



June 19, 2020

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

James R. Beyer  
Regional Licensing and Compliance Manager  
Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Mr. Draper and Mr. Beyer

Friends of the Boundary Mountains (FBM) is writing to express our strong support for the **APPLICATIONS FOR STAY OF AGENCY DECISION** submitted by the DEP intervenors collectively known as Groups 2 & 10 and the Natural Resources Council of Maine (NRCM), submitted to the Department of Environmental Protection and the Board of Environmental Protection, respectively.

Friends of the Boundary Mountains is a grassroots group of citizens who have worked for many years to keep Maine's Boundary Mountains free from all manner of industrialization and to preserve the region for traditional uses as wildlife habitat, for recreation, and forestry. We became an Intervenor in the DEP proceedings because we believe the Boundary Mountains and the surrounding region would be irreparably destroyed if NECEC were allowed to be built.

There have been three appeals filed in connection with the Department's Finding of Fact and Order, in Kennebec County Superior Court, in Somerset County Superior Court and with the Maine Board of Environmental Protection. In addition, and of the utmost significance, there will be a referendum vote on Nov. 3, 2020, whereby ALL the voters in the State of Maine will have the opportunity to decide whether NECEC will be built.

Having read these three appeals and the legal arguments therein, we believe there to be great likelihood that the Department's Finding of Fact and Order will be completely voided or substantially altered.

In any event, despite huge expenditures by foreign corporations to influence the vote, NECEC will be rejected by the voters of Maine. This is clearly apparent from the enormous preponderance of comments against NECEC that DEP has received, both during the public portions of the hearing and the comments on the draft Order. It is apparent from all the towns that have voted against the CMP Corridor in public opinion voting. It is apparent from the

incredible outpouring of comments voiced against NECEC at the public hearing held by the Army Corps of Engineers in Lewiston this past January. And it is apparent in the on-the-ground comments and signs visible everywhere here in western Maine!

We believe that both APPLICATIONS FOR STAY OF AGENCY DECISION demonstrate a showing of irreparable injury to the Petitioner(s) if a Stay is not granted. Given that an abiding mission of Friends of the Boundary Mountains is to preserve wildlife habitat, we too will suffer irreparable injury should CMP be allowed to proceed with construction and one or more of the appeal(s) are successful and/or the referendum is passed.

Ecologist Janet McMahon gave extensive testimony at the DEP hearing on the importance of the 53.5-mile stretch of the transmission corridor that would cross the Western Maine Mountains region and the damage it would do if constructed:

“The proposed NECEC Project transmission corridor would be the largest fragmenting feature in the Western Maine Mountains region. This region is significant at a continental scale for a variety of reasons. It includes more than half of the United States’ largest globally important bird area, which provides crucial habitat for 34 northern woodland songbird species. It provides core habitat for marten, lynx, loon, moose and a host of other iconic Maine animals. Its cold headwater streams and lakes comprise the last stronghold for wild brook trout in the eastern United States. Its unfragmented forests and complex topography make it a highly resilient landscape in the face of climate change. It lies at the heart of the Northern Appalachian/ Acadian Forest, which is the largest and most intact area of temperate forest in North America, and perhaps the world (Haselton et al. 2014; Riitters et al. 2000). Most importantly, the Western Maine Mountains region is the critical ecological link between the forests of the Adirondacks, Vermont and New Hampshire and northern Maine, New Brunswick and the Gaspé.

“... It would negatively impact between 20,000+ and 40,000+ of additional acres due to edge effects and hydrologic changes that would extend from 0.5 to 1 km (1640 to 3280 feet) from the high contrast edges of the corridor into adjacent forestland. In addition, the corridor would have significant negative regional and long term impacts because it would reduce connectivity in a critical ecological linkage, fragment large habitat blocks into smaller ones, and compromise headwater stream water quality and function.

“...It is also worth noting that fragmentation almost always leads to more fragmentation. As access roads are built and corridors are widened over time (as is happening in other parts of the NECEC corridor), these typically create new nodes of development. “

These harms are further exasperated in that “the Corridor does not meet any reliability need for Maine or connect a new generator within Maine to the grid, but instead proposes a massive corridor as a for-profit passthrough primarily for the benefit of foreign jurisdictions.” (NRCM Letter of Support, 6/19/20).

Is it any wonder then why Petitioners, other intervenors (e.g., FBM), and the general public in western Maine, and those that visit, would suffer irreparable injury if a Stay were not granted?

As to any harm to the developer, as pointed out in the Applications for Stay, this has been an ongoing multiyear process and developers expect to wait until all legal reviews and checkpoints have been resolved.

It behooves DEP and BEP, as public agencies, to assure the public that no activities on the ground with NECEC will be taken by CMP prior to final resolution. A Stay is the appropriate vehicle to do this.

Respectfully submitted by

Bob Weingarten  
President, Friends of the Boundary Mountains