

## Beyer, Jim R

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**From:** Burke, Ruth A  
**Sent:** Tuesday, September 28, 2021 12:49 PM  
**To:** Beyer, Jim R; Hinkel, Bill  
**Subject:** FW: October 19 Public Hearing on CMP's lease

Ruth Ann Burke  
Maine Department of Environmental Protection  
Board of Environmental Protection  
Commissioner's Office

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**From:** Doris Luther <dsluther1049@gmail.com>  
**Sent:** Tuesday, September 28, 2021 11:54 AM  
**To:** Burke, Ruth A <Ruth.A.Burke@maine.gov>  
**Subject:** October 19 Public Hearing on CMP's lease

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Dear Ms. Burke and DEP;

In light of the recent Superior Court decision to vacate the lease, the right thing to do is to suspend the license issued by the DEP to CMP and NECEC. CMP/NECEC no longer has Title Right and Interest for the entire line. That means that their line has a one mile gap and no longer connects.

- The Legislature has clearly indicated four times that this lease was a substantial alteration that requires a  $\frac{2}{3}$  vote of their approval.
- The very last action of the First Special Session of the 130th Legislature was to pass [SP 594](#), "Joint Resolution, Expressing the Sense of the Legislature Regarding the Use of Public Land Leased by the State. The Joint Resolution concludes, "RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, express our sense in accordance with the Constitution of Maine, that the lease provided to CMP to cross the public reserved land in West Forks Plantation and in Johnson Mountain Township constitutes a substantial alteration of those lands, requiring a  $\frac{2}{3}$  vote of all the members elected to each House of the Legislature."
- Justice Murphy's ruling concludes: "The Court finds no competent evidence to support BPL's claim that it made the constitutionally-required finding of no "reduction" and/or no "substantial alteration" before it entered into the 2020 lease with CMP. Director Cutko therefore exceeded his authority, and his decision is therefore reversed."

- This project needs to be held to the same high standard as every other infrastructure project in this state.
- Until CMP can 1) get legislative approval 2) identify and fully permit an alternate route or 3) succeed on appeal, construction must stop. Allowing this company to continue construction without a resolution is inflicting unnecessary damage on Maine's environment, vistas and valuable wildlife habitat.

Please submit my written comments for the hearing.

Thank you,

Doris Luther  
P.O. Box 297  
Hollis, ME 04042