

*Sent by electronic mail only*

June 18, 2020

Mark C. Draper, Chair  
Board of Environmental Protection  
c/o Ruth Ann Burke  
17 State House Station  
Augusta, ME 04333-0017

Chairman Draper and members of the Board:

The Appalachian Mountain Club and the Maine Chapter of Trout Unlimited are writing to express our joint support for the Natural Resource Council of Maine's request for a stay of the Department of Environmental Protection's May 11, 2020 order conditionally approving Central Maine Power Company's (CMP) application for the New England Clean Energy Connect project. We also support their request that the Board of Environmental Protection take jurisdiction over CMP's application and conduct a *de novo* review of the application and hold a public hearing.

38 M.R.S. § 341-D(2) states, "*Except as otherwise provided in this subsection, the board shall decide each application for approval of permits and licenses that in its judgment represents a project of statewide significance.*" [emphasis added]. A project of statewide significance is a project that meets at least three of the following four criteria:

- (A) through (D) [repealed]
- (E) Will have an environmental or economic impact in more than one municipality, territory or county;
- (F) Involves an activity not previously permitted or licensed in the State;
- (G) Is likely to come under significant public scrutiny; and
- (H) Is located in more than one municipality, territory or county.

There can be no question that the project meets criteria (E), (G) and (H). Based on the argument presented in NRCM's appeal, we also believe it satisfies criterion (F). As clearly set forth in statute, the Board was required to take original jurisdiction over the application, and the Department had no jurisdiction to issue their order. As intervenors in the DEP permitting process, AMC and TU will suffer long-lasting and irreparable harm if the DEP order is allowed to stand. Therefore, the Board must stay the DEP order and conduct a *de novo* review of the application.

We thank you for the opportunity to present these comments.

Sincerely,



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