

York, Marylisa

From: Carl Wilcox <cwilcox.maine@gmail.com>
Sent: Tuesday, October 19, 2021 4:57 PM
To: DEP, NECEC
Cc: Burke, Ruth A
Subject: Written Testimony NECEC Permit Suspension Proceedings
Attachments: 2021.10.19 NECEC Suspension Proceedings.pdf

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Attached is my testimony,

Per my previous communications with Ruth Burke, for reasons presented in my testimony, I trust the Department will maintain my anonymity.

Jim Beyer
Maine DEP
State House Station # 17
Augusta, ME 04333

October 19, 2021

NEDEC Project License Suspension Public Hearing – Testimony

Dear Mr. Beyer:

Hello I'm Anonymous # 1,

First, I want to thank the Maine DEP for this opportunity to comment on the crossing of Maine Public Lands.

Second, I was born in Maine, I live in Maine and I have lived nearly my entire 60 years in Maine with 50 years of it on the same farm I was born on, on which a CMP transmission line bisects. I may have more experience with how a transmission line impacts the land on which it crosses and abuts than any other person in the Maine.

Third, why am I anonymous? I'm anonymous because I have publicly commented on this New England doubtfully clean energy connect (NEDEC) project in the past. Currently, I have a strong suspicion that CMP is actively discriminating against me for my past comments. I own some rather low productive farm acreage. Solar developers have approached me to build a 5 MW solar farm. Before signing a multi-year evaluation option, I want to know if the substation to which it connects has the capacity to take the power, and how many other projects, if any, or in the que to this substation. The solar developer, who has developed multiple sites in Maine, said it would take CMPs subcontractor 5 to 6 business days to respond. Well it has now been a few months and the solar developer is flummoxed by CMPs delay. What am I to think?

For the circuit evaluation, the solar developers had to give CMP my property address. CMP knows through their billing data base that I live at that address. CMP doesn't even need to search publicly available records on the internet for that information. CMP knows I have commented on this NE dubious energy connect (NEDEC) project in the past and they have redlined me.

Or, is it because due to PUC allowing CMP to build this project, which clearly violates the 1990s law deregulating Maine's power system, separating power production from distribution and transmission, it has made CMP in its contractual relationship with Hydro-Quebec a merchant power producer? My small 5 MW project combined with 100 similar projects across Maine on a sunny day have the equivalent power production as the natural gas plants owned by Calpine in Westbrook or Vistra in Veazie. Between Hydro-Quebec and CMP news releases, the NEDEC project has an 11% extra capacity than what is required to meet their contract with Massachusetts. So CMP and Hydro-Quebec have 120 MW of spare capacity to participate in the lucrative day ahead power market. The highest power demand and the highest day ahead power prices are on hot sunny days when PV solar power output is high.

All power in Maine north, east, and west of Yarmouth Maine, including interconnects with New Hampshire and Canada pass through the Surowiec substation in North Pownal, Maine. There is only so much capacity in those lines south to Massachusetts and CMP controls the on ramp onto that highway. CMPs long delay to simply answer what is the capacity of the substation, which CMP should know, is stalling and effectively redlining small PV solar producers. CMP is playing the same game with small renewable power producers as Nextera at Seabrook is with CMP. Unfortunately, I and nearly all Mainer's do not have the financial capacity to play the game and are at the mercy of CMPs corruption.

The financial quality of my retirement will be impacted by whether or not my 5 MW solar farm is constructed. That is why I'm anonymous.

All Maine citizens have a vested interest in the public lands that this project will pass through.

More than 50 years ago when I was a child, CMP through eminent domain bisected the farm with a transmission line. The line passed over a forested stream in four locations all of which could have easily been avoided if the line was constructed 175-feet to the south. The land was clear cut and for the next few decades CMP cut capable species about every 4-years. On higher dry land, overtime junipers replaced capable species saplings. On wetter land, sedges took over and alders along the stream.

When the line went through, there were very few invasive species along the road. As the decades progressed, invasive species became entrenched with some areas of the road side approaching 100% invasives. Junipers covering the transmission line, effectively kept the invasives out of the transmission line corridor, until the corridor was disturbed. About 4-decades after the corridor was constructed, in the spring post snow melt, pre-green up, on a windy day, a fire was started by another utility where it crossed CMPs transmission line. The fire raced down CMP's corridor with the corridor acting as chimney on the landscape. The fire was not CMPs fault, but the fire's penetration onto my property was greatest along the CMP corridor. Approximately, 32 acres of my property was burned with my young family having to evacuate.

So what happened next? The fire burned off all the junipers. For the previous decade or two, birds had been defecating invasive species seeds from along the state highway onto the CMP corridor. Invasive species germinated. Jump forward a decade. The NRCS division of the USDA did a forest evaluation of my farm reporting that it has extensive invasive species. As a result, I received a grant of multiple thousands of dollars to hire a contractor to cut and spray invasives. Out of all this property exceeding 100-acres, the greatest concentration of large (the big mama's) invasives were (and still are) on CMPs corridor. CMPs does not want to cut invasives because like juniper they are not a capable species that will reach their conductors and they shade the ground preventing native capable saplings from growing. It is not a coincidence that the greatest concentrations of invasives on my property are in the woods adjacent to the CMP corridor. As soon as I harvest the mature trees, the invasives will be exposed to direct sunlight and takeoff crowding out the valuable sapling native wood species. Parts of my property have nearly 100% invasive species ground cover in the understory. The over story is ash that will soon need to be harvested before killed by the advancing emerald ash borer.

CMP/NEDEC in their application to Maine DEP for the corridor goes on for pages listing all the invasives and how they will train their brush cutting employees to identify them. The only problem is that the plan they submitted, and to my knowledge accepted by DEP, is that at their first 4-year vegetation management cycle as long as the invasives are no greater in concentration than identified during the corridor cut, as if the operators of the feller bunchers are looking for invasives, they are done with invasive species control for the life of the corridor.

First, like southern Maine 30+ years ago, invasives are probably currently limited in the upper Kennebec Valley region; but they are steadily moving north and are definitely moving up the Route 201 corridor. Second, land management does not stop after 4-years. It lasts for as long as the owner owns the land. Third, it took about 20-years from the time invasives were common along the roadside in our area for them to become established in the CMP corridor. It took a disturbance for that to happen. Invasives love disturbed earth. In the case on my property, a fire by another utility that killed the junipers allowed the invasives to become established.

Fourth, CMP never had any intention to control invasive species in segment 1 or on any of their corridors. CMP was very quick to accept the stipulation of not using herbicides in segment 1. Herbicides are the most effective tool in invasive species control. In confirmation of this, a few weeks ago, I saw a tree trimming contractor supervisor at the grocery deli counter. I asked if he did work for CMP. Of course he did. I complained that in approaching 20-years of CMP vegetation management cycles on their corridor through my property, CMP had never cut one of the large invasive Asiatic honeysuckles, even though they had cut ash saplings within 5-feet. The supervisor confirmed that they are trained by CMP to not cut invasives since they are not a capable species and they compete with and crowd out the native capable species. He agreed, I'm being given the shaft by CMP.

So let's review the segment 1 forest management plan. There is the 54-foot width under the conductors to which vegetation is controlled to "about 10-feet" in height (invasives generally top out at about 12 to 15 feet) with 48-foot widths on either side tapered from 15-feet to 35-feet. This sounds good in concept but is not in reality. Saplings will grow 2 to 3 feet a year. CMP is going to cut that 54-foot swath about every 4-years, per their standard vegetation management program. The adjacent 15 to 20-foot height sections will be cut about every 10-years. The 20 to 35-foot tall sections will be cut about every 20-years. CMP will be doing the work with mechanical tracked equipment as they are now doing. Repeatedly, the landscape will be disturbed and invasive species will germinate and they will propagate in the corridor spreading to the adjacent land because CMP runs an invasive species nursery in their corridors.

As ruled by the Maine Superior Court, the CMP land lease is illegal. The Department of Conservation never held a hearing to determine if the corridor through Maine public lands would be a substantial change in use. I'm a part owner in the property in question north of The Forks along with every other Mainer. CMP is crapping invasive species all over my land in southern Maine. I and all Mainers have a vested interest in not having it happen on our Maine Public lands.

It is unfortunate that CMP's legal council gave CMP such bad advice to proceed with the illegal land lease. Sorry, it does not pass the straight face test of not resulting in a substantive change. CMP and

Hydro-Quebec had every opportunity to lobby the legislature and tell them how much greenhouse gas emissions would be reduced by this project by diverting the Hydro-Quebec power that is currently sold to western New York and Ontario to Massachusetts. Hydro-Quebec also had the opportunity to present its third party contracts that will build 1200 MW of green power producing capacity in Ontario and western New York, except to my knowledge those third party contracts do not exist. Hydro-Quebec also had the opportunity to explain how little carbon dioxide and methane gas is produced by their relatively shallow, huge impoundments that flood peat bogs with warm water, compared to the annual average air temperature of northern Quebec, resulting in anaerobic bacteria belching out methane and carbon dioxide at a much higher rate than otherwise. CMP and Hydro-Quebec had all that opportunity including depositing checks in the legislature's re-election PACs. Well, they didn't. Instead CMP choose to agree to the secret deal that has been ruled violates the Maine constitution.

All Mainer's have a vested interest that the laws of the State and the Constitution are upheld. Otherwise there is a breakdown in law and order and chaos ensues. Look no further than what happened at our nation's capital on January 6th. Or, what happened with the brown shirts in pre-Nazi Germany. Or, what happened with the fall of the Mozambique government circa 1990 which has been in gang violence chaos ever since.

CMP does not have control over the entire project's territory. Until such time that CMP obtains a legal lease for the parcel or obtain rights that bypass the parcel, they cannot complete the project and the permit should be withdrawn. I have no doubt Maine DEP would withdraw a permit to a residential subdivision developer that a Maine court had ruled did not legally obtain a right of way to the lot being developed.

Maine DEP needs to treat CMP the same as every other project developer in the state.

Sincerely,

Anonymous # 1