

November 12, 2025

VIA ELECTRONIC MAIL
(necec.dep@maine.gov)

Ms. Dawn Hallowell
Maine Department of Environmental Protection
Bureau of Land Resources
17 State House Station
Augusta, ME 04333-0017

Re: NECEC Transmission LLC's Comments on Draft Order #L-027625-0003 Regarding:

Condition Compliance Submission for Condition #39 of Maine Department of Environmental Protection Site Location/NRPA Permit Numbers #L-27625-26-A-N, L-27625-TG-B-N, L-27625-2C-C-N, L-27625-VP-D-N, L-27625-IW-E-N and for Condition #10 of the Maine Board of Environmental Protection Permit Numbers L-27625-26-F-Z, L-27625-TG-G-Z, L-27625-2C-H-Z, L-27625-VP-I-Z, L-27625-IW-J-Z, L-27625-26-AB-Z for the New England Clean Energy Connect Project

Dear Ms. Hallowell:

On behalf of NECEC Transmission LLC (NECEC LLC), please accept these comments on the Department's November 4, 2025 Draft Order, #L-027625-0003 (Draft Order).

NECEC LLC's revised 50,000 Acre Conservation Plan (CP) is the result of a years-long effort to identify a landowner willing to implement new and explicit conservation regimes in perpetuity on its property, as well as extensive negotiations with Weyerhaeuser Company (Weyerhaeuser), Maine Bureau of Parks and Lands (BPL), Maine Natural Areas Program (MNAP), and the Maine Department of Inland Fisheries & Wildlife (MDIFW) to develop a CP, Conservation Easement (CE), and Forest Management Plan (FMP) that promote and preserve mature forest and habitat connectivity in accordance with the May 11, 2020 DEP Order Condition 39 and the July 21, 2022 BEP Order Condition 10 (Permit Orders).

These years of dedicated efforts culminated in a conservation package that, as the Department acknowledges in the Draft Order, exceeds the Permit Orders' requirements by allowing public access, placing strict limitations on plantations and gravel pits in perpetuity, prohibiting subdivision, and creating a contiguous conserved area of nearly 450,000 acres in the vicinity of Segment 1.

The Department's 6-month review of the CP, CE, and FMP – which were revised numerous times in response to public comments, a request by the Department, and iterative work with BPL – has culminated in a thoughtful and thorough Draft Order that specifically

addresses the public comments on these documents.¹ In fact, the Department has proposed that the CE be revised to be even more restrictive, by requiring specific standards for stream crossings and by limiting leases and licenses on the Protected Property. NECEC LLC has discussed these conditions, found at Draft Order page 20, with Holder BPL and Grantor Weyerhaeuser, all of whom agree to revise the CE accordingly.

NECEC LLC thanks the Department for its thorough study of the CP, CE, and FMP. With the Department's approval, the final condition imposed in the Permit Orders will protect wildlife in the area surrounding Segment 1, which Joint Commenters have described as "the largest area of relatively intact forest blocks due to the lack of permanent settlement, development and land conversion"² and "the largest expanse of relatively undeveloped and intact natural forest in the eastern United States and one of the largest such areas in the Temperate Deciduous and Mixed Forest biome in the world."³ Consequently, NECEC LLC has only the following limited comments on the Draft Order:

1. Section 3 (p.2) lists the various iterative filings that NECEC LLC has made in developing this comprehensive conservation package, but does not mention NECEC LLC's August 1, 2025 filing that included a revised CE in response to public comments. This paragraph also does not mention the BPL's preliminary consent to the November 15, 2021 CP filing that was attached to that filing.
2. NECEC LLC further suggests that Section 3 describe the reasons why the condition compliance application has been pending since 2021, including that the Board substantively amended Condition #39 to require conservation of 25% more acreage more than two years after the Department's Order, and including the Department's suspension of the Permit Orders on November 23, 2021 on the grounds that on November 2, 2021, Maine voters approved L.D. 1295,⁴ which tolled Project filings and review. That suspension lasted until Maine courts concluded that the Referendum violated NECEC LLC's constitutional rights and may not be applied to the Project. *NECEC Transmission LLC v. Bureau of Parks & Lands*, Docket No. BCD-CIV-2021-00058, Final Judgment (Bus. & Cons. Ct. Apr. 20, 2023). On May 15, 2023 the Department issued a letter confirming that its license was no longer suspended and condition compliance filings may resume.
3. Section 8, third paragraph (p.4) the word "are" is missing between "line" and "considered."

¹ NECEC LLC notes that condition compliance applications are explicitly excluded from the Department's Chapter 2 rules and procedures that otherwise allow comment on filings, as described in its August 1, 2025 objection to the Department's consideration of any such comments. Department Rule Chapter 2, Section 2(B)(13). Despite the lack of authority to receive and consider comments on condition compliance applications, the Department nevertheless describes in detail why those comments do not demonstrate any deficiencies in the CP, CE, and FMP (with the exception of the Stream Smart principles which, as noted below, are included in the FMP and CE).

² D. Publicover, witness for Group 4 (NRCM, AMC, and TU), Pre-Filed Direct Testimony at 5-6.

³ D. Publicover Pre-Filed Direct Testimony at 21.

⁴ "An Act To Require Legislative Approval of Certain Transmission Lines, Require Legislative Approval of Certain Transmission Lines and Facilities and Other Projects on Public Reserved Lands and Prohibit the Construction of Certain Transmission Lines in the Upper Kennebec Region" (the Referendum).

4. NECEC suggests that Section 10.A.a, twelfth paragraph (p.9) include citations to the evidence in the underlying record that Joint Commentors and other parties submitted demonstrating that 30-foot trees and 80 square feet basal area provides ideal habitat for the umbrella species pine marten.⁵
5. Section 10.B, fourteenth paragraph (p.12) fails to include the 6,900 acres of mature forest that will occur in the 330-foot riparian buffers when calculating the mature forest that will exist on the Protected Property in 2065. Approximately 18,100 acres of mature forest that is outside of the 330-foot riparian buffers *plus* the 6,900 acres of mature forest that will occur within the 330-foot riparian buffers yields a total mature forest area of 25,000 acres.
6. NECEC suggests that Section 10.C, eighth paragraph (p.13) acknowledge that Stream Smart principles have already been proposed, as they are included in the Best Management Practices to which the Grantor has committed to following and included in the FMP.⁶
7. Section 10.D, eighth paragraph (p.15) mistakenly states that the Moosehead Easement does not place any limit on the total acreage of excavation. Moosehead Easement Section 3.C.1(b) (p.11) states as follows:

The right to conduct Permitted Construction Materials Removal Activities is subject to the requirement that the disturbed area for such activity does not exceed 15 acres in size per extraction site and that no more than 400 acres within the Protected Property be actively disturbed and not revegetated and stabilized at any one time; provided that any site less than an acre in size, the materials from which are used solely for Grantor's Forest Management Activities, shall not count for purposes of the cap set forth above. The removal of loose surface decorative rock that does not materially disturb forest soils and vegetation is not subject to these restrictions.

Notably, the CE's limitations on excavation, as well as reclamation, eclipse those limitations in the Moosehead Easement, as follows:

- (i) The exposed mineral surface of any new gravel, sand, or rock pit shall be limited to not more than ten (10) acres of exposed mineral surface per site at any time with not more than an aggregate of seventy (70) acres exposed at any one time, and a total aggregate area of mined acreage in perpetuity of one hundred fifty (150) acres for all Permitted Excavation Activities. For any existing pit larger than 10 acres that is identified in the Baseline Documentation, Grantor may continue extractions without changing the footprint of the pit. Changes to the footprint of any such pit must bring the

⁵ See, e.g., Publicover Pre-Filed Supplemental Testimony at 4-5; Dr. Simons-Legaard Pre-Filed Supplemental Testimony at 1; TNC Pre-Filed Supplemental Testimony at 1; TNC and CLF Post-Hearing Brief at 5. See also DEP Order at 69, 77-79; BEP Order at 53.

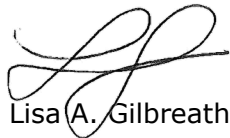
⁶ See, e.g., Forest Management Plan at Sections 44.4.4 (p.29), 5.5 (p.42), 5.6 (p.42), 6.7 (p.84), and Appendix G (attaching Stream Smart principles as described in The Department of Agriculture, Conservation & Forestry Maine Forest Service's Best Management Practices at 41); see also CE at Sections VII.A.6 (pp.9-11) and VII.D.2 (p.16).

- resulting pit within the 10 acre limitation, but not expand further until such portions have been restored to bring the pit within 10 acres in size.
- (ii) All Excavation Activities are prohibited within 330 feet of mapped perennial streams as depicted in Exhibit D. For existing pits in riparian buffers, there shall be no expansion of such pits.
 - (iii) Grantor shall take measures to prevent erosion and sedimentation from the Permitted Excavation Activities into all waterbodies, which measures may include ditches, sedimentation basins, dikes, dams, or such other control devices that are effective in preventing sediments from being eroded or deposited into such water body.
 - (iv) All excavation activities are prohibited below an elevation that is two (2) feet above the seasonal high groundwater level.
 - (v) No fuel, petroleum products, salt, or chemicals may be routinely stored in any gravel pit.
 - (vi) No equipment may be routinely fueled in any gravel pit.

In sum, the Draft Order appropriately approves the CP, CE, and FMP subject to certain conditions, advancing conservation management to a standard previously unseen on private lands in Maine. This unprecedented conservation management results from the multi-year collaborative effort with the state agencies responsible for ensuring preservation and protection of Maine's wildlife and natural areas. A final DEP Order will ensure that the Protected Property promotes habitat connectivity and conservation of Mature Forest well beyond the life of the NECEC Project. Indeed, the protections afforded this area of exceptional biodiversity will last in perpetuity.

Please let me know if you have any questions, and thank you for all of your work on this application.

Sincerely,



Lisa A. Gilbreath

cc (via email): Service List (last updated 2025)