

To: Ruth Ann Burke

From: Janet Lynch, Pownal

Re: DEP public hearing on Suspension of License Proceeding for CMP/ NECEC License

Date: 19 October, 2021

Dear Ms. Burke,

I am a citizen of Pownal, Maine and am deeply concerned about the illegal lease of Maine's public lands for its proposed "NECEC" electricity corridor project, and wish to weigh in on the proceedings. Unfortunately, I am unable to attend the hearing because of other conflicts, but wish hereby to submit my urgent written comments on the matter to be entered into the record.

Recent revelations associated with the lease of certain public lands by the State of Maine to CMP for its highly controversial and environmentally disruptive proposed power line project without the provision of adequate opportunities for public notice and comment about the decision, highlight the urgent need for this bill. As the Maine Superior Court found in its decision in *Black v. Cutco*, "utility leases (including those for electric utility leases) pursuant to 12 M.R.S. § 1852 (4) are not categorically exempt from the application of Article IX, Section 23 of the Maine Constitution."

As Justice Murphy found in her decision (citing plaintiffs), "there is no explicit exemption made for any particular type of property conveyance, such as for an easement or lease. **What matters are two aspects: whether the use significantly alters the land's physical characteristics, and whether the alterations "frustrate" the essential purposes for which the land is held.**"

As Judge Murphy found, the proposed lease would "**significantly alter the land's physical characteristics, and whether the alterations 'frustrate' the essential purposes for which the land is held.**" Therefore, the license MUST be suspended.

As Justice Murphy found, the state may not use the technicality of "lease" as opposed to "sale" to evade Constitutional authority compelling a 2/3 vote of the legislature on decisions regarding proposed activities which would "cause the land to be reduced or substantially altered." Because CMP's proposed use of the public lands in question to facilitate is proposed "NECEC" electricity transmission line would unquestionably substantially reduce or alter the public lands in question, the DEP must suspend the lease to comply with the judicial decision.

Decisions regarding proposed changes in the uses of our state's public lands which would have the effect of reducing or substantially altering them must be made fully public, with ample opportunity for public notice and comment. The fact that the instant license was issued behind closed doors, without any, let alone ample, public notice or opportunity for comment, represents a flagrantly transparent attempt to intentionally evade the plain meaning of the Maine Constitution, and as such, this license must be suspended immediately.

Sincerely,

Janet Lynch, Pownal

