Mr. Jim Beyer June 14, 2019
Regional Licensing and Compliance Manager Bureau of Land Resources
Eastern Maine Regional Office Maine Department of Environmental Protection
106 Hogan Road
Bangor, Maine 04401

Re: Group 1 Post Hearing Brief in the matter of Central Maine Power Company NECEC Project

Dear Mr. Beyer,

Please find enclosed five copies of the NECEC Closing Brief from Intervenor Group 1, Maine Wilderness Guides, Friends of the Boundary Mountains and Old Canada Road National Scenic Byway. Should any questions arise please contact me at any time.

Sincerely for Intervenor Group 1,

Robert Haynes

Robert Haynes, Coordinator
Old Canada Road National Scenic Byway, Inc.

Introduction

The National Scenic Byway Program, a program of FHWA, selected distinguished roads of national significance across the country. To date there are only 150 in 49 of our 50 states. Old Canada Road (OCR) was selected in 2000 by the Secretary of Transportation. Funded with competitive grant money from FHWA, OCR has invested over a million dollars along the 78 - mile Byway corridor from Solon to Canada promoting positive visitor experience and creating opportunity for travelers to stay longer, and spend more money. The most important intrinsic value that caused OCR to be selected, was its outstanding scenery. Small towns, history, and working forest added to that special designation. Old Canada Road works closely with the Maine Department of Transportation regarding project design and completion. The most recent major project was a six- mile trail in cooperation with Central Maine Power Company on the Kennebec and Dead Rivers. Tourists come to the Upper Kennebec Valley for what it has and for what it is missing. Night sky, lack of phone service (if desired), lack of chain stores and of course the Maine Woods, which combine to create a sense of place known as "the Maine Experience". Our visitors come from around the world and all over the United States not just for what this road designation can offer but for what guides and the recreational industry have provided for decades, a continuous positive outdoor experience. From wild water rides to snowmobiling to just enjoying being "away from it all" the Upper Kennebec Valley has provided memories for years. We want to continue helping to provide that experience for generations.

Design of the NECEC project will move that level of experience to what is available at home, ordinary. Tall utility poles and wire dominate landscapes in southern New England and in Canada. Existing use and experiences will be significantly diminished should this corridor be constructed. One- hundred foot poles with reflective (1) wire has caused concern with its stark impact on the scenic quality and existing uses. The OCR Directors have serious concern that the HVDC powerline from Canada, as proposed, will be detrimental to the traditional Maine Woods experience. Return customers are the best- and we want them to come back for generations. Returning to see a very tall powerline cutting across Old Canada Road, over Coburn Mountain and through the Moose River Basin, is not why they visit the Upper Kennebec and Moose River valleys.

The applicant and their visual analysts have totally missed the point of the Scenic Byway. It is not a pass through corridor that will allow only 95 seconds of transmission corridor view in the southbound lane and 48 seconds in the northbound lane.(.4 AIR Att. H Summary of Scenic Resources, attached). The point of the Byway is to be a destination that attracts and creates/promotes experiences that cause travelers and tourists to stay longer, bolstering local economy and employment. All of the public scenic areas may be visited by Byway travelers with the exception of Section E in the attached table from the project application. Travel to public scenic locations and hikes in Somerset County will cause disappointment, as the scenic vistas will be encumbered with views of the scrub shrub corridor, effectively making their entire stay tainted by the transmission line when they reach their scenic destination. Information missing in the table is the number of times travelers will need to pass under the transmission lines to reach their destination which is likely to be at least 4 times on a one way trip.

(1) Assumed reflective, as sensitive areas such as Rock pond were specifically to have non-reflective wire

OCR Directors believe construction of the NECEC Project will diminish the proud character of the Upper Kennebec and Moose River Valleys resulting in decreased tourism and traditional economic activity. Further, the Directors believe that the applicant has not made sufficient effort to mitigate the impact of the proposed corridor as directed by NRPA. Samples of the application text and hearing text will be used to make this argument.

Applicants for permits under the NRPA are required to demonstrate that a proposed activity meets the *standards of the NRPA that have been established by the Legislature. Standard 1 in Section 480-D of the NRPA requires an applicant to* ***demonstrate that a proposed activity will not unreasonably interfere with existing scenic and aesthetic uses.***

8B. Design. *When circumstances do not allow siting to avoid visual impacts on a* ***scenic resource, elements of particular concern should be designed in such a way that reduces or eliminates visual impacts to the area in which an activity is located, as viewed from a scenic resource. Applicants should consider a variety of design methods to mitigate potential impacts, including screening, buffers, earthen berms, camouflage, low profile, downsizing, non-standard materials, lighting, and other alternate technologies.***

OCR maintains that CMP did not make design allowances to mitigate serious impacts to scenic character or existing use in its application.

The applicant, throughout the DEP hearing process, seemed to depend on intervenors to suggest remedies that might make the application more acceptable. These include higher pole height as proposed by the Nature Conservancy, considering 'tapering' the corridor sides along the entire corridor instead of the short sections in occasional view sheds, and undergrounding in highly visible areas.

Mr. Dickenson has suggested that when the project is no longer needed then the poles will be taken down and the wire rolled up. Testimony, down playing fragmentation, said the border was already there and Rt. 201 was already there along with numerous logging roads and natural barriers such as streams-- another scar on the landscape will not be of consequence. Baloney. This will be the first of several service lines to traverse the landscape with the next one in the 150 feet parallel to this one. No regulatory agency could refuse a permit to install another line next to this project… should the opportunity arise.

In completion of this required portion of the application, the applicant ignores a viable option.
2.3.1 No-Action Alternative Not constructing the NECEC project is the no-action alternative. The no-action alternative, however, would not meet the NECEC Project's purpose of allowing CMP to deliver 1,200 MW of the clean energy generation from Quebec to the New England Control Area at the lowest cost to ratepayers. In addition, even if a non-CMP project could be permitted elsewhere and could economically deliver 1,200 MW of clean energy generation from Quebec to the New England Control Area, such a project would not meet CMP's need to deliver that energy, and such a project would have unknown environmental impacts.
Further, the no-action alternative, if no alternative projects are built, would not reduce greenhouse gas emissions, would not reduce the wholesale cost of electricity for the benefit of retail customers across the

region, and would not enhance electric reliability, particularly in winter months when natural gas supply and transfer constraints have occurred in recent years.
Thus, the no action alternative would not meet the project purpose and need

The above paragraph is stunningly self -serving, as intended. CMP is not the savior of northeast electrical issues. CMP does not have a need, other than financial desire, to deliver this energy. The need is to replace closing generating facilities in the Northeast with renewable sources. Maine is not a necessary ingredient for this remedy. Vermont is permitted and ready to launch a transmission line from the same source to the same destination, with no above ground effects. The power source, Hydro- Quebec is the same generator and similar environmental benefit will accrue to Maine if electricity is moved over Vermont's' buried cable. The price will be higher as Vermont was a savvy negotiator. Price however, is the most effective conservation tool Americans have. The applicant has not been shy about stating Massachusetts ratepayers will foot the bill for the NECEC construction; why should they be concerned about commonwealth residents paying a bit more for power? Damage to the Maine experience and environment can be totally eliminated and all global environmental benefits will remain intact with the approved buried transmission line through Vermont. Group 1 fully supports this option that achieves power replacement to New England with minimal environmental disturbance.

This attempt to justify conversion of forested wetlands to scrub-shrub habitat illustrates why the project design does not work with existing cover types.

Diminished wetland functions are summarized as follows:
1. Decreasing shading along small streams;
2. Eliminating recurring timber harvests; and
3. Reducing habitat for arboreal species.

NECEC Natural Resources Protection Act Application Wetland Functions and Values Assessment
Central Maine Power Company 12-14 Burns & McDonnell
Enhanced functions include an increased amount of groundwater discharge that noticeably results within transmission line corridors. The removal of capable species creates permanent early successional conductions which often develop well vegetated and diverse communities. Dense shrub and herbaceous vegetation can slow the flow of water in streams and increase flood flow alteration functions, slowing and retaining sediments and nutrients.
For wetlands found along streams, the production export and cycling of nutrients to the stream ecosystem via detritus may be enhanced by conversion. Ecological productions, diversity, stem density, annual growth, and decomposition will increase. This is a contribution to the local food chain and supports habitat values. Often early successional habitats produce more soft mast and insects as wildlife food sources. Harvesting timber for sale as lumber, cord wood, and pulp is provided by the initial conversion of forested wetlands to shrub and emergent wetlands. The conversion of forested wetland to shrub or herbaceous wetland will favor species that require and/or use early successional habitat. This will also reduce the habitat value to arboreal species; however, similar habitat is abundant in contiguous and adjacent forested wetlands. Hunting value will remain after clearing as habitat for game species will still be present.

None of the functions or values provided by forested wetlands that will be converted as a result of the construction of the transmission lines will be completely lost or severely diminished by the conversion of forested wetlands to scrub-shrub and emergent wetlands. Removal of trees will decrease cover and shading provided to streams from these wetlands; however, streams in electrical transmission corridors are generally protected to allow development of dense shrub buffers which provide shading to smaller streams. Conversion eliminates forest management land practices and recurring timber harvests. Wildlife habitat functions are altered with a reduction in habitat for arboreal species. On balance, there is a positive net benefit with regard to functions and values. This is particularly true, given that approximately 90 percent of the State of Maine is forested. A comparison of functions and values provided by forested, shrub and emergent wetlands is provided in Table 12-2.

This ineffective expose on the benefit of clearcutting a forested wet land is loaded with contradiction. Consideration of the very low site index these areas have due to high water will show that even capable species would never reach a height hazardous to the line with the exception of a very old white pine that could be dropped and left. There is no need for conversion. OCR believes that the one single treatment corridor clearing creates the drastic visual effect of the scrub shrub strip.

Bangor May 9 testimony page 246 line 18 through page 247 line 12

MR. PUBLICOVER: Now, Application Exhibit 10-2, which is the post-construction vegetation management plan dated January of 2019 states, in the new greenfield corridor no foliar herbicides will be applied within a 100 foot buffer on all perennial streams, implying that herbicides may be used in other parts of the corridor. So your testimony is in contradiction to the application; is that correct?
GERRY MIRABILE: The updated proposal is as it read in my pre-filed direct on May 1.
MR. PUBLICOVER: Okay. So will you be filing an amendment to the application?
GERRY MIRABILE: The proposal before the Department is what it is as of May 1 and at the Department's request we will file an amendment or at least update formally some other format if they requested some.
MR. PUBLICOVER: Okay. And you would accept that as a permanent condition?
GERRY MIRABILE: We would.

For clarity, the May 1 pre filed indicated that no herbicide would be used in the new corridor. Group 1 understands that it is not incumbent on the Department to ask for an amendment but it is the responsibility of the Applicant to provide it if the true intention is not to use any herbicide in the new corridor. To date no amendment has been added.

In summary Group 1 requests that the Department of Environmental Protection deny the application for the following reasons:

1. In the hearing, several options were discussed such as tapering, increased pole heights to allow full height canopy and management of shade in wetland/stream crossings, installation of non-reflective wire, and undergrounding. All of which would be implemented in very restricted areas indicating that the measures could be done along the entire new corridor as current cover and topography permit. The applicant has not modified the application to allow this.

2. Scenic Views remain seriously compromised with any permanent scrub-shrub cover type, which would remain the predominant cover in the corridor.

3. Denial will not effect the volume of electricity delivered to New England or reductions in greenhouse gas, as another permitted project stands ready to make delivery from the same source to the same destination. Denial will keep “the Maine experience” and environment intact, without compromising regional electric supply.

4. The applicant has not met the requirements of NRPA Standard 1 in Section 480-D.

For the above reasons Group 1 asks the Department to deny the CMP application for the NECEC permit.

Thank you for your consideration,

Robert Haynes

Robert Haynes

https://www.maine.gov/dep/ftp/projects/necec/applications/hdd-amend/9.4%20AIR%20Attachment%20H_Summary%20of%20Scenic%20Resources.pdf