

Mr. Jim Beyer
Maine DEP
State House station #17
Augusta, Maine

April 9, 2020

Dear Mr. Beyer,

Please find attached comments on the recently issued Draft Permit for the NECEC project as proposed by Central Maine Power with attached conditions added by your office. I am very pleased with the depth and breadth of the conditions placed upon the project. They will be very applicable for the next applicant.

The project remains in the wrong place for the wrong purpose and with a suitable alternative a couple states away any environmental benefit will be the same as those proposed by NECEC. I totally understand the rules are the rules and they must guide your decision. What has become apparent in regards to all agencies is that Maine is ill equipped to rule on a project for merchant benefit. The PUC did their job but only had the certificate of convenience and need to work with. The project is necessary for the Province of Quebec for financial reasons, which they have detailed, and very convenient for Avangrid as Massachusetts is paying for it, as the applicant has constantly reminded us.

Large areas of land are special, even if visited on a regular timber maturity rotation. They are unique and once divided they attract further division and development. You are familiar with the need for addressing this issue in a fair and just manner in regards to land owner rights and this is not the place to belabor it. In my comments however, I am a bit guilty of that.

Central Maine Power and its status as an authorized monopoly, has been used by larger corporations for their gain. Now if I understand the stipulation agreed to by the Governor and Public Advocate, CMP can have nothing to do with the project. I am not privy to the negotiations to hand things over to the new NECEC LLC Corporation of which we know nothing about, except Thorn Dickenson will be in control and I believe the parties are not as close as they wish to be in the settlement process. I am just guessing but I firmly believe that Iberdrola alone, coming to Maine without the shield of CMP, would have had a very different reception.

Enough of the scenarios. We have what we have and I thank you for putting the conditions together but let us not sacrifice western Maine for lack of proper tools.

Sincerely,

Bob Haynes

Comments on the Department of Environmental Protection Draft permit Order

Page 1 3rd line “will satisfy permitting standards subject to conditions of this order”. Converse is original application is denied as it did not provide satisfactory protections, but approval is possible with the incorporated conditions. Is it the Departments job to modify the application so it is acceptable?

Page 1 third line from bottom Cleared corridor originally proposed to be 150 feet wide is now 54 feet at its widest point .(Very good condition). Use poles tall enough to preserve forest canopy (how tall is the canopy allowed to get allowing for line sag?)

Page 2 1st paragraph Tapered management is a good addition for the entire segment 1 corridor. Full canopy over streams would have made a better condition. Prohibition of herbicide use was already self-imposed by the applicant but good to see it re-enforced.

Page 2 2nd paragraph “Some projects, impacts however will remain.” The 40,000 conservation set aside needs more clarity as provided later.

Page 2 3rd paragraph Regarding a practical alternative.... The next paragraph states, “The applicants stated purpose for this project is to provide renewable electricity from Quebec to the New England grid”. This is a regional issue and should be viewed as such- not just locating the corridor in a state with the most available land. This goal is already possible via an approved corridor through Vermont. The applicants’ choice of bisecting the largest industrial undeveloped portion of temperate forest in the nation, is only for the profit of the applicant. The same result could be achieved, with no damage to Maine, and with much less environmental impact and greater regional benefit. I believe the location selected by the applicant and enthusiastically supported by Hydro Quebec is that it is expandable as shown by the 300-foot corridor purchase, and not just 150 feet. Allowing the current application to proceed will surely allow construction of the next transmission line without question, as it will be parallel to an existing line. In addition, as there are only four landowners involved further expansion is not out of the question. Successive transmission lines will seriously compromise all the conditions that the Department has worked diligently to create. I realize this is not the task of the Department, however, consequences of

approval, must be considered. The Land Use Planning Commission missed this point as well, and planning is their job. As this is a project of regional scope, a regional solution should have been explored. If it was, Vermont was the obvious low hanging fruit and would have been up and running with any purported environmental benefits already produced. Maine does not need to inflict damage upon itself to save Massachusetts money and provide Iberdrola profit.

Page 3 1st paragraph It is important to notice that all of the projects included in the history section all directly relate to Maine benefit. This application is for regional benefit and as such is beyond the rules available for the Department to enforce.

Page 3 (1)a Please clarify- is the corridor located on a right of way or land owned by the applicant? I was of the understanding that the land excepting the Public land was owned in fee.

Page 4 3rd paragraph “ In areas where the corridor will be tapered...” I believe page one states that the entirety of Segment 1 is to be tapered, with the exception of those areas that will be allow to grow to full-canopy height. I have concerns over the introduction of scrub/shrub habitat as it invites invasive species such as honeysuckle and juniper. Native species maintained at a low height are as effective and keep the corridor color similar to the surrounding tapered vegetation.

Page 4 4th paragraph This was a positive move on the applicants’ part but also proves that “budget “is not an issue.

Page 5 Section 2 and 3 Herbicide will be used on these segments I assume? Tapering here may be effective here as well to limit wind throw from adjacent property.

Page 8 C line 10 “That lease was never appealed and therefore remains final.” I believe that statement is in the context of being sufficient for processing the application, but may be revoked by the legislature.

Page 10 last line In regards to WM&RC... involvement of this group with written benefit to the group, should the project succeed, and totally funded by the applicant continues to baffle me. It is a lobbying group. I believe it sets a precedent for an unlimited number of such groups that may be formed to the benefit of any future applicant. Excuse me- off track for the task at hand.

Page 15 1st paragraph I assume it is only the purchaser that can determine if the energy is “clean”. The Department assumedly has no jurisdiction on the quality of the product transmitted. Several reports have found that the product is not as clean as described by proponents and has been found to contribute methane to the air and increased temperature to ocean waters. These facts make the Department and State complicit in whatever negative effects these changes may have by encouraging their production and transmission. Understood there are trade-offs but we should be in charge of those and not allow importation of a product produced by methods which by law we could not produce in Maine.

Page 18 A-1 Is construction in Segment 1 subject to the 7am to 7pm restriction or just those areas with noise restrictions?

Page 27 E. Is corridor visibility measured from the summit of Number 5 Mountain or the access? Traveling to the access requires the visitor to cross under the line several times. This walking away from the corridor to achieve a minimal/moderate rating is false.

Page 27 G If Coburn is moderate what is extreme?

Page 29 C If Troutdale road is considered in the VIA why not the Spencer Road? Both are private.

Page 30 Segment 4B Why no impact mention at Fickett Point Substation?

Page 31 Segment 1 Snowmobile trails are for public benefit and will be drastically impacted where they are not currently under lines, which is all of Segment 1. Assume this was due to comments from Bob Meyer from his observation that snowmobilers are not bothered by existing powerlines. Moore Pond has public access. No impact?

Page 32 4th sentence "The applicant states that its VIA demonstrates that the project meets the standards for scenic character in both Site Law and NRPA." Don't believe this is their job.

Page 33 C1 What is the vegetation plan for a buffer along Old Canada Road?

Page 37 Conclusion of paragraph 2 Once this project is in place the bar of scenic quality is lowered exponentially because "there is already development in place". This fact should not be overlooked as once started incremental degradation will follow. This project opens the door for continued scenic degradation if permitted- unless the Department is willing to disallow future lines. The next application will be bolstered by the fact that one line is there- how will the department deny the second?

Page 37 4th line from the bottom " which typically will have trees on both sides" Certain to have trees on both sides if the corridor is a 54 foot maximum width and in the center of a 150 corridor.

Page 38 1st paragraph last sentence "Based on the evidence in the record, the Department finds the APE is appropriately sized for the size, scope, and nature of the project, recognizing its location including the location of Segment 1 in a primarily forested, largely undeveloped area." The Department misses the point of the value of the undeveloped aspect of this area. The magnitude of change for this area is huge if this project is developed. Development of an undeveloped area cannot be lumped with the remainder of the corridor that has years of existing transmission history. Bradstreet is similar to Maine Yankee? Development attracts development and this remote area, known as Segment 1, should remain development free. Understood that this brings up another huge subject regarding landowner rights and just compensation, which we cannot deal with here- but let us not dismiss this treasure in a rush to appease Massachusetts.

Page 41 1st paragraph " The taller poles are intended to allow the growth of vegetation within the corridor'. Could be beefed up to say native vegetation to full canopy height. Regarding full canopy height. How will the poles be accessed? Roadway for construction at a minimum width that will be allowed to grow in? Keep open as a normal side woods road? Depending on soil type will concrete be necessary for a footing? Suggest using a non-specular wire everywhere if taking this much effort.

Page 41 a It is sad commentary that the line cannot be dropped in Indian Pond or cross on Harris Dam just because of restrictions that empowers similar structures. Boring under the River is un-necessarily expensive and may have unintended environmental consequences.

page 42 1st paragraph last line "They are neither a public natural resource nor public land". True, but they allow access to thousands of acres of public land and land purchased for use by the public such as the Leuthold Preserve and are frequently traveled by the public and have irreplaceable value for public land access.

Page 43 1st paragraph last sentence Again advocating for the use of non-specular conductors for the entirety of Segment 1.

Page 58 A 1 "The stated purpose of the project is to deliver up to 1,200MW of clean energy generation from Quebec to the New England control area via a HVDC transmission line". Evaluation of the Vermont option would have shown that the no action alternative was already in place. This alternative however would have been more expensive for Massachusetts and not earn Avangrid/Iberdrola and money nor would it damage Maine. In considering projects of regional value, regional options should be explored. This broader consideration would have revealed the better, non Maine impactful alternative.

Page 59 2nd paragraph Was Alternative 2 measured against the preferred route with the Department of the Interior? A decrease of 36 miles of undeveloped corridor is substantial. Was CMP ever told the Alternative 2 was not possible or was that an in house decision?

Page 60 4th paragraph Why was only 150 feet purchased in Merrill Strip when the remainder is 300 feet wide?

Page 63 1st bullet The applicant determined there were no Lemmings?

Page 74 2nd paragraph " The Department did not evaluate that approved project (*Vermont*) as an alternative because it does not meet this applicants project needs. The Department declines to interpret an alternatives analysis as requiring an assessment of whether third party commercial competitors in other states may be able to fulfill the stated project purpose by some other means." Page two of this draft permit states "The applicants stated purpose for this project is to provide renewable electricity from Quebec to the New England grid". Again regional review for regional purpose. Perhaps the Army Corps will have a different perspective.

Page 80 1st paragraph Conservation area must be identified in advance of the permit so the applicant can prepare a budget.

Page 89 5th bullet Assume heron survey is almost underway?

Page 93 last line Just a question- why are wells treated differently based on private or public ownership?

Page 109 Condition 33 Non specular conductors should be throughout Segment 1

Page 110 Condition 40 True conservation lands are those that are in danger of development. I submit that areas with commercial wind potential are most at risk in western Maine and for this reason suggest that peaks of all mountains be conserved which will in turn preserve the unique habitat that thrives at high elevation.

Please consider an additional condition. The applicant will set aside decommissioning funds to be held by the Department of Conservation prior to construction. The interest on which, in excess of inflation, should be applied to energy efficiency within the State.

Thank you for the opportunity to comment on the Draft Order. Adding conditions to an insufficient application is not an acceptable solution. The Department refusal to consider the Vermont location as providing a similar benefit to the region and satisfying the impetus for the project, (Massachusetts request for proposals), without any harm to Maine is the most responsible choice. Central Maine Power Company and its 100- year history in Maine has been thoroughly used by its owners, Avangrid and Iberdrola, to apply for necessary permits that will be transferred to a new company that has no operational history.

Sincerely,

Bob Haynes

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