



October 19, 2021

I am providing this public comment on behalf of Say NO to NECEC, a grassroots 501c3 non-profit organization, which is an environmental, education and advocacy group opposed to large-scale industrial development in western Maine. Say NO to NECEC was founded in 2018 and is comprised of nearly 10,000 members. Over 80,000 registered Maine voters signed a petition to bring this to a vote in November 2021. NECEC is clearly a project of statewide significance.

We urge the DEP to suspend the permit issued for the NECEC because CMP/NECEC no longer has Title Right and Interest for the entire line.

Until CMP can obtain legislative approval, identify, and fully permit an alternate route or succeed on appeal, the permit must be suspended, and construction must stop. The CMP corridor now has a one-mile gap and no longer connects, and their continued clear cutting is inflicting unnecessary damage on Maine's environment, scenic character, and wildlife habitat.

In 1993, 72% of Maine voters amended Article IX, Section 23 to the Maine Constitution, which states: "State Park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of $\frac{2}{3}$ of all the members elected to each house. The proceeds from the sale of such land must be used to purchase additional real estate in the same county for the same purposes." In 1994, the Legislature implemented this constitutional amendment.

In 2014, the requirement of a $\frac{2}{3}$ Legislative approval was not followed when the State signed a lease with Central Maine Power for 33 acres that bisect a parcel of public land in Somerset County between Johnson Mountain Township and West Forks Plantation for construction of the NECEC Corridor. The NECEC Corridor would significantly alter the value and use of the public land, and destroy critical wildlife habitat, it was granted behind closed doors and without the required legislative input for only \$1,400 per year or \$42 per acre. In 2015, another backroom deal was brokered with CMP for \$3,600 per year, or \$109 per acre. The pattern continued when a third secret lease was again negotiated by the current administration in 2020, again without the required legislative approval.

Even though the law, and Maine's Constitution are very clear, two different administrations facilitated illicit leases with CMP for construction of the NECEC Corridor. To date, the Legislature has clearly indicated four times that this lease was a substantial alteration that must require 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

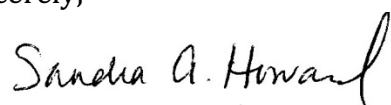
the public reserved land in West Forks Plantation and in Johnson Mountain Township constitutes a substantial alteration of those lands, requiring a 2/3 vote of all the members elected to each House of the Legislature.”

It is imperative that the DEP respond immediately with a permit suspension. In the court, Justice Murphy’s ruling concluded that, “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.

We urge the DEP to suspend the permit issued for the NECEC because CMP/NECEC no longer has Title Right and Interest for the entire line.

Sincerely,

A handwritten signature in cursive script that reads "Sandra A. Howard".

Sandra Howard, Ph.D.
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