

York, Marylisa

From: Brenda Cummings <bcummings.plt@gmail.com>
Sent: Tuesday, October 19, 2021 8:05 PM
To: DEP, NECEC
Subject: Testimony on the NECEC corridor (Brenda Cummings)
Attachments: Testimony part 3.pdf

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I have some additional testimony to provide. It is attached below as a PDF

Testimony
NECEC Suspension

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I would like to add a small amount of additional testimony regarding this manner. Those testifying this evening have commented that the two public lots in dispute in this matter are not “pristine” woodlands, but working forests, with an existing utility corridor. This is quite true.

What these commentators have not understood is that Maine’s public lands are, by statute, designated to be used for wood harvesting, recreation and conservation. I quote here from Justice Murphy’s findings in *Black v. Cutko*:

“The Legislature also has defined the essential purposes of public reserved lands: “The essential purposes of public reserved and non-reserved lands are the protection, management and improvement of these properties for the multiple use objectives established in section 1847.” 12 M.R.S.A. § 598(5). While “multiple use” is defined in other provisions, the Legislature has specifically defined “essential purposes” with reference to the “multiple use objectives” set forth in 12 M.R.S.A. Section 1847. Specifically, subsection 1847(1) states:

1. Purpose. The Legislature declares that it is in the public interest and for the general benefit of the people of this State . . . that the public reserved lands be managed under the principles of multiple use [1] to produce a sustained yield of products and services by the use of prudent business practices and the principles of sound planning and that the public reserved lands be managed [2] to demonstrate exemplary land management practices, including silvicultural, wildlife and recreation management practices, as a demonstration of state policies governing management of forested and related types of lands. 12 M.R.S.A. § 1847(1).”

Note that the Constitutional Amendment passed in 1993, and was followed up by enabling legislation in 1994 and 1997. The existing corridor on the public lands was installed in 1963, well before this legislation, and is therefore an existing use grandfathered into the management of these lands. I suspect that if CMP had agreed to use the existing corridor, we would not be here today, as the (relatively minor) expansion of the existing corridor would have been much easier to get approved by the legislature.

However, the NECEC corridor is, in the currently proposed location, clearly and straightforwardly not one of the uses described in statutes for these public lands. Whether the corridor is one mile long or 53 miles long, or covers 33 acres or 1,000 acres, it is, by statutory definition, a substantial change in use for our public lands. The new corridor, rather than using the existing line, proposes instead to divide these public lands into quarters by bisecting the old power line, fragmenting the forest and damaging nearby conservation efforts in the process.

The rule of law matters. CMP has, through out this project, skirted the law and gone about their work in ways that have required the DEP to bend over backwards to accommodate the most flexible possible interpretation of Maine statutes. It's time for this to stop.

I urge the DEP to step up and do the right thing in this matter. Make CMP follow the law. That is all I am asking for them to do: to bring their request to use Maine's public lands to the legislature and follow the law. It is not too much to ask when these lands are held in the public trust, and when State Statute states, "[I]t is the policy of the State to keep the public reserved lands as a public trust and that full and free public access to the public reserved lands to the extent permitted by law, together with the right to reasonable use of those lands, is the privilege of every citizen of the State." 12 M.R.S.A. Section 1846(1)

Thank you for your consideration,

Brenda Cummings

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