

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT
AND NATURAL RESOURCES PROTECTION ACT PERMIT
FOR THE NEW ENGLAND CLEAN ENERGY CONNECT
FROM QUÉBEC-MAINE BORDER TO LEWISTON
AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

GARNETT ROBINSON

ON BEHALF OF INTERVENOR GROUPS 2 AND 10

FEBRUARY 28, 2019

1 **Q. Please state your name and address.**

2 My name is Garnett Robinson, and my mailing address is PO Box 82, Dixmont, Maine 04932. I
3 own property located at 331 Moosehead Trail, Dixmont, ME 04932.

4 **Q. What are your general qualifications?**

5 I am a Certified Maine Assessor and Licensed Appraiser and have performed over 20 municipal
6 equalizations/revaluations in Maine (two more in progress). I am the current Assessor or
7 Assessors' Agent for 14 communities (and will be adding two more this spring). I have a
8 Bachelor's Degree in Land Use Planning. I have taught numerous appraisal and assessing courses
9 including being a long time instructor for Maine Revenue Services Property Tax school. I have
10 performed numerous complicated appraisals of industrial, commercial and residential properties
11 including large and small hydro-electric dams, sawmills, processing plants, railroads, hospitals,
12 etc. I have testified before numerous appellate Boards and Courts regarding valuation issues
13 including the Maine State Board of Property Review. I also am on the Dixmont Planning Board,
14 have served as past president of the Central Maine Assessor's Organization (CMAAO) and have a
15 background in forestry and mapping, having worked as a Forest Ranger and photogrammetrist
16 with my company still performing many municipal tax mapping projects. Please see my resume
17 attached as Exhibit 1.

18 **Q: What is the purpose of your testimony?**

19 The purpose of my testimony is to assess the proposed transmission line project with respect to
20 value considerations (economic impacts and benefits) of scenic character, existing uses, and
21 alternatives along with compensation and mitigation of impacts.

22 **Q. What have you reviewed to prepare this testimony?**

23 I reviewed the following:

1 1. NECEC Site Location of Development Application, NECEC Natural Resources Protection Act
2 Application and all NECEC associated available documents, maps, photos located on the Maine
3 Department of Environmental Protection Website.

4
5 2. Applicable statutes and regulations: 38 M.R.S. § 480-D(1), 38 M.R.S. § 480-D(3), DEP Rules
6 Chapters 315 and 375 § 14; 38 M.R.S. §§480-D(1)&(3), 38 M.R.S. § 484(3), DEP Rules Chapters
7 310, 315 and 335; 38 M.R.S. § 480-D, 38 M.R.S. § 484(3), DEP Rules Chapters 310 and 375 §
8 15.
9

10 3. Detailed Portions of the NECEC Site Location of Development Application dated October 2,
11 2017, including:

- 12 a. Section 1.0; Development Description
- 13
- 14 b. Section 3.0; Financial Capacity
- 15
- 16
- 17 c. Section 6.0; Visual Quality And Scenic Character
- 18

19 4. General Questions for CMP dated December 11, 2017

20
21 5. Supreme Judicial Court of Maine ruling: *Francis Small Heritage Trust, Inc. v. Town of*
22 *Limington et al.*, 2014 ME 102, 98 A.3d 1012, 2014 Me. LEXIS 110, 2014 WL 3867782 (Me.
23 Supreme Ct. May 15, 2014).

24
25 6. Various online websites and programs such as Google Earth, Newspaper Articles and
26 Selectman e-mails.

27
28 7. Williams, Juliet & Thompson, Don (2018, June 9). *Report: Downed power lines sparked deadly*
29 *California fires*. Retrieved from [https://phys.org/news/2018-06-downed-power-lines-deadly-](https://phys.org/news/2018-06-downed-power-lines-deadly-california.html)
30 [california.html](https://phys.org/news/2018-06-downed-power-lines-deadly-california.html)

31
32 ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

40 ■ [REDACTED]

1 Upper Enchanted or Spencer Road. If you drive the Lower Enchanted Road the 15 miles or so to
2 Grand Falls, you will find multiple locations where the windmills of the Kibby Project are visible,
3 especially at night with rows of blinking red lights. Similarly, the Attean Overlook has views of
4 Canadian windmills across its whole Northern exposure. Upper Enchanted Road is the only large
5 road system running West toward the Canadian Border between Bingham and Jackman with
6 unimpacted scenic vistas. The same is true for the Kennebec River. The gorge running from
7 Harris Dam to the Gauging Station in the West Forks is the only long section of river not crossed
8 or having roads run parallel with powerlines, houses, etc. all the way to the Atlantic Ocean.
9 Clearly there are many more views impacted by the chosen route than the alternative route which
10 would have turned South from Beattie onto the Gold Brook Road which is only about 3 miles to
11 the start of the Kibby Wind Project. It is clear from site visit photos that water crossings/views
12 were the major impacts reviewed as there do not appear to be any photos of prominent scenic
13 vistas seen often as you travel in on the Spencer Road. It is also clear that there are no visitor
14 surveys or economic impact studies conducted for loss of jobs and associated income for tourist
15 industry jobs heavily dependent on these views. Section 6.1.7 Working population, the applicant
16 clearly has huge errors here as it states the working population includes people who are employed
17 throughout Northern Maine in commercial timber harvesting then goes on to describe central and
18 Southern Maine. The primary employer(s) in the area of the 53.5 mile new section of line in
19 segment 1 is the tourism industry with hundreds of jobs guiding through rafting, hunting, fishing,
20 “recreation biking, hunting, snowmobiling, 4 wheeling, antler hunting, canoeing, moose tours,
21 etc.”, and at sporting camps, time shares, photographers, snowmobile/4 wheeler rentals, restaurant
22 employees, small stores, campgrounds, etc. which are all largely dependent on tourists visiting
23 with views being a significant part of the reason. [REDACTED] [REDACTED]

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11 **Q. Has CMP demonstrated through their Application that they have adequately considered**
12 **alternatives?**

13 No they have not. Section 2.3.2 of the Application, Transmission Alternatives, does not list
14 burying the line in the 53.5 mile new section as an alternative. CMP rejected this alternative with
15 a statement in their materials that burying cable costs between 4 to 10 times more than above
16 ground costs but was not supported by any documentation or analysis. Only two small areas
17 involving the Kennebec River and Appalachian Trail crossings were considered for burial in the
18 materials I reviewed. Burying the line would mitigate most effects from view or from hazards
19 such as forest fires. Competing proposals to the NECEC in both New Hampshire and Vermont
20 featured the majority of new lines buried as part of their proposals and permitting and should have
21 been a consideration here. As clearly required by DEP 310.5 (A) a project will not be permitted if
22 there are practicable alternatives that would meet the project purpose and have less environmental
23 impact. Without an in-depth analysis of costs to bury the cable and only a simple statement that it

1 costs four to ten times more, how can the Department and Commission consider the
2 reasonableness of not including this alternative, that apparently is being more commonly
3 considered in large projects of this nature? Without a cost analysis and an analysis of projected
4 revenue over the life of the project how can the Department and Commission consider even the
5 four to ten times the cost to be unreasonable? Anticipated revenue over long term may justify this
6 type of expenditure and more but because of missing documentation the Department and
7 Commission cannot even make those determinations. Further, within the Compensation and
8 Mitigation analysis, businesses affected by the proposed project appear to consist only of the
9 effects on the Kennebec River crossing but largely avoids analysis of many other businesses that
10 will be affected by this project. Analysis is needed and should have been performed to identify
11 numbers of visitors to the region by season, activities they participated in, factors that drew them
12 to the area such as snowmobiling, hunting, fall leaf peeping, etc. the amount of money spent and
13 their perception of proposed impacted views and their likelihood to visit the area after such a
14 project is completed. Likewise an analysis of regional jobs by type and economic impact of any
15 anticipated loss of revenues both long term and during construction should have been performed.

16 [REDACTED]

[REDACTED]

[REDACTED] Finally, to

19 remind the Department and Commission, Maine's Supreme Court's decision, Francis Small
20 Heritage Trust, Inc. v. Town of Limington, et al. (*See Exhibit 10*) which gave Land Trusts tax
21 exemptions for charitable and benevolent organizations found that there is a public benefit and
22 need to protect scenic views, rare mountain habitats, rivers, etc., and referenced the legislature and
23 statutes that are relevant in reviewing the NECEC project:

1 There can be little doubt that the Legislature has enunciated a strong public policy in favor
2 of the protection and conservation of the natural resources and scenic beauty of Maine. For
3 example, 38 M.R.S. § 480-A (2013) states: The Legislature find and declares that the
4 State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands,
5 significant wildlife habitat, coastal wetlands and coastal sand dunes systems are resources
6 of state significance. These resources have great scenic beauty and unique characteristics,
7 unsurpassed recreational, cultural, historical and environmental value of present and future
8 benefit to the citizens of the State and that uses are causing the rapid degradation and, in
9 some cases, the destruction of these critical [***19] resources, producing significant
10 adverse economic and environmental impacts and threatening the health, safety and
11 general welfare of the citizens of the State. The Legislature further finds and declares that
12 the cumulative effect of frequent minor alterations and occasional major alterations of
13 these resources poses a substantial threat to the environment and economy of the State and
14 its quality of life. *See also* 5 M.R.S. § 6200 (2013) (finding that "the continued availability
15 of public access to [outdoor] recreation opportunities and the protection of the scenic and
16 natural environment are essential for preserving the State's high quality of life" and that the
17 "public interest in the future quality and availability for all Maine people of lands for
18 recreation and conservation is best served by significant additions of lands to the public
19 domain"); 30A M.R.S. § 4312(3)(F) (2013) (identifying the protection of "critical natural
20 resources, including without limitation, wetlands, wildlife and fisheries habitat, sand
21 dunes, shorelands, scenic vistas and unique natural areas" as a state goal). In creating the
22 Land for Maine's Future program, the Legislature declared that the future social and
23 economic well-being of the citizens of this State depends upon maintaining the quality and
24 availability of natural areas for recreation, hunting and fishing, conservation, wildlife
25 habitat, vital ecologic functions and scenic beauty and that *the State, as the public's*
26 *trustee, has a responsibility and a duty to pursue an aggressive and coordinated policy to*
27 *assure that this Maine heritage is passed on to future generations.*

28
29 **Q. Does this conclude your testimony?**

30
31 Yes, it does.

1 Q Does this conclude your testimony?

2 A Yes.



Date:

Respectfully submitted,

By: 

Print Name: Garnett S. Robinson

STATE OF MAINE

COUNTY OF PENOBSCOT

Personally appeared before me on the above- named Garnett S. Robinson, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

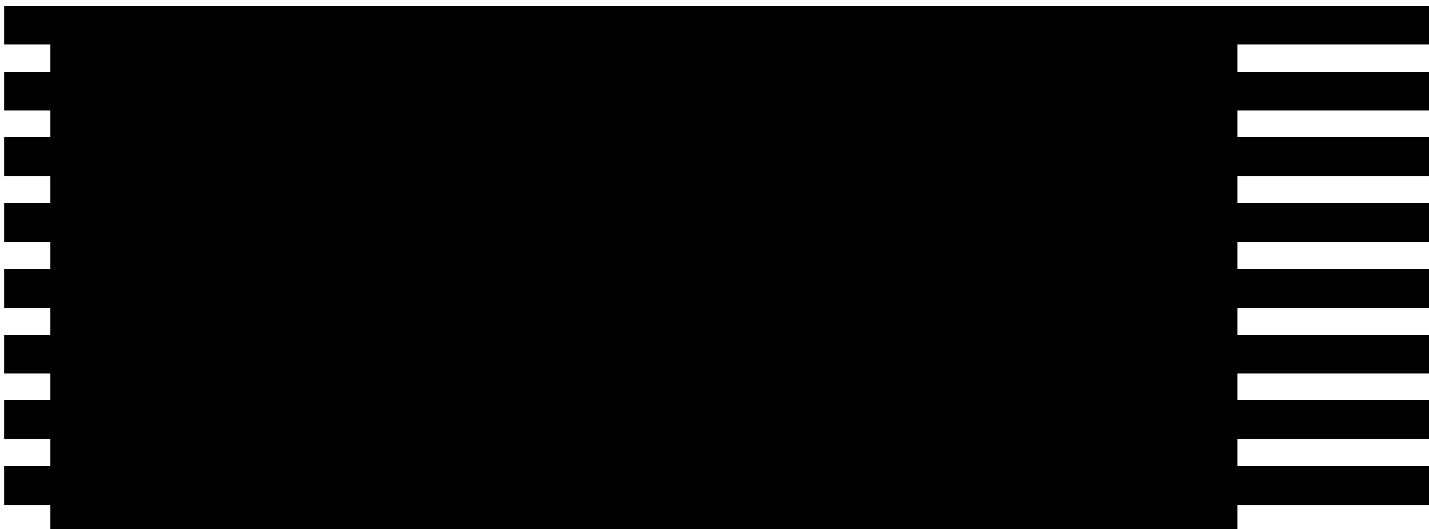
Before me,



Notary Public/ ~~Attorney at Law~~

My Commission expires _____

SHIRLENE D. LINDSEY
NOTARY PUBLIC
STATE OF MAINE
MY COMMISSION EXPIRES JANUARY 7, 2025



Garnett S. Robinson
 Phone: (207) 234-2822 Fax: (207) 234-2822

P.O. Box 82
 Dixmont, Maine 04932

SKILLS

- Land Use Planning and Permitting Specialist B.S. Major: Land Use Planning
- Certified Maine Assessor (CMA)
- Certified Code Enforcement Officer-Inactive
- Knowledge of NEPA, ISO 14001 and environmental permitting procedures
- Working Knowledge of PCs, including Windows, Excel, GIS, Trio, and various C.A.M.A.software
- Appraiser Registration # AP2609
- Instructor-Maine Property Tax School (2005 to Present)

EXPERIENCE

August 2003 — Present

Maine Assessment and Appraisal Services - Dixmont, Maine
 President
 Property Assessing, Mapping, Appraisal and Revaluation services.

June 2003 to June 2008

R & G Appraisal Services - Orneville, Maine
 Fee Appraiser doing residential and commercial' properties.

January 2006 to January 2008

Central Maine Association of Assessing Officers (CMAAO)
 President (2Terms)
 Organization set up to offer training and materials to newly elected selectmen/assessors.

December 2000 December 2004

Hamlin Associates - Parkman, Maine
 Vice President-Assessors' Agent
 Property Assessing, Mapping Upgrades and Revaluation Services.

June 1999- June 2000

James W. Sewall Co. - Old Town, Maine
 Photogrammetrist- Digitally compiled detailed Planimetric and Topographicai maps from aerial photography

May 1990 - May 1999

Maine Forest Service - Jackman, Maine
 Patrolled to enforce conservation laws, including DEP, LURC, FPA, and fire control.
 Supervised and trained fire crews. Coordinated payroll reports, ensuring accuracy and timely completion. Assisted with updating maps for the Delorme Atlas Company.
 Maintained permit sites and oversaw equipment maintenance. Assisted other government agencies.

EDUCATION

May 2001, Suma Cum Laude Honors Graduate University of Maine- Orono, Maine
 B.S. Major: Land Use Planning; Member of Phi Kappa Phi Honor Society & Presidential Scholar
 August 2001, Certificate: Certified Maine Assessor, Property Tax Division, State of Maine
 Certificate: Certified Code Enforcement Officer, State Planning Office- Shoreland- #0725
 September 1993, Certificates: Forest Ranger- Maine Forest Service Ranger Academy
 September 1990, Certificate: Conservation Officer, Law Enforcement Academy at Waterville
 1989-1990 Forest Management Courses (Dean's List), University of Maine - Orono, Maine
 1989, Associates Degree, Liberal Studies (Dean's List), University of Maine - Orono, Maine
 2001 -Present, USPAP, IAAO, and many advanced appraisal courses.

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Dirk St. Maurice



Project Overview Map

Configuration Cross Section

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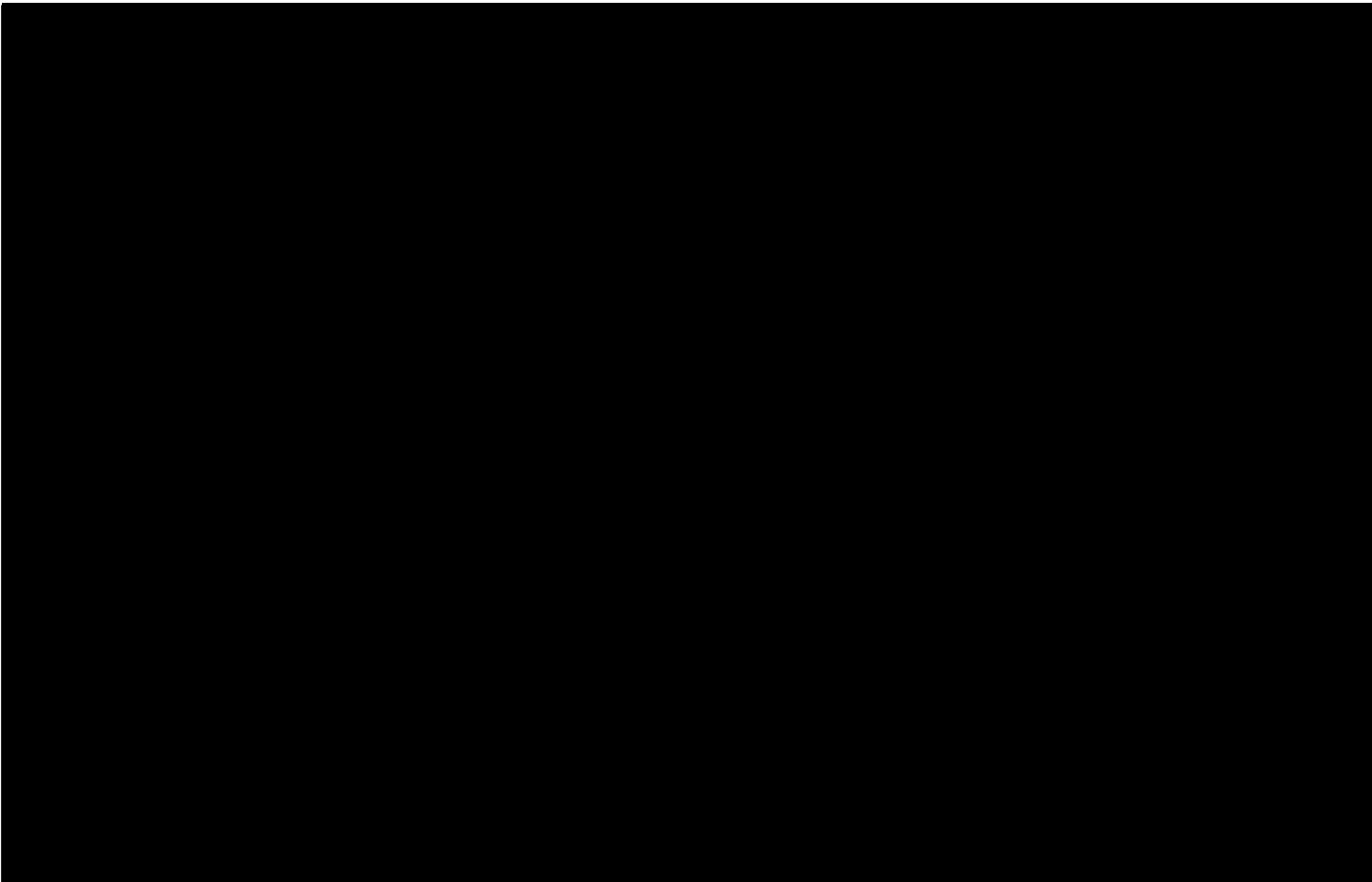
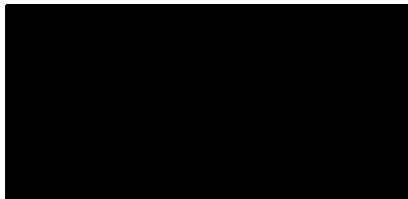
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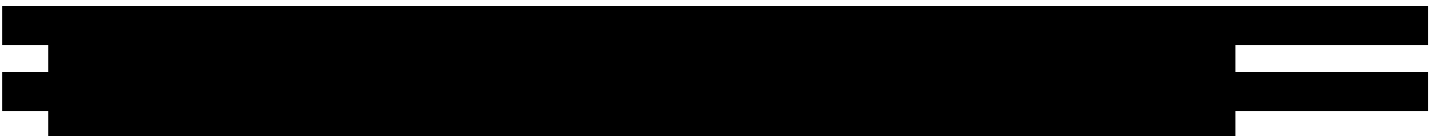
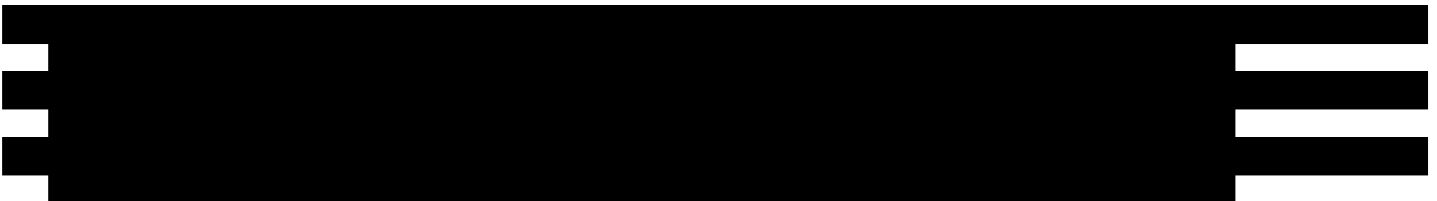
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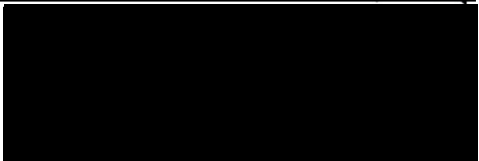
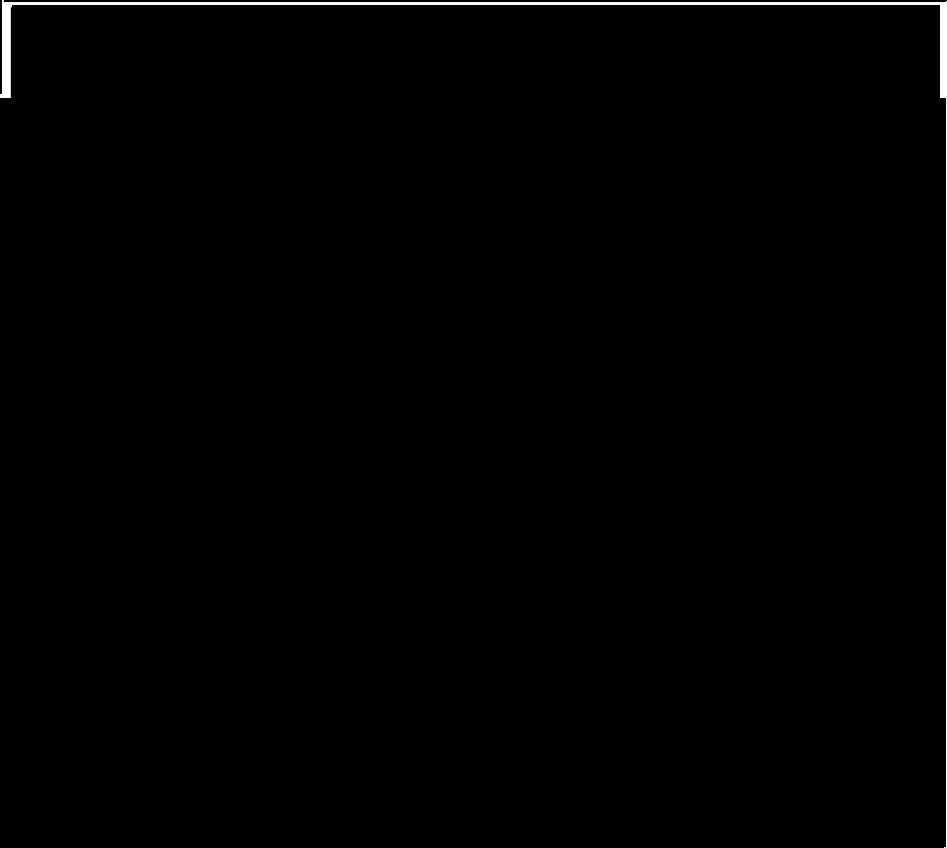
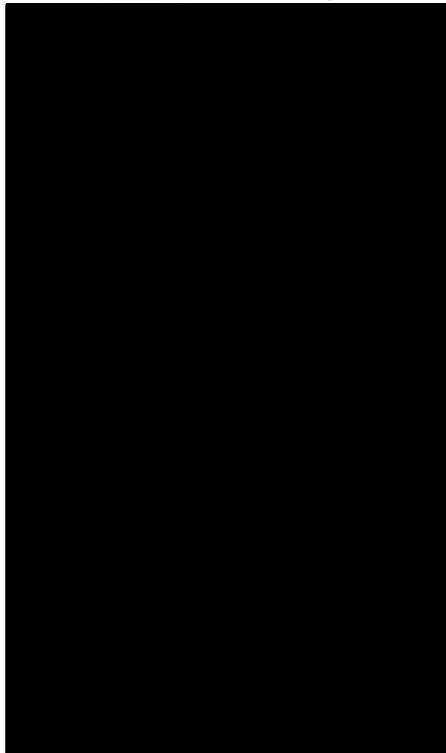
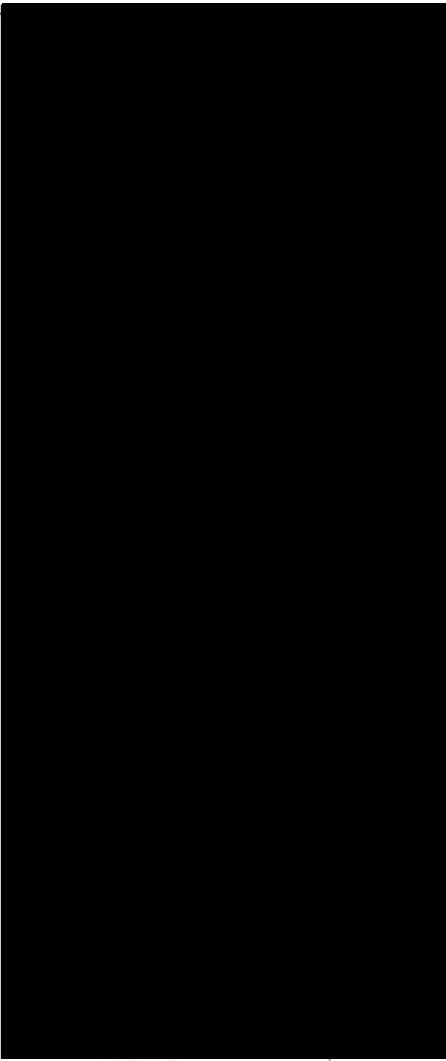
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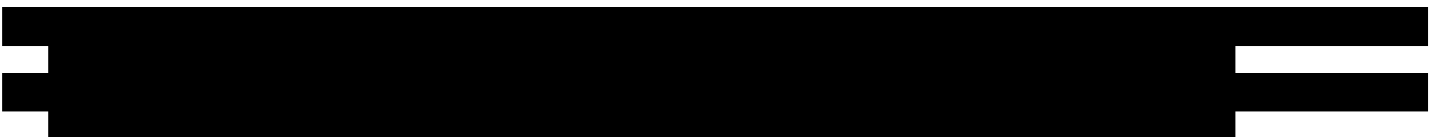
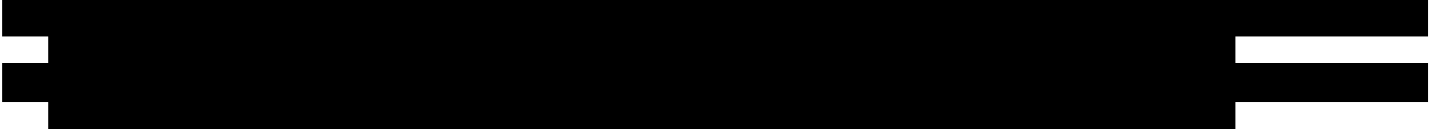
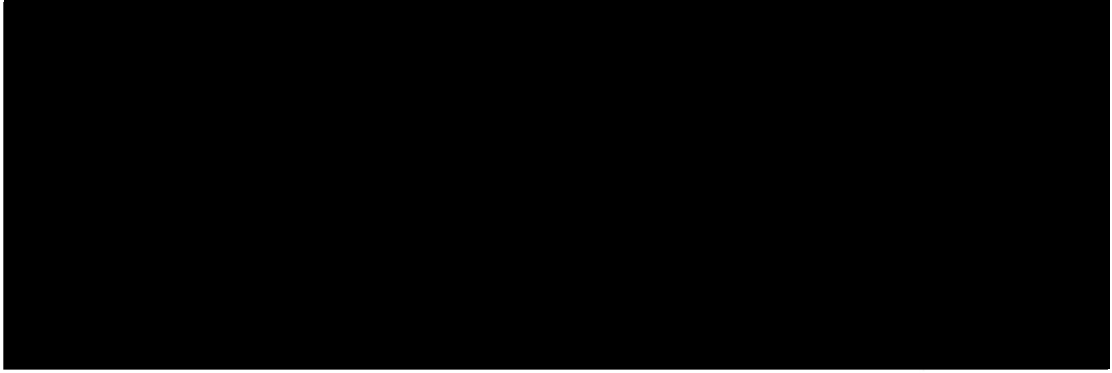
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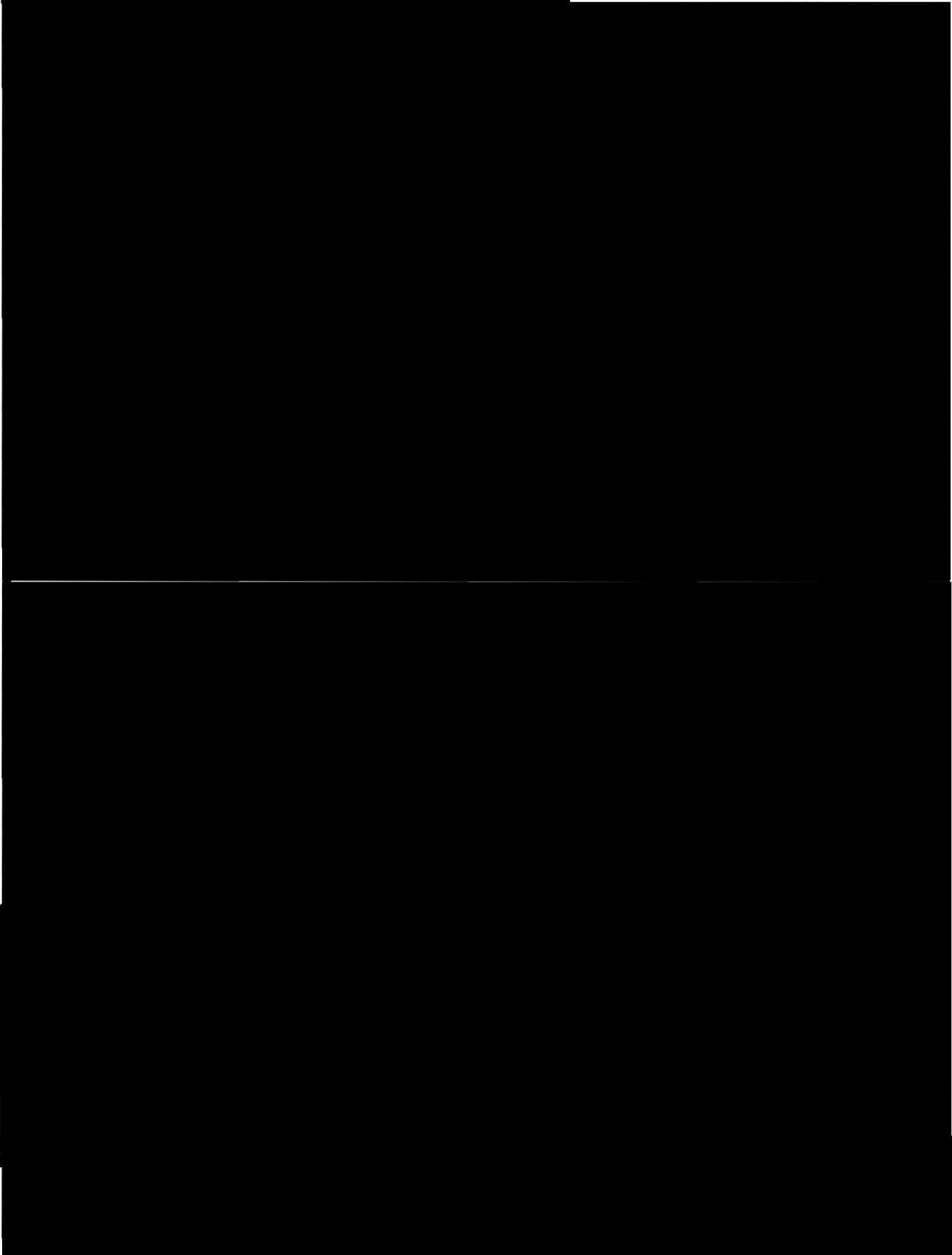
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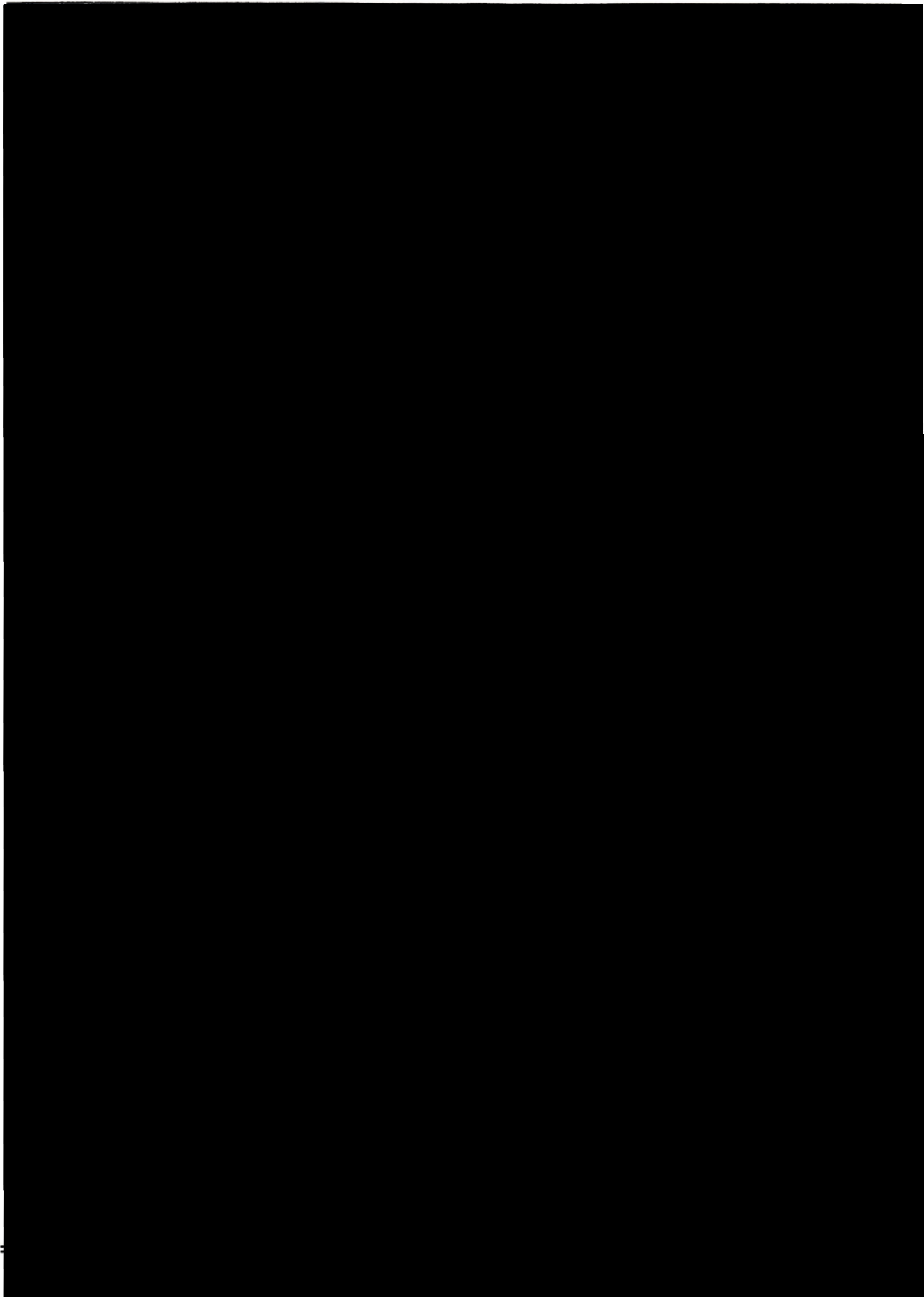
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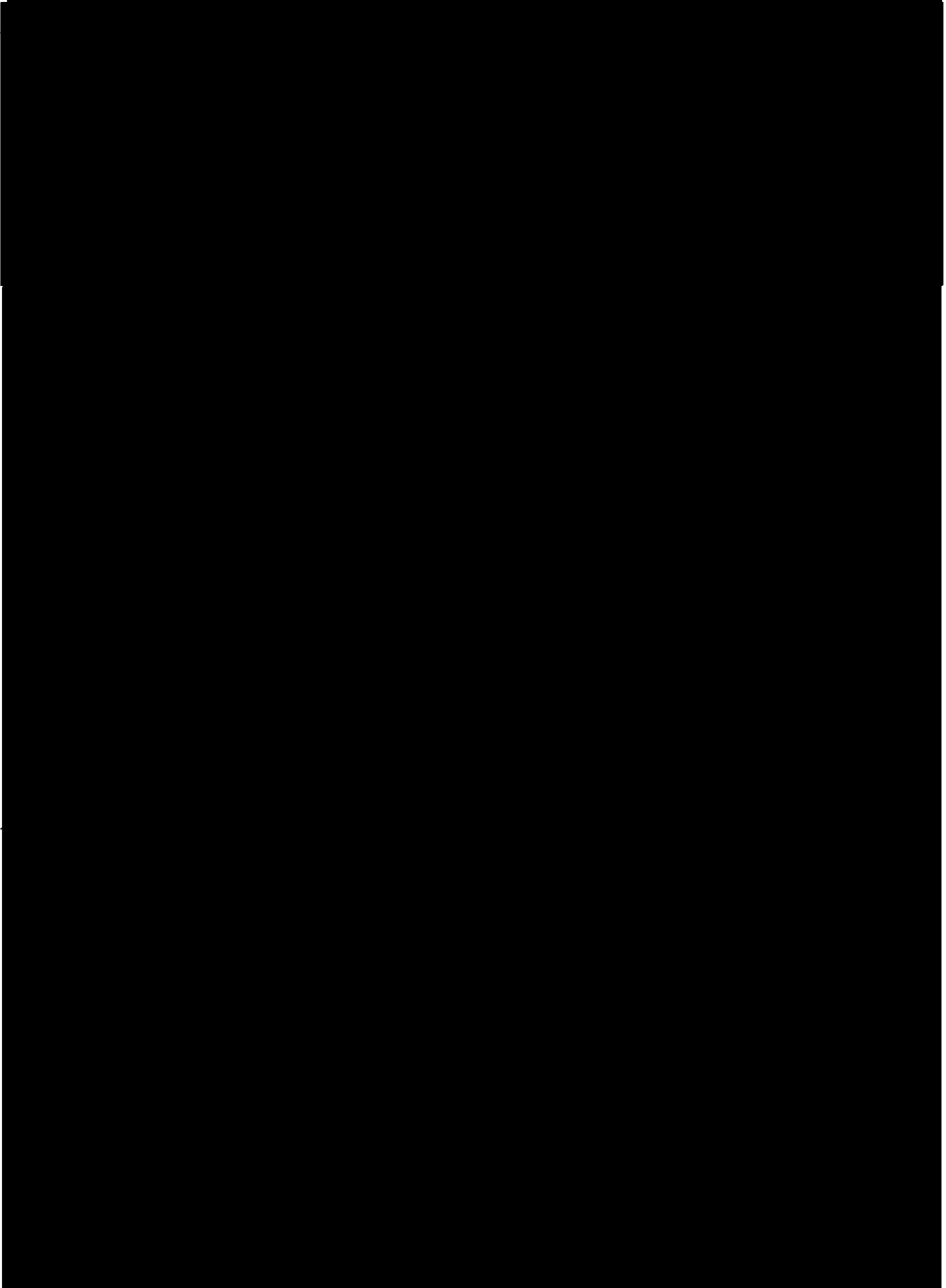
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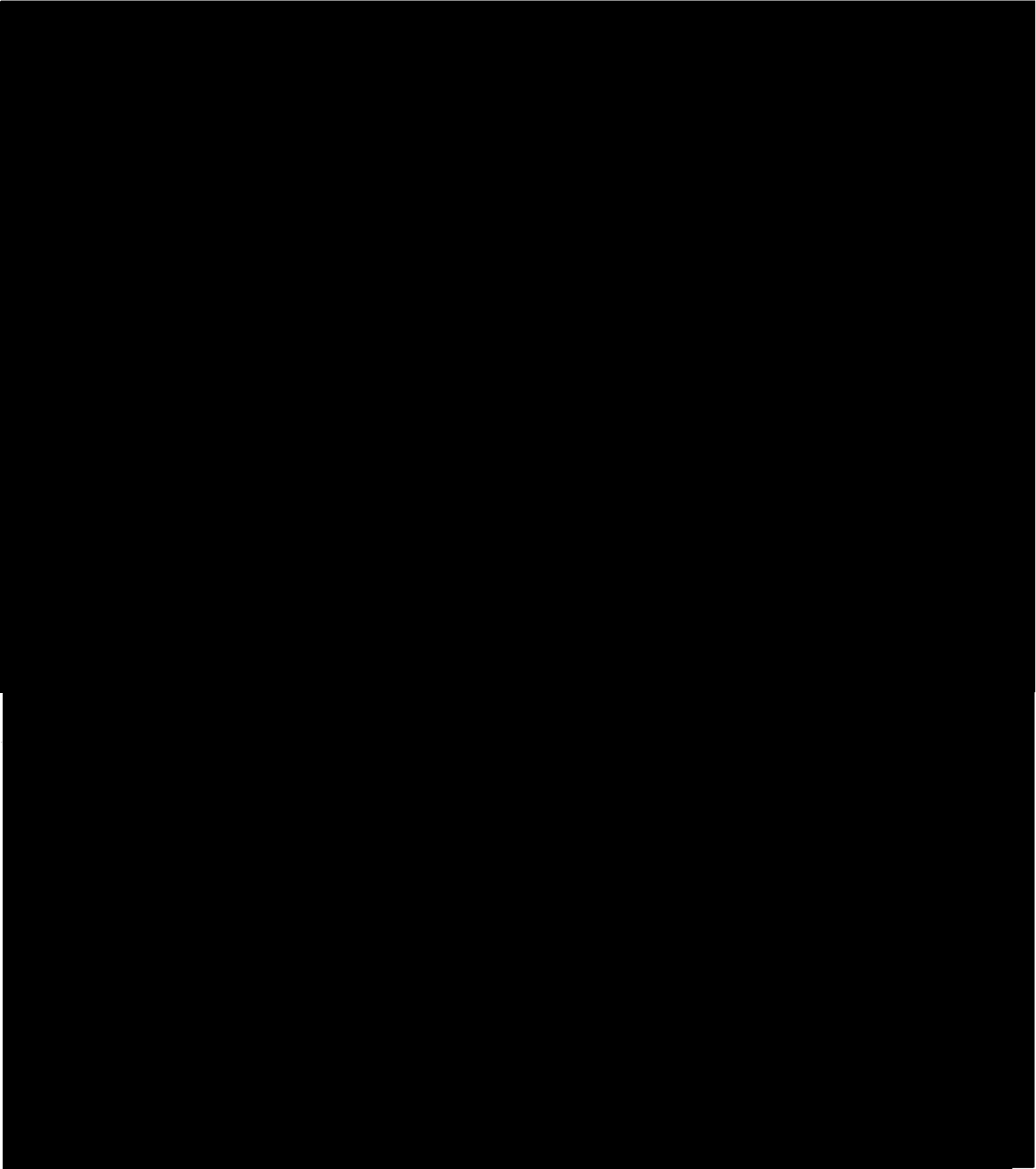
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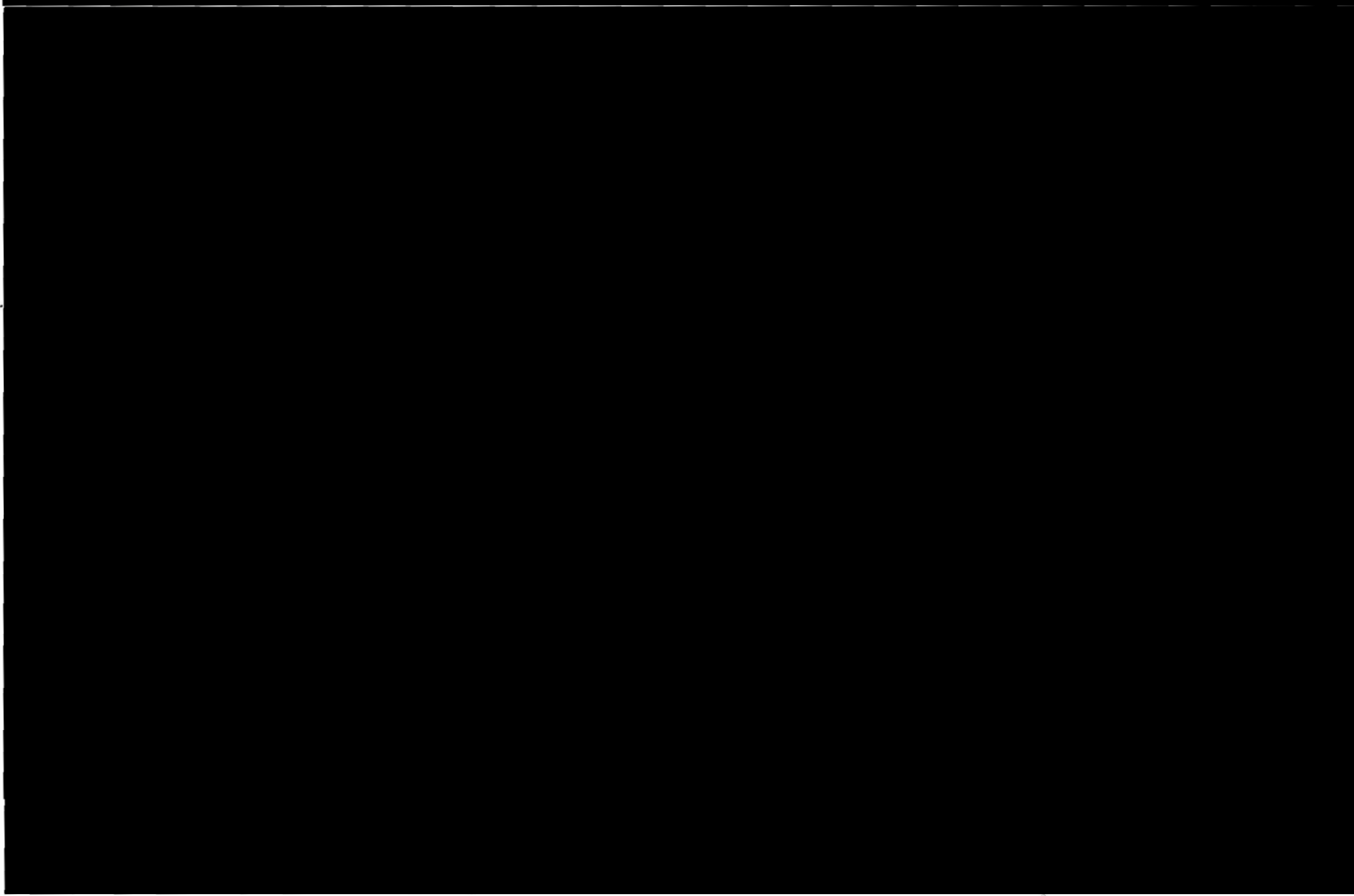


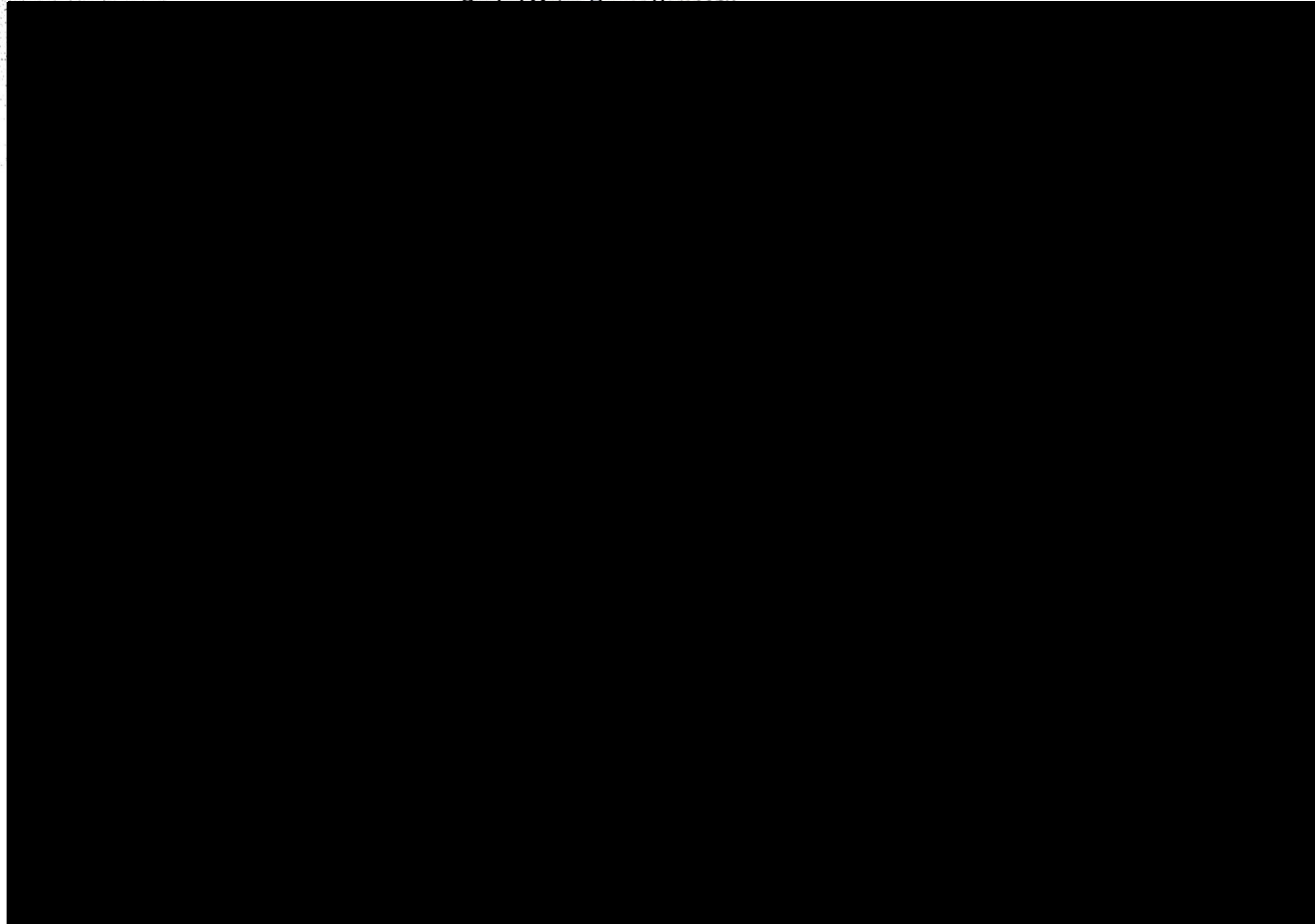


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ME - TD

Detroit



