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Sent: Tuesday, October 19, 2021 1:14 PM
To: Loyzim, Melanie
Cc: Burke, Ruth A; Beyer, Jim R
Subject: NECEC- Permit Revocation

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Friends,

I'm writing in support of the Department's prerogative to revoke the permits supporting NECEC, LLC's power line project. I write as an attorney and as a resident of the Town of Starks. Though I am also a Selectman of the Town, I want to be clear that I am not writing on behalf of the Town. The Starks' SelectBoard has taken no action on anything I'll be relating. I also write as a former consultant to the Maine PUC in the early to mid-1980s where I worked extensively on CMP-related projects, and as a former member and Chair of the Board of Environmental Protection ending in late 2008. I've had nearly 40 years of off-and-on experience working with and around CMP.

There is over six miles of the NECEC corridor in Starks. In accordance with local ordinances, NECEC was required to get a Site Plan Review as well as Shoreland Zoning and building permits. On granting the permits, the Starks Planning Board incorporated the state's erosion and sedimentation control statute and rules into the performance standards. Since my farm abuts the corridor for upwards of a half mile, and since the Planning Board provided for access to the project by local officials, I've had a fair opportunity to observe the construction process on summer evening and weekend walkabouts particularly in regards to watching for issues of implementation compliance with the state's erosion control statute - Title 38 M.R.S. Sect 420.C, and the DEP's promulgated rules. My experience has not been a positive one.

Central Maine Power and hence NECEC, LLC have structural difficulty in assuring quality work is done on their behalf. It was well illustrated in their abject failure to follow the clear statutory language regarding installing erosion and sedimentation control structures along the corridor in our town. While no significant erosion and sedimentation violations occurred, and the Town is not considering any violations, that was only a fortuitous weather-related circumstance. Even though project officials were constantly apprised of performance deficiencies, they chose to condemn or ignore the messenger rather than try to correct the issue at hand and thereby avoid possible catastrophe and, quite frankly, create a better project.

As a practicing real estate attorney, it is of absolutely the highest importance that title for the use of a parcel of land be as clear as possible- that it be clear without any question. The question of legislative approval of the subject lease was a title issue and, if anything, one which should have come down on the side of being resolved early on. NECEC knew of this question and of the importance of this question and of the severity of the result should it be raised in court, which it in all likelihood would in this ever-so-closely scrutinized project. Yet they chose for some reason to not resolve it when, quite frankly, they likely could have done so easily. Responsibility for that failure to address this question in a timely manner ultimately rises and rests with CMP, NECEC, LLC and with no one else.

My nearly 40 years of experience, past and present, bears out the same issues which DEP has had with CMP/NECEC, that is, a company where individuals within don't seem to have the wherewithal to place and keep the company on a correct path. Internally there is an element of corporate privilege by which its actions are rationalized and justified, no matter how they may deviate from regulatory norms.

Not revoking this permit, will only provide justification for CMP/NECEC to do it again.

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