



July 19, 2018

Jim Beyer, Bureau of Land Resources
Maine Department of Environmental Protection
18 Elkins Lane, Harlow Building
106 Hogan Road, Suite 6
Bangor, ME 04401

RE: NECEC Petition for Leave to Intervene

Dear Mr. Beyer:

On behalf of Trout Unlimited (TU), the Maine Council of Trout Unlimited (ME TU), and the Kennebec Chapter of Trout Unlimited (KVTU), we are submitting this petition to intervene in the Maine DEP's review of applications for the Central Maine Power's (CMP) applications for permits for the New England Clean Energy Connect (NECEC) transmission line under the Site Location of Development Act and the Natural Resources Protection Act.

1. TU and TU members will be substantially and directly impacted by the NECEC.

TU is a national conservation organization whose mission is to conserve, protect and restore North America's trout and salmon and their watersheds. We have 5 chapters and about 1800 members in Maine, including the Kennebec Valley chapter, whose "catchment area" for membership includes most the area impacted by the proposed route of the NECEC. A small amount of the proposed route also passes through areas within our Merrymeeting Bay Chapter. Our five Maine chapters are organized into a Maine Council, with delegates from each chapter serving as the board of directors for the Maine Council. Most members of Trout Unlimited are anglers who enjoy fishing the waters that will be impacted by the NECEC, as well as other recreation in the affected area.

Our active members commit thousands of hours per year to habitat conservation, habitat protection and advocacy projects. For more than 25 years, the Kennebec River has been a primary focus area for TU, ME TU and KVTU efforts. TU has intervened in the FERC licensing of every major hydropower project in the Kennebec Basin since 1990. We were party to settlement agreements regarding the FERC licensing of projects including the Indian Pond

Project, the Madison Electric Works Project, the Anson and Abenaki Projects, and participated in the licensing process for the Moosehead, Flagstaff, Wyman, Williams, Shawmut, and Lockwood Projects. This advocacy resulted in: (1) the conservation of extensive lands around Indian Pond, the Kennebec River, Wyman Lake, and other nearby lands that the NECEC will cross or from which the NECEC will be visible; and (2) funding to construct habitat restoration projects in the Upper Kennebec and Dead River watershed in Salmon Stream and Cold Stream, both which will be crossed by the NECEC. TU advocated for more than a decade to protect the 8,200 acre Cold Stream Forest parcel for the explicit purpose of protecting intact habitat for native brook trout. Cold Stream Forest was acquired by the state of Maine with funding from the Land for Maine's Future Program and the federal Forest Legacy Program. The NECEC will bisect the Cold Stream Forest Public Reserved Lands with a crossing near the Capital Road. TU has also been involved with many other conservation organizations in efforts to conserve lands adjacent to the Kennebec River Gorge, which the NECEC proposes to cross. (Despite a 2010 agreement between CMP and the State of Maine to transfer those lands to the state as mitigation for a for CMP's last major transmission line project, the state has not yet taken ownership.) TU has been involved in multiple projects to protect Atlantic salmon and restore endangered Atlantic salmon habitat and fish passage on the Sheepscot, Kennebec, and Androscoggin rivers and their tributaries, including a long-running project to stock fertilized salmon eggs into salmon habitat in the Sandy and Sheepscot Rivers. TU volunteers have been involved in egg planting and monitoring efforts in these watersheds for more than a decade.

Our members' documented use of and conservation work on the lands and waters crossed by the NECEC and our conservation interest in the brook trout and Atlantic salmon populations in waters affected by the project give TU and our members a clear interest in these proceedings. Our existing conservation work and the fish species at the core of our mission will be substantially and directly impacted by the NECEC.

2. TU Concerns and Interests

Consistent with our mission, TU's primary concern will be the impacts of the project on habitat for cold water fish from construction and maintenance activities associated with the NECEC. These concerns extend along the full length of proposed new and upgraded transmission lines. The entire proposed route from the Canadian border in Beattie TWP to east of the Kennebec River crossing in Moxie Gore is documented habitat for native brook trout, as is most of the route from Moxie Gore to the Kennebec River crossing in Moscow. Other streams on the remainder of the route support wild brook trout. Portions of the route in Anson, Starks, Industry, Farmington, Wilton, Jay, and Chesterville are located in areas designated as critical habitat for endangered Atlantic salmon. The proposed route from Wiscasset to Windsor passes through areas designated as critical habitat for endangered Atlantic salmon in the Sheepscot River and its tributaries. The Sheepscot River and its tributaries in Alna, Whitefield and Windsor also contain wild brook trout populations.

The NECEC will cross 724 water bodies, including some of the most important brook trout spawning and rearing tributaries to the Dead and Kennebec rivers. Construction access roads will span 184 streams. A large amount of currently forested habitat will be cleared for construction, and much of this will be permanently converted to cleared corridors. Clearing and construction of access roads and tower foundations may cause sedimentation and other impacts on water quality. Maintained corridors in riparian areas will remove trees that provide shade and will likely raise stream temperatures. We will be advocating for protection of permanent forested buffers on all waterbodies crossed, approached, or paralleled by the NECEC, including intermittent headwater streams. CMP's proposed 25-foot-wide buffer is not adequate.

Geographic areas of particular concern include the ~50 miles of proposed new corridor from Beattie township to West Forks, which contains an especially dense concentration of wild brook trout habitat. In addition to concerns about impacts on streams, the route in this area passes very close to a number of ponds designated "State Heritage Fish Waters," including Beattie Pond, Rock Pond, Iron Pond, Mountain Pond #2, Markham Pond, Little Wilson Hill Pond, and Wilson Hill Pond. We are also concerned about potential impacts of the line on endangered salmon and rare sea-run brook trout in the Sheepscot River and its tributaries.

Like many other member of the public, we are concerned about the impacts of the proposed Kennebec Gorge crossing on angling and other recreation in an especially remote and beautiful part of Maine where we have invested a considerable amount of work. We are also concerned about additional transmission line impacts on the West Branch Sheepscot River and several small tributaries near the Coopers Mills Road substation. This area is already substantially impacted by existing transmission lines and the Maritimes and Northeast gas pipeline, and the proposed work will increase the amount of disturbance.

TU is prepared and capable to serve as an intervenor.

TU has not previously intervened in DEP proceedings, but has extensive experience as an intervenor in FERC hydroelectric licensing and has intervened in proceedings at the (former) Land Use Regulatory Commission. TU staff (Jeff Reardon) and volunteers frequently testify at BEP, LUPC and legislative hearings. We are fully prepared to fulfill our responsibilities as an intervenor. Many TU volunteers will be involved in TU's review of the application, with leadership from David Hedrick, a TU member who lives in Waterville and serves on the board of KVTU as a delegate to TU's Maine Council. Mr. Hedrick has been involved in TU leadership for more than a decade. TU's Maine Brook Trout Project Director, Jeff Reardon, will coordinate with TU volunteers. Mr. Reardon has been employed by TU since 1999, and has extensive experience working with state and federal regulatory agencies as both an applicant and an interested party.

No other party represents TU's particular interest.

No other state potential intervenor has TU's combination of a mission focused on coldwater fish habitat, extensive knowledge of the waters to be affected by the NECEC, and an active and engaged membership with a long history of advocacy for cold water fish habitat.

Thank you for your consideration of our request. Please direct any correspondence to me and to Mr. Hedrick at the contact information below (email preferred).

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Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff R.", followed by a long horizontal flourish.

Jeff Reardon