for the Mitigation Parcel.

Background

During the review of the NECEC transmission line corridor permitting, MDIFW spent considerable staff time during multiple meetings with the applicant, and through written correspondences, email and telephone exchanges, recommended methods to avoid and minimize impacts to inland fisheries, wildlife, and habitat resources. The route of the NECEC Segment 1 corridor was initially laid out to avoid multiple MDIFW-mapped occurrences of State Endangered, Threatened, and Special Concern species and Significant Wildlife Habitats. MDIFW staff continued to provide further input during the corridor design phase to ensure that certain sections of Segment 1 were redesigned to avoid or minimize direct impacts to other specific resources. Some examples of MDIFW-recommended project minimization efforts that were incorporated included the utilization of taller structures and closer spacing of taller poles that would reduce canopy disruption and allow much taller capable vegetation to grow under the transmission lines, thereby creating better connectivity conditions for overwintering deer in biological deer wintering areas as well as maintaining necessary shading and allowing more functional riparian buffers along certain streams with documented occurrences of State Threatened and Special Concern species. Ultimately, MDIFW recommended mitigation in the form of in-lieu fee and land conservation (outside of the scope of this Conservation Plan) for impacts to certain resources that could not be practically minimized further.

Proposed Mitigation

The permits state that NECEC must protect 50,000 acres for the purpose of mature forest conservation and to promote habitat connectivity. To achieve this mitigation requirement, NECEC proposes to conserve an essentially contiguous block of approximately 50,063 acres, which is adjacent to other conserved lands but bisected by the NECEC corridor. The property will be protected via a conservation easement held by the Bureau of Parks and Lands and will be managed to achieve 50% of the landscape in

mature forest condition by 2065, and in perpetuity thereafter. One-hundred-foot no-harvest buffers will be established around all perennial streams, and the area from 100 feet to 330 feet from perennial streams will be perpetually managed as mature forest. The Plan attempts to strike a balance between commercial forest management on the Mitigation Parcel while also maintaining suitable acreage of mature forest to mitigate for lost connectivity in the forests impacted by the NECEC corridor.

The Plan submits a “*threshold of 50 feet or greater height with a basal area of 60 square feet of native species*” as the definition of mature forest habitat. Importantly, the permits do not specify a definition of mature forest, leaving significant room for interpretation. For example, definitions of economic maturity and ecological maturity can differ substantially. It is MDIFW’s position that 50 feet in height meets the minimum goals of mature forest, recognizing that over time, most of the acreage in mature forest on the Mitigation Parcel will exceed this minimum. Ultimately, it is also MDIFW’s position that if 50 feet is approved, it should be clear that 50 feet applies to this Plan only and should not be considered a precedent for future mitigation parcels requiring mature forests. If the 50-foot mature forest definition is approved, MDIFW recommends that the mature forest requirements for this Plan be measurable over time, and a monitoring component be required to ensure forest stand compliance. Any forest stand compliance monitoring should be conducted by BPL, as the Holder of the easement, in the future.

Over time, MDIFW believes the Mitigation Parcel will have significantly more mature forest than would have likely occurred under a typical industrial forest management regime, and riparian habitat management standards will greatly exceed those required by law. This will provide benefits to wildlife species that are reliant on mature forests.

MDIFW offers the following specific comments/clarifications on the **Conservation Plan**:

Page 10:

*In fact, much of the Protected Property has ecological importance as wildlife and fisheries habitat. MDIFW and MNAP have mapped the locations of **known** special plant or wildlife habitat, including significant wildlife habitats, habitat for rare, threatened or endangered plant and wildlife species, and rare or exemplary natural communities identified in publicly available information that will benefit from the protections afforded under the CE and FMP.*

MDIFW Recommendation: Insert “known”, as highlighted above. MDIFW submitted information to Weyerhaeuser dated May 13, 2025, detailing the known locations of important species and habitats. A comprehensive survey of the parcel has not been completed, however. Additional surveys are required to determine the presence and location of other plant and wildlife habitats and MDIFW staff welcome the opportunity to conduct additional survey work. The location of mature forest conservation should consider the location of any special plant and wildlife habitats on the Mitigation Parcel.

Page 16:

... the MDIFW advocated for 100-foot riparian filter areas (buffers) around all perennial streams in Segment 1 and all coldwater fisheries streams in the other segments.

MDIFW Comment: During the permit review process, MDIFW recommended 100-foot buffer be maintained along all streams, including perennial, intermittent, and ephemeral streams, within the Project Area, as measured from the upland edge of stream or associated fringe and floodplain wetlands (MDIFW

comments to DEP dated 3-15-2018). We recommend this reference be corrected in the Plan. These enhanced riparian buffer standards are typical recommendations for conservation projects.

Page 16:

Harvesting equipment crossings of these perennial streams will be prohibited, except to construct road or skid trail crossings to facilitate forest management activities, in which case those crossings will be minimized and constructed to protect streambank integrity.

MDIFW Recommendation: Construction techniques for stream crossings or new roads within riparian corridors, including inwater timing and construction Best Management Practices, should be detailed in the Plan for forest activities in the Mitigation Parcel. We recommend that MDIFW be contacted prior to instream or riparian work along streams with occurrences or suspected occurrences of Endangered, Threatened, or Special Concern species to ensure impacts to these resources are minimized in the Mitigation Parcel. Temporary stream crossings rather than permanent stream crossings should be considered whenever possible.

Page 18—Public Access clarification

The CE grants the right of pedestrian access for non-intensive outdoor recreational activities. “Nonintensive outdoor recreational activities” means dispersed, non-commercial, non-exclusive, and nonmotorized public recreational activities that do not generally rely on buildings or spectator facilities, such as hunting, fishing, trapping, hiking, nature observation, photography, picnicking, boating, and enjoyment of open space. Such access is subject to reasonable rules and regulations established by Weyerhaeuser to ensure safety during permitted management activities, to permit necessary maintenance, and to preserve the conservation values of the Protected Property.

MDIFW Comment: References to “pedestrian access” and “non-motorized public recreational activities” here and elsewhere seems to imply—and contradict—statements throughout supporting vehicular traffic via road easements in the Mitigation Parcel. MDIFW recommends this be clarified throughout the Plan as public access, except where discouraged during specific areas active forest operations, is an important component of the Plan.

MDIFW offers the following specific comments/clarifications on the **Conservation Easement**:

Page 4

CC. “Wetland” means any area saturated or inundated by water at a frequency or for a duration sufficient to support, and which under normal circumstances does support, vegetation typically adapted for life in saturated soils. In most cases, this would include areas below a recognizable debris line resulting from recurring, not extreme, water action. The “upland edge” of a wetland is the boundary between the upland and wetland, and not the edge of open water. Refer to Exhibit D for a map of wetlands and streams existing at the time of recording this Easement.

MDIFW Comment: Exhibit D was not included for review

Page 7

Without limiting the generality of the foregoing restriction, except as currently exists as reflected in the Baseline Documentation, residential housing units, condominiums, trailer parks, mobile homes, high-intensity lighting, motels or hotels, commercial advertising, billboards, towers, facilities or transmission lines, antennas or equipment for telecommunications or radar, and use of the Protected Property as an aircraft landing site except in an emergency, are all specifically prohibited.

MDIFW Comment: We recommend that wind power, solar power, and new transmission lines—including the expansion of existing transmission lines—also be specifically listed as prohibitions in this section.

Page 15

D. SURFACE ALTERATIONS

As of the date of this grant, there are no surface alterations on the Protected Property except for unpaved snowmobile trails, ATV trails, foot trails, skid trails, unpaved woods roads and timber landing areas, and culverts and similar erosion control systems, gravel pits, and alterations associated with existing structures, all of which are described in the Baseline Documentation.

MDIFW Comment: See earlier comments regarding public access. Both the Plan and the Easement should be clear on public access and allowance of motorized vehicles in the Mitigation parcel.

Page 16

(b) Standards: Grantor's Permitted Excavation Activities, including any reclamation undertaken following such activities, shall be conducted in accordance with the following standards:

(i) the exposed mineral surface of any new gravel, sand, or rock pit shall be limited to not more than ten (10) acres of exposed mineral surface per site at any time with not more than an aggregate of seventy (70) acres exposed at any one time, and a total aggregate area of mined acreage in perpetuity of one hundred fifty (150) acres for all Permitted Excavation Activities. For any existing pit larger than 10 acres that is identified in the Baseline Documentation, Grantor may continue extractions without changing the footprint of the pit. Changes to the footprint of any such pit must bring the resulting pit within the 10-acre limitation, but not expand further until such portions have been restored to bring the pit within 10 acres in size.

MDIFW Comment: Depending on location, a 10-acre gravel pit could have direct or indirect impacts to resources of concern. We recommend that proposed sites be surveyed for Significant Wildlife Habitat, Endangered, Threatened, and Special Concern species habitat, and rare plants and natural communities, and that DEP and MDIFW review and approve to locations of newly proposed pits to ensure consistency with the intent of the Mitigation Parcel.

Page 17

(ii) All Excavation Activities are prohibited within 330 feet of mapped perennial streams as depicted in Exhibit D. For existing pits in riparian buffers, there shall be no expansion of such pits.

MDIFW Comment: Is there a map of existing pits in riparian buffer available for review?

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in blue ink, appearing to read "Nathan Webb".

Nathan Webb
Wildlife Division Director

Cc: John Perry, MDIFW Environmental Review Program Manager
Liz Latti, MDIFW Fisheries Division Director
Ryan Robicheau, MDIFW Wildlife Management Section Supervisor
Phillip deMaynadier, MDIFW Wildlife Diversity Section Supervisor
Bethany Atkins, MDIFW Habitat Section Supervisor
Andrew Wood, MDIFW Environmental Review Coordinator