

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

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CENTRAL MAINE POWER COMPANY,	)	
NEW ENGLAND CLEAN ENERGY CONNECT )	)	COMMENTS OF WESTERN
#L-27625-26-A-N/#L-27625-TG-B-N/ )	)	MOUNTAINS AND RIVERS
#L-27625-2C-C-N/#L-27625-VP-D-N/ )	)	CORPORATION – GROUP 7
#L-27625-IW-E-N )	)	ON DRAFT ORDER
	)	
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**I. INTRODUCTION**

Western Mountain & Rivers Corporation (“WM&RC” or “Group 7”) files the following comments in response to the March 13, 2020 Draft Order by the Maine Department of Environmental Protection (“DEP” or “Department”) in the above-referenced proceeding relating to the Department’s approval, subject to certain conditions, of the application for permitting and other approval by Central Maine Power Company (“CMP” or the “Applicant”) for the New England Clean Energy Connect (“NECEC” or “Project”).

**II. COMMENTS OF WM&RC**

Consistent with testimony and briefing provided by WM&RC, these comments focus on the Department’s requirements surrounding scenic character and existing uses (38 M.R.S. § 480-D(1), 38 M.R.S. § 484(3), DEP Rules Chapters 315 and 375 § 14) as well as the Department’s alternatives analysis (38 M.R.S. §§ 480-D (1) & (3), 38 M.R.S. § 484(3), DEP Rules Chapters 310, 315, and 335).

**A. Impact of Project Upon Existing Scenic Character & Recreational Uses, Scenic Resources, & Historic Sites**

WM&RC's testimony in this proceeding focused on the Project's impact on the scenic character, and recreational uses of areas impacted by the Project, including Segment 1. The Draft Order appropriately finds that the Project, as designed, and subject to certain modifications, including, use of taller vegetation, increased tapered vegetation along Segment 1, and increased buffering along roadsides and other areas, will effectively "shrink the footprint of the project and reduce its overall impacts dramatically. Draft Order at 2.

The Department Staff also appropriately finds that the Project "will not have an adverse effect on the preservation of any historic sites either on or near the development site" including, the Appalachian trail crossing, which already is co-located along a transmission corridor that predated the trail in the location of the present crossing. Draft Order at 90-92.

The Department Staff correctly finds that the record supports the conclusion that the overall impact upon the scenic character of areas impacted by the Project will not be unreasonable. Draft Order at 23-57. The Draft Order addresses these potential impacts in each of the Project segments and from the standpoint of various accessible scenic resources. As designed, and based on additional conditions imposed by the Department, the Project, which extends a total of 145 miles within the State, 92 miles of which is co-located along existing transmission lines/corridors, seeks to "minimize the visual impact to the fullest extent possible and takes into account the scenic character of the surrounding area." Draft Order at 56.

The Draft Order also appropriately finds that the impact of the Project upon existing recreational and other uses associated with areas of the Project will not be unreasonable. As noted by the Department Staff in the Draft Order:

Recreation is important to residents and camp owners, as well as to visitors and those who own businesses that cater to visitors, such as those offering lodging to guests or guide services. Recreation activities in the area include hunting, fishing, hiking, and snowmobiling. The project will not impose limitations on these activities. Outdoor recreationalists will be able to cross the corridor and access the same areas they have traditionally used. For example, with regard to snowmobiling, Bob Meyers, Executive Director of the Maine Snowmobile Association, testified that many snowmobile trails are located along transmission line corridors. With regard to hiking, the corridor can be crossed by foot. The most prominent hiking trail that intersects the corridor is the Appalachian Trail.

Testimony established that in the 1980s this segment of the AT was rerouted, resulting in the trail crossing a previously existing transmission line corridor. The proposed line will be co-located with this previously existing transmission line corridor and within a previously existing transmission line right-of-way where the AT and the project intersect. Hiking will not be impeded here or at other hiking trails. With regard to fishing, the proposed line was routed to avoid some particularly sensitive fish spawning stream headwaters, and the line in some potentially affected sensitive fish spawning areas will be elevated to allow for the growth of taller vegetation within the corridor that will provide shade for fish habitat. In addition, culvert replacements required to be funded by the applicant as a condition of this Order (see Section 7) will improve fish passage and should therefore enhance fishing opportunities.

Finally, with regard to navigational uses, no portion of the project will be located in a water used for navigation. Therefore, the project will not impact navigational uses.

In Segments 2 through 5, the transmission line is proposed to be co-located either within or immediately adjacent to an existing corridor. The Department finds this co-location of the proposed line will greatly limit the impact on existing uses and not result in an unreasonable impact.

In sum, the Department finds the project will not have an unreasonable adverse impact on existing uses, including recreational or navigational uses.

Draft Order at 57.

**B. Existence of Alternatives That Would Meet the Overall Purpose of the Project**

Chapters 310 and 335 require an applicant to submit an analysis of whether there is a practicable alternative to the Project that would be less damaging to the environment, which the Department evaluates in its assessment of the reasonableness of any impacts of the Project. WM&RC agrees that the record supports a finding that undergrounding the Project and/or other potential alternatives would likely result in more environmental damage and permanent habitat destruction. Draft Order at 70-74.

WM&RC further agrees that the Department's Staff appropriately reject a no action alternative, as advocated by Group 1 and other intervenors/commenters. It is not for the Department to consider projects in New Hampshire, Vermont, or other areas that, if constructed, would not have any impact in Maine. The Project's purpose is to import 1,200 MW (9,450,000 megawatt-hours) of clean energy generation from Quebec to the New England Control Area via a HVDC transmission line that would interconnect with the ISO-NE grid in Lewiston, Maine. A no action alternative would therefore not meet the Project's purpose and was appropriately rejected by Department Staff.

Further, WM&RC believes that, although not relevant to the Department's considerations under Chapter 375, §2, the issue of GHG emission reductions is material to the Department's review of the Project because its stated purpose is to provide clean, renewable energy to the regional energy grid. Draft Order at 103. The record, which includes testimony by the Applicant, Robert Meyers, witness for Group 3 and Executive Director of the Maine Snowmobile Association, as well as Larry Warren, a member of WM&RC who testified at hearing, and public witness testimony, supports the finding that climate change is a significant threat to Maine's natural environment and that the Project will help ameliorate this threat while ensuring that those recreational, scenic,

and other uses impacted by the Project will not be adversely affected, but actually enhanced (e.g., snowmobiling, skiing, recreational tourism, etc.). The Draft Order also appropriately defers to findings by the Maine Public Utilities Commission (“Commission”) that the Project “will result in significant incremental hydroelectric generation from existing and new sources in Quebec and, therefore, will result in reductions in overall GHG emissions through corresponding reductions of fossil fuel generation (primarily natural gas) in the region.” Draft Order at 103.<sup>1</sup>

WM&RC would suggest, however, that it is not necessary for the Draft Order to find that climate change is the “single greatest threat” to Maine’s environment. Nor is it necessary for the Draft Order to find that climate change is already negatively affecting brook trout habitat, and those impacts are projected to worsen and threatening forest habitat for species such as moose, pine marten, and other species. Although WM&RC agrees with these representations, they are not necessary in order for the Department to find that the overall impact of the Project is reasonable given the alternatives and meets the requirements of Title 38 and the Department’s rules.

### **III. CONCLUSION**

In conclusion, WM&RC supports the Department Staff’s recommended findings contained in the Draft Order. If adopted, the Draft Order and the significant conditions recommended by Department Staff will help ensure that the Project will not have an unreasonable impact on upon existing scenic character and existing recreational and

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<sup>1</sup> The Draft Order cites the Public Utilities Commission Examiner’s Report (March 29, 2019), Docket No. 2017-00232 at 114. Because the Examiner’s Report is only a recommendation by the Commission staff, the Department should cite the Commission’s Order, which contained identical language. *Central Maine Power Company*, Request for Approval of CPCN for the New England Clean Energy Connect Consisting of the Construction of a 1,200 MW HVDC Transmission Line from the Québec-Maine Border to Lewiston (NECEC) and Related Network Upgrades, Docket No. 2017-00232, Order Granting Certificate of Public Convenience and Necessity and Approving Stipulation at 71 (May 3, 2019).

other uses of areas impacted by the Project. These conditions will also require the use of construction standards, visual and riparian buffers, tapered management, and other engineering practices that represent the least environmentally damaging alternative while meeting the overall purpose of the Project. The Draft Order along with the various conditions should therefore be adopted by the Commissioner subject to the minor modification discussed above.

Dated: April 13, 2020

Respectfully Submitted,

/s/ Benjamin J. Smith  
Benjamin J. Smith, Esq.  
*Attorney for Western Mountains & Rivers  
Corporation – Group 7*  
Smith Legal LLC  
PO Box 5418  
4 Wabon Street, Suite 1  
Augusta, Maine 04332-5418  
Office: 207-480-1543  
Cell: 207-415-7774  
Fax: 207-480-1532  
[BSmith@SmithLawMaine.com](mailto:BSmith@SmithLawMaine.com)  
[www.SmithLawMaine.com](http://www.SmithLawMaine.com)