

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

<p>CENTRAL MAINE POWER COMPANY Application for Site Location of Development Act permit and Natural Resources Protection Act permit for the New England Clean Energy Connect (“NECEC”) L-27625-26- A-N/ L-27625-TB- B-N/ L-27625-2C- C-N/ L-27625-VP- D-N/ L-27625-IW- E-N/ L-27625-26- K-T</p>	<p>Friends of the Boundary Mountains’ Response To CMP’s Filing of April 29, 2021</p>
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CMP’s attorney’s comments of April 29, 2021 are an extreme and false overreaction to the valid and appropriate support that Friends of the Boundary Mountains submitted to the Board of Environmental Protection on behalf of the Consolidated Appeal now in front of the Board for consideration. CMP’s April 29 filing is filled with falsehoods and distortions of the facts in the case, and is obviously out-of-bounds and untimely since FBM’s statement of support was filed March 12, 2021. CMP must be getting desperate.

CMP’s characterizes FBM’s support as inadmissible “supplemental evidence,” which it certainly is not. FBM has submitted a statement of support for the Consolidated Appeal, which is factually based and is fully in accordance with all the evidence that was presented during the course of the DEP proceedings. It brings to light DEP’s many omissions and abuses of discretionary authority during the proceedings. CMP may not like hearing the truth, but that is why this case is being appealed and it is appropriate to address these issues in support of the appeal.

(1) CMP’s attorney claims that FBM’s statement that Maine’s North Woods supports exceptional biodiversity *and maintains that biodiversity even as the climate changes*, has no basis in the record. The attorney’s statement is completely untrue.

Testimony in the record from Janet McMahon, an ecologist, provides the basis for FBM’s assertion. Ms. McMahon helped develop Maine’s Ecological Reserves system, worked at The Nature Conservancy as a conservation planner, and more recently has worked with land trusts to identify conservation focus areas and wildlife corridors that are most likely to be resilient to the impacts of climate change and to prepare management plans that take these and other considerations into account.

McMahon’s testimony points out that a “high degree of connectivity, combined with large elevation gradients and a diversity of physical landscapes, makes the Western Maine Mountains a highly resilient landscape in the face of climate change and a critical ecological link between undeveloped lands to the north, south, east and west. Resilient

sites are those that are projected to continue to support biological diversity, productivity and ecological function even as they change in response to climate change. In The Nature Conservancy's Conservation Gateway climate resilience map of the eastern United States, the Western Maine Mountains stand out in terms of biodiversity, climate flow and climate resilient sites. Eighty percent of the region is of above-average resilience, based on geophysical setting and local connectedness. This compares to 60% for the state as a whole and an average of 39% in southern Maine.” (Pages 6-7 of pre-filed testimony)

McMahon goes on to say, “The resiliency of the Western Maine Mountains in the face of climate change is largely due to the extent and connectivity of its forests. **These would be adversely affected by the proposed NECEC transmission corridor.**” (Page 16 of pre-filed testimony)

(2) CMP claims that FBM's statement on tapering has no basis in the record. This is completely untrue. There are numerous examples of supporting evidence on the ineffectiveness of tapering for mature forest species in the record.

See, for example, Dr. David Publicover's discussion of tapering with regard to the Pine Marten. Dr. Publicover is a forester and Senior Scientist with AMC (Hearing transcript pages 1342 – 1343 and 1410 - 1411). Or see, for example, Ms McMahon's response to Mr. Bergeron (DEP staff) regarding tapering on page 1772 of the Hearing Transcript, where she states “saplings can grow up within a handful of years to be over your head or, you know, 10, 20 feet tall, but they'll stay very small diameter”. Or see Page 18 of NRCM's request for REVIEW OF NECEC AND, ALTERNATIVELY, APPEAL OF THE DEPARTMENT'S ORDER APPROVING NECEC, which states “Trees removed upon reaching heights near 35 feet will be young, short, and with have small trunk diameters and limited canopy spread”.

(3) CMP's attorney claims there is no record evidence of any “extraneous financial deal” as asserted by FBM. However, the purported purchase of a random 40,000 acres of land to somehow compensate for the crime of fragmenting and destroying one of the most important and outstanding natural environments and wildlife habitats in Maine is an extraneous financial deal endorsed in DEP's final Order on NECEC so FBM's statement is completely relevant.

(4) CMP's attorney claims “There is no record evidence of Vermont's already permitted transmission project” as a no-build alternative, nor that such transmission project “would be underground its entire length.” Once again CMP's attorney is making a false statement.

For example on Page 51 of the Hearing Transcription, Mr. Edward Buzzell, an intervenor in the proceedings with a group of local residents and recreational users, states, “An alternative underground project already permitted in the State of Vermont exists to transmit electricity to Massachusetts with no damage to Maine”. Also see Attorney Elizabeth Boepple's reference to the Vermont Clean Power Link in questioning Avangrid executive Thorn Dickinson, found in the Hearing Transcript on page 120.

The Vermont Clean Power Link project was well known to CMP, but they gave it no consideration as a no-build alternative in their application to DEP. Neither did they consider the 800-megawatt Vineyard Wind Project. DEP regulations require applicants to consider no-build alternatives in their application, and therefore it is appropriate for FBM, in supporting the Consolidated Appeal, to point out how remiss the DEP Order is on this issue.

(5) CMP's attorney claims FBM's statement that "Greenhouse gas emissions generated by Hydro-Quebec in building and operating mega dams is extremely relevant to whether NECEC should receive approval" has no basis in the record. CMP's statement is false.

While DEP tried to shut out discussion of Greenhouse Gas Emissions vis-à-vis NECEC, there is a plethora of evidence in the Record on greenhouse gas emissions generated by Hydro-Quebec.

In the Record is the May 18, 2020 submission of the Sierra Club Atlantic Chapter to the US Dept. of Energy, Re: Comments on DOE Docket No. PP-362-1: Champlain Hudson Power Express, Inc. and CHPE, LLC: Application to Rescind Presidential Permit and Application for Presidential Permit.

Sierra Club's comments include the following: The CHPE Project links New York consumers of Canadian hydropower to the cultural genocide of Indigenous communities near the dams and unacceptable environmental damage:

"Since the 1970s, Hydro-Quebec's hydropower production has been directly linked to methylmercury contamination of the environment and food supplies relied upon by people living in the sub-Arctic regions where Hydro-Quebec's dams are located. Flooding of forests and soils associated with hydropower dams and their reservoirs results in the production of the bioaccumulative neurotoxin methylmercury (MeHg). Enhanced releases of methylmercury (*as well as the greenhouse gases carbon dioxide and methane*) are sustained for one to three *decades* following the flooding of a hydropower reservoir."

Evidence on GHG generated by Hydro Quebec has been submitted by concerned groups, such as the Forest Ecology Network, and members of the general public during the public hearing phase of the proceedings (see, for example, letter from Jonathan Carter, executive director of FEN, and public testimonies on pages 913 and 944 of the Hearing Transcript.)

See also the paper submitted by Roger L. Merchant, LP Forester #727, "Boreal Forest Carbon Storage Loss at the Energy Source."

See also the 9-page letter of Feb. 14, 2019 submitted directly to Commissioner Reid by Stephen M. Kasprzak, with 8 attachments demonstrating the damage done to the environment by Hydro-Quebec. This includes Mr. Kasprzak's article in the Telegram of Dec. 23, 2018, "Maine Voices: Hydroelectric dams produce green energy? Think again"

See also the 5-page follow-up letter of March 4, 2019 submitted to Commissioner Reid by Mr. Kasprzak entitled, “Proposed CMP New England Clean Energy Corridor (NECEC) Project is Not “Environmentally Clean” Energy”.

All this constitutes well-supported evidence of the malfeasance of DEP in ignoring unfavorable evidence about Hydro-Quebec and granting permits for NECEC despite this evidence.

(6) Comments submitted by Innu Nation: CMP’s attorney is **totally wrong** when he states in his April 29, 2021 submission to BEP that “The Innu Nation did not file any comments in the DEP by (sic) proceeding” (page 12 of the CMP submission). **The Innu Nation submitted 137 pages of Comments and Exhibits on April 13, 2020 through its attorneys Kaighn Smith Jr. and David M. Kallin of Drummond Woodsum.** FBM would be glad to attach a copy of the Innu Nation’s comments for CMP’s edification, but the file is too large for our email transmission. I suggest Mr. Manahan contact Mr. Beyers for a copy.

CMP is fond of using obscure legal nuances and technical points of order to distract and circumvent from the real substantive issues around NECEC, and to bully and silence critics. CMP throws its false statements against the wall to see what will stick. It is disgraceful to the entire process and BEP should not buy it!