



Conservation
Law Foundation

Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

June 13, 2025

RE: NECEC Transmission LLC Revised Conservation Plan

The Nature Conservancy in Maine (TNC) and the Conservation Law Foundation (CLF) appreciate this opportunity to comment on the revised Conservation Plan filed on May 9, 2025 by NECEC Transmission LLC. **While acknowledging certain substantial merits, our organizations conclude that this revised plan is not sufficient to meet the terms of the Maine Department of Environmental Protection (DEP) and Board of Environmental Protection (BEP) Orders. We describe the shortcomings of the Conservation Plan here and offer recommendations for revisions to achieve compliance with the Orders.**

Background & Prior Engagement

Our organizations participated in the review of the Central Maine Power Company's New England Clean Energy Connect Project (NECEC) proceedings as formal intervenors neither for nor against the project, consolidated into Intervenor Group 6. Our experts explained why the NECEC project, as originally proposed by the applicant, would have had unreasonable impacts and adverse effects on Maine's natural resources. At that time, we advocated strongly for substantial revision of the original NECEC proposal, if it were to be permitted, to avoid, minimize and compensate for its forest habitat fragmentation impacts.

In May of 2020, following DEP's decision to permit the project, [TNC](#) and [CLF](#) issued statements noting appreciation for several measures as meaningful steps toward addressing NECEC's habitat fragmentation impacts, including the requirement for permanent conservation of 40,000 acres in the vicinity of Segment 1 within 5 years. This requirement was subsequently increased to 50,000 acres in the July 2022 BEP Order.

In November 2021, NECEC Transmission LLC submitted an initial Conservation Plan which was wholly inadequate, failing to meet the requirements of the DEP Order. TNC and CLF submitted formal comments to the DEP at that time outlining the ways the plan failed to

meet the foundational obligations in the DEP order and requesting that DEP reject the Conservation Plan.

The revised Conservation Plan was submitted in May 2025, and comes over three years after the initial plan was submitted. The revised plan is the first version that provides the type of information needed for evaluation by the DEP. At this point, the transmission corridor has been cleared, habitat fragmentation impacts are occurring, and mitigation has yet to occur.

Benefits of Revised Conservation Plan

Under condition #39, the DEP Order states that, among other things, the Conservation Plan must:

Establish as its primary goal the compensation for the fragmenting effect of the transmission line on habitat in the region of Segment 1 and the related edge effect by promoting habitat connectivity and conservation of mature forest areas.

TNC and CLF appreciate that the revised Conservation Plan submitted by NECEC Transmission LLC to the DEP in May 2025 represents an opportunity to secure permanent conservation of a block of over 50,000 acres in nearly contiguous parcels in the immediate vicinity of Segment 1, that also:

- Intends to secure permanent habitat connectivity between existing conserved lands around Attean Lake to the west and Cold Stream and Moosehead Lake to the east, substantially expanding upon and connecting these two large contiguous areas of conserved lands into a single expanse of almost 450,000 acres, and making an important contribution to maintaining large scale habitat connectivity;
- Establishes provisions for riparian habitat protection and wildlife travel corridors along perennial streams; and,
- Permanently conserves an area along the Route 201 corridor, preventing future development.

We further appreciate significant values not expressly required by the DEP Order: the proposed Conservation Easement would maintain contributions to the regional forest products economy and permanently secure opportunities for public access between West Forks and Jackman, in a region renowned for outdoor recreation that sustains local economies.

TNC and CLF also wish to express appreciation to Weyerhaeuser as a voluntary participant in the proposed transaction, and to the Maine Bureau of Parks and Lands for their

willingness to hold the proposed Conservation Easement and accept the ongoing easement monitoring and stewardship responsibilities.

Recommended Changes to Achieve Compliance with Permit Orders

Permanent Conservation & Mature Forest Habitat:

The Conservation Plan proposes to permanently conserve the minimum of required acreage, and proposes to do so entirely with a working forest conservation easement, despite the guidance from Section 10 of the BEP Order 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.

This means that the Conservation Plan and Conservation Easement must be evaluated to determine whether they represent a sufficient change from “standard sustainable forestry operations commonly allowed in areas subject to working forest easements” to determine if this Plan is adequately consistent with the primary goal.

The permit order states that the Conservation Plan must:

Include a draft Forest Management Plan establishing how, consistent with the primary goal of the Conservation Plan, the conservation area(s) will be managed, including to provide blocks of habitat for species preferring mature forest habitat and wildlife travel corridors along riparian areas and between mature forest habitat.

The Conservation Easement proposes riparian corridors and a “shifting mosaic” approach to increasing mature forest habitat within the Conservation Easement area over time. The Conservation Plan and Conservation Easement propose new criteria for determining which area of forest will qualify as mature forest:

“Mature Forest” is defined as 50 foot or taller trees with a minimum basal area of 60 square feet per-acre containing a mix of native species, accompanied by the presence of representative levels of well distributed standing dead and downed trees.

The proposed Conservation Easement includes the following requirement, along with the requirement to meet certain milestones of progress:

At a minimum, Commercial Forest Management Activities must result in 50% of the Productive Forest Acres as identified in the Baseline Document and Forest Management Plan of the protected property with 50 foot or taller trees consisting of

a mix of native species with a minimum basal area of 60 square feet per acre of live trees, accompanied by representative levels of well distributed standing dead and downed trees where present prior to management activity no later than December 31, 2065, and thereafter in perpetuity (the “Mature Forest Goal”).

The above provision does represent a meaningful change from the current commercial forest management on the property. However, it relies on insufficient criteria to meet the primary goal of conservation of mature forest areas. To achieve that goal, the plan should use higher thresholds for defining mature forest. We recommend a minimum threshold should be 55 foot or taller trees and 80 sq ft of basal area per acre.

The riparian corridors are an important component of mature forest connectivity, but the shifting mosaic approach and 50% acreage requirement do not guarantee “large blocks” of mature forest. Securing additional large blocks of future mature forest with no-cut areas would strengthen the Conservation Easement’s alignment and compliance with the Orders.

Edge Effect Impact Area and Acreage Mitigation:

Approximately 17 miles of the NECEC transmission line divides the proposed conservation area. While this can be seen as beneficial to meet the requirement in the Order that the conservation occur “in the vicinity of Segment 1,” we note that this area is being conserved to mitigate the fragmentation effects of the NECEC transmission line. During the original permit proceedings for the project, TNC estimated that approximately 5,000 acres of habitat would be impacted as a result of corridor development and associated edge effects. This estimate formed the basis for establishing the requirements in the conservation plan, acknowledging that both the direct impacts from the cleared corridor and the edge effect on either side represented unreasonable impacts and adverse effects on Maine’s natural resources that required compensation.

In this proposed Conservation Plan, some of this edge effect impact area is included within the proposed conservation area. It is not appropriate to consider those portions of the proposed conservation area within 330’ of the NECEC line as adequate mitigation, given that those are the areas of impact from edge effects. Mitigation programs typically do not allow conservation of the impacted areas to be counted as mitigation. It is our opinion that all area within 330’ of the NECEC line should be excluded from the total area that counts toward meeting the 50,000-acre minimum requirement.

As proposed, the Conservation Easement should not be viewed as meeting the terms of the order on a 1:1 acreage basis. Additional acreage should be included in the Conservation Plan.

Risks of further fragmentation:

The proposed Conservation Easement, in paragraph VII. A. 3., should be revised to expressly prohibit new rights of way, easements, etc., rather than allowing them with the Holder's prior written approval. The ability of the Conservation Easement to endure and meet its main purpose of reducing habitat fragmentation should not be subject to risk of future political change affecting policies of the Holder. At an absolute minimum, ALL such approvals should require Holder to consider adverse effects on the Conservation Values as defined in Section V of the Conservation Easement.

Commercial sale of sand, gravel, and rock:

The proposed Conservation Easement would be strengthened by prohibition of the commercial sale of gravel, sand, and rock by removing Paragraph VII. D. 3. iii.

Sufficient funding for easement monitoring and stewardship:

In Paragraph 3.4.4 of the Conservation Plan, NECEC notes it "has allocated funds for stewardship of the conservation lands for monitoring and enforcement of conservation plan requirements and to support achievement of CE goals. Appropriate stewardship funding amounts will be calculated, and funds disbursed, to the BPL along with conveyance of the CE for the Protected Property."

The public interest requires confidence that sufficient funding will be available to the BPL for long term easement stewardship, monitoring, and enforcement. The amount of funding that NECEC will provide to BPL should be publicly disclosed, as should BPL's provisions for ensuring the long-term security and availability of those funds for their intended purpose. Public disclosure of this funding would allow the DEP and the public to assess whether the allocated funding is sufficient for the task of monitoring and enforcing the terms of the easement.

Appropriate Easement Language:

While not explicitly required in the permit proceedings, we strongly recommend the following revisions to the Conservation Easement to acknowledge Wabanaki People and their connection to these lands. These changes model current best practices in other conservation easements:

- Add an appropriate recital or recitals acknowledging these lands are within the traditional territory of the Wabanaki and affirming the ongoing Wabanaki connection to these lands;

- Change Definition S. to “Traditional Non-Intensive Outdoor Recreational and Cultural Activities”; and,
- In definition S., insert “cultural or” before “recreational activities.”

Conclusion

Our organizations conclude that the proposed Conservation Plan and Conservation Easement are not sufficient to comply with the Order. However, with certain revisions detailed above, an amended plan would make a substantial and valuable contribution toward the primary goal of “compensation for the fragmenting effect of the transmission line on habitat in the region of Segment 1 and the related edge effect by promoting habitat connectivity and conservation of mature forest areas.” With the revisions proposed, this plan would make a significant contribution toward securing habitat connectivity.

We believe additional acreage should be added to the Conservation Plan to account for the portions of the edge effect impacts of the NECEC line that are located within the conservation area, and to achieve full alignment with the goals required by the DEP and BEP Orders. We also recommend higher thresholds for defining mature forest, increasing both the minimum tree height and minimum basal area.

DEP should require additions to the Conservation Plan to adequately meet the primary goal of promoting “conservation of mature forest areas.” Our organizations recommend improvements to the proposed Conservation Easement and also urge that the Conservation Plan should include conservation of one or more additional ecologically significant parcels, preferably each of 5,000 acres or more and adjacent to existing conserved lands, that may include extensive mature forest now and that would have opportunity to develop into late successional / old growth forest under conservation management.

We believe that a revised Conservation Plan that includes other strategically targeted conservation combined with revisions to this proposed Conservation Easement would appropriately comply with the Order.



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The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. The Nature Conservancy has been leading conservation in Maine for more than 60 years and is the 12th largest landowner in the state, owning and managing roughly 300,000 acres.

Conservation Law Foundation (CLF) is a public interest advocacy group that works to solve the environmental challenges that threaten the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that has worked to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources, are good for Maine's economy and environment, and address the climate crisis in a manner that recognizes the fierce urgency of that crisis, as well as the need to do so in a just and inclusive way.