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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
MAINE LAND USE PLANNING COMMISSION

IN THE MATTER OF
CENTRAL MAINE POWER COMPANY'S
NEW ENGLAND CLEAN ENERGY CONNECT PROJECT

NATURAL RESOURCES PROTECTION ACT
SITE LOCATION OF DEVELOPMENT ACT
SITE LAW CERTIFICATION

HEARING - DAY 3

WEDNESDAY, APRIL 3, 2019

PRESIDING OFFICER: SUSANNE MILLER

Reported by Lorna M. Prince, a Notary Public and
court reporter in and for the State of Maine, on April
3, 2019, at the University of Maine at Farmington
Campus, 111 South Street, Farmington, Maine, commencing
at 9:01 a.m.

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1 TRANSCRIPT OF PROCEEDINGS

2 MS. MILLER: Good morning everybody.
3 We're going to go ahead and get started. Good morning,
4 I now call to order this third daytime portion of the
5 public hearing of the Maine Department of Environmental
6 Protection and the Land Use Planning Commission on the
7 New England Clean Energy Connect project. As a
8 reminder, this hearing is to evaluate the application
9 submitted by Central Maine Power pursuant to the
10 Department's requirements of the Natural Resources
11 Protection Act and Site Location Development Act as
12 well as the Commission's Site Law Certification
13 process. We have extra copies of today's agenda at the
14 table in the back of the room.

15 I wanted to introduce a few new faces
16 today. Over to my right we have Mark Bergeron, who's
17 the director of our Bureau of Land Management at the
18 Department. Also we have Lorna Prince, who's sitting
19 in for Robin for transcription. She'll be here today.
20 She was here last night as well. You'll note that she
21 has not been here on Monday and Tuesday, so she might
22 not be as familiar with your names, so again, you've
23 all done a fabulous job with this, but any time you
24 speak, if you could state your name and which group
25 you're with, that would really help her a whole lot.

1 As a reminder, I expect all participants
2 to conduct themselves professionally and to be succinct
3 in what you're saying. Please be aware of time
4 constraints and at this time I ask you to silence or
5 turn off your electronic devices, including cell
6 phones, remind everybody to use microphones when you're
7 speaking and to turn them off when you're done. So at
8 this point I'd like to swear in today's witnesses. It
9 looks like we've got Group 3, Group 5, Groups 2 and 10
10 and Group 7, so whoever is here, and if we don't have
11 everyone here for some of the later afternoon groups,
12 we can swear them in again in the afternoon. Thank
13 you.

14 Do you swear or affirm that the
15 testimony you are about to give is the whole truth and
16 nothing but the truth? Thank you.

17 All right. Let's go head and get
18 started. Our first witness summary for direct
19 testimony will be from Group 3, Mr. Meyers.

20 BOB MEYERS: Good morning, my name is
21 Bob Meyers. I'm the executive director of the Maine
22 Snowmobile Association. I've been the executive
23 director for 23 years. We represent 289 snowmobile
24 clubs across the state. Our clubs in turn have an
25 aggregate membership of approximately 28,000

1 individuals and 2,100 businesses. We provide advocacy,
2 safety education and technical assistance and general
3 support for the snowmobile community.

4 Our clubs maintain approximately
5 14,500 miles of trails statewide, 95 percent of those
6 trails are on private land. We're fortunate to be able
7 to use a lot of this land and our clubs work closely
8 with the landowners and strongly support landowner
9 relations efforts in the State of Maine. Approximately
10 620 miles of those trails are on CMP property.

11 Over the years, as I said, I've been
12 there 23 years, I get a lot of complaints from
13 consumers. Our clubs do a good job, but things happen.
14 I can say that over the years I have never had a
15 complaint from somebody who said their experience was
16 ruined by the fact that they were riding on a power
17 line. It's an easily accessible place. The trail has
18 already been cleared for us and all practical purposes
19 and they go in straight lines. So the construction of
20 this proposed transmission line we don't believe will
21 have a negative effect on existing scenic values, or
22 negatively impact snowmobiling in any way in the State
23 of Maine.

24 MS. MILLER: Thank you.

25 BOB MEYERS: Thank you.

1 MS. MILLER: So we can start with
2 cross-examination. We'll start with Groups 2 and 10.
3 Wait a minute, sorry about that, I apologize, Mr.
4 Manahan, the Applicant has the first opportunity for
5 cross-examination.

6 MR. MANAHAN: Thank you, yeah, Miss
7 Gilbreath is going to take this one, thanks.

8 MS. GILBREATH: Thank you. My name is
9 Lisa Gilbreath. I represent CMP. Good morning, Mr.
10 Meyers.

11 BOB MEYERS: Good morning.

12 MS. GILBREATH: You just stated that
13 95 percent of the snowmobile trails in Maine are on
14 privately owned land. Did I hear that correctly?

15 BOB MEYERS: That's correct.

16 MS. GILBREATH: How does the
17 snowmobiling community feel about its use of private
18 land for their recreation?

19 BOB MEYERS: Well, obviously it's
20 absolutely essential for our operations and so they
21 work very closely with the landowners accommodating
22 them. We realize we're secondary use on their
23 property, and so they work very closely with the
24 landowners if there's changes, say, for example, forest
25 landowner, if they need to do logging and things like

1 that. The clubs work very hard to relocate the trails.
2 And quite honestly, the landowner community in the
3 state is tremendous and they work with clubs and work
4 hard to ensure that we have connectivity, which is the
5 most important thing on the trail system.

6 MS. GILBREATH: Are you familiar with
7 segment one of the NECEC project?

8 BOB MEYERS: Basically, yeah.

9 MS. GILBREATH: Would you characterize
10 this area as pristine?

11 BOB MEYERS: No.

12 MS. GILBREATH: Would you characterize
13 it as untouched?

14 BOB MEYERS: No.

15 MS. GILBREATH: Can you describe to me
16 what's located at the top of Coburn Mountain?

17 BOB MEYERS: Some very nice views,
18 there's an observation tower. There's a number of
19 radio transmitter stations. There's a small, I think
20 at least one or two utility -- I have not been there in
21 a year or two, but a utility building or two.

22 MS. GILBREATH: Are there solar panels
23 as well?

24 BOB MEYERS: Could very well be.

25 MS. GILBREATH: Is an electric

1 transmission line in your opinion incompatible with
2 snowmobiling use?

3 BOB MEYERS: I don't think so at all.

4 MS. GILBREATH: Are snowmobilers
5 deterred by the existence of a transmission line?

6 BOB MEYERS: Absolutely not.

7 MS. GILBREATH: How did you determine
8 the support of your organization for this project?

9 BOB MEYERS: Well, we -- quite honestly
10 we viewed this as a fairly routine and noncontroversial
11 decision. Basically the way our organization is
12 structured we have -- each one of our clubs is entitled
13 to -- a director to represent their club at our board
14 meetings and in the case of CMP, they originally
15 approached us back last year. At our August meeting in
16 Skowhegan they came and did a presentation. At that
17 time we told the -- we had some discussion and we told
18 the directors that we could discuss it again in
19 September at our meeting, which we did. We published
20 the minutes in our September newspaper that went out to
21 all the members. At our September meeting in Saco we
22 discussed it and said we would be voting in October on
23 this. Again, published the September minutes in our
24 October newspaper and then our October meeting in
25 Augusta I believe it was, they voted to support the

1 project.

2 MS. GILBREATH: Who's they?

3 BOB MEYERS: The directors.

4 MS. GILBREATH: Of each?

5 BOB MEYERS: The directors representing
6 their clubs and the association. Interestingly enough,
7 our November meeting then, of course we published the
8 results of what the vote was, our November meeting was
9 in Caratunk and we were wondering if we'd see some
10 pushback from people who were concerned and there was
11 none.

12 MS. GILBREATH: So is it fair to say
13 that snowmobilers are accustomed to recreating in or
14 near electricity transmission lines and related
15 infrastructure?

16 BOB MEYERS: We have, like I said,
17 620 miles that are on or across CMP property in the
18 state already. We have probably a similar amount in
19 northern Maine with the company up there and yeah, I
20 mean, the people who are out riding are looking to get
21 from point A to point B and our clubs are looking to do
22 it in the most cost effective and easy way possible.

23 MS. GILBREATH: Thank you. I have no
24 further questions.

25 MS. MILLER: Thank you. Groups 2 and 10

1 and I guess part of Group 1, too.

2 MS. BOEPPLE: For the record, my name is
3 Elizabeth Boepple. I'm representing all of the members
4 of Group 2, Intervenors in Group 2, Ed Buzzell from
5 Group 10 who is admitted to the DEP as well. Today and
6 this the morning I'm asking cross-examination questions
7 on behalf of the Maine Wilderness Guides Organization,
8 which is an Intervenor in Group 1.

9 MR. MANAHAN: Could I just ask --

10 MS. BOEPPLE: And I filed an appearance
11 for that.

12 MR. MANAHAN: That's fine. My question
13 is I don't think Group 1 has any time for this witness
14 on -- they didn't ask for time for this witness, so I'm
15 just clarifying that you're not adding to the time.

16 MS. MILLER: That's correct. There's no
17 time for Group 1 on this particular witness.

18 MS. BOEPPLE: I was just trying to
19 establish for the record who I'm talking for today.

20 MS. MILLER: Thank you.

21 MS. BOEPPLE: Good morning, Mr. Meyers.

22 BOB MEYERS: Good morning.

23 MS. BOEPPLE: You just said that you
24 spent some time talking with the directors of the
25 different clubs who were involved in your organization

1 and what information did you provide to them about this
2 corridor?

3 BOB MEYERS: Basically the information
4 that CMP had provided to us.

5 MS. BOEPPLE: Okay. So you didn't
6 necessarily give them all of the details that have come
7 out in the process of this?

8 BOB MEYERS: We gave them all the
9 details that were appropriate to our situation.

10 MS. BOEPPLE: Now, is it also true that
11 you did not do a survey of the members themselves?

12 BOB MEYERS: We've never surveyed our
13 members in the 23 years I've been there. Our
14 governance process is through the board of directors.

15 MS. BOEPPLE: But at no time did you
16 undertake to try and query the individual members from
17 the groups?

18 BOB MEYERS: No, we just -- we don't
19 function that way.

20 MS. BOEPPLE: Do you ever hear from the
21 individual members?

22 BOB MEYERS: On occasion, actually quite
23 regularly on a variety of issues.

24 MS. BOEPPLE: Okay. And did you -- have
25 you received comments from your members related to this

1 project?

2 BOB MEYERS: Very few, less than a
3 dozen.

4 MS. BOEPPLE: And not many from the
5 Coburn Mountain area?

6 BOB MEYERS: Not that I have heard from.

7 MS. BOEPPLE: Is it possible that they
8 could have contacted their group directors and that
9 message didn't get passed along to you?

10 BOB MEYERS: It could very well be.

11 MS. BOEPPLE: Okay. Is it -- your
12 testimony, I believe, was that you never heard a single
13 complaint about seeing or snowmobiling in the vicinity
14 of a power line; is that correct?

15 BOB MEYERS: Well, what I said was over
16 the years, you know, obviously we hear complaints, but
17 I have never had anybody specifically complain that
18 their experience was somehow diminished by riding on a
19 power line, or for that matter in the vicinity of any
20 other type of industrial development.

21 MS. BOEPPLE: Have you ever heard anyone
22 say that they come specifically to enjoy seeing power
23 lines?

24 BOB MEYERS: No.

25 MS. BOEPPLE: Okay. I'm just trying to

1 put this in the context. You also just testified that
2 people ride to get from point A to point B?

3 BOB MEYERS: Mmm-hmm.

4 MS. BOEPPLE: Do they not enjoy the
5 route along the way as well?

6 BOB MEYERS: Sure they do.

7 MS. BOEPPLE: I apologize, I have to
8 jump around a little bit because I have a lot folks
9 that I'm representing and they have a lot of questions
10 for you. Could you describe to me -- you did this a
11 little bit just before during the previous
12 cross-examination. Before you expressed MSA'S public
13 opinion on this project, could you just take us back
14 for a second and explain the timeline for that?

15 BOB MEYERS: Sure, once again, CMP
16 approached us. We arranged to have them --

17 MS. BOEPPLE: I'm sorry, in the timeline
18 could you tell me exactly when that occurred?

19 BOB MEYERS: I'm getting there.

20 MS. BOEPPLE: Okay.

21 BOB MEYERS: They approached us in, it
22 was either it late July or early August of last year
23 and --

24 MS. BOEPPLE: 2018?

25 BOB MEYERS: Yes, and we invited them to

1 come to your directors' meeting in Skowhegan, which I
2 believe was the third Tuesday in August.

3 MS. BOEPPLE: And I'm going to interrupt
4 you and occasionally just ask you additional questions.
5 Could you tell us how many of your directors were
6 present at that meeting?

7 BOB MEYERS: There was approximately 50
8 people there.

9 MS. BOEPPLE: And they were all
10 directors?

11 BOB MEYERS: Not all directors, but I
12 mean, any of our members are welcome to attend, but --

13 MS. BOEPPLE: I see, okay.

14 BOB MEYERS: And they came and did their
15 presentation. There was some discussion, members asked
16 a lot of questions and then we told them we would be
17 discussing this at our September meeting and making a
18 decision at our October meeting.

19 MS. BOEPPLE: Did you publish that to
20 the members organization wide were aware of that?

21 BOB MEYERS: It was in the minutes of
22 the meeting, which was published in the September issue
23 of our newspaper.

24 MS. BOEPPLE: And --

25 BOB MEYERS: And then subsequently we

1 had a meeting in September in Saco and we brought it up
2 again for some additional discussion and once again, we
3 reiterated that we would be voting in October. The
4 October newspaper came out and had the minutes and then
5 at the October meeting a motion was made to pass to
6 support the project.

7 MS. BOEPPLE: And so what could you tell
8 us -- do all of the directors vote, is that the process
9 you use?

10 BOB MEYERS: Yup.

11 MS. BOEPPLE: Okay. And do you have a
12 record of those who were in attendance and what the
13 vote was?

14 BOB MEYERS: Basically it was a show of
15 hands.

16 MS. BOEPPLE: I see. So you wouldn't
17 know, for example, if I were to ask you, how
18 representative those directors were of the different
19 areas that the organization --

20 BOB MEYERS: We would --

21 MS. BOEPPLE: If I could just finish,
22 that the organization represents?

23 BOB MEYERS: From sign-in sheets we
24 would know who was there, but basically the vote was
25 just recorded as a show of hands.

1 MS. BOEPPLE: Okay. So sitting here
2 today, you couldn't tell us, for example, if it was a
3 lot from the southern part of the state versus the
4 northern part of the state?

5 BOB MEYERS: No.

6 MS. BOEPPLE: Okay.

7 MS. MILLER: Can I just interrupt real
8 quick?

9 MS. BOEPPLE: Sure.

10 MS. MILLER: Mr. Meyers, would you mind
11 pulling the mic just a little closer to your face.

12 BOB MEYERS: Sorry.

13 MS. MILLER: Thank you.

14 MS. BOEPPLE: I'd like to focus a little
15 bit on the Coburn Johnson Mountain Trail System. You
16 said you haven't been up to the top of the Coburn
17 Mountain in at least a year?

18 BOB MEYERS: Year or two.

19 MS. BOEPPLE: Year or two, but you are
20 familiar with the trail routes?

21 BOB MEYERS: Yes.

22 MS. BOEPPLE: Could you tell me from
23 your experience and from your understanding of those
24 trail routes why that would be a popular snowmobile
25 destination?

1 BOB MEYERS: Well, it's very scenic, the
2 trails are very well maintained and there's some great
3 opportunities to visit things. I have been there twice
4 this past winter in that area. It's a great place to
5 take inexperienced riders. And there's a -- basically
6 we take people on a loop and we go out to Grand Falls
7 on the Dead River and then over to Coburn Mountain and
8 I think in both cases this year the first time we went
9 I believe the trail to the summit was closed because of
10 high wind and snow conditions. And the second time I
11 was there the trail with Coburn was closed because it
12 was -- the groomer -- they had a groomer break down,
13 hadn't been up through to groom the trail. And then
14 you go over the other side, you cross it at Lake Parlin
15 and ITS87, which is one of our major trails, goes back
16 south to The Forks, and that actually follows the power
17 line along there for some distance.

18 MS. BOEPPLE: Would it be fair to say
19 that the Coburn and Johnson Mountain trails,
20 particularly to the top of Coburn Mountain is unique in
21 terms of scenery that you can --

22 BOB MEYERS: It's very nice. It's very
23 nice.

24 MS. BOEPPLE: And would it also be fair
25 to say that it's not even used by folks here in Maine,

1 but those people travel to Maine to traverse those
2 trails?

3 BOB MEYERS: Yes.

4 MS. BOEPPLE: And that's a big part of,
5 at least from trail snowmobiling association's
6 perspective, there's a lot to attract people here and
7 bring them to the area; is that fair to say?

8 BOB MEYERS: Yes.

9 MS. BOEPPLE: At any time during your
10 discussions with CMP, did you talk at any point about
11 possibly altering the route that they had chosen?

12 BOB MEYERS: No.

13 MS. BOEPPLE: So there was no discussion
14 that perhaps the system would be improved by a
15 different route of the corridor?

16 BOB MEYERS: No.

17 MS. BOEPPLE: Okay. So, is it fair to
18 say that MSA has taken this position in part because it
19 was based on information that was provided by CMP at a
20 point in time; is that correct?

21 BOB MEYERS: Yes.

22 MS. BOEPPLE: And you haven't revisited
23 that decision?

24 BOB MEYERS: We had no reason to revisit
25 that decision.

1 MS. BOEPPLE: Have you done any
2 additional exploration about the information you were
3 provided by CMP at the time?

4 BOB MEYERS: No.

5 MS. BOEPPLE: And --

6 BOB MEYERS: We were satisfied that they
7 had answered all the questions we had when we initially
8 met.

9 MS. BOEPPLE: So I assume you've
10 reviewed the testimony of Groups 2 and 10?

11 BOB MEYERS: Mmm-hmm.

12 MS. BOEPPLE: And I assume you see that
13 they have a difference of opinion?

14 BOB MEYERS: Yeah.

15 MS. BOEPPLE: And so sitting here today,
16 their concerns, wouldn't those also form a basis for
17 perhaps revisiting this by the MSA?

18 BOB MEYERS: I don't believe so, you
19 know, as I told you initially, this was a fairly
20 routine and noncontroversial decision for us. We work
21 very closely with the landowners. We support the
22 landowners, and the way we looked at this is they own
23 this property, they're proposing a project, you know,
24 it's -- we're kind of offended by the notion that
25 somebody would feel that they could tell a private

1 organization what they could do with their private
2 property.

3 MS. BOEPPLE: I understand that's your
4 position. Is that the position of the organization --

5 BOB MEYERS: Yes.

6 MS. BOEPPLE: -- or you're speaking on
7 behalf of --

8 BOB MEYERS: Yes, I am.

9 MS. BOEPPLE: I'm sorry, yes, you are
10 what?

11 BOB MEYERS: Yes, I am speaking on
12 behalf of the association.

13 MS. BOEPPLE: I see. And so you have a
14 difference of opinion than the individuals who own
15 businesses and operate and rely on the trail system?

16 BOB MEYERS: In some cases.

17 MS. BOEPPLE: Okay. So your opinion and
18 what you're representing by the association is not
19 necessarily uniform across the area of the Coburn
20 Mountain for example?

21 BOB MEYERS: Well, that's safe to say,
22 yeah.

23 MS. BOEPPLE: Okay. Thank you. No
24 further questions.

25 MS. MILLER: Thank you. Group 4.

1 MS. JOHNSON: My name is Cathy Johnson
2 and I'm representing Group 4. Good morning, Mr.
3 Meyers.

4 BOB MEYERS: Cathy.

5 MS. JOHNSON: You're a resident of Bath,
6 Maine; is that right?

7 BOB MEYERS: Correct.

8 MS. JOHNSON: And that's a two, three
9 hours drive from the 53 mile section of transmission
10 line?

11 BOB MEYERS: Roughly.

12 MS. JOHNSON: And you said it had been a
13 number of years since you've been snowmobiling up in
14 that area?

15 BOB MEYERS: No, actually I have been
16 there this winter. I have not been to the top of
17 Coburn Mountain for a couple of years.

18 MS. JOHNSON: Okay. And you testified
19 just now that the Snowmobile Association did not survey
20 its membership --

21 BOB MEYERS: Right.

22 MS. JOHNSON: -- on the question about
23 members supporting the CMP line?

24 BOB MEYERS: Correct.

25 MS. JOHNSON: But in the past, perhaps

1 before your time at Maine Snowmobile Association, the
2 Snowmobile Association has surveyed its members,
3 correct?

4 BOB MEYERS: Not that I'm aware of.

5 MS. JOHNSON: Okay. So you testified
6 that this project was routine and noncontroversial to
7 your members?

8 BOB MEYERS: Right.

9 MS. JOHNSON: Would you say that it's
10 still routine and noncontroversial among your members?

11 BOB MEYERS: Yes.

12 MS. JOHNSON: Isn't it true that you've
13 had a number of members resign from the Maine
14 Snowmobile Association as a result of this project?

15 BOB MEYERS: Define a number of members.

16 MS. JOHNSON: You can --

17 BOB MEYERS: We've had two. We've had
18 two people who resigned their memberships.

19 MS. JOHNSON: It's your testimony that a
20 grand total of a two people have resigned?

21 BOB MEYERS: Correct. I will clarify
22 though, we received a number of calls from people
23 stating their intention to resign, but when we looked
24 them up, it turns out they weren't members, so they
25 can't really --

1 MS. JOHNSON: So isn't it true that a
2 number of people testified at a public hearing that
3 they would be dropping their membership in the Maine
4 Snowmobile Association?

5 BOB MEYERS: I know of two for sure.

6 MS. JOHNSON: And how many members do
7 you have?

8 BOB MEYERS: We have about 28,000
9 individuals and it's over 10,000 families is what it
10 boils down to.

11 MS. JOHNSON: And you checked the
12 records of all 10,000 of those to see if they had
13 dropped their membership because of the --

14 BOB MEYERS: It would be impossible to
15 determine that. I mean, the memberships are sold by
16 our clubs. I can tell you our membership is up this
17 year, so I don't know.

18 MS. JOHNSON: So you really don't know
19 how many people resigned as a result of this -- their
20 disagreement of the CMP line?

21 BOB MEYERS: I think if there had been
22 any kind of number, we would have started hearing from
23 our clubs saying hey, this is a problem and we have not
24 heard that.

25 MS. JOHNSON: You haven't heard anything

1 from the clubs in The Forks region?

2 BOB MEYERS: I've heard from individuals
3 in The Forks region.

4 MS. JOHNSON: Are you aware that the
5 Sportsman's Alliance of Maine also initially supported
6 this project and then after hearing concerns from some
7 of their members rescinded their support?

8 BOB MEYERS: That's my understanding,
9 yes.

10 MS. JOHNSON: Did you consider a similar
11 course of action?

12 BOB MEYERS: No because we weren't
13 hearing complaints from our members.

14 MS. JOHNSON: Are you aware that the
15 summit of Coburn Mountain is the first choice
16 destination for snowmobilers in the region?

17 BOB MEYERS: I know it's a popular
18 destination. I have no idea how somebody could
19 quantify that.

20 MS. JOHNSON: And are you aware that the
21 proposed line would be visible from virtually every
22 scenic viewpoint in the region including Coburn
23 Mountain on a typical ride?

24 BOB MEYERS: I suppose that's possible.

25 MS. JOHNSON: You've testified that

1 there are 620 miles of snowmobile trails in Maine that
2 are used by -- on CMP property that are used by members
3 of your organization; is that right?

4 BOB MEYERS: Yeah.

5 MS. JOHNSON: And I assume those trails
6 are very important to you and your members?

7 BOB MEYERS: Yes, they are.

8 MS. JOHNSON: So of course you wouldn't
9 want to say anything negative about this line that
10 might upset CMP because you might lose the ability to
11 use the 620 miles of trails, isn't that correct?

12 BOB MEYERS: No, I think that's
13 nonsense.

14 MS. JOHNSON: I have no further
15 questions.

16 MS. MILLER: Thank you. Okay. So
17 questions by the Department?

18 MR. BEYER: Mr. Meyers, you said it's
19 been a couple of years since you've ridden to the top
20 of Coburn Mountain?

21 BOB MEYERS: Yes.

22 MR. BEYER: Have you discussed with any
23 of your members or riders that were in your group about
24 what the views were like and whether or not they felt
25 it would be unreasonable to view a transmission line

1 from the top of Coburn Mountain?

2 BOB MEYERS: No, I mean, it's very
3 scenic. It is the highest point you can reach by
4 snowmobile in the State of Maine by a snowmobile trail
5 and so it is a popular destination. There is very wide
6 ranging views in I'd say about 270 degrees.

7 MR. BEYER: Thank you. The other
8 questions I was going to ask have already been asked.

9 MR. BERGERON: Mr. Meyers, can you give
10 me a sense of the rough percentage of in state versus
11 out of state members in your association, please?

12 BOB MEYERS: Roughly 20 percent of our
13 members are nonresidents.

14 MR. BERGERON: Okay. And this question
15 may have been kind of asked before, but do you have a
16 sense from your different directors if there's a
17 difference of opinion of in staters versus out of
18 staters regarding this project?

19 BOB MEYERS: I don't believe so. Maine
20 is one of the premier snowmobiling destinations in
21 North America. As a matter of fact, we have about
22 24,000 nonresidents who have registered their machines
23 so far this year. That's up 37 percent over last year
24 and we frequently hear nothing but praise for the trail
25 system. I mean, that's a statewide perspective. I

1 mean, people from out of state, and they come from as
2 far away as Maryland and Ohio and places like that, and
3 they're dispersed all over the state and they have, for
4 the most part, nothing but just glowing praise for the
5 trail system.

6 MR. BERGERON: Great, thank you.

7 MS. MILLER: I don't think any of us
8 have any more questions so we'll go on to redirect, if
9 there is any redirect.

10 MR. PETRUCCELLI: No redirect, thank
11 you.

12 MS. MILLER: Okay. Then thank you very
13 much, Mr. Meyers.

14 BOB MEYERS: Thank you.

15 MS. MILLER: So we'll move on to Group
16 5.

17 MR. PETRUCCELLI: Excuse me, this is
18 Gerald Petrucelli, Group 3, is Mr. Meyers now free to
19 go? He won't be asked any more cross-examination?

20 MS. MILLER: Yes.

21 MR. PETRUCCELLI: Thank you very much.

22 MIKE NOVELLO: Good morning.

23 MS. MILLER: Good morning.

24 MIKE NOVELLO: For the record, my name
25 is Mike Novello. I'm with Wagner Forest Management and

1 here representing Group 5. I gave a slide for this
2 morning, but I think it's just as easy to read without
3 putting it up there. So Wagner is not taking any
4 position for or against the project. Our sole comments
5 had to do with some of the photos that were being used
6 in the application as well as the photo simulations.

7 So appendix B, map three, photos 3-36,
8 37, 38 and 39 were taken from our client's private land
9 in The Forks.

10 MS. MILLER: Can you repeat that again,
11 I'm really sorry.

12 MIKE NOVELLO: Oh, sure, I'm sorry, I'm
13 going a little fast here. So four photos, so it's
14 Appendix B, map three, photos 3-36, 37, 38 and 39 were
15 all taken in The Forks from, as far as we can tell,
16 according to the map showing where they were taken
17 from, from our private land, from our client's private
18 land.

19 MS. MILLER: Which testimony is this
20 from?

21 MIKE NOVELLO: This is from
22 the Applicants -- this is from the application.

23 MS. MILLER: Thank you.

24 MIKE NOVELLO: Yup. Based off of those
25 photos, there were simulations made. Those are shown

1 in Appendix D of the application, photo simulation 16
2 and 17. There was no permission sought as far as we
3 can tell from the Applicant to take these photos or to
4 use them in the application or to use them based --
5 generate photo simulations from them. Since no
6 permission was sought, obviously consent was not given
7 to include them in the Visual Impact Assessment and
8 it's our position that the scenic character from
9 private lands should not be considered in the
10 evaluation, understand obviously that it's different
11 from other plans.

12 So that's essentially our testimony here
13 is that these four photos and these two photo
14 simulations are coming from private land taken without
15 permission and not authorized to be used as part of a
16 Visual Impact Assessment.

17 MS. MILLER: Thank you.

18 Cross-examination by the applicant?

19 MS. GILBREATH: This is Lisa Gilbreath.
20 Good morning, Mr. Novello.

21 MIKE NOVELLO: Good morning.

22 MS. GILBREATH: Lisa Gilbreath on behalf
23 of CMP. Now, you represent Wagner, correct?

24 MIKE NOVELLO: That is correct.

25 MS. GILBREATH: And Wagner manages

1 timberland for large private landowners in the area
2 that the project crosses?

3 MIKE NOVELLO: That's correct.

4 MS. GILBREATH: And Wagner manages these
5 tracks of private land for forest operations?

6 MIKE NOVELLO: That is correct.

7 MS. GILBREATH: Does Wagner also
8 maintain miles of private logging roads to service
9 these commercial forest operations?

10 MIKE NOVELLO: Yes, we do.

11 MS. GILBREATH: Do you know
12 approximately how many miles?

13 MIKE NOVELLO: I don't have that number.

14 MS. GILBREATH: Okay. Wagner has
15 traditionally allowed the public to use these private
16 logging roads, correct?

17 MIKE NOVELLO: That is correct in many
18 areas. Also we do allow snowmobile or ATV use as well.
19 We have found that allowing our neighbors to be able to
20 recreate on the land is beneficial and fosters good
21 relations with our neighbors.

22 MS. GILBREATH: Wagner has traditionally
23 allowed the public to recreate on this land as well?

24 MIKE NOVELLO: That is correct.

25 MS. GILBREATH: Do you think it's

1 reasonable for the public to complain about the impacts
2 to use from private land?

3 MIKE NOVELLO: I do not.

4 MS. GILBREATH: Do you think it is
5 reasonable for regulators to consider visual impacts to
6 private client's land?

7 MIKE NOVELLO: No, I do not.

8 MS. GILBREATH: Do you think it is
9 reasonable for regulators to consider visual impacts to
10 private roads?

11 MIKE NOVELLO: No, I do not.

12 MS. GILBREATH: Thank you. I have no
13 further questions.

14 MS. MILLER: Thank you. Group 7
15 cross-examination?

16 MR. SMITH: No questions, thank you.

17 MS. MILLER: Thank you. Group 3?

18 MR. BUXTON: No questions, thank you.

19 MS. MILLER: Is Group 1 here yet? Yes,
20 Ms. Boepple?

21 MS. BOEPPLE: Good morning.

22 MIKE NOVELLO: Good morning.

23 MS. BOEPPLE: I'm Elizabeth Boepple.

24 I'm here to ask questions on behalf of Maine Wilderness
25 Guide Organization as well as Groups 2 and 10 and I

1 have just a few questions. I think that's the other
2 one. The first one on there, sorry. There we go. So,
3 I believe you just testified that your position is that
4 this is private land and that therefore, the public
5 doesn't have any rights to it; is that an
6 overstatement?

7 MIKE NOVELLO: I don't know if I would
8 go -- any rights, I'm usually hesitant to agree to
9 universally. I'm saying very little rights.

10 MS. BOEPPLE: Okay. But there is some
11 expectation perhaps by the public?

12 MIKE NOVELLO: I would say that there is
13 a historical expectation from some on the public, but I
14 guess I don't believe that that is warranted or
15 correct.

16 MS. BOEPPLE: Well, I'm going to show
17 you what we're going to label as actually Group 1
18 Cross. And this is taken directly from the Wagner
19 Forest Management'S website. Is that your logo?

20 MIKE NOVELLO: Yes, it is.

21 MS. BOEPPLE: Does this look like a page
22 from your website?

23 MIKE NOVELLO: That does.

24 MS. BOEPPLE: Okay. And so could you
25 just read to us what that says?

1 MIKE NOVELLO: Sure. Compared to other
2 regions, there is a relatively small amount of public
3 land in the northeast United States and therefore,
4 private forest land is used heavily by the recreating
5 public. In keeping with this tradition, most Wagner
6 Timberland in the northeast is open to the public for
7 low impact activities such as hunting, fishing and
8 hiking, along with the increasingly popular sports like
9 snowmobiling.

10 MS. BOEPPLE: So isn't it fair to assume
11 that Wagner Forest not only makes its lands somewhat
12 available to the public, but it actively invites the
13 public?

14 MIKE NOVELLO: I wouldn't -- no, I don't
15 believe it would be correct to say actively invites.
16 That would -- in my mind that would involve some sort
17 of marketing campaign, brochure, something along those
18 lines perhaps.

19 MS. BOEPPLE: Or a website perhaps?

20 MIKE NOVELLO: No, I don't believe that
21 there's any particular call -- I don't believe that
22 there's a call there. That doesn't -- that seems
23 fairly passive allowance as opposed to an active
24 invitation.

25 MS. BOEPPLE: So why don't we go to the

1 next page. And this, would you also agree, that's your
2 logo?

3 MIKE NOVELLO: Yes.

4 MS. BOEPPLE: In the upper right corner?
5 Does that look like a photograph that came your web
6 page?

7 MIKE NOVELLO: It looks like it could
8 be. I don't know for sure.

9 MS. BOEPPLE: And this page is captioned
10 recreation and sport?

11 MIKE NOVELLO: Yes.

12 MS. BOEPPLE: And I will represent to
13 you that this is taken from your website.

14 MIKE NOVELLO: I wouldn't contest that.

15 MS. BOEPPLE: And in fact, this is a
16 page that's labeled recreation and sport. In fact,
17 it's a link that a user can click on and it will take
18 you right to this page.

19 MIKE NOVELLO: Okay.

20 MS. BOEPPLE: And again, I'm going to
21 ask you to read to us what this says.

22 MIKE NOVELLO: Throughout the United
23 States, Ontario, Nova Scotia, individuals access Wagner
24 Forest on a daily basis for recreational sport, trails
25 abound for those interested in hiking, skiing,

1 photography, hunting, fishing and other low-impact
2 pedestrian activities. Vehicular access is available
3 to most lands. Snowmobile and ATV enthusiasts find
4 hundreds of miles of designated trail system
5 specifically meant for their use. Wagner works closely
6 with state agencies, private clubs and other
7 organizations to ensure that sensitive ecosystems
8 remain protected and that the recreating public can
9 easily identify trails for motorized activities. The
10 recreational availability of our forest also presents
11 commercial opportunities to locally owned recreational
12 or tourist-based enterprises. Wagner provides
13 opportunities and access for local business people who
14 provide world class sporting camps, exhilarating white
15 water rafting expeditions and a host of other
16 adventures.

17 MS. BOEPPLE: So you've just said that
18 you don't think that there's an active invitation to
19 the public, I would ask you, if don't you think that
20 this page could be generally perceived by a member of
21 the public that that's an active invitation to use some
22 of the trail systems that are on the Wagner Forest
23 lands?

24 MIKE NOVELLO: Yes, I think you could
25 probably characterize that as a description that

1 they're open for use.

2 MS. BOEPPLE: Okay. And that in fact,
3 that's been Wagner Forest Management's history --

4 MIKE NOVELLO: Correct.

5 MS. BOEPPLE: -- to be a good land
6 steward?

7 MIKE NOVELLO: I would characterize this
8 as a good land steward, yes.

9 MS. BOEPPLE: And is there a concern
10 about sustainability as well?

11 MIKE NOVELLO: Absolutely.

12 MS. BOEPPLE: And so it's -- you --
13 instead of being a private versus public, it's a real
14 partnership approach, would that be fair to
15 characterize it?

16 MIKE NOVELLO: No, I don't think I would
17 characterize it as a partnership.

18 MS. BOEPPLE: Not in a legal sense.

19 MIKE NOVELLO: Certainly not in the
20 legal sense. I would say that we certainly strive
21 to -- we strive to meet sustainability objectives.

22 MS. BOEPPLE: And to also encourage a
23 cooperative collaborative kind of use of the land?

24 MIKE NOVELLO: Where it doesn't conflict
25 with other requirements.

1 MS. BOEPPLE: Sure, understandable. All
2 right, thank you so much.

3 MIKE NOVELLO: Thank you.

4 MS. MILLER: Thank you. Group 4?

5 MS. ELY: We yield the rest of our time.

6 MS. MILLER: Okay. Department?

7 MR. BEYER: So, Mr. Novello, it's your
8 opinion that say another landowner adjacent to a Wagner
9 managed piece of ground could put up something big and
10 ugly and obnoxious and Wagner would not say anything or
11 not --

12 MIKE NOVELLO: I believe -- I believe
13 it's our history that if it's -- if it's on private
14 land and it's not a direct impact, then no, we would
15 not -- we would not make a -- we would not have a
16 position.

17 MR. BEYER: And Wagner would also take
18 the position that the regulator should not evaluate the
19 scenic impact of that?

20 MIKE NOVELLO: Not of the private land.
21 So we're not taking the position that from an area
22 that's publically owned, a state park or something of
23 national or regional significance as defined in Maine
24 law, that would certainly be appropriate to consider
25 the scenic impact according to the laws there, but from

1 the private land specifically, no, we would take the
2 position that the regulators should not be evaluating
3 the impacts, the scenic impacts from a private land.

4 MR. BEYER: Thank you.

5 MS. BENSINGER: Good morning, Mr.
6 Wagner, Peggy Bensinger from the attorney general's
7 office -- I mean Mr. Novello.

8 MIKE NOVELLO: That's okay, people are
9 having trouble with my name.

10 MS. BENSINGER: Are you aware of the
11 Department's position that a project under the site
12 location developed has to be evaluated for scenic
13 impacts in general?

14 MIKE NOVELLO: Yes, I am.

15 MS. BENSINGER: And did the Department
16 communicate with you about that the regulations
17 pertaining to that under the site location of
18 development law, specifically Chapter 375 that requires
19 the Department to make a finding of no unreasonable
20 effect on scenic character of the surrounding area of a
21 project?

22 MIKE NOVELLO: I am aware that we
23 received notices from the Department. I couldn't
24 specifically state what the notices pertained to
25 exactly.

1 MS. BENSINGER: Okay. I have no further
2 questions.

3 MS. MILLER: Okay. Before we move on, I
4 just want to clarify for the record. Ms. Boepple, you
5 had intended to introduce that particular website as
6 Group 1 cross?

7 MS. BOEPPLE: Yes.

8 MS. MILLER: Can we have copies?

9 MS. BOEPPLE: I can get them to you,
10 yes.

11 MS. MILLER: And for the parties as
12 well?

13 MS. BOEPPLE: Yes.

14 MS. MILLER: Thank you. Redirect?

15 MIKE NOVELLO: No.

16 MS. MILLER: So we're a little bit ahead
17 of schedule here. The next group we -- so thank you,
18 Mr. Novello.

19 MIKE NOVELLO: May I just ask a
20 clarifying question? I'm not scheduled to
21 cross-examine any other witnesses and is my presence
22 going to be required for the rest of the hearings?

23 MS. MILLER: No.

24 MIKE NOVELLO: Thank you. I didn't want
25 to disrespect anybody.

1 MS. MILLER: Thank you. Let's take
2 about a ten minute break and then I would like to move
3 on to Group 2 and 10, but I just want to make sure you
4 have all your folks here, Ms. Boepple.

5 MS. BOEPPLE: Give me ten minutes to
6 check, thanks.

7 MS. MILLER: Thank you.

8 (Break from 9:45 a.m. to 10:14 a.m.)

9 MS. MILLER: I think we're going to go
10 ahead and make some changes to the schedule, if it's
11 all right with the parties.

12 MR. BEYER: Roger just showed up. Are
13 you all set or do you want to --

14 MS. BOEPPLE: One second.

15 MS. MILLER: Okay, never mind. We were
16 going to swap the schedule, but now we're not going to.
17 We are a little ahead of schedule. We wanted to
18 accommodate for those who weren't quite here yet in
19 order to allow for them to be here when they were
20 scheduled to do so. With that we'll go ahead and we're
21 going to start with the direct testimony of Groups 2
22 and 10. This panel has Mr. Merchant, Ms. Caruso, Mr.
23 Caruso, Mr. Robinson, Mr. Prisendorfer and Mr.
24 Buzzell. Thank you.

25 ED BUZZELL: Hello, I'm Ed Buzzell and

1 I'm an Intervenor for Group 10 against CMP's NECEC
2 project. We're a group of local residents and
3 recreational users. In summary my testimony is that
4 the NECEC corridor will permanently fragment and
5 destroy the views of Coburn Mountain, Rock Pond and the
6 hike up Number 5 Mountain. These are exceptional --

7 MR. MANAHAN: I'm sorry to interrupt,
8 I'm just wondering, these witnesses, they may not have
9 been here earlier, so they may not have been sworn in.

10 MS. MILLER: Thank you, Mr. Manahan,
11 that's a good point. Before we go any further, I just
12 need to make sure that everyone has been sworn in, so
13 if you wouldn't mind raising your right hand for those
14 of you who might have been here. Do you swear or
15 affirm that the testimony you are about to give is the
16 whole truth and nothing but the truth?

17 (I do.)

18 MS. MILLER: Thank you. Sorry about
19 that.

20 ELIZABETH CARUSO: Could you start the
21 clock again?

22 MS. MILLER: Yeah, we can start over.

23 ED BUZZELL: Well, in summary, my
24 testimony is that the NECEC corridor would permanently
25 fragment and destroy the views of a Coburn Mountain,

1 Rock Pond and the hike up Number 5 Mountain. These are
2 exceptional area that I recommend to my guests to
3 experience and I do this because I want them to
4 experience the woods that is miles off the grid. For
5 them it's a chance in a lifetime to see a Canadian
6 lynx, bobcat, moose, or other wildlife. And what
7 traveler would want to see views that they can see in
8 an urban area they came to get away from?

9 The animal habitat will be destroyed
10 along the corridor. The deer that venture to the
11 proposed corridor find better feeding grounds and will
12 be easy targets for the hunters. This will diminish
13 that herd in an area that the deer are already faced
14 with harsh winters are just starting to recover.

15 Coburn Mountain is most affected by the
16 transmission corridor. Exceptional views of natural
17 surroundings from the top would be forever destroyed.
18 The corridor would be visible and cross the Old Canada
19 Road National Scenic Byway. The corridor would also be
20 visible from any area with an elevated view for miles.
21 I will be able to see it from my lodge 12 miles away.

22 My rebuttal testimony challenges that of
23 Robert Meyers who stated without any survey of his
24 membership that his membership would support or be
25 indifferent of the corridor. As a part -- as a past

1 MSA member and founder of a snowmobile club, I
2 certainly would not want to ride a power line to
3 Canada. I certainly would want to travel the Coburn
4 Mountain to enjoy the wilderness ride for its
5 spectacular views. These views will be greatly
6 diminished with the proposed corridor.

7 My testimony also challenges CMP's
8 assumption that directional drilling under the Kennebec
9 Gorge will have no impact to the surrounding area of
10 the crossing and I suspect the damage going under the
11 Kennebec will be worse than going over. My testimony
12 includes data about current usage on the Kennebec Gorge
13 and why I believe this industrial project will have an
14 unreasonable impact on those existing and growing uses.

15 And finally, my testimony discusses
16 Moxie Stream and the proposed corridor crossing that
17 will be in close proximity to my land. The visual
18 impacts will be significant. And I thank you for the
19 opportunity to provide my testimony and concerns at
20 this hearing process.

21 MS. MILLER: Thank you.

22 GARNETT ROBINSON: My name is Garnett
23 Robinson. I own Maine Assessment and Appraisal
24 Services, a valuation property tax assessing and
25 property tax mapping company located in Dixmont, Maine.

1 I am a CMA appraiser and former code enforcement
2 officer. I am -- I have performed over 20 municipal
3 equalizations in the State of Maine and the assessor or
4 assessor's agent for 15 towns, have a degree in land
5 use planning and then an additional three years of
6 classes directed at forest management and a longtime
7 instructor with Maine Revenue Services Property Tax
8 School, have taught numerous appraisal assessing and
9 assessing classes including a recent seminar on
10 valuation of utility assets and corridor, presented in
11 conjunction with a Dave Ledew, the former director of
12 Maine Revenue Services. I have appraised numerous
13 complicated industrial properties for use in taxation
14 including the Howland Enfield Dam; Benton Falls Hydro
15 in Benton; Uber Processing Plant in Easton; McCain
16 plant also in Easton. I am a former forest ranger. My
17 patrol unit was located in Jackman and they covered the
18 entire 53.5 mile area of the new segment, or segment
19 one in your plan. I'm a fourth generation Maine Guide
20 and I did the majority of my time in the area of the
21 corridor and I'm a long-time member of the Dixmont
22 Planning Board and actually reviewed the site plan
23 application for the reliability project, which is
24 mentioned heavily in their permit and I am here on
25 behalf of a Caratunk and West Forks as their agent, so

1 I've been asked to be here.

2 Honorable Commissioners, in summary, my
3 testimony is that the permit as presented by CMP for
4 the NECEC project is missing much analysis or support
5 for opinions by the Applicant and their experts and
6 that this project would not reputably harm the
7 character and viewsheds by the construction of this
8 corridor and installation of poles averaging a hundred
9 feet in height. It is clear that the Visual Impact
10 Assessment only considers a small swathe of a few miles
11 each side of the corridor, but does not consider these
12 currently pristine views and context of the regional
13 and statewide values that these viewsheds have.

14 The only other road system running east
15 west toward the Canadian border between Bingham and
16 Jackman is the Lower Enchanted Road and its arteries,
17 which is impacted by views of the wind project on many
18 high points, especially once you get in by Grand Falls
19 where when viewed at night are easily located by rows
20 of blinking red lights.

21 The same is true for the overlook on
22 Owls' Head, which is mentioned in their assessment, and
23 201 driving north to Jackman where large wind projects
24 in Canada just over the border are visible across the
25 entire horizon. Just as pristine are the views on the

1 eight mile section of the Kennebec River running from
2 Harris Station to the Gauging Station just above the
3 so-called ball field in the West Forks.

4 This is the only long section of the
5 Kennebec River between Indian Pond and Atlantic Ocean
6 not impacted by roads, power lines and manmade
7 development. To destroy these last vestiges of intact
8 viewsheds in the boundary mountains and Kennebec River
9 will undoubtedly do great harm to the scenic character
10 and diminish the enjoyment of our visitors and
11 residents' life.

12 Clearly the Visual Impact Assessment in
13 Section 6.1.7 working population are missing needed
14 studies for the applicant to prove that destruction of
15 use in scenic character will not be unreasonable as
16 viewed by the general public. For the entirety of
17 northern Maine, the applicant considered the working
18 population to be only employed at commercial timber
19 harvesting and overlooked that the primary employers in
20 the 53.5 section of line in segment one are in the
21 tourism industry with hundreds of jobs included, but
22 not limited to various types of guiding, sporting
23 camps, lodging, restaurants, snowmobile and ATV
24 rentals, small stores, campgrounds, time shares, etc.,
25 but almost all of those jobs depended on tourists

1 visiting with views being a significant part of the
2 reason.

3 The applicant and their experts did not
4 conduct any four season visitor impact studies to
5 estimate the number of visitors, what drew them, leaf
6 peeping, snowmobiling, ATVing, hunting, fishing,
7 rafting, hiking, etc., amount of money they spent, the
8 perception of proposed impacts and the likelihood to
9 revisit the area after a watershed altering project like
10 the NECEC project.

11 Additionally, within the mitigation and
12 compensation analysis, it appears to only consider the
13 effects of the Kennebec River crossing, but largely
14 avoids analysis of many other businesses affected by
15 this project, analysis of regional jobs by type and
16 economic impacts of any loss of revenues both long-term
17 and during construction should have been performed.

18 Additionally, the applicant in Section
19 2.3.2 of the application, transmission alternatives,
20 does not list burying the line in the 53.5 mile new
21 section of the corridor. CMP rejected this alternative
22 with a simple statement that burying the cable costs
23 four to ten times more than aboveground costs, but it
24 is not supported by any documentation or analysis, is
25 clearly required by DEP 310.5A, a project will not be

1 permitted if there is practical alternatives that would
2 meet project purposes and have less environmental
3 impacts. Without a thorough analysis of costs to bury,
4 and likewise an analysis of projected revenue over the
5 life of the project, there is no way for the Applicant
6 to demonstrate that the alternative of burying, which
7 would largely mitigate impacts to views and fire
8 hazards associated by aboveground lines is unreasonable
9 or not preferable.

10 In competing projects in New Hampshire
11 and Vermont, burying the cable was not only analyzed,
12 but chosen as the preferred construction method. My
13 rebuttal -- should I gone on to my rebuttal? My
14 rebuttal testimony challenges Robert Meyers' statement
15 that the membership would support or be indifferent
16 with little or no opposition to the corridor. Mr.
17 Meyers presented his opinion as fact, despite having
18 never polled, taken a poll, as other large in-state
19 organizations did such as Sam, who polled its members
20 or rescinded its score for the NECEC.

21 Mr. Meyers contradicts this statement,
22 as shown in my rebuttal testimony exhibit, I don't know
23 the numbers of these now, in an article written by Fred
24 Beaver on Maine Public where he says he has seen
25 contention in the group before when a development

1 called Plum Creek was proposed in the Moosehead Lake
2 region, but that this year's contention over the CMP
3 has a certain edge. This is literally the first time
4 we've had somebody say I don't like what you're doing
5 so much, I'm going to quit.

6 Additionally he cannot in good faith say
7 that there is no little or no opposition when he has
8 been actively trying to squelch the voice of members
9 and the opposition of this project. Stephen and Monica
10 McCarthy, now former Maine Snowmobile Association
11 members, were asked to leave the MSA's Maine snowmobile
12 show for wearing their say no to the corridor t-shirt.
13 Monica is present, so if you wish to -- that concludes.

14 Well, thank for the opportunity to
15 provide my testimony and concerns through this hearing
16 process.

17 MS. MILLER: Thank you.

18 JUSTIN PRISENDORFER: Time check?

19 APRIL KIRKLAND: Ten minutes, ten
20 seconds.

21 JUSTIN PRISENDORFER: Thank you. Good
22 morning, my name is Justin James Prisorfer. I'm a
23 witness for Groups 2 and 10, an expert witness on
24 outdoor recreation planning and management.

25 In 1828, six generations ago, my

1 ancestor Galen Newton moved to Moose River with his
2 brother Jacob. My grandfather Linwood Moore was born
3 in Moose River in 1930. When he passed, he asked to
4 have his ashes scattered in the woods where he roamed
5 as a boy.

6 Maine has our country's largest
7 contiguous block of undeveloped forestland east of the
8 Mississippi and that undeveloped landscape is essential
9 to Maine's brand. Roughly 36.7 million tourists
10 visited Maine in 2017 and the primary reason when
11 surveyed was beautiful scenery.

12 They leave development behind to enjoy
13 the undeveloped landscapes Maine has to offer. The
14 postcards they send home do not contain images of
15 utility corridors.

16 Nature-based tourism and outdoor
17 recreation is affected by scenic impacts. In the White
18 Mountains the forest service approved development of
19 the northern pass across more than 50 miles of scenic
20 public land because line burial resolved scenic issues
21 with the Appalachian Trail. Even though line burial
22 for this project would address most concerns with
23 scenic values and existing uses, CMP has made no effort
24 to truly determine if it is practical for any section
25 of the project area other than the Kennebec River

1 Gorge, not when unfragmented forest land, not when
2 crossing any of the designated scenic river segments,
3 not when bisecting a National Scenic Byway and not when
4 crossing the Appalachian National Scenic Trail. It's
5 clear to me that an alternative should have been
6 analyzed that includes line burial along the greater
7 extent, if not the entirety of segment one.

8 The State of Maine has more than 20
9 million acres of land and those who visit them are both
10 local residents and visitors from afar. When surveyed,
11 over 50 percent said they visited private lands for
12 recreation in the last two years. Based on the Great
13 Ponds Act, the public has legal access to ponds over
14 ten acres in size. Visitors are not transported
15 magically to these water bodies. They often travel to
16 these public resources over private roads. Many of the
17 private lands that are impacted by the NECEC proposal
18 have high recreation value where the scenic integrity
19 is essential to the experience and a scar on the
20 landscape looks the same regardless of who owns the
21 land you stand on.

22 For this reason I believe CMP should
23 have analyzed the impacts of scenic character along
24 those primary routes that lead to great ponds, even if
25 that water body itself is outside the five mile survey

1 area.

2 The project records contains a plethora
3 of information on impacts to wildlife, habitat and it's
4 easy to draw conclusions on what that means for
5 wildlife populations and the businesses that are based
6 on them, such as hunting, fishing and wildlife viewing.

7 I ask you to consider issuing a permit
8 that is going to have a major impact on the outdoor
9 recreation economy, which is a growing part of Maine's
10 greater economy. Thank you.

11 MS. MILLER: Thank you.

12 GREG CARUSO: Hello, name is Greg
13 Caruso. I'm a citizen of the town of Caratunk and
14 owner of The Maine Guide Service, LLC. For the past
15 27 years I've worked as a master Maine Guide, white
16 water guide in the outdoor industry. Many of those
17 years was as a year-round manager in charge of hiring,
18 training, staffing, scheduling for one of the largest
19 outfitters in New England. I brought hundreds of
20 guests up to Johnson and Coburn Mountain for hunting
21 and snowmobiling. I've brought thousands of guests
22 through the Kennebec River Gorge for rafting and
23 fishing. I have logged thousands of hours as a
24 snowmobile trail groomer operator, many of them on
25 Coburn and Johnson Mountain areas. I've also worked as

1 a contractor for the ADC on the Appalachian Trail for
2 over 6,000 hikers in the last three years. When
3 considering who would be affected by the scenic impact
4 and dramatic change of views, it would most certainly
5 be me and my family.

6 CMP has failed to provide alternatives
7 better suited to the nature of the existing uses that
8 are critical to the environment in our local economy.
9 By not considering an underground option in areas such
10 as Coburn and Johnson Mountain, they have instead
11 placed the corridor in a fashion that seemed dramatic
12 elevation gain and descent exposing high visibility to
13 it.

14 It also zigzags across major snowmobile
15 trails at least eight times in only a few miles from
16 the Judd Road to the north shoulder of Coburn. That
17 location is in close proximity to the headwaters of an
18 important cold water fishery. It literally goes
19 through the center of the old Enchanted Mountain
20 parking lot, a major intersection for snowmobile
21 traffic and entrance to popular hunting and fishing
22 areas. Most people stop here and admire the
23 surrounding terrain and contemplate the climb to the
24 summit of Coburn Mountain.

25 I have submitted an exhibit that clearly

1 demonstrates this point. There is also a camp that is
2 in close proximity to the project on ITS89, directly
3 opposite the proposed line between the two mountains,
4 not surprisingly, it's for sale, counting awesome views
5 to the unwary buyer that will have awesome views of a
6 hundred foot transmission tower.

7 A 53 mile long transmission line will
8 severely impact the nature and character of the area to
9 the point that it no longer gives the intended remote
10 feel, an effect unique to Maine. There's no price that
11 we can put on Maine's most critical natural resources,
12 which give us our livelihood and quality in place and
13 the wow factor.

14 It's unreasonable to think that because
15 someone may not be in favor of a 53 mile long
16 transmission line that they are not respectful or
17 appreciative of large landowners. As a sportsman and a
18 guide, I've never met anyone in this remote working
19 forest who felt like they owned it. Certainly users to
20 some of these areas may feel like they have a personal
21 connection to it and one would hope that they treat it
22 like it is their own, but nobody in the public truly
23 thinks they own it.

24 Of course there may be waterways, ponds,
25 streams, lakes and conservation lands in some of these

1 areas that do belong to the public. I think I can
2 speak for everyone who visits the remote areas that we
3 are grateful for the access. In my opinion, however,
4 the landowner should be allowed to do what they please
5 so long as it does not adversely affect abutting
6 landowners, the environment or constitute a major
7 change in existing use.

8 CMP's corridor does all of the above.
9 My rebuttal testimony challenges the testimony of Bob
10 Meyers claiming he's never heard a single complaint
11 about seeing or snowmobiling in the vicinity of a power
12 line and the fact he has an uncaring attitude towards
13 his membership, the local snowmobile economy and a
14 fundamental lack of understanding of the importance of
15 the Coburn Johnson Mountain trail system to the area.

16 There are other intervenors who state
17 that they are accustomed to seeing traveling and
18 transmission corridors and others stating that the
19 characterization of the Coburn Johnson Mountain area is
20 pristine, untouched and natural is misleading. Both of
21 these statements ignore the existing use of the 53
22 miles in question in favor of an industrial line.

23 Today Bob Meyers mentioned that there
24 was an MSA meeting in Caratunk. It is likely that he
25 never heard any complaints due to the meeting because

1 no one knew about it. It's also mentioned that there
2 was significant amount of power line on ITS87, opposite
3 of the Coburn Mountain area, the total in my opinion of
4 that area he's referring to would amount to about two
5 miles.

6 Anyone who guides a client for a living
7 knows that the quality of their guest's experience is
8 the most important factor in them returning and having
9 positive reviews and referrals by locating this
10 corridor in an area that relies heavily on a high
11 quality, remote experience, the very fabric of this
12 setting is put in jeopardy.

13 I am confident that you guys will
14 recognize the value of this place.

15 MS. MILLER: Thank you. We're a little
16 ahead of schedule. So, you know, an extra five or so
17 minutes is fine.

18 MR. MANAHAN: I would object, Ms.
19 Miller, for the record that the other parties kept it
20 in their timeframe. We all planned for this week
21 within a certain amount of time and to allow these
22 other parties to have more time is frankly not fair to
23 the other parties.

24 MS. BENSINGER: Well, this intervenor
25 group was -- we required a very large number of people

1 to be in one intervenor group, so given that fact and
2 the fact that we have a little extra time, we're going
3 to give them the extra five minutes. The objection is
4 noted.

5 MR. SMITH: Group 7, Ben Smith. I
6 understand we're not as large a group as the panel
7 before you right now, but if a similar accommodation
8 could be granted to Group 7 witnesses because there's a
9 lot of -- obviously there's a lot of information. As I
10 understood it at the prehearing process, because they
11 actually had individual testimony, they would be given
12 ten minutes. Unfortunately the schedule doesn't allow
13 that right now, so if they could just be given a
14 similar accommodation, that would be helpful.

15 MS. ELY: Group 4, I was looking at the
16 schedule, it appears that the witnesses were only given
17 3.3 minutes each whereas Group 7 got 5 each in the
18 allocation, so it seems like adding a couple of minutes
19 to their time would actually even it up.

20 MS. BOEPPLE: If I could just respond to
21 all of this, please. The other thing that occurred
22 with the scheduling is Groups 2 and 10 got combined.
23 We have been trying very, very hard to accommodate the
24 very restrictive time constraints that we've had
25 yesterday trying to cram in all of the intervenors

1 before the LUPC was incredibly restrictive and
2 bordering on unfair due process for these particular
3 intervenors simply because back in the day at the
4 beginning of this process they were trying to be
5 accommodating to all the needs and agree to this very
6 large group being condensed into these two different
7 groups. So we don't think it's unfair to give a little
8 bit more time. We appreciate that you're considering
9 that and that you would do that here today and so I
10 don't think it's necessary to provide additional time
11 for anyone else in this unique situation.

12 MR. MANAHAN: Just one quick comment,
13 which is we had eight witnesses in our panel and both
14 panels finished ahead of schedule and frankly we were
15 rushed because we were worried about losing time and so
16 I don't think it's fair to say that because our
17 witnesses fished ahead of schedule within their
18 timeframe these witnesses get extra time.

19 MS. MILLER: I'm going to go ahead and
20 grant an extra five minutes for this group and this
21 group only and I've noted the objections. Thank you.

22 ROGER MERCHANT: I'm Roger Merchant,
23 licensed professional forester 727 from Glenburn,
24 Maine. I've observed forest changes in segment one
25 over the past 54 years starting in 1965 with forester

1 boots on the ground in Township 5, Range 6,
2 multi-generational legacy in my family of outdoor
3 recreation. You could say the Upper Moose River Basin
4 is my extended neighborhood.

5 My submitted testimony makes clear the
6 character of the forest landscape and segment one
7 between Quebec and Moxie. Forest fragmentation,
8 habitat fragmentation, scenic viewshed fragmentation
9 are the key points of emphasis in my testimony and in
10 my rebuttals.

11 Briefly, over the summer of 2018 I
12 conducted field review of forest conditions and scenic
13 views along the Quebec Coburn section of segment one.
14 You have three interpreted aerial photographs in
15 Exhibits 1 through 6 in my testimony and it illustrates
16 the complex forest conditions and patterns that exist
17 there of existing fragmentation as well as what that
18 may be like with the permanent fragmentation of the
19 NECEC line.

20 The slippery slope in fragmentation is
21 that one on top of another feeds into cumulative
22 fragmentation and associated cumulative impacts and I
23 think that is going to be maximized by this power line
24 and not minimized as CMP seems to insist concerning
25 scenery and habitat.

1 I appreciate their attention to
2 mayflies, salamanders, brook trout and deer. I'm not a
3 wildlife biologist. I am a forester, but I find their
4 testimony lacks attention to other important species of
5 forest-dependent wildlife such as breeding song birds,
6 which need food cover, breeding and nesting, as well as
7 territory provided by a diversity of forest conditions,
8 species, sizes and ages.

9 I don't see anything in their testimony
10 that addresses the impact of this project upon those
11 important species that Maine is also a key important
12 habitat for them in their annual cycles north and
13 south. What about American marten, an umbrella species
14 requiring over continuous forest cover for travel? As
15 an umbrella species, if a habitat is supporting pine
16 marten, then things are likely going well for 70
17 percent of other vertebrate wildlife species. I see no
18 assessment of the related habitat along NECEC and a
19 thousand feet deeper in the woods where the deepest
20 edge effect occurs from an open power line. I see no
21 assessment of that, no field work done to evaluate the
22 presence or lack of pine marten in this project.

23 Furthermore, in my testimony on Page 13,
24 comments on non hearing topics in my testimony was
25 submitted. I identify and document scenic views along

1 and adjacent to segment one. In my rebuttal to CMP, I
2 identified two high value views not included in their
3 scenic assessment, Green Law Cliffs and west of
4 Tumbledown Mountain and Peaked Mountain. If there was
5 any place that is most scenic along this section in
6 question, I would argue the case that from Rock Pond
7 over the Notch over the next valley into Peaked
8 Mountain to the south branch of the Moose River is
9 highly deserving of being buried and not visibly up
10 there.

11 When I reviewed the photo simulations, I
12 appreciate the attention to that because I'm also a
13 professional forester -- sorry, photographer in my
14 retired life. But as it is, I found that the photo
15 simulations for the large part, not completely, were
16 taken at low elevations, which minimizes, if you will,
17 from a landscape view, minimizes impact, particularly
18 around Beattie, particularly around those low elevation
19 sites that are documented that shows up a little bit in
20 the Rock Pond one.

21 As a photographer there's no boundaries
22 on Beattie or scenery, and what's missing, it all
23 should have showed up in the Palmer assessment that was
24 submitted to DEP, was the fact that there seemed to be
25 some inattention to documenting what they call higher

1 risk sites and in the case of this project, those
2 higher risk sites are documentation from high elevation
3 such as Green Law Cliffs, such as Tumbledown Mountain,
4 which are a part of the base of natural assets that
5 support tourists and outdoor recreation based
6 activities. I think the CMP testimony over-minimizes
7 fragmentation for its habitat, scenic impacts.

8 If allowed to go forward, it would be a
9 huge loss for all of us, residents and visitors alike
10 who appreciate the wild and scenic as it exist in these
11 woods, waters and mountains on a quiet starlit night.
12 I hope that any permitting by -- for NECEC by DEP is
13 respectfully denied.

14 MS. MILLER: Thank you. Ms. Caruso? I
15 think you probably only have about 30 seconds or so
16 left.

17 ELIZABETH CARUSO: So just some
18 highlights, currently there are no industrial
19 infrastructures in the area of the new corridor, so
20 that's a complete change of use. The visual rendering
21 that we saw showed uninhabited ponds, mountains and
22 closed in roads. The photo rendering is theoretical
23 and does not display real life textures and scenes from
24 the naked eye. We all know that photos rarely do
25 scenic landscapes justice when compared to in-person

1 viewing with the real eye.

2 MS. MILLER: Thank you very much. Okay.
3 So we're now on to cross-examination of panel Groups 2
4 and 10. We'll start with the Applicant.

5 MR. MANAHAN: Good morning, my name is
6 Matt Manahan from CMP. Ms. Caruso, you had the
7 shortest presentation, but I guess I'll start with you.

8 ELIZABETH CARUSO: Okay.

9 MR. MANAHAN: On Page 3 of your rebuttal
10 testimony you say that it may be common for
11 snowmobilers to see transmission lines in some areas;
12 however, this area has no, and you capitalized the word
13 no, industrial infrastructure. What's located at the
14 top of Coburn Mountain?

15 ELIZABETH CARUSO: What would you call
16 it?

17 MR. MANAHAN: Is there a radio tower
18 there?

19 ELIZABETH CARUSO: I haven't been there
20 in a few years, so. I know there's weather equipment
21 towers.

22 MR. MANAHAN: Is there a communications
23 building there?

24 MS. MILLER: Hang on a sec, could you
25 just turn the microphone towards you?

1 ELIZABETH CARUSO: Sure.

2 MS. MILLER: Thank you.

3 MR. MANAHAN: Are there solar panels
4 there?

5 ELIZABETH CARUSO: I think so.

6 MR. MANAHAN: So you wouldn't classify
7 that as industrial infrastructure?

8 ELIZABETH CARUSO: Well, I'm talking
9 about all of the area from -- in the new corridor. I
10 guess you could say in the very top there is, but
11 there's nothing on all the other lands around.

12 MR. MANAHAN: I see. And on Page 3 of
13 your testimony, again, your rebuttal testimony, you
14 wrote visitors ride from all over Maine to summit
15 Coburn for the 360 degree view of unfragmented nature.
16 Did you see the photos prepared by Amy Segal that
17 presented views from the top of Coburn Mountain?

18 ELIZABETH CARUSO: I did.

19 MR. MANAHAN: Could you see any logging
20 roads fragmenting the landscape?

21 ELIZABETH CARUSO: I wouldn't call that
22 fragmenting the landscape. They're a part of the Maine
23 woods. Maine is known for logging, we all expect to
24 see that. That is part of Maine's landscape.

25 MR. MANAHAN: And could you see any

1 forestry cutting operations other than just logging
2 roads that fragment the landscape?

3 ELIZABETH CARUSO: I didn't see anything
4 being operated, but I didn't look that carefully if
5 there was a logging truck there.

6 MR. MANAHAN: Did you see any clear
7 cutting operations?

8 ELIZABETH CARUSO: I did, and again,
9 that is what we expect to see. The clearcuts have
10 trees and stumps and leaves and dirt and that is
11 natural -- it's a natural part of the woods, just in a
12 different form.

13 MR. MANAHAN: Does the snowmobile trail
14 to the top of Coburn Mountain, does that fragment
15 nature on the mountain?

16 ELIZABETH CARUSO: No, I wouldn't say
17 so.

18 MR. MANAHAN: You don't think any lines
19 of development, either logging roads, forestry
20 operation, snowmobile trails, you don't think those
21 fragment nature in any respect?

22 ELIZABETH CARUSO: I don't believe so.
23 I mean, the deer can cross, the animals cross. It's
24 not holding back nature or anything from growing. It's
25 not like they're paving those roads like we do 201 to

1 stop.

2 MR. MANAHAN: Will the proposed
3 transmission corridor be paved like 201?

4 ELIZABETH CARUSO: No, but there will be
5 herbicides poured all through it and it will be much
6 wider than any logging road, any hiking trail, any
7 snowmobile trail, and as experts have shown that not
8 all habitat will be able to maintain their current, you
9 know, habitat. The animals will not be able to
10 maintain their current habitat and cross that corridor.

11 MR. MANAHAN: Are you a wildlife
12 biologist?

13 ELIZABETH CARUSO: No, I was referring
14 to the experts that I was -- in reading.

15 MR. MANAHAN: Okay. We'll get to your
16 experts in a minute. Do you know when the trail up
17 Coburn Mountain was built?

18 ELIZABETH CARUSO: I do not know
19 exactly. There was -- there have been trails up there,
20 but I do not know when -- are you talking about the
21 snowmobile trails?

22 MR. MANAHAN: The snowmobile trails that
23 are currently used, right.

24 ELIZABETH CARUSO: I don't know.

25 MR. MANAHAN: Do you know whether it was

1 permitted?

2 ELIZABETH CARUSO: I don't know anything
3 about that.

4 MR. MANAHAN: On Page 4 of your rebuttal
5 testimony you say that the VIA posed pictures of
6 desolate areas, void of scenic attributes in attempt to
7 paint it unattractive and not luring to recreationists.
8 Are you familiar with the DEP's standards for
9 preparation of Visual Impact Assessment?

10 ELIZABETH CARUSO: I have not read it,
11 no.

12 MR. MANAHAN: Have you read the
13 methodology used for the VIA?

14 ELIZABETH CARUSO: I may have. I'm
15 not -- I can't remember. There's a lot of things to
16 read.

17 MR. MANAHAN: Well, do you believe that
18 the VIA did not comply with the DEP's requirements for
19 preparation of VIAs?

20 ELIZABETH CARUSO: I don't believe I
21 testified to that. What I said was the pictures of the
22 places that we know that tourism goes were not
23 depicted -- they were depicted in a way that shows that
24 there is no scenic value. There was no human activity.
25 There was no recreation and some of the roads that had

1 spectacular views just had really narrow, narrow shots
2 with a covered canopy that you couldn't see anything,
3 but if you went down part of the road, you would see a
4 beautiful landscape, and that's what I would expect a
5 proper interpretation of what the land, the scenic
6 value of the land is.

7 MR. MANAHAN: Okay. But you don't have
8 any basis to believe that the VIA didn't comply with
9 the DEP's requirements in preparation for VIAs?

10 ELIZABETH CARUSO: No, I didn't testify
11 to that.

12 MR. MANAHAN: Right. On Page 4 also in
13 your testimony, direct testimony, you say the
14 Department doesn't have to quantify the impacts because
15 CMP bears the burden or proof to demonstrate there
16 won't be impacts. Is it your belief that the DEP can't
17 permit a project unless the application proves there
18 won't be any impacts at all?

19 ELIZABETH CARUSO: No.

20 MR. MANAHAN: Has there ever been a
21 project in fact ever built in Maine that would meet
22 that requirement?

23 ELIZABETH CARUSO: That's not something
24 that I know.

25 MR. MANAHAN: Okay. On the bottom of

1 Page 5 of your direct testimony you say the project
2 will have, and I'm quoting, red blinking lights and 150
3 to 300 foot scars, is that still your testimony?

4 ELIZABETH CARUSO: Well, I believe that
5 the 150 foot corridor right now that they're asking for
6 is a scar and that the potential is there for the 300,
7 and it has been our understanding that when structures
8 are high enough there has to be blinking lights at
9 higher elevation, yes.

10 MR. MANAHAN: Okay. So are you aware,
11 or are you not aware, that aviation warning lights will
12 not be required for any portion of the new corridor,
13 segment one of the project?

14 ELIZABETH CARUSO: I don't believe
15 that's been confirmed, no.

16 MR. MANAHAN: So you're not aware
17 whether there are or not, you think there might be?

18 ELIZABETH CARUSO: From what I
19 understand, there's a high enough elevation, there has
20 to be, and I know that the towers are going to be quite
21 high. They're going to be -- the base is going to be
22 quite high.

23 MR. MANAHAN: So what is your expertise
24 in FAA warning light matters, do you have any such
25 expertise?

1 ELIZABETH CARUSO: No, I don't need to
2 as long as someone else does.

3 MR. MANAHAN: So your testimony is
4 someone else may have said there needs to be aviation
5 warning lights and so that's your testimony as well?

6 ELIZABETH CARUSO: No, that's not what
7 I -- I'm saying I don't have to determine where they
8 go. That's the job of the regulation.

9 MR. MANAHAN: You can just say it here?

10 ELIZABETH CARUSO: That's not what I'm
11 saying. It was -- it was told to us that there
12 would -- in fact, in public hearings or public
13 information meetings, it was never said that there
14 wouldn't be orange balls or lights.

15 MR. MANAHAN: On Page 8 of your
16 testimony you say the landowners that manage the
17 working forest are excellent stewards of the land and
18 we just heard Mr. Novello this morning talk about his
19 concerns about use of private land, Visual Impact
20 Assessments, photo simulations. Have you read Mr.
21 Fyfe's letter on behalf of Weyerhaeuser in the record
22 when she states any scenic impacts on Weyerhaeuser's
23 land from the CMP project will be minor, reasonable and
24 in keeping with the working forest?

25 ELIZABETH CARUSO: I'm not sure that I

1 have.

2 MR. MANAHAN: Okay. Well, do you think
3 that the landowners' view of what constitutes a
4 reasonable impact from the landowners' land should be
5 given more or less weight than the views of some of the
6 people who the landowner allows to recreate on the
7 landowners' land?

8 ELIZABETH CARUSO: I'm sorry, can you
9 repeat that?

10 MR. MANAHAN: Do you think that the
11 views of the landowner on what constitutes a reasonable
12 impact should be given more or less weight of the views
13 of the public who are allowed to recreate on that land?

14 ELIZABETH CARUSO: Well, I think it's
15 different. I think that the, you know, what they care
16 about the view of a working forest is different than
17 when people are looking at the scenic view. I don't
18 think you can compare.

19 MR. MANAHAN: You don't think the
20 landowners' view should be given more impact, more
21 weight than the public views of who recreate on that
22 landowners' land?

23 ELIZABETH CARUSO: No, I think we have
24 to respect what is done on their land and they have to
25 be -- it is their land, but I don't think that the

1 agency would necessarily have to give more weight.

2 MR. MANAHAN: Okay. Let me turn to Mr.
3 Caruso. Mr. Caruso, have you prepared a Visual Impact
4 Assessment to assess the change to the view from the
5 Old Canada Road Scenic Byway?

6 GREG CARUSO: No.

7 MR. MANAHAN: Did you conduct a VIA to
8 support a conclusion on Page 9 of your direct testimony
9 that, and I'm quoting, literally the poles and lines
10 will be observable from every scenic viewpoint along
11 ITS86 and 89?

12 GREG CARUSO: I'm sorry, repeat the
13 question.

14 MR. MANAHAN: Did you prepare a VIA to
15 support your conclusion that literally the poles and
16 lines will be observable from every scenic viewpoint
17 along ITS86 and 89?

18 GREG CARUSO: No.

19 MR. MANAHAN: What's the basis of that
20 conclusion?

21 GREG CARUSO: Well, I think when they --
22 when they provide a -- when they provide those photos,
23 they're not necessarily -- they're not guiding there.
24 They're not there every day. I know they put some time
25 in up there, but they don't specifically know all the

1 different areas that I guide in and know, I think,
2 intimately.

3 MR. MANAHAN: Okay. On Page 10 of your
4 testimony you say the project poles are high enough to
5 require blinking lights, as I just discussed with Ms.
6 Caruso, and you say that they would be a desecration of
7 the viewshed and outdoor experience. Is that still
8 your testimony?

9 GREG CARUSO: Well, if those are put
10 there, I would say yes. I'm not an expert on whether
11 or not they're needed. It seems to be kind of back and
12 forth from what I keep hearing, but.

13 MR. MANAHAN: So are you now aware that
14 aviation lights will not be required for this portion
15 of the project?

16 GREG CARUSO: Well, that remains to be
17 scene, I think. I'm not sure that's confirmed.

18 MR. MANAHAN: On Page 2 of your rebuttal
19 testimony you say as a groomer, snowmobiler and MSA
20 member for well over 20 years, I can attest that power
21 lines when used on snowmobile trails are only used as
22 means of egress to a destination when absolutely no
23 other option exists. Isn't it true, Mr. Caruso, that
24 the existing ITS87 trail note in your testimony is
25 co-located with the existing CMP overhead transmission

1 line?

2 GREG CARUSO: That's true.

3 MR. MANAHAN: And how many miles of
4 ITS87 is co-located in the existing transmission line?

5 GREG CARUSO: If I had to guess -- the
6 entirety of ITS87, is that what you're asking me?

7 MR. MANAHAN: Yup.

8 GREG CARUSO: The entirety?

9 MR. MANAHAN: Yes.

10 GREG CARUSO: Are you aware of how
11 long ITS --

12 MR. MANAHAN: Is co-located, right.

13 GREG CARUSO: How many miles is it?

14 MR. MANAHAN: I'm asking you the
15 question. Do you know how many miles -- are you saying
16 you don't?

17 GREG CARUSO: I'm aware of -- in our
18 area I would say from The Forks area north towards, I
19 would say as far as Jackman, I would say on ITS87, five
20 miles, ten miles maybe tops.

21 MR. MANAHAN: Okay. So have you read
22 the Maine Forest Products Council's January 18, 2019
23 letter that's in the record in this proceeding?

24 GREG CARUSO: No.

25 MR. MANAHAN: It doesn't ring a bell?

1 Are you aware that the Forest Products Council is
2 concerned in imposing development restrictions based on
3 views from their members' private land might lead to
4 private landowners eliminating a public right of entry
5 and use of that land?

6 GREG CARUSO: I'm not aware that, but I
7 think I stated earlier that anybody that goes on
8 private land expects to use that land in a manner
9 that's respectful to the landowner.

10 MR. MANAHAN: Okay, thank you. Mr.
11 Merchant?

12 ROGER MERCHANT: Yes?

13 MR. MANAHAN: Maybe I could ask you a
14 few questions.

15 MS. BENSINGER: Mr. Merchant, could you
16 pull the microphone closer to you?

17 MR. MANAHAN: On Page 2 of your rebuttal
18 testimony you wrote that going under the Kennebec may
19 reduce visual impacts, but it will not be impact-free
20 with the presence of riverside cooling stations for the
21 buried line. What are riverside cooling stations?

22 ROGER MERCHANT: I'm sorry, I didn't
23 recall that that was in my testimony.

24 MR. MANAHAN: If you want to look at
25 your testimony, it's on Page 2, lines five and six of

1 your rebuttal testimony. Do you have that in front of
2 you?

3 ROGER MERCHANT: No, I don't.

4 MR. MANAHAN: Do we have Mr. Merchant's
5 rebuttal testimony?

6 MS. BOEPPLE: Here we go.

7 MR. MANAHAN: If you look at your
8 rebuttal testimony, Page 2, lines five to six, do you
9 see where it talks about going under the Kennebec may
10 reduce visual impacts?

11 ROGER MERCHANT: Yes.

12 MR. MANAHAN: And then could you read
13 the rest of that sentence for me?

14 ROGER MERCHANT: Could argue that going
15 under the Kennebec may reduce visual impacts, but it
16 will not be impact-free with the presence of riverside
17 cooling stations with the buried line.

18 MR. MANAHAN: Thank you. So my question
19 is what are riverside cooling stations?

20 ROGER MERCHANT: My understanding was
21 that there would be cooling stations adjacent to where
22 this power line goes under the river.

23 MR. MANAHAN: Do you mean the transition
24 stations?

25 ROGER MERCHANT: I don't know what

1 transition station is. I understand there will be
2 cooling stations. There will be stations adjacent to
3 where the power line goes down under the river. That's
4 what I was speaking to.

5 MR. MANAHAN: Okay. Are you aware that
6 the transition stations will not be visible from the
7 river?

8 ROGER MERCHANT: Evidently not.

9 MR. MANAHAN: Okay. Are you aware that
10 there will be no transmission infrastructure visible
11 from the river?

12 ROGER MERCHANT: That's my understanding
13 in terms of what's been proposed.

14 MR. MANAHAN: And are you aware of the
15 fact that there will be no clearing down to the river?

16 ROGER MERCHANT: I'm aware of that.

17 MR. MANAHAN: On Page 2, lines 11 to 13
18 of your rebuttal testimony, you say I would argue that
19 CMP photo simulations, mostly taken at lower elevations
20 on moderately flat terrain, tend to minimize the visual
21 impacts of the corridor and power line. Are you
22 familiar with the DEP standards for preparation of
23 Visual Impact Assessments?

24 ROGER MERCHANT: I'm not familiar with
25 the DEP standards. I'm aware of the critique that was

1 rendered by Palmer for DEP in the document in 2018 that
2 raised questions about the completeness of the visual
3 assessment that was conducted.

4 MR. MANAHAN: Are you aware of the
5 follow-up discussions between DeWan and Associates and
6 Palmer with respect to resolution of those issues?

7 ROGER MERCHANT: No, I'm not.

8 MR. MANAHAN: You're not, okay. Have
9 you read the methodology used for the VIA?

10 ROGER MERCHANT: I've scanned through
11 the procedures and definitions, etc.

12 MR. MANAHAN: Do you believe the VIA did
13 not comply with the DEP's requirements for preparation
14 of VIAs?

15 ROGER MERCHANT: I cannot address that.

16 MR. MANAHAN: In your photos in Exhibit
17 R9, did you add the yellow dots to indicate that the
18 project will be highly visibly from elevated
19 viewpoints?

20 ROGER MERCHANT: I added the yellow dots
21 to indicate the track of the power line through the
22 landscape at that time.

23 MR. MANAHAN: So not necessarily the
24 visibility of the project?

25 ROGER MERCHANT: That record -- the dots

1 on the photograph represent where the power line track
2 will come through and across the landscape.

3 MR. MANAHAN: Did you prepare a photo
4 simulation to determine where the yellow dots would
5 actually be visible?

6 ROGER MERCHANT: Again, those yellow
7 dots were not intended to create the actual visibility
8 that I think you are addressing here. It does indicate
9 where the power line will pass through the valleys, the
10 mountains, etc., of the landscape to provide guidance
11 to, for example, when you look at the view of
12 Tumbledown west toward Peaked Mountain, that dotted
13 line represents where the power line will come through.
14 That is the extent of what that visual aid is about.

15 MR. MANAHAN: Okay. Did you follow the
16 DEP's requirements for VIAs in preparation of your
17 exhibits?

18 ROGER MERCHANT: No, I did not follow
19 that. I followed my instincts as a photographer who
20 goes out on the landscape looking for scenic beauty and
21 when I find it, I photograph it.

22 MR. MANAHAN: Got it, okay. Let's talk
23 about fragmentation for just a minute. How many -- do
24 you know how many miles of logging roads are in the
25 western Maine mountains?

1 ROGER MERCHANT: It's extensive, if I
2 remember from Janet McMahon's testimony.

3 MR. MANAHAN: And how much vegetation
4 remains on those existing roads?

5 ROGER MERCHANT: It's highly variable.
6 For example, in the scope of this project, if you take
7 the Spencer Road out on the front end by 201, that is
8 almost a two lane gravel highway now going west from
9 there and the ditches are kept clear, I've seen it
10 expand over the last 57 years from a scratch track to a
11 two lane gravel road on the front end. That is
12 approximately, from my rough calculations, about 50
13 feet wide to the far end there. That's kept vegetation
14 free.

15 As you move further west, it
16 incrementally narrows into a single lane permanent
17 gravel road. By the time you get to the Beaudry Road
18 where it goes west of Lowelltown, that is one rough
19 piece of road. Yes, it's a logging road. There's been
20 activity there. That section would have lesser impact,
21 but it won't stay that way because the equipment you
22 likely will need to get into the power line and
23 construction through there, I can't imagine you're
24 going to be wanting to run trucks and long equipment
25 down that stretch of the Lowelltown Road without

1 expanding that and widening it, so I'm making an
2 assumption granted, but those narrow roads will be
3 widened up on the primary access into the project in
4 and amongst the preexisting network of gravel logging
5 roads that are not a high level fragmentation factor,
6 but yet they do contribute to what I've framed as
7 cumulative fragmentation which becomes problematic as
8 more and more layers of expansion and fragmentation
9 show up in the landscape.

10 MR. MANAHAN: Would you say there's more
11 or less vegetation on say Spencer Road than there will
12 be in the corridor?

13 ROGER MERCHANT: Ask me that question
14 again.

15 MR. MANAHAN: Would you say there's more
16 or less vegetation remaining on Spencer Road than there
17 will be in the corridor?

18 ROGER MERCHANT: Let me see if I can
19 address it this way, it's my impression from looking at
20 the corridor in the plans for shrub and scrub, there
21 will be the wide open corridor, which will be distinct
22 and different from the adjacent forest cover, the
23 vegetation that is in the bottom of the corridor, scrub
24 and shrub, that will have but one layer of what the
25 preexisting forest cover that existed that had

1 mid-story and over-story. Down along the Spencer Road,
2 if I'm following the vegetation inquiry you're making,
3 it would seem to me that vegetation off the edge of the
4 gravel down into the ditch and over the far side of the
5 ditch, that will be kept open to not block the water
6 flow and drainage off that road that has a large
7 surface for capturing water.

8 MR. MANAHAN: So let's get to the crux
9 of the matter, utilizing -- wouldn't the NECEC
10 corridor, which utilizes the shrub, scrub vegetation
11 and has no regular vehicular traffic, wouldn't that
12 cause significantly less habitat fragmentation than the
13 existing roadways like Spencer Road?

14 ROGER MERCHANT: I'm not convinced of
15 that. In terms of habitat fragmentation, if that's
16 what I was hearing the direction of your question,
17 that's something that seems to be missing, in my
18 opinion, from the assessment, like if I can provide an
19 example. If I'm given a thousand acres of timberland
20 to conduct an assessment for, I'm going to go out
21 there, I'm going to look at aerial photographs, I'm
22 going to begin to make some discussion and decisions
23 about what types of forests seem to exist. I'm going
24 to lay out a grid of lines through that, run a compass
25 and record data periodically to document the forest

1 conditions to assess what exists. In the case of the
2 CMP power line project, in looking at habitat and
3 impact, I would want to, I can't do it because I'm not
4 a wildlife biologist, but I could conduct a forest
5 assessment in terms of is it coniferous, is it
6 vociferous, is it young, middle-aged, multi-aged, and
7 you begin to characterize that in that thousand foot
8 zone, which is adjacent potentially impacted habitat
9 from what the wildlife biologists have been saying.

10 So there appears to be no effort to
11 document that and associate that adjacent habitat with
12 who -- what wildlife species is that thousand foot of
13 this, that and the other thing associated with, and I
14 grant you, that's highly variable. You can't just
15 thumbprint that in one thumbprint and you've got the
16 answer, but there's no assessment of the cover.
17 There's no assessment of the associated wildlife
18 species that inhabit that and that's a piece that I
19 feel is missing.

20 MR. MANAHAN: Okay. And I just heard
21 you say you're not a wildlife biologist, what's your
22 expertise in wildlife biology?

23 ROGER MERCHANT: When I was a -- as I've
24 been in my career with extension for 30 years, let's
25 see, I am not a wildlife biologist, I talk with,

1 informed and worked with nonindustrial landowners on
2 forest management and their concerns were about
3 wildlife, how do we integrate. That's why I have a
4 general understanding of some of the things that I'm
5 talking about at this level that I have some knowledge
6 of. I also managed a hundred thousand timber -- a
7 hundred thousand acres of timberland in eastern Maine
8 in my first career working for Dead River Timberland,
9 so I've had that base of experience in the field.
10 Granted, I'm not a wildlife biologist, but granted I
11 understand some of the principles and practices that
12 are employed in assessing what you have to assess if
13 you're going to look at wildlife in the forest.

14 MR. MANAHAN: Okay. And on the area of
15 your expertise, you did say that you're a photographer
16 now in your retirement?

17 ROGER MERCHANT: Yeah.

18 MR. MANAHAN: Do you feel that gives you
19 the expertise necessary to critique the Visual Impact
20 Assessment?

21 ROGER MERCHANT: With all due respect, I
22 certainly do because when I get in my truck and I go to
23 the Spencer Road, or I go over to the Beaudry Road
24 coming in the other way, I am on my professional
25 photography expertise and there's nothing that bounds

1 in who owns the scenic beauty, nobody owns that. What
2 is scenic, what is beauty is very subjective, I grant
3 you that. And then when I go out and I look for
4 opportunities, I find them and I feel that the
5 impressions that I have reflect what I see as scenic
6 beauty and I distilled that down into the views that I
7 immigrated with my documents that were submitted and I
8 stand by that professionally and personally.

9 MR. MANAHAN: And you just said that
10 these views are subjective?

11 ROGER MERCHANT: Yeah.

12 MR. MANAHAN: Isn't the point of Chapter
13 315, Visual Impact Assessment, to take that
14 subjectivity out of the assessment and make it more
15 objective?

16 ROGER MERCHANT: Probably that's where
17 we depart respectfully because as a photographer it's
18 as much instinct, it's much more instinct and
19 impression. I mean, when I'm traveling along, I'm not
20 expecting to see anything and it shows up, I respond, I
21 react, I says wow, let's capture that. So it doesn't
22 quite fit the constraints of the VIA assessment. I
23 understand what you're getting at. Well, there are
24 formalized ways of developing that and VIA does reflect
25 that, I would agree. But from the field perspective,

1 boots on the ground, I haven't got any VIA assessment
2 score card in my back pocket to make a decision, well,
3 this is high, medium or low. For me it's this is it,
4 period. And I believe that same level of response
5 exists in the visitors that come into this region to
6 experience the solitude, the beauty, however and
7 whatever that is. And they don't have a VIA card in
8 their back pocket. And one of the things that struck
9 me in all the discussion about visual and visitors is
10 there's no enduser document survey here that asked the
11 visitors to come in who come into this region, whether
12 they're hikers or recreationists or boaters or
13 fishermen, there's no documentation of what their
14 perceptions are of these proposed changes in landscape
15 and they are an important part of the social economic
16 fabric that's engaged with this project.

17 MR. MANAHAN: Okay. On that point of
18 visual impact or user surveys, are you aware that the
19 DEP rules don't require user surveys in this situation?

20 ROGER MERCHANT: I understand that.

21 MR. MANAHAN: In fact, are you aware of
22 whether a user survey has ever been done on a
23 transmission line project of this nature before now?

24 ROGER MERCHANT: Not that I'm aware of.

25 MR. MANAHAN: Okay. Maybe I could turn

1 to Mr. Buzzell and just ask you a question.

2 ED BUZZELL: Okay.

3 MR. MANAHAN: On Pages 4 and 5 of your
4 direct testimony you say that cutting to the river's
5 edge will destroy the natural wonder on a particularly
6 scenic section of the river. So you've heard some
7 discussion we've had, are you aware now that CMP is
8 proposing to bury the line beneath the upper Kennebec
9 River and not cut along the river's edge, or to the
10 river's edge?

11 ED BUZZELL: I am aware that they plan
12 on burying the line, yes, but I haven't seen a visual
13 assessment or anything like that to show what the
14 damage would do from a line going under the Kennebec
15 River.

16 MR. MANAHAN: So essentially you're
17 saying you don't believe Miss Segal's testimony where
18 she says there would be no impacts viewed from -- of
19 the project from the river?

20 ED BUZZELL: When they did the overhead
21 lines, they did do a Visual Impact Study so that we
22 could see exactly what it looks. There has been no
23 visual impact and I'm not sure, I guess from different
24 angles, I believe it probably will be seen.

25 MR. MANAHAN: Okay. Did you read her

1 rebuttal testimony in which she did say in her rebuttal
2 testimony that it will not be seen, there will be no
3 impacts seen from the road?

4 ED BUZZELL: I did see her rebuttal
5 testimony, but again, even though she's done that, I
6 haven't seen anything on paper that says it will not be
7 seen from the river.

8 MR. MANAHAN: Okay. Now, Mr.
9 Prisendorfer, on Page 7 of your testimony you say that
10 it's unclear to me how the proposed development would
11 not harm the scenic or aesthetic integrity of the area.
12 I'm just going to ask you the same question that I just
13 asked Mr. Buzzell basically, which is did you see the
14 presentation, were you here for the presentation by Amy
15 Segal and Terry DeWan about the Visual Impact
16 Assessment they conducted?

17 JUSTIN PRISENDORFER: I was.

18 MR. MANAHAN: And did you prepare a
19 Visual Impact Assessment?

20 JUSTIN PRISENDORFER: I did not.

21 MR. MANAHAN: Are you familiar with the
22 DEP standards for preparation of Visual Impact
23 Assessments?

24 JUSTIN PRISENDORFER: I did review them,
25 yes.

1 MR. MANAHAN: Okay. And have you read
2 the methodology used for this VIA?

3 JUSTIN PRISENDORFER: I did.

4 MR. MANAHAN: So, do you believe the VIA
5 did not comply with the DEP's requirements for
6 preparation of VIAs?

7 JUSTIN PRISENDORFER: I believe that the
8 VIA, the process should have included, as I mentioned
9 earlier, the access routes to public water resources,
10 and those were included. So I find it hard to make a
11 comprehensive assessment without survey of all those
12 meaningful places that the public has rights to access.

13 MR. MANAHAN: Okay. What methodology do
14 you use that determine that the visual impacts of the
15 project will be unreasonable?

16 JUSTIN PRISENDORFER: Because I don't
17 think that they -- actually the methodology did not
18 allow all of the viewpoints that the public would when
19 accessing those public resources. It did not include
20 those, so I don't think it was comprehensive.

21 MR. MANAHAN: I see, okay. Thank you
22 all. I have no further questions.

23 MS. MILLER: Thank you. We have Group
24 3.

25 MR. BOROWSKI: Group 3 has no questions.

1 MS. MILLER: Group 6?

2 MR. WOOD: Group 6 has no questions.

3 MS. MILLER: Group 7?

4 MR. SMITH: Good morning, just briefly,
5 if I could follow up, I think I heard a little bit of
6 conflicting testimony between Mr. Prisenborfer and Mr.
7 Caruso --

8 MS. MILLER: Could you speak more into
9 the mic? I know it's tough.

10 MS. SMITH: I think I heard a little bit
11 of conflicting testimony between Mr. Caruso and Mr.
12 Prisenborfer. This is Ben Smith for Group 7.

13 MS. MILLER: Thank you.

14 MR. SMITH: I think that what I heard
15 from Mr. Prisenborfer was that Great Pond Act permits
16 access to people who like to go on private land owned
17 by people provided that they are going to and from
18 water bodies of ten acres or more. The thing I just
19 want to clarify is that, you know, and I'll leave it to
20 either to you or Mr. Caruso, would you agree that the
21 Great Pond Act only applies to nonmotorized access?

22 JUSTIN PRISENDORFER: Yes, the Act does
23 specify on foot.

24 MR. SMITH: Okay, great.

25 JUSTIN PRISENDORFER: And if I could

1 expand on that, I think that --

2 MR. SMITH: That was my question.

3 JUSTIN PRISENDORFER: -- the access that
4 is customary to all of these places is by motorized
5 access for a majority, but I understand that; however,
6 if it was to be required on foot, I would expect people
7 to logically use those same access routes and their
8 exposure to these visual impacts would actually be
9 longer in duration.

10 MR. SMITH: So two issues, so one, this
11 is a yes or no, you agree that the access we're talking
12 about is only by foot and that it could be gated and
13 there would be no motorized access permitted, correct?

14 JUSTIN PRISENDORFER: Yes.

15 MS. SMITH: And then the second issue is
16 that the purpose of the Act is to allow people to enjoy
17 and take advantage of water bodies of ten acres or
18 more, hunting, fishing and related pursuits, correct?

19 JUSTIN PRISENDORFER: That's correct.

20 MR. SMITH: So that wouldn't necessarily
21 permit someone to want to go and enter private property
22 for purposes of taking an afternoon to go cross county
23 skiing, correct?

24 JUSTIN PRISENDORFER: I'd have to review
25 the language of the Act, but I don't think that it

1 necessarily excludes cross county skiing.

2 MR. SMITH: You're telling me that you
3 think that any recreational activity at all, even if it
4 doesn't have anything to do with water bodies is
5 something that could be done and you have a right to
6 that?

7 JUSTIN PRISENDORFER: Are you asking
8 about the mode of travel to get to those water bodies?

9 MR. SMITH: No, I'm talking about the
10 activity involved.

11 JUSTIN PRISENDORFER: When on the water
12 body or when on the access route? If you could maybe
13 state your question in a another way?

14 MR. SMITH: Sure. My question
15 originally was you recognize that the purpose of the
16 Act was to allow for uses that were done in connection
17 with water bodies of ten acres or more and that the
18 Great Pond Act doesn't necessarily entitle a person to
19 take an afternoon stroll on a piece of property or to
20 go cross country skiing, or some other recreational
21 activity that is not connected with those water bodies?

22 JUSTIN PRISENDORFER: Sure, I'll agree
23 with that.

24 MR. SMITH: Thank you. You answered
25 some questions from Mr. Manahan about Coburn Mountain

1 and some of the facilities on Coburn Mountain, let me
2 ask, is there anyone on the panel that recently hiked
3 or is familiar with the top of Moxie Mountain?

4 ROGER MERCHANT: Moxie or Moxie Falls?

5 MR. SMITH: I think it would be -- I
6 think it's Moxie or Moxie Mountain.

7 ROGER MERCHANT: Yeah, I was up that
8 about four years ago. I'm the maintainer on the AT.

9 MR. SMITH: Okay, very good. So at the
10 top of Moxie, would you agree that there are structures
11 that are manmade at the top of that mountain?

12 ROGER MERCHANT: Not anymore. The fire
13 tower that existed the day that I visited in 1983 was
14 taken down. The four iron plates that were in the
15 granite bedrock are still there, but all signs have
16 disappeared.

17 MR. SMITH: So you're not -- you haven't
18 seen the top of Moxie a communication tower?

19 ROGER MERCHANT: Are we talking about
20 the same Moxie? I'm talking about Bald Mountain.
21 Sometimes they get confused. Are we talking about Bald
22 Mountain or Moxie Bald?

23 MR. SMITH: What's your knowledge about
24 Moxie Bald?

25 ROGER MERCHANT: Moxie Bald, I'm talking

1 about Bald Mountain right adjacent to Bald Mountain
2 Pond on the east side of it -- sorry, west side of it,
3 and the Appalachian Trail going west or southbound goes
4 up over the side ridge. There's a side trail that goes
5 to the north peak of Bald Mountain and to the left it
6 goes to the foot of the highest point on Bald Mountain,
7 which showed up in one of those pictures yesterday, and
8 then the Appalachian Trail turns from there, there's a
9 side trail up to that highest point.

10 MR. SMITH: Can I approach the witness
11 and provide a document? If you could just orient
12 yourself --

13 MS. MILLER: Do you have extra copies of
14 that document so that we can all see?

15 MR. SMITH: Sure, it's part of the
16 application, but I can provide copies.

17 MS. MILLER: Thank you very much.

18 ROGER MERCHANT: Well, this is
19 interesting. Somebody else can speak to that because I
20 can affirm from looking at the map here I have not been
21 to the top of Moxie Mountain, which rests south of what
22 I was talking about where the AP crosses at Bald
23 Mountain.

24 MR. SMITH: So the mountain you were
25 talking about, just to be clear for the record, is not

1 the mountain that is depicted in this document, which
2 is part of the CMP application --

3 ROGER MERCHANT: This is not the same as
4 what I was referring to where the AT goes over the
5 mountain and ridge.

6 MR. SMITH: That's helpful. I
7 appreciate your clarity on that. Is there a witness
8 that is familiar with this particular location?

9 GREG CARUSO: I am.

10 MS. MILLER: For the record, that's Mr.
11 Caruso.

12 MR. SMITH: And Mr. Caruso, when is the
13 last time I guess you have been up to the top of Moxie
14 Mountain summit where it overlooks?

15 GREG CARUSO: Probably two years.

16 MR. SMITH: And have you seen this
17 document or reviewed this document in connection with
18 this case?

19 GREG CARUSO: No.

20 MR. SMITH: Would you -- based on your
21 memory and your personal experience, would you agree
22 that at the top of Moxie Mountain there's a
23 communications tower?

24 GREG CARUSO: I am not sure what it is
25 up there, but there is -- I wouldn't even call it a

1 tower. It's like a platform of some kind.

2 MR. SMITH: Let's go to Page 8. And on
3 Page 8 there are three different photos that are
4 actually depicted. I'm going to have you look to the
5 lower right-hand corner, if I could. Do you have that
6 in front of you?

7 GREG CARUSO: I have it.

8 MR. SMITH: Okay. So looking here,
9 there's a photograph 15 that says view looking north
10 toward a building with communication towers on the
11 summit of Moxie Mountain and Caratunk; do you see that?

12 GREG CARUSO: I see them.

13 MR. SMITH: And do you see the towers in
14 that picture?

15 GREG CARUSO: Yup.

16 MR. SMITH: And they're extending well
17 above the tree line in that area, correct?

18 GREG CARUSO: They're not really. I
19 mean, you can't see that from any viewpoint that I've
20 ever seen of that mountain, and I've been all around
21 it, above it, around it, every which way you can think
22 of.

23 MR. SMITH: My question was, I'll go
24 back to my question, from this vantage point right here
25 when you are hiking up Moxie Mountain, are you telling

1 me that you can't see these towers?

2 GREG CARUSO: Absolutely not, not hiking
3 the mountain, no, you can't.

4 MR. SMITH: So when you're standing
5 right here, you don't -- you can't see from this
6 vantage point that the towers are --

7 GREG CARUSO: Well, I can see it in the
8 picture, if that's what you're referring to.

9 MR. SMITH: All right. And look to the
10 lower right-hand corner of that same picture, do you
11 see those wires laying on the ground?

12 GREG CARUSO: Yup, I see them.

13 MR. SMITH: And go to the photograph to
14 the left of that, if you could.

15 GREG CARUSO: Yup.

16 MR. SMITH: Can you see photo 14, it
17 talks about in the caption that this is a photograph
18 that shows a solar array at the top of Moxie?

19 GREG CARUSO: Mmm-hmm.

20 MR. SMITH: Was that there -- is that a
21 yes?

22 GREG CARUSO: Yes.

23 MR. SMITH: And are you familiar with
24 that? Have you seen that the top of Moxie?

25 GREG CARUSO: I guess I -- I remember

1 seeing some equipment there. I don't remember exactly
2 what it was. I didn't look that close at it. I wasn't
3 really looking at the equipment.

4 MR. SMITH: Okay. You mentioned in
5 response to an earlier question there was a large pad,
6 are you aware that there is actually a helicopter
7 landing pad at the top of the mountain?

8 GREG CARUSO: If there is, I wouldn't
9 land my helicopter on it.

10 MR. SMITH: All right. Is that perhaps
11 the pad you were referring to?

12 GREG CARUSO: I guess. I don't know
13 what it is. It's a nice place to lay down, hang out
14 and take a break. This isn't part of the project that
15 I can see.

16 MR. SMITH: What's that?

17 GREG CARUSO: This isn't part of the
18 project going around this mountain. It's not within
19 the 53 miles, put it that way.

20 MR. SMITH: Last I'd like to direct you
21 attention to -- actually I'll move to a different area.
22 Just following up briefly on the snowmobile trail
23 discussion that you had with Mr. Manahan earlier, have
24 you reviewed the rebuttal testimony provided, Mr.
25 Caruso, in the testimony by Central Maine Power?

1 GREG CARUSO: I believe I have, but I've
2 been reading a lot of stuff and it's all kind of a blur
3 to be honest.

4 MR. SMITH: Did you read perhaps the
5 testimony of Mr. Tribbett on behalf of CMP?

6 GREG CARUSO: I don't recall that.

7 MS. BOEPPLE: I'm objecting only because
8 that testimony is still subject to motions to strike
9 and has been scheduled I believe for coverage in the
10 May 9th hearing, so I would object on that basis.

11 MR. SMITH: I don't quite understand the
12 basis for the objection. I think that certain issues
13 were carried over for the hearing, but I think what I'm
14 about to get into is something that's fair game and has
15 been brought up in discussion at this hearing.

16 MS. MILLER: Give me a minute, I'd like
17 to check my procedural order.

18 MR. SMITH: Sure.

19 MS. BENSINGER: Can you tell us what the
20 topic is that you're going to discuss?

21 MR. SMITH: I'm following up on a
22 snowmobile issue, co-location within the facilities, or
23 within transmission facilities in general.

24 MS. MILLER: In the seventh procedural
25 order, paragraph five, it states that the rebuttal

1 testimony from the Applicant's new witnesses, which
2 included Mr. Tribbett, which pertains to matters other
3 than the underground option and the cross-examination
4 of that witness will also be scheduled for the
5 spillover date in May, so I'm going to not allow it and
6 if you can hold that until May 9th, please. Thank you.

7 MR. SMITH: Thank you. Are you aware,
8 Mr. Caruso, that of the total transmission lines owned
9 by CMP that 600 miles of those are co-located with
10 existing snowmobile trails?

11 GREG CARUSO: I heard that this morning.

12 MR. SMITH: And with regard to trails in
13 and around where you do your grooming activities or
14 you're familiar, would you agree that there are other
15 additional trails that are co-located right within the
16 transition corridors including the entirety of Bingham
17 to The Forks?

18 GREG CARUSO: Ask me that question one
19 more time.

20 MR. SMITH: The entirety of ITS87 I
21 think Mr. Manahan asked you is co-located, right?

22 GREG CARUSO: Correct.

23 MR. SMITH: And that would include the
24 area Bingham to The Forks?

25 GREG CARUSO: You're speaking of ITS87,

1 the whole trail you're asking me how much -- what are
2 you asking me?

3 MR. SMITH: I'm just if -- I'm just
4 clarifying that you're aware that the entirety of
5 ITS87, which would include the area from Bingham to The
6 Forks, is co-located within a 115 transmission line,
7 that snowmobile trail.

8 GREG CARUSO: No, that's not true. I
9 mean, there's only a few miles of transmission line
10 that the trail exists on.

11 MR. SMITH: I thought that in response
12 to Mr. Manahan you agreed that the entirety of the
13 ITS87 is co-located.

14 GREG CARUSO: I don't believe I did say
15 that, nope.

16 MR. SMITH: There are other areas, such
17 as from Wyman Dam all the way to Bigelow Station, which
18 are co-located within transmission lines?

19 GREG CARUSO: Repeat that.

20 MR. SMITH: So there's a trail that runs
21 on a transmission corridor, isn't there, from Wyman to
22 Bigelow Station, Bigelow Substation along the Bigelow
23 Preserve?

24 GREG CARUSO: Yeah, I know there is some
25 transmission line over there. I don't know what parts

1 of the trail are on it. I don't ride over that way
2 very often.

3 MR. SMITH: Okay. Are you aware that
4 the MSA has established a trail network to intertie all
5 of the wind power facilities, all the wind turbine
6 sites?

7 GREG CARUSO: There's a trail called the
8 -- I think they call it the wind loop or wind power
9 loop.

10 MR. SMITH: So you're familiar with
11 that?

12 GREG CARUSO: I am.

13 MR. SMITH: And the reason that that is
14 created is because it's a popular destination for
15 people snowmobiling, correct?

16 GREG CARUSO: I wouldn't call it -- I
17 don't know about a popular destination, it's a loop.

18 MR. SMITH: Are you telling me that the
19 MSA would establish a trail where people are unlikely
20 to ride?

21 GREG CARUSO: I don't know if -- no, I'm
22 not telling you that. I think that it's a curiosity.
23 That's what that ride is.

24 MR. SMITH: It attracts people?

25 GREG CARUSO: Not necessarily. I think

1 they ride it because it's a -- the views from that
2 point underneath the tower looking away.

3 MR. SMITH: Would you agree that
4 snowmobiling in areas around wind towers or wind power
5 facilities, they are not incompatible uses?

6 GREG CARUSO: Ask me again.

7 MR. SMITH: It's apparent by the fact
8 that they are linking these trail networks and
9 therefore, people to ride snowmobiles, you would agree
10 that snowmobiling in the vicinity of these towers is
11 not -- they're not incompatible uses?

12 GREG CARUSO: I would say that in some
13 respects it is compatible so because you can -- the
14 views from that point looking away are good.

15 MR. SMITH: And when you're at the
16 sites, have you been up to them?

17 GREG CARUSO: I have.

18 MR. SMITH: And when you're at these
19 sites, you see large towers that go 450 feet in the
20 air?

21 GREG CARUSO: I do and I have ridden
22 there purposely to get a sense of what my guests'
23 reaction would be and their reaction is negative
24 toward, you know, toward that project itself, but they
25 are impressed by the views the other way.

1 MR. SMITH: And other people may go
2 there because they enjoy looking at them?

3 GREG CARUSO: I don't think they're
4 going to go hang out under a wind tower because they
5 like to look at a wind tower, put it that way.

6 MR. SMITH: The last question I think I
7 have with regard to Ms. Caruso, the town of Caratunk
8 and its position, is the town of Caratunk currently
9 being -- is it any proposed site for a facility
10 involving NextEra?

11 ELIZABETH CARUSO: I'm not sure how you
12 started that question, but NextEra did approach the
13 town about putting a solar farm at the old U.S. Air
14 Force radar base.

15 MR. SMITH: And that's still a
16 possibility?

17 ELIZABETH CARUSO: I do not know.

18 MR. SMITH: When is the last time you
19 talked to NextEra?

20 ELIZABETH CARUSO: About the solar farm?
21 Years ago.

22 MR. SMITH: Start with that one, I
23 guess. When is the last time you talked to them about
24 the solar farm?

25 ELIZABETH CARUSO: I don't know what

1 year it was. It's been years.

2 MR. SMITH: Are they still interested in
3 that site that you're aware of?

4 ELIZABETH CARUSO: I do not know.

5 MR. SMITH: More generally when is the
6 last time you had discussions with any representatives
7 for NextEra?

8 ELIZABETH CARUSO: Just in passing,
9 attorneys in the proceedings.

10 MR. SMITH: Have they provided any
11 advice or any input to --

12 MS. HOWE: Objection.

13 MS. BOEPPLE: Objection.

14 MR. SMITH: What's the basis for the
15 objection?

16 MS. BOEPPLE: Well, first of all, this
17 is entirely irrelevant to the testimony that Ms. Caruso
18 is presenting and has presented. And secondly, to the
19 extent that she in her role as select person for the
20 town of Caratunk might have had any discussions related
21 to a different project, again, I question the
22 relevancy --

23 MR. SMITH: Can I respond?

24 MS. BOEPPLE: -- and it may in fact be
25 subject to privilege and discretion that the selectmen

1 may have in discussions with projects that may be going
2 forward in their town.

3 MS. MILLER: I would like to hear Group
4 8's objection first.

5 MS. HOWE: This is Emily Howe for Group
6 8, NextEra. I would just object that it's beyond the
7 scope of her testimony.

8 MS. MILLER: Thank you. Response?

9 MR. SMITH: Sure, thankfully beyond the
10 scope I don't think is a winning argument because bias
11 and credibility are always issued, period. And if
12 there is a potential relationship, or there could have
13 been a potential relationship that might influence the
14 witness' testimony, it is fair game.

15 Second, with regard to any privilege
16 issue, if I may, sorry, I don't think there's been any
17 basis for establishing any privileged relationship here
18 and I should be free to explore it.

19 MS. HOWE: I'd just respond to the bias
20 that it seems to be bias as to NextEra and Chris Russo
21 will be testifying tomorrow, so those questions can be
22 addressed to him.

23 MR. SMITH: But I'm cross-examining this
24 witness.

25 MS. BENSINGER: I would recommend that

1 the Presiding Officer allow the question to proceed.

2 MS. MILLER: I'll go ahead and allow it.

3 MR. SMITH: Thank you. I forget now
4 what my question was, but I think it was something
5 along the lines of when is the last time you had
6 discussions with any representatives for NextEra, and I
7 think you responded as part of this proceeding, or
8 these proceedings, and then I followed up by asking
9 have they provided any advice or any information or any
10 guidance or any other information to the town.

11 ELIZABETH CARUSO: No.

12 MR. SMITH: And when is the last time
13 you talked to counsel for NextEra?

14 ELIZABETH CARUSO: Incidentally just
15 small talk, you know, walking by her chair saying hi
16 yesterday. There's no substance to our conversation.

17 MR. SMITH: But you have talked to
18 NextEra about these proceedings?

19 ELIZABETH CARUSO: No, I'm saying when
20 we were in proceedings and we would -- just small talk.

21 MR. SMITH: No further questions. Thank
22 you.

23 MS. MILLER: Thank you. I'll go ahead
24 at this point and turn to the Department for questions.

25 MR. BEYER: Mr. Merchant, you had a fair

1 amount of testimony in terms of forced fragmentation
2 and you've stated that there's been substantial amount
3 of forced fragmentation since the 1960s. In your
4 opinion, would the transmission line push the
5 fragmentation impacts beyond some tipping point?

6 ROGER MERCHANT: That's a good question,
7 and I don't fully know, but I can offer this much, in
8 terms of my understanding of forest fragmentation where
9 it becomes problematic, and this has showed up also in
10 other testimonies provided by Janet McMahon and it will
11 be provided by Matt Carr, where fragmentation becomes
12 problematic is when one layer is in and then another
13 layer comes across on top of that and another layer
14 comes across and on top of that. Those are called
15 multiple cumulative fragmentations that begin to create
16 smaller and smaller isolated parcels. In my testimony
17 and in my comments, I acknowledge that there is, in the
18 forest landscape fragmentation patterns that are
19 obvious that are on the aerial photographs that are
20 delineated on those aerial photographs. There's some
21 areas of forest that are on those photographs that are
22 not fragmented and it's obvious that they have a smooth
23 forest cover to them. My estimate in terms of forest
24 fragmentation on the landscape in question indicates
25 that there's about 40 percent of the landscape between

1 the Quebec border and Coburn Mountain, about 40 percent
2 of the landscape right along that power line is
3 fragmented forest from forest practices. The other 60
4 percent, and it varies a little from photograph to
5 photograph, is more continuous forest cover and when
6 you look on the photographs as evidence, you'll see the
7 continuous forest cover is obvious because it doesn't
8 have patches, strips and that kind of thing through it.
9 So in terms of just forest fragmentation from timber
10 harvesting practices, that's the mix of what exists
11 currently in the landscape.

12 Added into that factor, and I would back
13 up and say also, in all fairness, the jury is out in
14 terms of the negative impacts of that kind of forest
15 fragmentation. MNAP did some studies for the Maine
16 Forest Service back ten years ago looking at the impact
17 of clearcuts on the landscape, large clearcuts, small
18 clearcuts and there was nothing definitive about
19 specific wildlife habitat, but at the end of it there
20 was discussions about more and more small patch
21 clearcuts, adding more and more edge effects, squeeze
22 out interior forest habitat, and while it has not been
23 fully researched, the jury is out on that in terms of
24 well, whether that's neutral or negative.

25 So you take that and add in two more

1 things, we discussed earlier the existing, or the newer
2 base of permanent gravel logging roads, some are wide
3 like the Spencer Road out on the front end and some
4 over there in Lowelltown, they're pretty narrow
5 granted. So those narrow ones are going to have less
6 fragmenting impact, but in terms of landscape
7 vegetation change, I factor that into impacts that
8 begin to accumulate. You put the Central Maine Power
9 line through there and that is permanent and radically
10 different. And the other thing that goes with that
11 that I didn't point out on the photographs is when you
12 look at where that power line comes down across the
13 landscape, you can see how it begins to cut through
14 patches, there's patches of forest that are continuous
15 forest. When the power line cuts right through that,
16 that splits that chunk of deeper continuous forest in
17 half. That's fragmentation on top of fragmentation.

18 The last point I would bring in as less
19 important, but relevant anyway in terms of forest
20 change is I reference in my testimony the 1942, 2016
21 forest project that takes aerial photography in Central
22 Maine from 1942 and it compares it to the same scene in
23 2016. And back there during World War II consistently
24 on that project that was done in northern Piscataquis
25 County, granted it's not in the same counties here, but

1 the forest practices and the history of that at that
2 time were pretty much the same and the fact is that
3 there's continuous forest cover in the 1942
4 photographs, even with forestry operations occurring in
5 the landscape. You compare those exact same frames,
6 and they're on the website, with the exact same view
7 now and you see two very distinct patterns.

8 So that is a historic change in forest
9 cover that was also part of it and that's relevant to
10 forest impact because forest impacts don't necessarily
11 happen at the end of the next quarter. The forest
12 clock goes on for 70 to 300 years depending on the
13 species, life cycle and all of that.

14 So those kind of impacts that are
15 historic and also current are relevant to the
16 considerations of what is the impact here adding this
17 in top of and on top of all of that, I believe. That
18 is a relevant investigation.

19 MR. BEYER: So I heard you say there's
20 60 percent of contiguous forest in that area.

21 ROGER MERCHANT: That's what I said,
22 yeah.

23 MR. BEYER: Did you do any calculations
24 to figure out how much of a reduction the corridor
25 would cause in that 60 percent number? So you got 60

1 percent contiguous forest now, they put in the
2 transmission line, it goes to 40, 20, 10?

3 ROGER MERCHANT: Let me give that a
4 pause for a minute just to kind of process that through
5 because you add the power line on top of what's already
6 fragmented is fragmented and then it's fragmented
7 permanently, which is different than the prior, which
8 is a regioning forest, so -- I did not do a calculation
9 of acreage on that so I will stand accountable for
10 that, but where the power line cuts through areas of
11 contiguous forest, that's going to take that out of
12 contiguous forest and put that into a more fragmented
13 pattern.

14 MR. BEYER: I understand that. Thank
15 you. Would tapering vegetation, in other words, you've
16 seen the tapering, would that lessen the impact on
17 forest fragmentation?

18 ROGER MERCHANT: I would grant that it
19 might, and I'm not qualified -- I'm not a wildlife
20 biologist, thinking about that from the wildlife
21 perspective, that that might soften the effect, but I
22 don't really definitively know or have any basis to
23 really back that up, but I would want to look at that
24 in terms of what are the benefits of that. Are there
25 costs, and I don't know. The other thing that's

1 obvious in that is that the scrub and shrub that
2 they're talking about that goes with that, that's
3 adding vegetation back into the cleared landscape,
4 which can be seen as a plus. But also what I would
5 think about, I'm not sure how we would calculate that,
6 but comparing that to the adjacent forest cover, what's
7 missing in the scrub and shrub is obvious and that is
8 the younger, middle age and older ages that support
9 birds, habitat, etc., so that's totally gone missing
10 and so is the carbon storage that goes with that.

11 MR. BEYER: Ms. Caruso, in your
12 testimony you suggest that a project that's not for
13 reliability should be held to a higher standard than a
14 project that is for reliability, can you point to
15 something in either Site Law standards or Natural
16 Resource Protection Act standards that would support
17 that argument?

18 ELIZABETH CARUSO: Off the top of my
19 head I can't. I haven't memorized that, but I know
20 that with reliability corridors that leeway is given
21 because they are providing a benefit to our public,
22 something very important, and this is instead just an
23 elective transmission upgrade, which is something that
24 is just a for profit project for a company just like
25 Wal-Mart would put in a store and, you know, want to

1 get a permit.

2 MR. BEYER: Thank you.

3 ELIZABETH CARUSO: Also, can I add
4 something? This is -- this DC line is the first of its
5 kind in the State of Maine and it's the, you know, it
6 would be the first ETU in that area.

7 MR. BERGERON: Mr. Merchant, on Page 5
8 of your direct testimony, you had mentioned it earlier
9 about a MNAP center for conservation science study done
10 in 1997, and they found that, quote, in many small
11 clearcut strategy allowed more harvesting than a few
12 large clearcut strategy and that the many small
13 clearcut strategy led to greater fragmentation, end
14 quote. Can you help me understand, is one of those
15 strategies more prevalent in the at western Maine
16 mountains currently?

17 ROGER MERCHANT: That's a tough question
18 because like I haven't scanned the whole landscape from
19 one end to another, but I have looked at the landscape
20 in question between Coburn Mountain and the Quebec
21 border. There are visible patterns on the aerial
22 photographs of different sizes, complexities of patches
23 larger and smaller. The MNAP work, as I interpreted
24 that and understood what they were studying, it was in
25 response to the Forest Practices Act influence on

1 timber harvesting at that time. What I drew from that
2 was they were saying that actually if -- because edge
3 effect can be a concern in wildlife habitat, I
4 generally understand that piece, they were saying that
5 the larger clearcuts had less distance in edge effect
6 in contrast to where you remove the same amount of
7 timber from an area, but you do that through smaller
8 clearcuts with the protection zones in between each of
9 those clearcuts that when you do more and more patch
10 clearcuts to reduce the same amount of wood, that
11 has -- their concern was that that might create habitat
12 problems in those narrow zones between that if you put
13 more small patches in the landscape, it squeezes out
14 space for species that need deeper forest, like pine
15 marten needs a deeper forest, not sitting in a
16 landscape that is riddled with a plethora of 10 or 20
17 or 30 acre clearcuts. That's my understanding of what
18 came out of the MNAP piece that raised a concern for
19 me. And then I would look at the aerial photograph
20 examples that I had there and see well, we got the
21 roads cutting it this way, we got the timber harvesting
22 cutting it that way, we got some new timber harvest
23 here cutting it another way, and I looked at that and I
24 said that's not fragmentation impact neutral in my
25 professional opinion. And there's a lot more that

1 isn't defined in that, I will grant you, but I believe
2 that that is something that should be considered in
3 evaluating and assessing a bit deeper and wider what
4 the impact of this project will be immediately and
5 along the power line in that thousand foot zone of
6 influence that wildlife biologists calmly talk about.
7 They say well, you have species with limited mobility,
8 temperature changes on the edge, that can extend to up
9 to a thousand feet into the forest where things
10 neutralize with cooler moisture conditions. Other
11 species that are more mobile, I believe the standard is
12 they say 300 to a thousand feet, so assessing that on
13 either side of the power line would be a reasonable
14 assessment of what's going to change here, who's that
15 going to affect, but that's not obvious anywhere in
16 the data I've looked at in the testimony.

17 MR. BERGERON: Thank you. Mr. Caruso,
18 can you give me a sense of the amount or the types of
19 questions that your clients ask when you're guiding
20 them out in these areas? How many questions do they
21 have about working forest views, turbines, other type
22 of development? Do they seem to kind of focus on that
23 or do they focus on the undeveloped portions of the
24 landscape?

25 GREG CARUSO: They focus on all of it

1 really. I intentionally like to get some feedback from
2 people every time I go out there, just curious, you
3 know, I'm there all the time so I'm used to it. It
4 would be like me going down to Boston, I walk around
5 like wow, look all the stuff all around me, you know,
6 so it's obvious that they're going to have some
7 questions. A lot of times I'll talk about the
8 landowner. I'll talk about -- if they specifically
9 pick out places on the side of a ridge and say is that
10 a ski area over there, or what's that clearing over
11 there, I'll talk about, you know, the landowners and
12 how they manage the forest and how they allow us to
13 access this area and we got to be good stewards and all
14 that sort of thing.

15 With regards to wind towers in
16 particular, I have taken people out that way as well.
17 And generally speaking, they kind of look at it as a
18 bit of an anomaly, curiosity and then when they get
19 there, they look at the line of them, there's 62 of
20 them in that particular project in Bingham and their
21 views change suddenly, like uh, I can't believe that,
22 you know, we're looking at all of that. Why did they
23 allow all that? And so I turn at a different point and
24 I say look at the views in front of us here. We've got
25 the beautiful views in the opposite direction not

1 directed towards the coin towers, so it's kind of
2 interesting to me their feelings on it, so.

3 MR. BERGERON: And along those lines, in
4 general do you have a sense if development in general,
5 I won't pick out a specific type of development,
6 changes their experience or their willingness to return
7 to this area?

8 GREG CARUSO: I think it does because I
9 mean, that's the very reason why they're leaving where
10 they live. They come up there and they ride up there
11 specifically for that reason. And I'm just going to
12 use the example of when I do a guided snowmobile trip
13 when I leave The Forks, the destination that I go to is
14 Coburn Mountain and every single snowmobiler that goes
15 there, and I would guess there's probably 10,000
16 snowmobilers that go up there in the course of the
17 season, it's the absolute hub and heart of our area.
18 That's where they go. And the reason for that is
19 because when you get up there up you're in an upper
20 alpine environment. There's no construction of any
21 kind. There's no improvements of any kind. There's a
22 working forest there, sure. I mean, that's common.
23 Again, I stop and I talk about all of that, but the
24 very reason that we go there is not to see any
25 development and it really bugs me that the line's going

1 right through the center of that and there's no real
2 consideration for it really whatsoever.

3 I mean, standing in that parking lot,
4 the Coburn Mountain parking lot right where the old
5 lodge used to be, that power line with hundred foot
6 towers is going to be right over your head right as
7 you're looking at Coburn Mountain from the base. I
8 mean, it's going to be incredibly in your face, there's
9 no question. And the fact that it's crisscrossing in
10 such a short period of time and going over these
11 dramatic changes in elevation again is very disturbing.

12 And I know that for a fact that people
13 will comment, it will be negative comments on that
14 because if I'm -- I have a return guest and they're
15 coming back, I've taken them up there before, and they
16 always ask to go there. There's two places that they
17 always ask to go, that's Grand Falls and Coburn
18 Mountain, okay, and there's going to be a dramatic
19 change in their experience, no question.

20 MR. BERGERON: Thank you. And we heard
21 from Mr. Meyers this morning about the limited use, or
22 the use of transmission lines for snowmobile trails,
23 but on Page 10 of your direct you said there was
24 limited use of transmission lines and nobody enjoys
25 riding them, can you expound on that a little bit,

1 please?

2 GREG CARUSO: I'm not sure I would say
3 that they don't enjoy riding on them all the time, but
4 I would think it would be fair to say that they don't
5 enjoy riding on them most of the time because I'm just
6 going to use as an example, there's about a two mile
7 section of the ITS86 that goes on the transmission line
8 right on Moxie Pond, and the reason that it's there is
9 because the improved road that, the Troutdale Road
10 itself, they don't want traffic on that because there's
11 camp owners and whatnot, so the trail jumps onto the
12 transmission line for about two miles, and when it's in
13 good shape, sure, people don't mind riding on it. Like
14 I said, they use it as a means of egress. You're
15 getting from, you know, you're getting from one section
16 of trail to another, getting around the dam area on
17 Moxie Pond and getting around the camp road, but most
18 of the time that portion of the trail is terrible.
19 It's not improved and there's rocks and stumps and
20 spring holes and everything else that pop up all the
21 time. So what ends up happening is people jump on the
22 Troutdale Road, on the camp road and just shoot and
23 bypass it, okay, intentionally. It's very difficult to
24 groom in there unless we have a lot of snow and it
25 doesn't hold snow very well. It's usually the first

1 thing to go because the exposure there, the sun when it
2 starts getting high, it just beats right on that thing
3 and melts off quickly, so yeah.

4 MR. BERGERON: Thank you. Ms. Caruso,
5 in your direct, you had noted the amount of your
6 residence, commercial guiding business and other
7 associated businesses that would depend on wild and
8 scenic landscape, can you give me a sense of the
9 percentage of Caratunk residents whose business or
10 income is derived from tourism or outdoor recreation?

11 ELIZABETH CARUSO: I haven't done a
12 calculation, but generally like just with words, I
13 would say that most of the year-round residents, they
14 are either -- they're guides who have their own
15 business, or they work for an outfitter as either a
16 guide, or works as a waitress, housekeeping, pumping
17 gas, works in the retail, answers the phones for a
18 company. I mean, really the tourism is where people
19 who are working there, like our family, we wouldn't be
20 there without tourism. It's not like it's a very
21 convenient place to live. You're there because of the
22 natural resources and you're trying to make a living
23 within that industry. There are a few other -- and I
24 will say that a lot of our non -- our seasonal
25 residents have homes there because of the natural

1 beauty, the resources of our area. It's a booming
2 population during the summer. All people that are camp
3 owners are there, they're on Pleasant Pond, they're on
4 the Kennebec River and they're there to go hike and
5 snowmobile. They bring their clients there for
6 weekends. They're buying fishing trips. They're going
7 to the area of restaurants and they're spending a lot
8 of money in our town because of tourism.

9 There are some other residents who work
10 as carpenters. They do work on -- camp owners, they're
11 roofers. They are catering to the needs of all the
12 landowners in our area, whether it's in Caratunk or
13 Moxie or The Forks because there are a lot of people
14 that need work done. So these are in the service
15 industry catering to people who are all there because
16 of the natural resources. I don't know if that helps
17 you.

18 MR. BERGERON: Yup, thank you.

19 MR. REID: I have a question that I
20 think is primarily for Mr. Prisendorfer. You mentioned
21 several locations and lying segments that you urged be
22 given additional consideration for burying the line and
23 I was wondering if you'd be willing to rank those and
24 prioritize those for us in terms of those specific
25 locations and line segments where you believe burying

1 the line would provide the greatest mitigation benefit
2 either to existing uses or scenic impact or something
3 else.

4 JUSTIN PRISENDORFER: Yeah, that would
5 be -- I would love to do that. That would be a tall
6 order. I'm not sure that I'm best position to speak to
7 all of the values, but I think that we've heard
8 concerns with the project's impacts on both habitat
9 fragmentation and resulting on wildlife populations and
10 then areas of scenic importance and so the areas that
11 rank high on my personal list would be some of the
12 areas that have already been designated by the State to
13 have scenic qualities, things like the designated
14 scenic river segments, it was discussed, the National
15 Scenic Byway, the Appalachian National Scenic Trail.

16 And I understand that the scenic
17 qualities of many of these areas have -- they have
18 impacts by existing infrastructure, but there are
19 cumulative effects by expanding what is -- on what is
20 there. Just because one utility line was there right
21 now does not mean that adding two, three, four, ten
22 would not have an increased impact. So I think those
23 designated areas -- those areas we designated scenic
24 qualities would be very important.

25 And then with segment one, the issue of

1 habitat fragmentation, as I thought about it, you know,
2 it seemed like one possible alternative that hadn't
3 been assessed is a combination of burial in some
4 portions, maybe even HDD in some portions to try and
5 retain as much vegetation on the surface as possible,
6 but trying to do it in a very calculated way that
7 maintains habitat connectivity, which is really the
8 core piece of habitat fragmentation. And as someone
9 who is not a professional wildlife biologist, I would
10 defer to folks in that field to define where those --
11 those most valuable linkages would be.

12 MR. REID: Okay. Thank you. Does
13 anybody else on the panel want to take the opportunity
14 to engage in that sort of ranking? I understand, while
15 you think about that, that your preference may be that
16 the application be denied in its entirety, or if it's
17 approved that the line be required to be buried in its
18 entirety, but what I'm asking is if given the chance,
19 you'd like to try to rank those specific locations or
20 line segments that you think would provide the biggest
21 mitigation benefit. This is your chance to do that if
22 you'd like.

23 GARNETT ROBINSON: I know nobody wants
24 to talk to me it seems like here, but -- and just to
25 give some qualification, I was born in The Forks. I

1 have a Social Security card that says The Forks I would
2 probably guess. My camp is actually given to me by my
3 grandparents, came from his grandmother, which was out
4 of the Kennebec Purchase, so that should give kind of
5 some weight to where I'm coming from.

6 As a forest ranger, this entire corridor
7 was in my unit and so when we start -- and I'm only
8 going to give it from my personal because I am not the
9 person that's going to say, you know, for scenic
10 character and quality, I'm not the person who would say
11 how did you rank that, but I can tell you from -- as a
12 guide and the places I've taken people, that notch that
13 comes between Tumbledown and Three Slide Mountain where
14 you see it from Rock Pond, is absolutely completely and
15 utterly scenic. You go up there, there's a turnout,
16 I've brought hundreds of people snowmobiling. We go
17 look for antlers, and I've made a lot of money showing
18 that view because you feel like you're out west. The
19 same thing here in Rock Pond, it's that, you know, I
20 almost want to cry, even though I'm here as an expert
21 witness, because that pond is absolutely scenic as you
22 look off towards Tumbledown and Three Slide and you
23 look at those gaps and that. That's a place that's
24 absolutely beautiful.

25 So that whole area, instead of having

1 these elevated poles, I mean, we hear people talking
2 lights and all that, just to give you some significance
3 here, these poles that are around a hundred feet are
4 much higher, are taller than some of the cell towers
5 that I appraise, you know, so when you're talking
6 scale, I've traveled to Quebec, I've been to -- I've
7 been under these power lines coming from the north
8 fishing, you know, I wasn't up there recreating just to
9 visualize, but I've been under them, had my hair stand
10 on end and hear the humming, look at these poles.

11 They seem to try to tell you that
12 because they're not lattice type, that there's not an
13 effect. These are giant poles that are going to be
14 landscape -- so this is one area, I would say Coburn
15 Mountain where you come up through there, absolutely
16 should be looked at.

17 As you come along Bear Hill, they talk
18 about private roads, so like, if I can address that,
19 I'd be happy to have them cross me too after this, but
20 when you're talking private roads, going in there, as
21 you go in along Enchanted, there's over 200 landowners
22 that own along Coburn Mountain. They bought because of
23 views and for the first ten miles they all have right
24 of ways and easements that go -- that allow them to
25 travel that. There are people that go in there.

1 The other thing is that there's this,
2 you know, and I absolutely agree that people need to be
3 aware of landowners and how they use their property,
4 but we -- every state -- every taxpayer in the State of
5 Maine reimburses towns and townships for revenue loss
6 because of tree growth. All of those owners that are
7 in these townships pay a little bit more to their
8 county for the county rate because of tree growth. And
9 I can tell you as the assessor in Caratunk and West
10 Forks that all of their land in those townships are in
11 tree growth. So those towns have to get reimbursed for
12 a portion of that. So that's the first of those areas.

13 I'd say Coburn Mountain, we just talked
14 about how beautiful it is. From a personal standpoint,
15 I've got the only camp I think will be looking at
16 Johnson Mountain, so I don't know that my ranking would
17 be fair to the people who will say Johnson Mountain,
18 but I'm on Pierce Lane, which is off old 201 that looks
19 at the whole face of Johnson Mountain. You can see
20 portions of that as you come up Route 201, so I would
21 say Route 201 Scenic Byway and all of that, if you can
22 cover the areas that he talked about, absolutely. You
23 know, to say that you shouldn't take views into account
24 on private roads, as you turn in, as he's talking
25 about, up to the old ski area, you know, my family, we

1 used to -- I mean, I was really young when that was
2 there and then taken out, but when you go there and you
3 look and it's grown back, it's just -- it's one of
4 those views that if it goes, you know, we have Mr.
5 Caruso, who a lot of people that aren't part of the
6 Western Mountains and River Foundation, that are going
7 to be affected by this. He has thousands of guests
8 that go through and go there and they -- and I would
9 say are affected greatly by that view. I'm glad
10 they're burying under the Kennebec River, that would be
11 another one. These other guys can add to the --

12 MR. REID: If anyone wants to briefly
13 address the question.

14 ROGER MERCHANT: I'll briefly address
15 it. That's a good question because none of this has
16 ever been fully assessed anywhere in this region.
17 It's been off the charts. We've always assessed
18 timber, but scenery, man, we can't talk about that, but
19 I'm glad you raised the question because when I put my
20 photographer's lens on, I'll tell you, here's the short
21 story of what comes out. You're looking for where is
22 the wow factor.

23 For me it starts after I cross Fish
24 Stream going down into Spencer Pond and start upgrade
25 towards Rock Pond just east of Rock Pond. When I go

1 further up to where the road up to Number 5 is, I'm
2 taking pictures of Number 6 and then I'm starting to
3 look for, I go around Rock Pond and head towards the
4 Notch.

5 Everybody has got their thing, but when
6 you head the towards the Notch, you know you're going
7 into something that is not found elsewhere in the
8 landscape scenic and geologic wise. And when you get
9 almost to the top of the Notch, there's this little
10 turnout there and you just got room for a pickup truck
11 there, but the brush is all cut there and over there
12 you're looking at Green Long Cliffs. I can't figure
13 out why anybody missed this one because it is so
14 obvious. And Green Long Cliffs, yes, it does not have
15 a trail through it, but it's going to have my
16 footprints on it this summer because when I looked at
17 it, I said man, nobody has captured this one. This has
18 got some wow to it.

19 Briefly, on the other side, instead of
20 following the Spencer Road, I turn off on the logging
21 road that goes up over that ridge to the north, the
22 bottom of the north slope, the Tumbledown Mountain that
23 in my testimony photograph shows that viewshed west
24 looking past Peaked Mountain up in the next valley and
25 beyond the south branch Moose River. So from eastern

1 Rock Pond to the South Branch Moose River, I think that
2 definitely deserves some consideration for being kept
3 visually quiet.

4 GREG CARUSO: If I had to kind of frame
5 something in, I would say from the time the line, the
6 corridor crosses Route 201 until it reaches the Spencer
7 Road. That's a really important area, and also the
8 Rock Pond area for sure, very dramatic in there. The
9 photo simulation doesn't do any justice whatsoever for
10 either area.

11 GARNETT ROBINSON: Can I add one more?

12 MR. REID: Quickly.

13 GARNETT ROBINSON: I'll do it really
14 quickly, but I would say Bear Hill when you get on the
15 Spencer Road. Bear Hill looks all the way up to
16 Beattie and very similar to Beattie and Overlook, all
17 the landowners that go in there, I mean, that first ten
18 miles, I don't know if they have to do the whole
19 section, but where you would be visually looking at it
20 from that Bear Hill out I think should be included
21 because it's, you know, if I took you there on a tour,
22 that's another wow just starting in on that road, so, I
23 mean, if that area -- when you got out to the Spencer
24 Road, there's an area we call Bear Hill, locals, and
25 I'm not sure if that's identified on the road itself,

1 but it's -- you would know when you get to it because
2 you come there and the road slopes down for many miles
3 and all you're looking at is Beattie and Number 5 Bog,
4 Number 5 Mountain and it's a complete landscape view.

5 So like if some years that they don't
6 plow, that's part of the snowmobile trail, it's just
7 areas that you end up looking at long distance views
8 for miles and miles. And all of those camp owners that
9 are in that area have that view, purchased it because
10 of that view. Lots of people are saying that they're
11 going to sell if they lose that view.

12 ELIZABETH CARUSO: I just want to
13 qualify that as much as white water rafting is critical
14 to our area during the summer, much as what that means
15 to the tourism industry, snowmobiling means just as
16 much. Snowmobiling is just as busy. It is critical
17 that we take -- that we have the hunting, the rafting,
18 the fishing and snowmobiling thriving industry up
19 there. So anything that threatens that, like he said,
20 anything that can be seen from, you know, Coburn and
21 all the trails that are going around that, it would
22 need to be buried.

23 MR. REID: So I have one additional
24 question. I don't want to cause us to fall too far
25 behind, Presiding Officer.

1 MS. MILLER: That's fine.

2 MR. REID: But if one or a couple of you
3 would like to react to this, I would appreciate your
4 feedback. As I understand the testimony we've heard so
5 far, if any portion of the line were to be buried,
6 there would still be a need to maintain the clear
7 corridor because of the impact of the routes. Do you
8 have a preference as between a buried line and a
9 cleared corridor or an above ground line and tapered
10 vegetation to mitigate the benefit the impacts that
11 you're concerned about?

12 GARNETT ROBINSON: My opinion would be
13 that you'd have a combination of both. I don't
14 understand why you have to -- so I mean, you should
15 have buried line in the really significant areas and I
16 think some of the other areas should have tapered
17 vegetation, whatever is allowed that doesn't, you know,
18 become a forest fire hazard, I guess, if this stuff is
19 too tall close to transformers, you know. But I think
20 tapered vegetation in almost of it because your --
21 ATVing, snowmobiling, all of these depend on -- are
22 depending on views. Protect the most significant ones
23 with burying, and if you had tapered vegetation, which
24 would be in other areas that, you know, didn't make
25 that list as top would --

1 ROGER MERCHANT: Very briefly, track
2 from east to Rock Pond up over the Notch to the South
3 Branch Moose River. A cleared zone for a buried line
4 would have less visual impact than what's proposed
5 width, power lines, towers.

6 GREG CARUSO: I'm not an expert in this
7 area, but --

8 MR. MANAHAN: Can I just object, Ms.
9 Caruso just consulted with her attorney about this
10 answer and then discussed it with Mr. Caruso and her
11 attorney has been consulting with -- also consulting
12 with Mr. Merchant. I would object for the record to
13 the attorney consulting with the witnesses during the
14 witness panel's ongoing presentation.

15 ROGER MERCHANT: No.

16 MS. MILLER: Did you want to respond to
17 that, Ms. Boepple?

18 MS. BOEPPLE: Yes. Yes, to the extent
19 I've done any consultation, I have not been talking
20 with Mr. Merchant throughout any of this testimony. I
21 came up to the table to show him his testimony. That
22 is the extent of communications I've had with him.
23 With respect to Ms. Caruso, she simply came and asked
24 me can we make reference to prior testimony and I said
25 yes, of course you can.

1 MR. MANAHAN: I would just object to
2 consulting with the attorney during the presentation.

3 MS. MILLER: That is noted. Thank you.

4 GREG CARUSO: So when thinking about
5 burying versus overhead, I'm not sure I understand
6 first of all why that you couldn't bury it and have
7 some type of vegetation there, tapered or whatnot, to
8 minimize that visual impact of the fragmentation
9 itself, but I think -- I'm not a hundred percent sure
10 on this, but it seems to me that burying a line
11 wouldn't require as big a footprint either, so -- and,
12 you know, a combination of both in certain areas if
13 necessary, so.

14 ELIZABETH CARUSO: From what I
15 understand if you're burying it, it's much narrower and
16 therefore, fewer herbicides are going to be polluting
17 all the wetlands and all the wildlife and all the
18 fisheries and that to me is huge. So we just don't
19 want to have that pollution and corruption of the
20 creation that's there.

21 MR. REID: Thank you.

22 GARNETT ROBINSON: Can I just add one
23 thing?

24 MR. REID: Very briefly.

25 GARNETT ROBINSON: Okay. Burying the

1 line for whole 53.5 miles, why is that not being
2 considered? I mean, their testimony is what's
3 reasonable, so I mean, in part of the reasonableness
4 they have to prove --

5 MR. REID: Everything is being
6 considered.

7 GARNETT ROBINSON: Okay. I'm just
8 saying like the combination isn't the preferred. I
9 would think burying it all for that section that's
10 never had it would be --

11 MR. REID: I understand your concern.

12 MS. MILLER: Thank you. Ms. Bensinger?

13 MS. BENSINGER: No, I don't have any
14 questions.

15 MS. MILLER: What we'll do, we're
16 running a little behind in terms of a lunch schedule,
17 but we're ahead in terms of the rest the schedule, so
18 we'll take an hour for lunch, but before we do that,
19 we'll do redirect when we get back, if there is any,
20 and then what I'd like to do is have the counsel for
21 the Applicant and Intervenor groups and counsel for
22 myself to sit down together and discuss the schedule
23 for the rest of the week because it does look like
24 we're running ahead, and it may be that if it's
25 appropriate, and it's okay with all the parties, that

1 we might be able to, you know, shift so we can wrap up
2 a little earlier on Friday. So I'm going to request
3 about 15 minutes for you to all meet at that point once
4 we're done with this panel so that folks on this panel
5 who need to leave can leave, you know, shortly after
6 lunch. So it is now 12:20, so we'll come back about
7 1:20 to start at 1:20. Thank you.

8 (Lunch break from 12:21 p.m. to 1:21 p.m.)

9 MS. MILLER: So what I wanted to do
10 first was call up the witness panel that was just up
11 here for redirect and recross if there is any. Do we
12 have everybody?

13 MS. BOEPPLE: We do, thank you.

14 MS. MILLER: Let's go ahead and get
15 started on redirect.

16 MS. BOEPPLE: Thank you. So, again,
17 counsel for Groups 2 and 10, Elizabeth Boepple, and I
18 just have a few redirect questions. This won't take
19 too long. First to you, Ms. Caruso. During Matt --
20 Mr. Manahan's questioning of you about whether or not
21 you had conducted a certain scenic review, did you --
22 are you an expert on -- a scenic expert?

23 ELIZABETH CARUSO: No.

24 MS. BOEPPLE: And were you presenting
25 your testimony as such?

1 ELIZABETH CARUSO: No.

2 MS. BOEPPLE: What about as a wildlife
3 biologist?

4 ELIZABETH CARUSO: No.

5 MS. BOEPPLE: And are you a legal expert
6 on the standards that the DEP has to apply?

7 ELIZABETH CARUSO: Definitely not.

8 MS. BOEPPLE: Okay. How about an
9 aviation expert?

10 ELIZABETH CARUSO: No.

11 MS. BOEPPLE: And was your testimony
12 intended to represent yourself as any of those?

13 ELIZABETH CARUSO: No, it was not.

14 MS. BOEPPLE: Could you briefly state
15 what the intent of your testimony was then?

16 ELIZABETH CARUSO: So -- well, I was
17 speaking on behalf of, you know, residents and the
18 welfare of our town and as a guide. I've been guiding
19 for the last 26 years. I live there. I moved there
20 specifically for the resources.

21 MS. BOEPPLE: So, a person, a person who
22 has --

23 ELIZABETH CARUSO: Yes.

24 MS. BOEPPLE: -- firsthand? And still
25 to you, Ms. Caruso, there was questions about the top

1 of Coburn Mountain, is there a structure on top of that
2 and could that be an observation tower?

3 ELIZABETH CARUSO: I think it was.
4 There was a structure on top of it, yes.

5 MS. BOEPPLE: To you, Mr. Caruso, same
6 kinds of questions, are you holding yourself out as an
7 aesthetic or scenic expert?

8 GREG CARUSO: From a guiding standpoint?

9 MS. BOEPPLE: No, from a -- you're hired
10 out to do that and you do Visual Impact Assessments and
11 you provide an expert opinion in that area.

12 GREG CARUSO: No.

13 MS. BOEPPLE: Aviation expert?

14 GREG CARUSO: No.

15 MS. BOEPPLE: And you're also not a
16 legal expert?

17 GREG CARUSO: Definitely not.

18 MS. BOEPPLE: Okay. So the basis of
19 your testimony again as well?

20 GREG CARUSO: The basis of my testimony
21 is to show that, you know, this whole line is a major
22 effect on the residents here and myself and my business
23 and other guides in the area and the snowmobile world
24 and recreation in general.

25 MS. BOEPPLE: Thank you. Mr. Merchant.

1 ROGER MERCHANT: Yes?

2 MS. BOEPPLE: Would it be fair to
3 characterize your expertise, your particular expertise
4 is based on your many, many years in the woods and in
5 timber forest management and as a forest manager?

6 ROGER MERCHANT: As a forester, forest
7 manager and an educator with U. Maine Cooperative
8 Extension for 32 years.

9 MS. BOEPPLE: And in that capacity, is
10 that an isolated field or does something about wildlife
11 and wildlife needs come into that expertise and --
12 experience?

13 ROGER MERCHANT: If I'm following your
14 question, all of that is fundamental important, what
15 applies to Maine woods, rural communities and our way
16 of life including tourism as well as forest products.

17 MS. BOEPPLE: So you gain certain
18 knowledge about --

19 ROGER MERCHANT: Yup.

20 MS. BOEPPLE: -- the needs of wildlife,
21 even if you're not a wildlife biologist?

22 ROGER MERCHANT: I'm not a wildlife
23 biologist, I grant you that.

24 MS. BOEPPLE: Thank you. I don't have
25 any other questions for any of you.

1 MS. MILLER: Thank you. Any redirect or
2 cross? Mr. Manahan?

3 MR. MANAHAN: Ever so briefly, I hope.
4 Ms. Caruso, Ms. Boepple just asked you whether you know
5 the structure on the top of the Coburn Mountain is an
6 observation tower, you said you haven't been there in a
7 long time, you don't know. When I spoke to you
8 earlier, I think you went through what's up there, is
9 it clear that that structure is not an observation
10 tower or you don't know?

11 ELIZABETH CARUSO: That word does ring a
12 bell, so I have heard that it is an observation tower.
13 It does sound familiar to me, so I'm comfortable with
14 that. Have I been up there in the last few years, I
15 have not.

16 MR. MANAHAN: Okay. Do you know whether
17 there's a communications building at the top of Coburn
18 Mountain?

19 ELIZABETH CARUSO: I know there's
20 communications mechanisms up there.

21 MR. MANAHAN: And a tower is up there, a
22 communications tower and solar panels? Could you
23 answer for the record?

24 ELIZABETH CARUSO: Say that again.

25 MR. MANAHAN: Are you aware that there

1 is a communications tower on the top of Coburn
2 Mountain?

3 ELIZABETH CARUSO: Well, there's varying
4 levels, so I'm not sure about just on the summit.

5 MR. MANAHAN: Okay. On Coburn Mountain?

6 ELIZABETH CARUSO: In general?

7 MR. MANAHAN: Yes.

8 ELIZABETH CARUSO: Yes.

9 MR. MANAHAN: And solar panels as well?

10 ELIZABETH CARUSO: I believe so because
11 I have pictures. I mean, I'm not an expert on every
12 bit of metal that's up there.

13 MR. MANAHAN: Okay. Thank you. No
14 further questions.

15 MS. MILLER: Thank you. Any other
16 recross?

17 MR. BOROWSKI: Group 3 has a short bit.

18 MS. MILLER: Yup.

19 MS. BOEPPLE: Just a point of order,
20 Group 3 didn't do cross.

21 MR. BOROWSKI: We didn't waive our
22 rights. We have recross concerning a line of
23 questioning on cross.

24 MS. MILLER: I'll allow it.

25 MR. BOROWSKI: Thank you. Benji

1 Borowski on behalf of Group 3. As I just said, I have
2 some questions related to a line of questioning from
3 Mr. Smith earlier. I have a document and I'd like to
4 approach Ms. Caruso. I only have a document on my
5 computer right now, but I'd be happy to provide copies
6 later, but since it just came up on cross.

7 MS. BENSINGER: Is this a document that
8 is already in the record?

9 MR. BOROWSKI: No, but it's related to
10 impeachment purposes.

11 MS. BENSINGER: Can you tell us what it
12 is?

13 MR. BOROWSKI: It's a PUC filing,
14 comments to the PUC in the official capacity of the
15 town of Caratunk.

16 MS. BENSINGER: Okay. Are you going to
17 be able to produce paper copies for us?

18 MR. BOROWSKI: Absolutely. I just don't
19 have them right now.

20 MS. BENSINGER: Okay.

21 MS. BOEPPLE: Could I see it before
22 he -- before he approaches my witness?

23 MS. BENSINGER: Sure.

24 MS. BOEPPLE: Thank you. Okay.

25 MS. BENSINGER: Are you objecting to

1 this?

2 MS. BOEPPLE: If this is in the record
3 at the PUC, I don't object to it coming into the
4 record. I don't know what the purpose of the
5 questioning is going to be, so it's hard for me to
6 object to the exhibit coming in at this point in time.

7 MR. BOROWSKI: May I approach the
8 witness?

9 MS. MILLER: Yes.

10 MR. BOROWSKI: Ms. Caruso, if I gave you
11 my computer, would you be comfortable scrolling up and
12 down the PDF so I wouldn't have to do it for you?

13 ELIZABETH CARUSO: I guess. Can I read
14 it?

15 MR. BOROWSKI: Sure, I'm not going to
16 have you read it at all, though, so just glance at it
17 and make sure you're generally familiar with it and I'm
18 going to have you read one short section.

19 ELIZABETH CARUSO: Okay.

20 MR. BOROWSKI: Thank you. Is that
21 Caratunk's official letterhead?

22 ELIZABETH CARUSO: Yes. I'm not sure.
23 I think this is a -- our original --

24 MR. BOROWSKI: I'll get there, is it --

25 ELIZABETH CARUSO: -- letter of

1 intervention, letter to request intervention maybe.

2 MR. BOROWSKI: I'll get there. Is that
3 Caratunk's official letterhead?

4 ELIZABETH CARUSO: Yes.

5 MR. BOROWSKI: Would you mind reading
6 the RE line, please?

7 ELIZABETH CARUSO: The regarding line?

8 MR. BOROWSKI: Yes.

9 ELIZABETH CARUSO: Regarding comments on
10 CMP's application permit for the New England Clean
11 Energy Connect, NECEC, from the Quebec, Maine border to
12 Lewiston and related network upgrades.

13 MR. BOROWSKI: Thank you. Would you
14 verify that it's your signature at the end of the
15 document?

16 ELIZABETH CARUSO: I'm waiting to get
17 there. Yes.

18 MR. BOROWSKI: And would you please
19 scroll up to paragraph three and could you read
20 beginning with the second sentence of paragraph three
21 to the end, please.

22 ELIZABETH CARUSO: You mean number
23 three?

24 MR. BOROWSKI: Yes, number three
25 beginning with the second sentence, please.

1 ELIZABETH CARUSO: Caratunk has already
2 twice supported NextEra for a solar farm within its
3 boundaries, this DC line blocks access to solar or
4 other energy projects in Caratunk and Somerset County.
5 One such solar project belongs in direct competition to
6 the NECEC's evaluation benefit from CMP's additional
7 transmission line does not even compare to a large
8 solar project. Caratunk is again the -- is against the
9 NECEC project. It prevents future renewable energy
10 opportunities to provide for a huge tax benefit to all
11 landowners and significantly increases the Caratunk's
12 valuation. Caratunk sees this project as reducing its
13 tax revenue.

14 MR. BOROWSKI: Thank you. That's all I
15 have.

16 ELIZABETH CARUSO: So this is one of the
17 many reasons that we had to apply for intervention.

18 MS. MILLER: Thank you.

19 MR. BOROWSKI: I will offer the exhibit
20 and I'll give you copies, but it is not an intervention
21 petition.

22 ELIZABETH CARUSO: I sent the same one
23 to DEP.

24 MS. MILLER: This exhibit will be --

25 MS. BOEPPLE: Wait a minute, I don't

1 understand what this is being introduced for. How is
2 this relevant to the proceedings before the DEP if it
3 was related to --

4 MR. BOROWSKI: It --

5 MS. BOEPPLE: Let me just finish. My --
6 what I'm trying to get at is I don't understand why
7 this is being introduced at this point in the
8 proceeding, particularly since it's a document that was
9 filed on behalf of the town of Caratunk at the PUC and
10 what's before the DEP has to do with the relevant
11 criteria to the DEP.

12 MR. BOROWSKI: As already ruled upon
13 earlier based on Mr. Smith's line of questions, this is
14 related to bias and credibility and is being used for
15 impeachment purposes. I believe Ms. Caruso testified
16 to the nature of the relationship between NextEra and
17 the town of Caratunk and this goes to that relationship
18 and that of NextEra as well.

19 MS. MILLER: I'll allow it.

20 MR. BOROWSKI: Thank you.

21 MS. MILLER: So we will label that
22 document when we get. Make sure to get copies to all
23 the parties and to everyone at this table. It will be
24 Group 3, Cross 1. No, hold on a second, hold that
25 thought. Yes, we'll call it Group 3, Cross 1.

1 MR. BOROWSKI: Thank you. Would it be
2 okay to provide the copies tomorrow?

3 MS. MILLER: Yes. Next on the agenda we
4 were going to -- we have Group 7, but before we get to
5 that, I wanted to have all the spokespersons or counsel
6 for the Intervenor groups and the Applicant meet to
7 discuss the rest of this hearing.

8 So this panel, we're finished with your
9 testimony, we appreciate your time and thank you very
10 much.

11 I think what we'll do is we'll set up
12 the tables back there so we can sit a little closer
13 with the spokesperson for each of the groups and the
14 Applicant and just discuss the scheduling and a few
15 other items that have come up, so it's almost like a
16 mid-hearing conference.

17 (Break from 1:36 p.m. to 1:56 p.m.)

18 MS. MILLER: I wanted to just review for
19 the record what the parties discussed during the
20 mid-hearing conference. We're not making any drastic
21 changes to the schedule, but we did have a suggestion
22 to start a little later tomorrow. We'll start at -- as
23 a compromise we'll start at about 8:30 in the morning
24 instead of 8 o'clock. And I wanted to mention that the
25 location tomorrow has changed. We were originally

1 slated to be in the auditorium for the daytime portion
2 and we felt that was going to be a little difficult
3 just with the setup, so now we're going to be in The
4 Landing, which I don't know if you noticed when you
5 were in the Student Center, but if you kind of go
6 around past the cafeteria down the stairs, there's like
7 a little area down on the lower floor and that's The
8 Landing. So that's where we're going to be tomorrow at
9 8:30 in the morning.

10 The other thing that was discussed was
11 one of the witnesses for Group 4, Dr. Calhoun had some
12 unexpected extenuating circumstances and we're going to
13 split her from the rest of the panel for Group 4 and
14 see if she's going to be able to testify on May 9th.
15 If she's not able to testify on May 9th, then her
16 testimony will be withdrawn and perhaps submitted as
17 comments into the record. Any questions about that?

18 So we'll go ahead then and start with
19 the testimony for Group 7.

20 JOSEPH CHRISTOPHER: Good afternoon, Joe
21 Christopher, Western Mountains and Rivers Corporation,
22 Group 7. I don't want to just repeat my testimony from
23 yesterday, so I'll try to be a little more
24 conversational. My name is Joseph Christopher, board
25 member at Western Mountains and Rivers Corporation with

1 a clear vision to work with the most prominent business
2 leaders, recreational outfitters and community planners
3 in The Forks to work toward a positive growing economic
4 future for northern Somerset County.

5 I do own Three Waters White Water and
6 the Inn By the River in The Forks, other seven -- seven
7 other tourism-based companies in Maine and I employ
8 over 250 people in Maine, a lot of them year-round with
9 benefits and so on. I'm also assigned on the
10 negotiated settlement for the FERC license at the
11 Harris Station Dam and studied the infrastructure
12 tourism and otherwise in the area for my entire adult
13 life.

14 We heard a lot of comment about the
15 snowmobiling and so on today. I'm the long time
16 previous vice president of the Coburn Scenic Summit
17 Riders. Also on our board, Pam Christopher, she is the
18 secretary of the Coburn Summit Riders. My business
19 partner, Kim Christopher, is the treasurer of the
20 Coburn Summit Riders. The Coburn Summit Riders hasn't
21 filed any testimony here and does not have a position
22 on the NECEC, and I want to make that very clear. Its
23 board, its membership is divided on these folks and in
24 opposition of my friends, I respect them, but that is a
25 very divided organization on this matter and it doesn't

1 have a position, I want to make that clear.

2 Also on the board of Western Mountains
3 and Rivers from the town of Caratunk, you have the two
4 largest business owners in Caratunk, John Philbrook,
5 the owner of Adventure Bound, he is a resident and
6 employer and a large business owner in the town of
7 Caratunk. Ben Towle owns Maine Lakeside Cabins and
8 Maine Outdoor Recreation, which is a motorized rental
9 company for snowmobiling and ATVing. He is one of the
10 largest business owners, also a wedding facility, very
11 nice on the lake there. He is on our board of
12 directors as well representing Caratunk, which has Kim
13 Christopher, who I just mentioned, she's a resident of
14 Caratunk. There's 60 -- I think 69 residents of
15 Caratunk by census, Suzie Hockmeyer on our board, she's
16 a resident of Caratunk, so there's a lot of
17 representation on our board from there.

18 I've always been a life-long
19 environmentalist and steward. I donate to a lot of
20 outdoor stewardship groups. The corridor, the NECEC is
21 well designed to achieve the environmental benefits and
22 a large amount of renewable energy. The corridor and
23 transmission lines themselves have been designed in a
24 way that is consistent with the current uses and the
25 industrial forest, hydropower dams, wind farms and

1 electrical transmission facilities in the area.

2 I don't believe that the negative effect
3 of the scenic and aesthetic value to an unreasonable
4 level that will prevent that business from happening.
5 You see my exhibits here, we operate around these
6 facilities regularly, agreements with Central Maine
7 Power and then subsequent dam owners actually provide
8 the releases and always have for the 40 years for the
9 rafting industry. Also the snowmobiling, Inn By the
10 River is a year-round very active snowmobile location
11 and a lot of people ask us how to get to the wind farms
12 so they can view that. It's, you know, it's dramatic,
13 so people want to see it. I don't necessarily think
14 it's a great attraction, but a lot of people do want to
15 see it that are snowmobiling and we have trails that
16 lead there.

17 My guests have never negatively
18 expressed themselves about them, or these facilities on
19 the Kennebec or Penobscot. I've guided for 27 years
20 with these folks, I understand how that a power line
21 might not be the first thing people would expect to
22 see, but I've never received negative comment from them
23 while I guide those rivers.

24 We appreciate the private landowners and
25 them allowing us to utilize their lands. Access to

1 these lands is threatened and it is in my opinion
2 imminent that a lot of them will be closed, and this
3 provides us an avenue by which a connectivity for these
4 activities, that would be very important to us.

5 The WMRC completely agrees with the
6 current and former governor and their assessment of
7 this project. This is a needed infrastructure for our
8 electrical system and I don't think it unreasonably
9 affects the scenic and aesthetic values of the region
10 to gain those environmental benefits.

11 I have a great deal of concern about the
12 burial of line subsequent anything that's further than
13 what we agreed to in undergrounding the Kennebec River
14 to -- I thought that was a good move to get rid of
15 those aesthetic issues, but then I'm concerned about
16 other environmental damage of digging trench or further
17 boring and those things if we prefer to the bury the
18 line. Thank you very much for the opportunity.

19 MS. MILLER: Thank you.

20 LARRY WARREN: My name is Larry Warren.
21 I've introduced myself before, so I won't repeat it.
22 The adverse visual impacts of the project doubted by
23 opponents are substantially without merit as evidenced
24 by the Visual Impact Analysis.

25 Mitigation measures to screen the few

1 areas along 201 and other areas with the transmission
2 line may be visible appear more than reasonable. The
3 tapered vegetation management plan proposed by NECEC
4 from viewing areas on Coburn and Rock Pond provides a
5 significant reduction in visual impact and we applaud
6 the introduction of this practical and effective
7 alternative.

8 Fragmentation of the forest in this area
9 is substantially a byproduct of the forest management
10 practices that are an essential and historical part of
11 the region's economy. The real risks to western
12 Maine's nature-based recreation are climate change and
13 the potential loss of public access to privately owned
14 lands.

15 Recent trends in the recreation business
16 in the recreational future of The Forks show the
17 region's economic viability is in jeopardy. The
18 rafting industry's visits are down 45 percent in the
19 State of Maine. The numbers for the Dead and Kennebec
20 River indicate a decrease of 70,000 in the year 2000,
21 down to 38,500 last year, again, a 45 percent decrease.

22 The snowmobile business is projected by
23 climate scientists to become diminishing, if not
24 vanishing industry due to rising temperatures and
25 decreasing snow conditions in the northeast. The

1 average skier and snowmobiler days are projected to
2 decrease 25 to 50 percent, depending upon the regional
3 elevation and latitude.

4 Past winter experiences verify these
5 predictions on our region with recreational days
6 decreasing approximately 25 percent from the late
7 1990s. This year's weather is an anomaly with
8 consistently good conditions from mid-December; 2017 on
9 the other hand was a complete washout.

10 Over the long term, Caratunk, The Forks
11 and the West Forks should develop a regional
12 cooperative plan to move from a reliance on rafting and
13 snowmobiling to a broader nature-based year-round
14 economy with less dependence on snow and a focus on
15 more diverse recreational and cultural pursuits.

16 Our A goal is for a greater
17 collaboration between these three communities, although
18 it may be challenging because the population of each of
19 the three is about 50 residents each. We have made
20 significant progress in bringing together on the board
21 of Western Mountains and Rivers Corporation a diverse
22 group of community and business leaders, many of whom
23 are fierce competitors with an agenda to create and
24 implement a plan for the region's future, a plan
25 predicated on leveraging local and regional resources

1 and capitalizing on the significant environmental,
2 societal and economic resources of the region.

3 This enthusiasm has been created by the
4 opportunities and promise of the NECEC project for our
5 region. The land area of northern Somerset County, an
6 area north of Solon, is about 2,460,000 acres, of which
7 827,000 are classified as conserved lands by the State
8 of Maine. This indicates that over 40 percent of the
9 land base is currently classified as conserved. The
10 region has unique and substantial environmental and
11 outdoor and recreational resources.

12 The 980 acres that CMP plans to develop
13 on its transmission line property is not significant in
14 the context of these overall conditions in Somerset
15 County. What is significant is that only 37 acres of
16 the 980 is located in lands classified as conserved.

17 Central Maine Power Company has done a
18 remarkable job to -- of avoiding the conserved lands of
19 the various organizations that own these lands.

20 MS. BOEPPLE: Excuse me, I'm going to
21 object at this point. I've tried to give Mr. Warren
22 plenty of opportunity to do a summary of his testimony,
23 but he's now going beyond the scope of his testimony,
24 both direct and rebuttal and I ask that he either end
25 his summary of his testimony or get to the point of his

1 actual testimony.

2 MR. SMITH: May I respond, please?

3 MS. MILLER: Yes.

4 MR. SMITH: Ben Smith for Group 7. So,
5 I think this has been ruled on twice and this is a
6 third bite at the apple, permitted to provide
7 additional testimony. I think that Mr. Warren can tie
8 this all back to the potential benefits under the MOU.
9 That was already ruled upon and that was already found
10 to be within the scope of proper testimony.

11 MS. BENSINGER: Is what you're saying in
12 either your direct or rebuttal testimony?

13 LARRY WARREN: I beg your pardon?

14 MS. BENSINGER: Is what you're
15 testifying to right now either in your direct or
16 pre-filed rebuttal testimony?

17 MR. SMITH: It's part of the MOU.

18 LARRY WARREN: It's part of the MOU.

19 MS. BENSINGER: But this is supposed to
20 be a summary -- was the MOU an exhibit to your
21 pre-filed or --

22 LARRY WARREN: Yes.

23 MS. BENSINGER: Okay, all right.

24 MS. MILLER: I'm going to allow it. I
25 do think you -- the objection came about 15 seconds

1 before your time ran out, so I'm going to give you
2 about 15 seconds to wrap up. Thank you.

3 LARRY WARREN: This provides additional
4 lands and resources that would allow for trail networks
5 connecting Carrabassett Valley to The Forks and The
6 Forks to Moosehead Lake. This would provide
7 significant recreational-based opportunities to the
8 region and the state and it requires only one
9 additional land parcel acquisition.

10 We urge the Commission to seriously
11 consider the significant offerings that have been made
12 by NECEC to all Maine people, recognize the promise of
13 lower electrical rates for all New England residents,
14 endorse the move for its decarbonization of New
15 England's power grid --

16 MS. ELY: This is also --

17 LARRY WARREN: -- and help to reduce the
18 rate of climate change in our region. Thank you.

19 MS. MILLER: Thank you. Ms. Ely, was
20 that an objection?

21 MS. ELY: The last part of his
22 testimony, the greenhouse gas issue has already been
23 ruled on. We have --

24 MS. MILLER: And I'm going to agree with
25 that and I am going to strike that portion of the

1 testimony. Thank you.

2 MR. SMITH: Just so I can be clear, this
3 is Ben Smith, Group 7, when you say that portion, is it
4 just the reference to greenhouse gas?

5 MS. MILLER: Correct, yes.

6 MR. SMITH: Thank you.

7 LARRY WARREN: Can I point out for you
8 and the audience where some of these resources are on
9 the map?

10 MS. MILLER: You've run out of time so
11 perhaps it will come up on cross.

12 LARRY WARREN: All right.

13 MS. MILLER: So cross-examination we'll
14 start with the Applicant.

15 MS. GILBREATH: Good afternoon, Lisa
16 Gilbreath on behalf of CMP. Mr. Warren, you ran out of
17 time I believe when you were discussing the benefits
18 that the memorandum of understanding between yourself
19 and the CMP provides to the surrounding area, is there
20 anything else you'd like to discuss?

21 LARRY WARREN: Well, I -- we had the
22 opportunity with -- we'd like to indicate basically the
23 adjacently and how they tie together.

24 MS. ELY: I'd like to object to this.
25 This has nothing to do with the criteria of the DEP

1 proceeding and is a private agreement between CMP and
2 the Western Mountains and Rivers Corporation. These
3 are side benefits that are not part of a mitigation or
4 a compensation package.

5 MR. SMITH: May I please speak? May I
6 respond as well? Okay. So I think this is the fourth
7 bite at the apple now, and these benefits don't have to
8 be part of the compensation package. This is part of
9 the reasonable standard and the balancing approach
10 under NRPA and there has already been rulings now,
11 twice in procedural orders and now a third one. So
12 what Mr. Warren would like to be able to do is testify
13 and provide responsive information as to what sort of
14 benefits there could be that would flow from the MOU.

15 MS. GILBREATH: May I also respond?

16 MS. MILLER: Yes.

17 MS. GILBREATH: I'm asking him questions
18 about an attachment to his rebuttal pre-filed
19 testimony, attachment one, and he also was permitted to
20 testify and was cross-examined yesterday on the
21 memoranda of understanding, so it's a live issue in
22 this proceeding.

23 MS. BENSINGER: Well, the Presiding
24 Officer did allow the MOU into record. I would just
25 caution the parties to focus on the statutory criteria.

1 MS. GALBREATH: Absolutely. Let me
2 rephrase the question.

3 Mr. Warren, in your opinion do the
4 benefits produced by the MOU outweigh any detriments to
5 the scenic and recreational values in the 53 mile new
6 corridor surrounding areas?

7 LARRY WARREN: Yes.

8 MS. GALBREATH: Can you please describe
9 those benefits?

10 LARRY WARREN: The benefits of the MOU
11 basically provide an opportunity for land contributions
12 that can enhance the creation of new recreational
13 trails between the regions of Flagstaff Lake and
14 Moosehead Lake. They provide opportunities for
15 materials --

16 MS. MILLER: Can you speak a little
17 closer into the microphone, please. Thank you.

18 LARRY WARREN: Sure. They provide an
19 opportunity for gravel to be used to build these trails
20 at no cost to the public. They provide financial
21 contributions to Western Mountains and Rivers
22 Corporation that can fund the plan, the development of
23 a plan, the acquisition of additional properties and
24 the construction of these trails. They provide
25 opportunities for Western Mountains and Rivers

1 Corporation to work with others to expand the broadband
2 internet and expanded wifi services of the region
3 and --

4 MS. BOEPPLE: I'm going to object. Now
5 we're getting way into things that have absolutely
6 nothing to do whatsoever with the mitigation and
7 compensation.

8 MS. MILLER: Response from --

9 MR. SMITH: This is part of the
10 testimony. It was in there. Now I don't think Mr.
11 Warren was going to go beyond what he just said.

12 MS. ELY: I would request that the
13 broadband piece be stricken. That's not part of the
14 Western Mountains Rivers Corporation agreement.
15 Central Maine Power is actually part of the
16 stipulation --

17 MR. SMITH: That's actually inaccurate.
18 Look at the MOU.

19 MS. MILLER: I would like to -- I'm
20 going to allow what was said in at this point in time,
21 but I'd really like to refocus this back to the
22 Department's criteria moving forward, so whatever we
23 can do to re-shift this to focus clearly on the
24 Department's criteria, it's appreciated. Thank you.

25 MS. GALBREATH: Would you like to finish

1 your response?

2 LARRY WARREN: I think I've
3 substantially outlined some of the major benefits of
4 the MOU.

5 MS. GALBREATH: And this visual that you
6 have on the screen before us, that was also attached to
7 your testimony?

8 LARRY WARREN: Yes, it shows the
9 relationship of some of the mitigation lands and how
10 they tie into a regional plan.

11 MS. GILBREATH: How do they tie into a
12 regional plan?

13 LARRY WARREN: Starting one, on
14 Flagstaff Lake, the Central Maine -- Flagstaff, right
15 there. The Central Maine Power Company has provided
16 985 acres of land approximately.

17 MS. MILLER: I'm just going to
18 interrupt, is this part of the corridor and does this
19 relate to the criteria along the corridor? Because I
20 feel like this is kind of far afield from what we're
21 here to listen to.

22 MS. GALBREATH: This is part of CMP's
23 compensation plan.

24 MS. MILLER: Okay.

25 LARRY WARREN: This is the location of

1 the major contribution elements to the DEP, the Land
2 Use Planning Commission and the Department of Inland
3 Fisheries and Wildlife, the 2,800 acres of land that
4 have been offered as mitigation for the impacts of the
5 NECEC corridor. And I think that we can demonstrate
6 how they are not only adjacent, but how they contribute
7 to an overall opportunity.

8 MS. MILLER: Proceed.

9 LARRY WARREN: On Flagstaff Lake and at
10 that particular site, there's an existing network of
11 trails that starts in Carrabassett Valley and it runs
12 to The Forks along the west -- along the east shore of
13 Flagstaff Lake, then proceeding down the Dead River to
14 the parcel at Grand Falls, which Maine Hudson Trails
15 has a bridge at, and then it goes down along the Dead
16 River past what's called the Basin Parcel. Right
17 there. That's approximately 670 acres of significant
18 deer wintering habitat and river frontage on the Dead
19 River that goes to the DEP.

20 Maine Hudson Trails then owns the north
21 bank of the Dead River between Grand Falls and the
22 Enchanted parcel. There's a mile of river frontage
23 that's being contributed to the DEP Enchanted. Maine
24 Hudson Trails then owns the balance of the Dead River
25 down to or close to The Forks and has easements there.

1 In 2011 Central Maine Power Company put
2 a conservation easement on the Kennebec Gorge as part
3 of its contribution on the MPRP project and they have
4 provided to Maine Hudson Trails a permanent easement
5 and three acres of land for a hut site in the Kennebec
6 Gorge.

7 The parcels -- the trail corridors then
8 run from Harris Dam up to Moosehead Lake on easements
9 that were contributed as part of the development of the
10 Plum Creek proposal that provides an opportunity for
11 nature-based tourism corridors for paddling, hiking,
12 mountain biking from Moosehead Lake to Carrabassett
13 Valley. All that's missing is a six mile piece that
14 now we're in negotiations with Weyerhaeuser to
15 complete.

16 In addition, the Department of Inland
17 Fisheries and Wildlife is in the process of negotiating
18 the transfer of mitigation approximately a thousand
19 acres of deer wintering habitat along the Kennebec
20 Gorge and along Pooler Pond in The Forks. So we think
21 that this is a significant combined resource with the
22 elements of the MOU and with the potential for two
23 entities to work together to basically create something
24 of significance for Maine people and for the
25 communities in this region.

1 MS. GILBREATH: Mr. Warren, in your
2 opinion do these compensation parcels in the MOU
3 outweigh any detriments to the scenic and recreational
4 values in the 53 mile new corridor and surrounding
5 areas?

6 LARRY WARREN: Well, as I stated in my
7 testimony, I think that the major threat is to climate
8 change and to the issues that relate to public access
9 on private lands. Those are the most significant
10 threats. The power line really doesn't create either
11 of those conflicts.

12 So the issues of whether or not the
13 suggested detriments for visual impact, I believe that
14 they've been adamantly compensated for by the offers
15 and the addressing of those issues by the Visual Impact
16 Analysis.

17 MS. GILBREATH: Thank you. No further
18 questions.

19 MS. MILLER: Thank you. Group 1, do you
20 have any cross-examination?

21 MR. HAYNES: We do not.

22 MS. MILLER: Ms. Boepple?

23 MS. BOEPPLE: I would just as soon
24 combine that with 2 and 10, if I could.

25 MS. MILLER: That's fine because that's

1 what's next anyway.

2 MS. BOEPPLE: Thank you. Good
3 afternoon. Elizabeth Boepple for Groups 2 and 10 AND
4 today for questions on behalf of Maine Wilderness
5 Guide, Intervenor in Group 1.

6 So I'm going to go over some of the same
7 territory we covered yesterday because this is a
8 different proceeding from yesterday. So I'll just
9 start with what you already know, Mr. Christopher.

10 JOSEPH CHRISTOPHER: Sure.

11 MS. BOEPPLE: One of my questions to you
12 yesterday had to do with an opinion you expressed at a
13 public meeting. Do you recall the question I asked you
14 yesterday regarding that?

15 JOSEPH CHRISTOPHER: I think it was a
16 question between burial and overhead solutions. Is
17 that the question you're referring to?

18 MS. BOEPPLE: Yes, and you made a very
19 strong public statement at a public meeting regarding
20 underground --

21 JOSEPH CHRISTOPHER: I think I just made
22 it again in my current testimony that I just gave. I
23 have significant concerns personally about the
24 environmental damage created by undergrounding. We're
25 on a directional bore that's proposed in the

1 application, I think that because of many of the
2 controversies in the public feelings about an overhead
3 up the Kennebec that we ended up with a directional
4 bore underground solution.

5 Myself I thought that there were less
6 environmental damage to an overhead solution because
7 personally, and this isn't the view of the board, it's
8 divided on it as Western Mountains and Rivers, but for
9 myself personally, I think the environmental damage of
10 boring or undergrounding the line is actually more and
11 I think that the viewshed, which is an emotional issue,
12 and is part of your criteria, and I understand that,
13 and it's important, but to me that's less of an
14 environmental issue, or not an environmental issue,
15 it's a human issue. And to me an environmental issue
16 constitutes salamanders, mayflies and otherwise and
17 when we talk about boring holes in the ground or
18 digging trenches, I get nervous.

19 MS. BOEPPLE: Okay. And so I want to
20 follow up with that, Mr. Christopher. Are you an
21 engineer?

22 JOSEPH CHRISTOPHER: No.

23 MS. BOEPPLE: Are you a wildlife
24 biologist?

25 JOSEPH CHRISTOPHER: No.

1 MS. BOEPPLE: Are you an environmental
2 scientist?

3 JOSEPH CHRISTOPHER: No.

4 MS. BOEPPLE: So your concerns --

5 JOSEPH CHRISTOPHER: Are my own.

6 MS. BOEPPLE: -- are you own?

7 JOSEPH CHRISTOPHER: Yes, yes, ma'am.

8 MS. BOEPPLE: And they do not stem from
9 any particularized scientific background or --

10 JOSEPH CHRISTOPHER: No, and they're not
11 the opinion of my board either.

12 MS. BOEPPLE: Thank you. I just wanted
13 to put that in the right context.

14 JOSEPH CHRISTOPHER: Sure, no problem.

15 MS. BOEPPLE: Thank you. And Mr.
16 Warren, turning to you, I asked you some questions
17 yesterday regarding when your organization was formed
18 and I believe -- but I'll let you respond. This was --
19 you actually approached CMP, is that correct, before
20 you formed this organization?

21 LARRY WARREN: That's correct.

22 MS. BOEPPLE: And in the context of the
23 timing on that, I believe you set forth for us further
24 discussions that you had with CMP, and I believe you
25 also provided information regarding how much money CMP

1 has paid into the organization thus far; is that
2 correct?

3 LARRY WARREN: Would you repeat the
4 question?

5 MS. BOEPPLE: So I believe yesterday in
6 your testimony before the LUPC, and I can take you
7 through this question, I was trying to short circuit
8 this a little bit, but when did you first form the
9 organization?

10 LARRY WARREN: August 2017.

11 MS. BOEPPLE: And when was that in
12 relation to when you first approached CMP?

13 LARRY WARREN: I first approached
14 Central Maine Power Company I believe in the spring,
15 probably March of 2016 as a member of the board of
16 Somerset Economic Development Corporation.

17 MS. BOEPPLE: And the formation of WMRC,
18 I believe I asked you the question yesterday, did CMP
19 provide you any financial support?

20 LARRY WARREN: You asked -- I think you
21 asked me yesterday if CMP provided the monies to create
22 the organization and I said that I had gone to the
23 Secretary of State's office, paid the incorporation
24 fees, and then for the next ten months that
25 organization negotiated with Central Maine Power

1 Company and finally signed an MOU on May 30th in 2018.

2 MS. BOEPPLE: And has CMP provided you
3 with -- I believe your pre-filed testimony says this,
4 but if I could just confirm, CMP has provided you with
5 financial assistance that is in keeping with a
6 nonprofit, I understand, but also does go to providing
7 financial support for the organization?

8 LARRY WARREN: The memorandum of
9 understanding stipulated that Central Maine Power
10 Company would contribute \$250,000 within the short
11 period of time, 30 or 60 days, which they did, and it
12 also indicated that they would provide \$50,000 a year
13 for the succeeding five years to facilitate planning
14 and functions for the nonprofit.

15 MS. BOEPPLE: And what I didn't ask you
16 yesterday, but I'd like to ask you now is how has that
17 \$250,000 been utilized?

18 LARRY WARREN: Well, we haven't spent it
19 all by any stretch, but we did use I would guess about
20 35 to \$40,000 in filing with the Internal Revenue
21 Services the application for 501C3 status and for
22 revisions on some of our bylaws or articles of
23 incorporation.

24 MR. SMITH: Sorry, this is Ben for Group
25 7. This is not within the scope. I understand that

1 Ms. Boepple wants to get into all the financials of
2 WMRC, but that's not really germane or before the
3 Department. So I guess -- he's given a partial answer,
4 but I would object to having to get into any additional
5 information at this time.

6 MS. MILLER: Response?

7 MS. BOEPPLE: Given the extent to which
8 the MOU was introduced and the monitor and compensation
9 was then been provided by CMP to WMRC I think is
10 perfectly well within the scope of questioning on
11 cross-examination and also goes to the bias of the
12 organization.

13 MS. MILLER: I'll allow it.

14 MS. BOEPPLE: Thank you. So could you
15 continue with how the \$250,000 has been expended?

16 LARRY WARREN: I think we have about 160
17 or \$170,000 in an account held by Somerset Economic
18 Development Corporation. Somerset Economic Development
19 Corporation serves as the fiscal agent for Western
20 Mountains and Rivers Corporation.

21 MS. BOEPPLE: And is -- okay, thank you,
22 I was going to ask you. And what is your affiliation
23 with Somerset County Economic Development?

24 LARRY WARREN: I'm a board member.

25 MS. BOEPPLE: So you're a board member

1 with that and your position with WMRC is?

2 LARRY WARREN: I'm a board member.

3 MS. BOEPPLE: And what about your
4 affiliation with Maine Trails and Huts?

5 LARRY WARREN: I'm a founder and board
6 member.

7 MS. BOEPPLE: And is Maine Trails and
8 Huts also benefitting from this?

9 LARRY WARREN: Not yet, no.

10 MS. BOEPPLE: And they're not
11 benefitting in any way under the MOU?

12 LARRY WARREN: Only if it's -- only if
13 the results provide a permit for the project to move
14 forward.

15 MS. BOEPPLE: So there have been
16 discussions and there is probably some sort of
17 compensation going to Maine Trails and Huts as well?

18 LARRY WARREN: Well, there are
19 provisions where leases that Maine Huts and Trails has
20 with Central Maine Power Company will be released and
21 lands that are part of the trail system and the hut
22 system owned by Maine Huts and Trails will be
23 transferred to the DEP, the Land Use Planning
24 Commission, or the Department of Inland Fisheries and
25 Wildlife.

1 MS. BOEPPLE: And how about you
2 yourself, do you have any lands that are involved in
3 any of this?

4 LARRY WARREN: Personally?

5 MS. BOEPPLE: Mmm-hmm.

6 LARRY WARREN: No.

7 MS. BOEPPLE: Any company that you have
8 an ownership interest in?

9 LARRY WARREN: No.

10 MS. BOEPPLE: Same question for you, Mr.
11 Christopher.

12 JOSEPH CHRISTOPHER: No. I'm assuming,
13 I can answer it if you'd like, if you're referring to
14 the MOU lands and leasing.

15 MS. BOEPPLE: Yes, I am.

16 JOSEPH CHRISTOPHER: You want to dig
17 into it? Because you might as well get it done in the
18 interest of time for these folks, okay?

19 MS. BOEPPLE: Yeah.

20 JOSEPH CHRISTOPHER: So no, I don't have
21 any benefit personally, neither do my companies.
22 Number one, the MOU says that any entity in The Forks
23 area, personal or business or otherwise would have the
24 option of purchasing at market value, which would get
25 rid of any conflict of interest of course, but

1 purchasing at market value if they possess a lease or
2 adjacent lands to Central Maine Power. That was
3 actually introduced in the conversation in our board's
4 discussion by myself because of previous Harris Station
5 licensing issues for these types of proceedings.

6 There was a concern that Central 7.

7 Maine Power could use those lands
8 against the community or against those businesses or
9 against those personal people that own lands or lease
10 lands from them, that they would then use that as
11 leverage to recuperate mitigation dollars or otherwise
12 and I and the organization wanted it off the table as a
13 leverage point for them. It was actually a competitive
14 issue that we wanted removed. It's actually, you know,
15 in the process anyone in The Forks, I already mentioned
16 that, CMP also has to agree to selling it if they don't
17 need it for their purposes, which means they've had the
18 land for 70 years now, they, you know, do have to
19 release the land for that sale to say that it's not for
20 purpose. There is a concern that they would say that
21 they would need it for mitigation so they could hold
22 you up in that process, but it also -- for me
23 personally, if I was to purchase those lands, because
24 this has come up a lot, not me personally, but my
25 companies, or one of my companies. It's really

1 potentially not really good business to do so because
2 land is non depreciable, this is a tax issue, but I'm
3 sure you probably understand, you probably own
4 property. Land is non depreciable under taxes. And
5 even land improvements has a 39 year depreciation.

6 The lease expects that I pay Central
7 Maine Power right now for the campground is about
8 \$16,000 per year in total. I could never achieve that
9 level of depreciation because the land is non
10 depreciable, so for any one of the entities in The
11 Forks, not just for WMRC members that went to purchase
12 that land, they may not do so because it's not
13 necessarily financially beneficial, but we did that to
14 remove it from members leverage, or at least in
15 negotiations and discussion. Is that helpful?

16 MS. BOEPPLE: That is. Thank you.

17 JOSEPH CHRISTOPHER: You're welcome.

18 MS. BOEPPLE: So if I were to ask you if
19 any one of the intervenors or any business in the --
20 let me back up for a second. How extensive is the
21 geographic range of businesses or property owners who
22 want to run a business associated with the tourist
23 industry in this area, how large is the geographic
24 range for the people who might want to get involved in
25 the agreement and the opportunities that you are

1 representing are presented by the MOU?

2 JOSEPH CHRISTOPHER: The WMRC and our
3 board's conversation is immediately affected area of
4 the new corridor, so basically we had to find as our
5 board, we couldn't expand on that. It's not a hard
6 line, but from Wyman Lake out to Grand Falls up to
7 Parlin Lake over to Indian Pond, Moosehead Lake and
8 back down to Wyman Lake, the general area that is
9 affected by the new line and the tourism businesses in
10 our area.

11 MS. BOEPPLE: So the entire length of
12 the 53 miles, is it fair to say, everyone within that
13 or no, it's less than that?

14 JOSEPH CHRISTOPHER: I don't think the
15 MOU defines that.

16 MS. BOEPPLE: Is it possible that it
17 could be extended to include a greater range of
18 businesses?

19 JOSEPH CHRISTOPHER: It might possibly.
20 It's not defined. I don't think it's defined, no.

21 MS. BOEPPLE: All right. Let me move on
22 to a few other questions that I have related to some of
23 the opinions that have be expressed. In particular to
24 you, Mr. Warren, you have given in your testimony and
25 here again this morning, this afternoon, an opinion

1 regarding the views, are you -- do you have a degree in
2 landscape architecture?

3 LARRY WARREN: I do not have a degree,
4 no.

5 MR. SMITH: I'm sorry, this is Ben Smith
6 for Western Mountains. I don't know why the witnesses
7 are being asked about degrees and certain things. As I
8 understand it, under the Department's rules, it is
9 totally fine for people to testify as lay people, so I
10 see it as being badgering.

11 MS. BENSINGER: You see it as being
12 badgering, is that what you said? I'm sorry.

13 MR. SMITH: All of the witnesses here, I
14 mean, I think there are few people who are, quote,
15 unquote, experts, and I don't know why the Department
16 can't simply hear from lay people and why we have to
17 put up with an examination that's questioning people as
18 to whether or not they hold a degree in something.

19 MS. BOEPPLE: Could I respond to that?

20 MS. BENSINGER: Sure.

21 MS. BOEPPLE: If I'm going to be held to
22 that standard, then I think that the Applicant should
23 be held to the same standard.

24 MS. BENSINGER: I agree with counsel
25 that no one is qualified as an expert here. No one

1 needs to be qualified as an expert in the same way you
2 get qualified as an expert in a court or trial
3 proceeding, but it is a fair question to ask about a
4 witness' educational background.

5 MS. BOEPPLE: So let me continue. So
6 your opinion is obviously not offered as one who has
7 done an Visual Impact Assessment; is that fair, Mr.
8 Warren?

9 LARRY WARREN: I have done Visual Impact
10 Analysis.

11 MS. BOEPPLE: Have you -- are you
12 offering your opinion in that capacity as someone who
13 has done that and is qualified to testify as a Visual
14 Impact Assessment expert?

15 LARRY WARREN: I conduct Visual Impact
16 Analysis for projects that I work on. I do not sell my
17 services in that area.

18 MS. BOEPPLE: And so for example, you
19 don't hold degrees the way Mr. DeWan does or Dr. Palmer
20 does?

21 LARRY WARREN: That's correct.

22 MS. BOEPPLE: So you're not suggesting
23 that your qualifications are at the same level of
24 theirs?

25 LARRY WARREN: That's correct.

1 MS. BOEPPLE: And would that also be
2 true for your opinion when it comes to forest
3 management?

4 LARRY WARREN: That's correct.

5 MS. BOEPPLE: And what about the
6 climate?

7 LARRY WARREN: That's also correct.

8 MS. BOEPPLE: Okay. Thank you. So I'd
9 like to ask you a couple of general questions. You've
10 said that there is a difference of opinion among the
11 various businesses along the 53 mile corridor, some who
12 are opposed to this project, some who are in favor of
13 it, some who signed on with WMRC; is that correct?

14 LARRY WARREN: Yes.

15 MS. BOEPPLE: That's a fair statement?

16 JOSEPH CHRISTOPHER: Yes, that's
17 correct.

18 MS. BOEPPLE: I'm not trying to catch
19 you in anything.

20 JOSEPH CHRISTOPHER: Give it a shot,
21 that's correct.

22 MS. BOEPPLE: So would it also be fair
23 to say that honest people can disagree?

24 JOSEPH CHRISTOPHER: That's correct.

25 MS. BOEPPLE: And, you know, one side

1 may not be one hundred percent correct and the other
2 side may not be one hundred percent correct?

3 JOSEPH CHRISTOPHER: Most definitely
4 true.

5 MS. BOEPPLE: Okay. And that one of the
6 goals here is for the Department to sort through those
7 different perspectives; is that also fair?

8 JOSEPH CHRISTOPHER: They'd have to
9 answer that, but I think that's probably their job,
10 yeah.

11 MS. BOEPPLE: So, is it also fair to say
12 that while your opinion may be that the project is not
13 going to have this negative impact, that's your opinion
14 and you're absolutely entitled to have that opinion,
15 but the individuals who are involved in Groups 2 and 7,
16 their opinion that differs from you, that also may be
17 equally valid; is that fair?

18 JOSEPH CHRISTOPHER: Everybody is
19 entitled to their opinion, yes.

20 MS. BOEPPLE: All right, thank you.
21 Now, if -- you heard some questions earlier today, I
22 believe you were here -- oh, were you here this
23 morning?

24 JOSEPH CHRISTOPHER: Yes.

25 MS. BOEPPLE: And you probably heard

1 some of the questions that the Department was asking
2 the Intervenors in Groups 2 and 10 regarding possible
3 other areas where the line could be undergrounded or
4 where different changes could be made to the route so
5 that it would be less evident, would you agree to some
6 of those as well? I'm not asking for any specific
7 locations, I'm just saying in general terms, are those
8 concepts that you could also agree to?

9 LARRY WARREN: When the concept of woods
10 and alternatives first was considered, I contacted
11 Cianbro Corporation in Pittsfield, Maine and asked one
12 of the vice presidents of the Cianbro Corporation if
13 going under the Kennebec River would be a viable
14 alternative as opposed to going over it.

15 MS. BOEPPLE: Mr. Warren, I'm just going
16 to interrupt you.

17 MR. SMITH: I'm sorry, can the witness
18 please provide a complete response?

19 MS. BOEPPLE: He's not responding to my
20 question.

21 MR. SMITH: I think he was and you
22 interrupted him.

23 MS. MILLER: I'm going to allow him to
24 go forward.

25 LARRY WARREN: The question that was

1 asked of me by the vice president of Cianbro was
2 whether I knew specifically where the crossing would
3 have to occur and I told him that I did. He said well,
4 get me the information because we happen to have three
5 companies downstairs in Cianbro's office right now
6 preparing bids for comparable HDDs, and I said well,
7 what's an HDD and he said well, you just can't go under
8 a river the 300 feet or the 400 feet, whatever the
9 width of the river is.

10 He said when you create a hydraulic
11 directional drill, he said the problem with putting
12 power lines underground is extracting the heat. And so
13 he said in an area that you're talking about in the
14 Kennebec Gorge, he said there's also considerable
15 vertical elevation differences, and he said when we do
16 a hydraulic directional drill, we have to locate that
17 hydraulic directional drill in a location where the
18 slope of the bore does not exceed a two percent grade.

19 He said so normally what we do is we do
20 we a three foot diameter bore and then we have to line
21 that bore with concrete so that it will not be prone to
22 either collapse or erosion. Once that bore is
23 completed, we can then install the underground cable,
24 but it has to be encapsulated in either a liquid or a
25 gas that has been cooled and circulating to heat

1 exchangers at one or either end.

2 MS. MILLER: Can we tie this back to the
3 question, which was related to the specific locations
4 that Group 2 addressed? Ms. Boepple, if you want to
5 clarify that little bit, but she had asked if the
6 locations that Group 2 addressed, you know, would be
7 something you would consider. Can you tie what you're
8 saying back to that, please?

9 LARRY WARREN: Well, I think underground
10 placement of 1200 -- 1.2 gigawatt transmission lines,
11 whether they're in the Kennebec Gorge or whether
12 they're on Route 201, or whether they're at Rock Pond,
13 are all going to have to address the issue of how you
14 get the heat out.

15 MS. BOEPPLE: Mr. Warren, I wasn't
16 asking you to either give your opinion or to try and
17 recreate a conversation you might have had from someone
18 who was qualified to talk about the technology
19 involved. My question simply goes to the issues that
20 you have raised in your testimony about the land that's
21 possibly being conserved, about the mitigation
22 measures. That's where my question -- that's why I
23 asked the question. And that is relevant to the
24 testimony you heard and the questioning you heard from
25 the Department of Groups 2 and 10.

1 So my question was just the types of
2 suggested areas where there might be some changes that
3 could reduce or minimize the impact of the project.

4 JOSEPH CHRISTOPHER: You asked about
5 siting right, that was the question?

6 MS. BOEPPLE: Yes.

7 JOSEPH CHRISTOPHER: And it's my opinion
8 and ours that there was a lot of time spent by the
9 Applicant siting the line that's in the application,
10 that they moved the line several different times to get
11 around wetlands and others, and we felt the siting was
12 good.

13 MS. BOEPPLE: That was not my question
14 about the siting. I wasn't asking about the
15 alternative. I was talking about the compensation. I
16 was talking about the compensation and the mitigation.
17 And I was talking about the adjustments that the
18 engineers have talked about and we heard a lot of
19 testimony from the applicants and from the applicant's
20 visual impact experts about changes that were made to
21 the design of the line where poles were lowered where,
22 what's the term where the -- tapering, thank you, of
23 the vegetation minimizes the impact, those were the --
24 that's the type of mitigation the Department was asking
25 Groups 2 and 10 about this morning, that perhaps

1 burying the line in certain areas if that would help.
2 And what we were hearing was yes, it would. My
3 questions to you are would you object to some of those?
4 Would that be a problem for you?

5 LARRY WARREN: It would depend, I
6 believe, on what would be the requirement and the
7 extent of the mechanisms and the mechanical systems
8 necessary to cool the underground --

9 MS. BOEPPLE: Let's just assume that the
10 experts, the engineers, they can handle the technology,
11 they can figure that out.

12 LARRY WARREN: There will be a visual
13 impact associated with the additional structures and
14 the additional mechanical requirements.

15 MS. BOEPPLE: And let's assume that they
16 can also deal with that.

17 LARRY WARREN: Then, you know, I would
18 have to see the results and review the conclusions.

19 MS. BOEPPLE: So let's just assume that
20 CMP has hired the best possible engineers that they can
21 to develop -- to figure out the technology that can
22 make this work underground. They can take care of the
23 cooling issues. They can address the visual impact.
24 Let's assume they can accomplish those.

25 JOSEPH CHRISTOPHER: The Applicant has

1 brought up the financial matter of that. We believe
2 that it's an important project and the mitigation --
3 the items that were put in place for lowering of towers
4 and so on was significant and good and we think that we
5 want to see the project happen because of the merit of
6 the project and we think those mitigations were good,
7 so we would probably say no unless we saw a perfect
8 application that had those items in it.

9 MR. MANAHAN: This is Matt Manahan. I
10 would just object for the record to the questioner
11 asking the witness to make an assumption that is
12 expressly inconsistent with CMP's pre-filed rebuttal
13 testimony that will be the subject of testimony on
14 May 9th.

15 MS. MILLER: I'll allow Ms. Boepple to
16 ask a hypothetical question maybe a little bit more
17 clear.

18 MS. BOEPPLE: Thank you. I think you
19 responded. I think -- where I was going with this was
20 all things being equal, if technology issues can be
21 resolved, would you agree to modifications, and
22 apparently the answer is no, you're happy with it the
23 way it is and that's it?

24 JOSEPH CHRISTOPHER: I'd have to see the
25 modifications obviously.

1 MS. BOEPPLE: Okay. But if
2 modifications could be made that are acceptable and
3 will work for all parties concerned, would you agree to
4 those modifications?

5 JOSEPH CHRISTOPHER: We'd have to see
6 the modifications and see that all parties agreed.

7 MS. BOEPPLE: Okay. Thank you. No
8 other questions.

9 MS. MILLER: Thank you. Group 3?

10 MR. BOROWSKI: No questions, thank you.

11 MS. MILLER: Group 4?

12 MS. JOHNSON: My name is Cathy Johnson.
13 I'm here on behalf of Group 4. Mr. Christopher, I
14 believe you said you're the owner of the Three Rivers
15 White Water in The Forks?

16 JOSEPH CHRISTOPHER: Yes, that's
17 correct.

18 MS. JOHNSON: And that's a commercial
19 business?

20 JOSEPH CHRISTOPHER: It is.

21 MS. JOHNSON: You also serve as a board
22 member of the Western Mountains and Rivers Corporation?

23 JOSEPH CHRISTOPHER: Yes.

24 MS. JOHNSON: And prior to May 2018, you
25 participated in negotiations with Central Maine Power

1 concerning this transmission line proposal?

2 JOSEPH CHRISTOPHER: Could you say the
3 date again, please?

4 MS. JOHNSON: Prior to the signing of
5 the MOU in May 2018, you participated in the
6 negotiations?

7 JOSEPH CHRISTOPHER: Between the
8 formation of -- I met them in the process of the
9 formation of the WMRC, so there was conversation
10 between that time and the signing of the MOU, yes.

11 MS. JOHNSON: And in May 2018 an
12 agreement was signed between CMP and this new
13 corporation that's called Western Mountains and Rivers
14 Corporation on the board you serve, correct?

15 JOSEPH CHRISTOPHER: I'm assuming the
16 date is correct, yes.

17 MS. JOHNSON: That's what it says on the
18 MOU.

19 JOSEPH CHRISTOPHER: Yeah.

20 MS. JOHNSON: So the Western Mountains
21 and Rivers Corporation was set up primarily for the
22 purpose of entering into this agreement with CMP; is
23 that right?

24 JOSEPH CHRISTOPHER: Our mission is to
25 conserve land in The Forks and advance the economic

1 development of northern Somerset County. That's our
2 mission.

3 MS. JOHNSON: But the primary purpose of
4 setting up the corporation was this particular project;
5 is that right?

6 JOSEPH CHRISTOPHER: We have our
7 mission. We set up the corporation in a timely fashion
8 to be able to deal with this issue inside of our
9 mission.

10 MS. JOHNSON: And this is the major
11 project that the organization is working on?

12 MS. SMITH: Objection. This is Ben
13 Smith. It's asked and answered now.

14 MS. JOHNSON: I'll move on.

15 MS. MILLER: Thank you.

16 MS. JOHNSON: At the time that the
17 agreement was signed, Western Mountains and River
18 Corporation was not even eligible to file for 501C3
19 status yet; is that correct?

20 JOSEPH CHRISTOPHER: I would defer to
21 Larry, but those things do take time and applications
22 were filed timely.

23 MS. JOHNSON: And did I understand your
24 testimony here today that the --

25 MR. SMITH: I'm sorry, excuse me,

1 because they are testifying as a panel and because Mr.
2 Christopher did refer, or defer to Mr. Warren, I guess
3 I would want to allow Mr. Warren to provide a response
4 if a more complete response is being asked.

5 MS. MILLER: So the question had to do
6 with the timeliness of the 501C3 filing; is that
7 correct?

8 MS. JOHNSON: Yeah, the question was at
9 the time -- I'll ask Mr. Warren.

10 MS. MILLER: Thank you.

11 MS. JOHNSON: At the time the agreement
12 was signed, Western Mountains and River Corporation was
13 not eligible yet to file for 501C3 status with the IRS;
14 is that correct?

15 LARRY WARREN: No.

16 MS. JOHNSON: Doesn't it say that in the
17 MOU?

18 LARRY WARREN: It says in the MOU that
19 we would file in a timely -- we would file --

20 MS. JOHNSON: That you would file, but
21 you had not yet filed?

22 LARRY WARREN: We had filed and --

23 MS. JOHNSON: At the time you signed the
24 agreement you had not filed?

25 LARRY WARREN: We have not been granted

1 status. I can't remember the exact date of the filing.
2 I believe it was prior to May 30th.

3 MS. JOHNSON: And did I understand, Mr.
4 Christopher, you say today that you still don't have
5 5013C status, the SEDC is serving as your physical
6 agent?

7 JOSEPH CHRISTOPHER: They're our
8 physical agent now in transition. I'd have to ask our
9 attorney if that came in yet.

10 MS. JOHNSON: And the agreement of the
11 memorandum of understanding, or the agreement, required
12 CMP to give Western Mountains and River Corporation
13 \$250,000 within ten days of the signing of the
14 agreement, correct?

15 JOSEPH CHRISTOPHER: I believe that's
16 correct.

17 MS. JOHNSON: And I assume you received
18 that \$250,000?

19 JOSEPH CHRISTOPHER: I didn't receive
20 it, it went into the account, Somerset Economic
21 Development Corporation.

22 MS. JOHNSON: The organization that --

23 JOSEPH CHRISTOPHER: Yup.

24 MS. JOHNSON: So is it fair to say that
25 CMP is the primary funder of this organization?

1 JOSEPH CHRISTOPHER: We have a very
2 large and long investment plan that we're working on
3 and this is planning dollars and it's spread out over
4 time for us to plan those investments for the benefit
5 of the community.

6 MS. JOHNSON: But at this point in time
7 is CMP the primarily funder of Western Mountains and
8 Rivers Corporation?

9 JOSEPH CHRISTOPHER: I would say at this
10 point that's true.

11 MS. JOHNSON: And is some of the money
12 that CMP gave to the Western Mountains and River
13 Corporation the funds that are being used to hire an
14 attorney to represent you in this process?

15 JOSEPH CHRISTOPHER: I believe we used
16 those funds for legal dollars as well and we'll
17 continue through the planning process with consultants
18 and otherwise.

19 MS. JOHNSON: Did you draft --

20 JOSEPH CHRISTOPHER: Some of that is tax
21 attorney as well as we file our for our 501C3 and so on
22 to make sure we're within the law. We're not legal
23 experts.

24 MS. JOHNSON: Did you draft your own
25 written testimony in this case?

1 MS. SMITH: Objection.

2 JOSEPH CHRISTOPHER: Yes, I did and
3 some --

4 MS. MILLER: Did I hear an objection?

5 MR. SMITH: The witnesses already
6 answered, it's fine.

7 JOSEPH CHRISTOPHER: Yes, I did, and
8 some people helped me edit it because my grammar is not
9 that great.

10 MS. JOHNSON: Can you explain to me why
11 there are multiple paragraphs in your testimony and Mr.
12 Warren's testimony that are identical?

13 JOSEPH CHRISTOPHER: I'll have to review
14 the two of our testimony.

15 MS. JOHNSON: Did your lawyer or some
16 other member of CMP's team help you draft your
17 testimony?

18 JOSEPH CHRISTOPHER: Our organization
19 and myself have always negotiated and been competitive
20 with Central Maine Power for our community's purpose
21 and to make sure that the community had what it needed
22 to be safe in this process. They haven't assisted me
23 with this.

24 MS. JOHNSON: In addition to the
25 \$250,000, the agreement requires CMP to give Western

1 Mountains and Rivers between 5 and \$10 million if the
2 project is constructed, correct?

3 JOSEPH CHRISTOPHER: Yes.

4 MS. JOHNSON: And it also requires CMP
5 to give Western Mountains and Rivers \$50,000 a year for
6 five years if the project is approved?

7 JOSEPH CHRISTOPHER: Yes, those are
8 specifically planning dollars.

9 MS. JOHNSON: And under the agreement
10 CMP has also agreed to negotiate in good faith to
11 donate several parcels of land for which they have no
12 use; is that correct?

13 JOSEPH CHRISTOPHER: I would ask them if
14 they have use for it, but there are other parcels land
15 in there.

16 MS. JOHNSON: It does say in the
17 memorandum of understanding that it's parcels that they
18 have no use for --

19 JOSEPH CHRISTOPHER: Okay.

20 MS. JOHNSON: -- do you agree with that?
21 And at least one of the parcels there in The Forks
22 plantation directly abuts your commercial campground,
23 does it not?

24 JOSEPH CHRISTOPHER: The Pooler Ponds
25 parcel, is that the one you're referring to?

1 MS. JOHNSON: You tell me which one
2 directly abuts your commercial campground.

3 JOSEPH CHRISTOPHER: Well, I don't think
4 it directly abuts certainly, but I'm assuming because
5 you're referring to it, it's south of my property on
6 Route 201 along the Pooler Ponds, which is a key duck
7 and moose habitat in the area and why that's in there
8 to be marked for conservation.

9 MS. JOHNSON: And if this project does
10 not get approval and is not constructed, these lands
11 and these additional funds for Western Mountains and
12 River Corporation won't happen, isn't that right?

13 JOSEPH CHRISTOPHER: If the project
14 doesn't move forward, no, but I would hope they would
15 put them in conservation at some point. They're good
16 pieces of --

17 MS. JOHNSON: But under the agreement
18 they are not required to?

19 JOSEPH CHRISTOPHER: Not that I'm aware
20 of.

21 MS. JOHNSON: And in return for the
22 money and the land that would directly to benefit your
23 business, you agree to testify as a Western Mountains
24 and Rivers Corporation board member in support of CMP's
25 proposed transmission line, correct?

1 MS. SMITH: Objection, Ben Smith,
2 Western Mountains, is a mischaracterization and assumes
3 facts not in the record.

4 MS. MILLER: Response?

5 MS. JOHNSON: Page 6 of the agreement,
6 can I read it? It says, quote, the essence and extent
7 of Western Mountains and Rivers Corporation's testimony
8 will be that the mitigation packages for the crossing
9 described in Section 4A, 4B of this MOU are appropriate
10 offsets to the environmental natural resource and
11 community impacts of the project, closed quotes.

12 MR. SMITH: That's a different statement
13 than I was objecting to. If she wants to reask the
14 question, withdrew her prior question and ask it in a
15 different way, that would be fine.

16 MS. MILLER: Can you rephrase the
17 question, please.

18 MS. JOHNSON: So you agree as part of
19 the memorandum of agreement to testify in support of
20 CMP's project in June?

21 LARRY WARREN: No.

22 MS. JOHNSON: I was asking Mr.
23 Christopher.

24 LARRY WARREN: Western Mountains --

25 JOSEPH CHRISTOPHER: No.

1 MS. JOHNSON: And you are here
2 representing Western Mountain and Rivers Corporation,
3 correct?

4 JOSEPH CHRISTOPHER: I am.

5 MS. JOHNSON: And so the agreement
6 specified as a member of Western Mountains and Rivers
7 Corporation is exactly what you would say in this
8 hearing, did it not, the language I just read?

9 LARRY WARREN: If you had made -- if you
10 completed the reading of that section, it would say
11 that Western Mountain and Rivers Corporation would
12 opine as to legitimacy of the mitigation offered if the
13 line was approved for an overhead crossing of the
14 Kennebec River in that Central Maine Power Company
15 would contribute \$22 million as mitigation. Central
16 Maine Power Company -- and that was the extent to what
17 we agreed to testify about at the DEP, the LUPC or the
18 PUC hearings, period.

19 MS. JOHNSON: Would you agree, Mr.
20 Warren, that Section 7A of the memorandum of
21 understanding says, quote, at the request of CMP,
22 Western Mountains and River Corporation will provide
23 written and/or oral testimony to one or more regulatory
24 agencies with the power to issue one or more of the
25 required approvals. The essence and extent of Western

1 Mountains and River Corporation testimony will be that
2 the mitigation packages for the crossings described in
3 Sections 4A and 4B of this MOU are appropriate offsets
4 to the environmental natural resource and community
5 impacts of the project because the benefits of the
6 packages to the region are substantial and long
7 lasting, correct?

8 LARRY WARREN: That's what it says.

9 MS. JOHNSON: That is what it says.

10 LARRY WARREN: And it doesn't that we
11 endorse or support the project.

12 MS. JOHNSON: But it does set forth what
13 your testimony will be, which I would note is
14 consistent with what you have said here today, isn't
15 that right?

16 JOSEPH CHRISTOPHER: If we think that
17 the mitigation environmental offsets were correct, and
18 that's what it says, and I believe the idea of the
19 question is to question our earnest in the process and
20 I think that the Department and, you know, the people
21 that hear us testifying know that we're in earnest as a
22 nonprofit for the community and I hope other people
23 understand that.

24 MS. JOHNSON: I think the DEP folks can
25 read the section themselves, so.

1 MS. MILLER: We need to start to wrap up
2 the cross-examination questions.

3 MS. JOHNSON: Can I just ask one other
4 quick question? Mr. Warren, the parcels that are
5 proposed for mitigation, on Flagstaff Lake and on Grand
6 Falls, along Grand Falls, those are both under huts
7 that Maine Huts and Trails is leasing from CMP at this
8 point and the proposed sites of Chase Stream and Indian
9 Stream, I think the top one is called, those are sites
10 where you plan to build huts for Maine Huts and Trails?

11 MR. MANAHAN: Could I just ask, where
12 does this exhibit come from? Is it marked as an
13 exhibit, is it in the pre-filed testimony?

14 MS. JOHNSON: I would offer it as
15 cross-examination Exhibit 3.

16 MR. MANAHAN: And where does it come
17 from?

18 MS. JOHNSON: CMP document, mitigation
19 grants to Western Mountains and Rivers Corporation.

20 MR. MANAHAN: Was it -- where did you
21 get it? Was is in the pre-filed testimony, where does
22 it come from? What's the foundation? Do you have a
23 witness who can establish it comes from CMP?

24 MS. JOHNSON: It came from the PUC
25 proceedings.

1 MS. ELY: It was an exhibit that CMP
2 provided in response to a data request that the Natural
3 Resources Counsel of Maine asked in the proceeding.
4 It's in the docket.

5 MR. MANAHAN: Well, I would object to
6 the admission of this document. We have no evidence
7 here other than the statements we've just heard that
8 it's actually a CMP document and we have no witnesses
9 who established any foundation for it and so I would
10 object to the introduction of this exhibit.

11 MS. JOHNSON: Mr. Warren, does this
12 document accurately represent a portion of the parcels
13 that CMP has agreed to negotiate in good faith with the
14 Western Mountains and Rivers Corporation about?

15 MS. MANAHAN: And Mr. Warren should be
16 allowed to review his pre-file testimony first because
17 he has a document that's similar to this, but not quite
18 the same as this.

19 MR. SMITH: I agree with that.

20 MS. MILLER: Mr. Warren I think can
21 answer the question whether this map accurately
22 depicts, or the other map accurately depicts. I think
23 we're talking generalities at this point, so I'm going
24 to allow Mr. Warren to answer the question.

25 LARRY WARREN: The contribution and

1 mitigation elements were different before the
2 application was revised to go underground.

3 MS. JOHNSON: As that relates to the
4 extra funds and that Maine Rivers and --

5 LARRY WARREN: No, it relates to the
6 land.

7 MS. JOHNSON: So, then educate me here,
8 it's my understanding that these parcels in pink are
9 the parcels that CMP has agreed to sell to Western
10 Mountains and Rivers Corporation, or whomever in return
11 for Western Mountain Rivers Corporation agreeing to
12 testifying in support of this project. Is my
13 understanding incorrect?

14 LARRY WARREN: It's incorrect. The --

15 MS. JOHNSON: Well, just tell me which
16 one -- this map is very, very similar to the one you
17 just had up before.

18 LARRY WARREN: That's right.

19 MS. JOHNSON: And the only reason I put
20 this one up is because it was a little clearer. The
21 other one was quite fuzzy. But as the DEP staff person
22 said, in general -- I'm not very worried about the very
23 specific boundaries, but in general these are the
24 parcels that were shown on the previous map, are they
25 not?

1 MR. MANAHAN: I would just object again
2 because they are different. I mean, for Ms. Johnson to
3 basically make a statement for the record that they're
4 close enough ignores the fact that they're different
5 and they have different keys and they talk about
6 different land.

7 MS. MILLER: And we need to wrap your
8 testimony because you're way over time, your
9 cross-examination, sorry. Thank you.

10 MS. JOHNSON: So Mr. Warren, just to
11 summarize the end, these parcels by the existing huts
12 and the two proposed huts for Maine Rivers and Trails,
13 those are part of the mitigation lands that CMP has
14 agreed to negotiate with you about; is that correct?

15 MR. SMITH: Sorry, objection, Ben Smith
16 for Western Mountains. I thought that the end of the
17 examination just occurred and the presiding officer was
18 ruling that that was done.

19 MS. MILLER: Hold a few seconds for us
20 to have a quick discussion.

21 MS. BENSINGER: We're trying to
22 establish, and I believe we need input from Mr. Warren
23 about the accuracy of this exhibit, and can you say
24 whether this exhibit reflects, as far as you understand
25 it, what the proposal is from CMP?

1 LARRY WARREN: The most accurate
2 representation that I believe that exists is the map
3 that I -- that we were referring to in my testimony
4 earlier this afternoon.

5 MS. BENSINGER: And which map is that?

6 LARRY WARREN: The one that was up a
7 little while ago.

8 MS. BENSINGER: Can you give us a number
9 for that?

10 LARRY WARREN: Larry Warren, Number 2, I
11 believe, and it's a PDF.

12 MS. BENSINGER: And this map is hard to
13 read and fuzzy.

14 LARRY WARREN: Well, this map is a 36 by
15 42 PDF digital, and if you blow it up and print it, 36
16 or 32 by 40, I think you'll find a significant clarity.

17 MS. BENSINGER: My copy is fuzzy.

18 LARRY WARREN: When you print it at 8
19 and a half by 11, it loses its clarity.

20 MS. BENSINGER: And what are the
21 differences that you see?

22 LARRY WARREN: Basically what happened
23 was when Central Maine Power Company revised its
24 application to go under the Kennebec Gorge, all -- a
25 significant number of the parcels that were going to be

1 contributed to Western Mountains and Rivers Corporation
2 no longer had to be contributed and --

3 MS. BENSINGER: So the answer is this
4 does not reflect CMP's current proposal?

5 JOSEPH CHRISTOPHER: Not accurately.

6 LARRY WARREN: And so what happened was
7 Central Maine Power Company then began negotiations and
8 discussions with the DEP, the LUPC and the Maine
9 Department of Inland Fisheries and Wildlife. And
10 during those conversations indicated that they were --
11 they defined approximately 2,800 acres of land that
12 would be contributed for mitigation and indicated to
13 the DEP, the LUPC and the Department of Inland
14 Fisheries and Wildlife what existing uses and leases
15 were included in those parcels.

16 MS. MILLER: Okay, thank you. We're not
17 going to let this in as an exhibit.

18 MS. JOHNSON: Thank you. I have no
19 further questions.

20 MS. MILLER: I'm going to ask -- I would
21 like to take a ten minute break. Witnesses, we'll need
22 you back up here after for Department questions and
23 then any redirect and recross. Thank you.

24 (Break was 3:10 p.m. to 3:27 p.m.)

25 MS. MILLER: So right now we have

1 questions from the Department.

2 MR. BERGERON: Mr. Warren, in your
3 direct testimony, I believe it was on Page 4, there was
4 information about snowmobilers and their continued use
5 of snowmobile trails, hikers' experience, I just want
6 to understand that information was based on the
7 information provided by CMP, or did you or your
8 organization provide any other user surveys or
9 information from those types of parties to gather that
10 information?

11 LARRY WARREN: This is my direct
12 testimony filed when?

13 MR. BERGERON: I think it was the end
14 of February.

15 MS. BENSINGER: February 28th.

16 LARRY WARREN: And I don't recall. I'd
17 like to see -- I don't know if I can see the document.

18 MR. BERGERON: Yeah, the bottom of Page
19 3 and the top of Page 4 of your February testimony.

20 LARRY WARREN: Okay.

21 MR. BERGERON: Essentially just reading
22 from it, you can still view it, as noted by CMP,
23 snowmobilers are accustomed to seeing transmission
24 corridors and traveling within the cleared corridor, so
25 it is unlikely that the project would have an impact on

1 their continued enjoyment of snowmobilers or snowmobile
2 trails. Hikers' experience should also not be
3 adversely impacted by the project. I guess I just
4 wanted to confirm that that was based on information
5 that CMP provided and not additional studies that you
6 had done.

7 MR. SMITH: I'm sorry, I just got into
8 the document, what page again?

9 MR. BERGERON: Bottom of Page 3, top of
10 Page 4, specifically the top of Page 4.

11 LARRY WARREN: Yeah, you're correct,
12 that's information provided solely by Central Maine
13 Power Company.

14 MR. BERGERON: Great, Thank you. While
15 you still have that, if you could flip to Page 8 of
16 that testimony. In the conclusion section, section
17 four, about the middle of that paragraph, the sentence
18 says the record provides substantial evidence that any
19 interference associated with scenic, aesthetic,
20 recreational or navigational uses will be minimal and
21 will be more than offset by the significant benefits to
22 Somerset County, Western Maine and Maine in general.

23 Could you help me understand under the
24 Site Location Development Act and the Natural Resources
25 Protection Act where that balancing of impacts and

1 benefits can be derived, please.

2 LARRY WARREN: Western Mountains and
3 Rivers Corporation's discussions and negotiations with
4 Central Maine Power Company were limited to the area of
5 the Kennebec Gorge. All of our focus was primarily on
6 the crossing of the Kennebec River. The memorandum of
7 understanding substantially addressed the impacts and
8 our concerns about what would happen to the Gorge.

9 So at that time while CMP was proposing
10 an overhead crossing, we were suggesting that the land
11 contributions, the incoming contributions and the
12 financial contributions, which at the time were \$22
13 million, provided significant and we felt reasonable
14 compensation and mitigation for the overhead crossing.

15 MR. BERGERON: Okay, thank you.

16 MS. BENSINGER: I have a question for
17 you, Mr. Warren. In discussing today the compensation
18 plan, when you said certain parcels of land will go to
19 DEP, you don't mean -- you didn't really mean the land,
20 ownership of the land, ownership of those parcels of
21 land will actually be transferred to DEP, did you?

22 LARRY WARREN: That was my impression,
23 yes.

24 MS. BENSINGER: Okay, that's it. Thank
25 you.

1 MS. MILLER: I just have one question.
2 Both of you I think mentioned in your statements that
3 you felt one of the biggest threats to recreation in
4 area was the lack of access to private lands from
5 private landowners, which is always a threat, but it
6 struck me that you both mentioned that it's very
7 eminent, and I was just wondering is there something
8 else going on that makes it this more eminent that
9 maybe I'm not aware of?

10 LARRY WARREN: Well, as you probably
11 surmised, we do a lot of -- we have a lot of
12 conversations with landowners in the State of Maine.
13 The number of parcels that the corridor from
14 Carrabassett Valley to Moosehead Lake crosses
15 represents a significant cross-section of Maine's large
16 and small landowners and I think all of probably the
17 state is very familiar with what we call the changing
18 face of land ownership that's occurred since -- on a
19 regular basis since approximately 1999 or 2001 when the
20 10,000 or 10,500,000 acres of land was transferred from
21 the paper industry to the REITs, TIMOs, ERISA-based
22 investment companies, high network individuals in the
23 foreign national corporations.

24 That continued subdivision and transfer
25 of lands since then continues on a regular basis and it

1 becomes a significant threat to the traditions that
2 have been part of the hundred year history of public
3 access to private lands, and it's not -- we don't see
4 it slowing down. We see that it's continuing, that the
5 concerns about how the functioning and the operations
6 of the Maine woods are going to continue to be
7 compatible with the demands and the requirements for
8 nature-based tourism and public access, and so it's in
9 that context that we offer those concerns.

10 MS. MILLER: Thank you.

11 JOSEPH CHRISTOPHER: There's a couple
12 that I think -- you're asking about eminent and current
13 issues. As part of the conversation with Central Maine
14 Power for the MOU, the access issue was key to us, and
15 some of that was coming from that we have a couple
16 times been -- the roads to the Kennebec River on the
17 Indian Pond Road and the Red Road on Enchanted Road to
18 the Dead River are privately owned and they've
19 increased our fees. We had one meeting where this was
20 discussed, but the County had let the road to the
21 Indian Pond go for unpaid taxes and it was purchased by
22 a competitor to our industry who tried to increase the
23 fee. This was in recent time.

24 Also, Mr. Strout's from the Forest
25 Products Council recent letter, this proceeding

1 actually fueled their fire a little bit and said hey,
2 listen we'll close these parcels of land if they become
3 controversial. Weyerhaeuser took over the Plum Creek
4 lands in the area. Their land in the rest of the
5 country in a lot of the areas is closed to recreational
6 traffic, so they have continually said, and through
7 communication with Ben Towle and our board, they have
8 the ATV club and the snowmobile clubs, that they would
9 prefer that they were closed in many areas without
10 extremes measures of funding from these clubs and
11 entities to maintain those roads and trails because of
12 DEP permitting and concerns about erosion and things
13 like that.

14 So these issues keep coming up and some
15 of them are current and eminent, and that's why I was
16 expressing the opinion that it's continuing to slide
17 down hill and really in my mind eventually you're going
18 to be either public lands or lands like these that are
19 assured a perpetuity, otherwise they'll be gone.

20 MS. MILLER: Thank you very much. So
21 now we have -- is there any redirect?

22 MR. SMITH: Hopefully briefly, yes.

23 MS. MILLER: Thank you.

24 MR. SMITH: There was several questions
25 about the relationship between CMP and WMRC and

1 potential parcels of land that could be conveyed; do
2 you recall that line of questioning?

3 JOSEPH CHRISTOPHER: Yes.

4 MR. SMITH: And I think these are maybe
5 for Mr. Warren, but I'll let either of you speak to
6 them. Explain, I guess, number one, whether or not
7 there are any transactions that are currently in
8 process or in progress.

9 LARRY WARREN: I don't.

10 MR. SMITH: And explain what would
11 happen in the event that the need subsequently would
12 arise and how they would be reviewed.

13 LARRY WARREN: I think if the land
14 contributions that have been outlined were to come to
15 fruition, the surveys would have to be completed and
16 board review and agreements finalized. I would assume
17 that documents prepared for filing with the Registry of
18 Deeds and approval by the board of both companies that
19 these are the final negotiations.

20 MR. SMITH: And how many board members
21 are there?

22 LARRY WARREN: Right now 15.

23 MR. SMITH: And to the extent that there
24 was some sort or potential conflict, would that be
25 vetted at that time by the board?

1 LARRY WARREN: I'm sure it would.

2 MR. SMITH: Mr. Warren, are you
3 compensated at all for your work with Maine Huts and
4 Trails?

5 LARRY WARREN: No, I am not.

6 MR. SMITH: There was a question by Ms.
7 Johnson, I believe, about when you first approached
8 CMP, I just want to clarify to make sure we're talking
9 about the same project here, or we are not. So I think
10 that there was testimony about you first approaching
11 CMP in 2016 in the Spring, did that have to do with
12 this project?

13 LARRY WARREN: No.

14 MR. SMITH: And were you approaching
15 them as a WMRC member or director?

16 LARRY WARREN: No.

17 MR. SMITH: Okay. There was some
18 questions from the Department about statements in your
19 testimony about snowmobilers, explain, and maybe this
20 is for both of you, explain the membership of WMRC and
21 what sort of members are involved or had connections
22 with the snowmobiling industry.

23 JOSEPH CHRISTOPHER: The snowmobiling
24 industry, that might --

25 MR. SMITH: Well, snowmobiling in

1 general.

2 JOSEPH CHRISTOPHER: Snowmobiling in
3 general, of the 15 board members here, you have Russell
4 Walter, Northern Outdoors, they're heavily in that
5 industry; Suzie Hockmeyer of Northern Outdoors, that's
6 heavily that industry; Rachel Crommett, 15 Mile Stream,
7 that's heavily snowmobile industry; myself, that's
8 snowmobile industry; Larry Warren, no; Peter Mills, no;
9 Lloyd Trafton, public servant, no; Pam Christopher,
10 that's -- they're in the snowmobile industry, lodging;
11 Judith Hutchinson is public servant; Ben Towle, two
12 businesses, snowmobile industry; Robert Peabody, that's
13 Crab Apple White Water, not in the winter activity
14 anymore; Chris Savage is Somerset FEDC, so no; Tom Cole
15 is LandVest, so that's no as well.

16 MR. SMITH: The last line of
17 questioning, or actually let me ask you some follow up
18 on that. Given the involvement of some of those
19 members, how did that form WMRC's position with regard
20 to snowmobiling?

21 JOSEPH CHRISTOPHER: How did that form
22 our opinion about it?

23 MR. SMITH: Well, I mean, did these
24 people provide input or did they -- I mean, they are
25 members of the board, so does that affect --

1 JOSEPH CHRISTOPHER: We have bimonthly
2 board meetings where probably all these topics are
3 discussed and obviously this -- these proceedings are
4 predominantly the conversation at this point, but.

5 MR. SMITH: Lastly, moving to some
6 questions by Ms. Boepple about the undergrounding and
7 she made a couple of different assumptions, and one of
8 the things she said is assume that the technological
9 things can all be taken care of, and then she said
10 further assume that the visual impact of undergrounding
11 can also be taken care of. I want to just explore that
12 briefly are.

13 Are you familiar with what sort of
14 termination and conversion points and what sort of
15 facilities are needed based on your review of the
16 application and the company's proposal for the
17 undergrounding portion along the Kennebec?

18 JOSEPH CHRISTOPHER: Pretty basic layman
19 understanding of it.

20 MR. SMITH: So what's the role?

21 JOSEPH CHRISTOPHER: A transition
22 station on either end from underground to overhead.

23 MS. SMITH: And buildings?

24 JOSEPH CHRISTOPHER: I think there is a
25 building on either end to house the cooling.

1 MR. SMITH: And do you have to have a
2 cleared area for that?

3 JOSEPH CHRISTOPHER: Cleared area with a
4 permanent road is the way I understand from reading the
5 application.

6 MS. SMITH: Okay. So let's assume that
7 there were additional undergrounding points that people
8 were trying to argue for along the remainder of the 53
9 mile corridor, based on what you described as being
10 necessary termination points and conversion points,
11 what sort of impact would that have on the aesthetics
12 of the scenic views?

13 JOSEPH CHRISTOPHER: Yeah, additional
14 infrastructure I would assume would be negative, but I
15 would refer to CMP really on what would be required.
16 It seems as though it would be extensive for additional
17 undergrounding.

18 MR. SMITH: Thank you.

19 MS. MILLER: Recross?

20 MS. BOEPPLE: No questions.

21 MS. MILLER: Anyone else, recross?

22 MS. GILBREATH: None by the Applicant.

23 MS. MILLER: Okay. All right, well
24 then, I think we're ready to wrap up today. A couple
25 of announcements for tomorrow as we wrap up for the

1 day. Thank you again for your participation today.

2 Thank you both groups and witnesses.

3 So like I said, we'll start tomorrow at
4 8:30 in The Landing, so one thing we need to do is
5 bring all of our belongings. We can't leave them
6 overnight here because they need this room for
7 something tomorrow and they're not going to be able to
8 set up the room in The Landing until tomorrow early in
9 the morning for us, so I apologize for that, but
10 everybody please bring your stuff with you and we will
11 see you at 8:30 in the morning. Thank you.

12

13 (Concluded at 3:44 p.m.)

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CERTIFICATE

I, Lorna M. Prince, a Court Reporter and Notary Public within and for the State of Maine, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken by me by means of stenograph.

and I have signed:

/s/ Lorna M. Prince
Court Reporter/Notary Public

My Commission Expires: February 6, 2026

Dated: May 3, 2019

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|--|---|---|--|
| \$ | 143:17; 172:24; 173:3; 188:2; 190:25; 191:25 | 1997 [1] - 121:10 | 217 [1] - 9:22 |
| \$10 [1] - 201:1 | 10,000 [4] - 30:9, 12; 125:15; 215:20 | 1999 [1] - 215:19 | 225-2585 [2] - 3:10; 7:9 |
| \$16,000 [1] - 182:8 | 10,500,000 [1] - 215:20 | 1:20 [2] - 143:7 | 23 [3] - 11:23; 12:12; 18:13 |
| \$170,000 [1] - 178:17 | 104 [1] - 3:14 | 1:21 [1] - 143:8 | 24,000 [1] - 33:22 |
| \$22 [2] - 204:15; 214:12 | 1058 [1] - 3:18 | 1:36 [1] - 154:17 | 25 [2] - 161:2, 6 |
| \$250,000 [6] - 177:10, 17; 178:15; 198:13, 18; 200:25 | 10:14 [1] - 47:8 | 1:56 [1] - 154:17 | 250 [1] - 156:8 |
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