

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY
Application for Site Location of Development
Act permit and Natural Resources Protection
Act permit for the New England Clean Energy
Connect ("NECEC")

L-27625-26- A-N
L-27625-TB-B-N
L-27625-2C-C-N
L-27625-VP-D-N
L-27625-IW-E-N

SITE LAW CERTIFICATION SLC-9

REBUTTAL TESTIMONY OF GROUP 4
WITNESS RON JOSEPH

On Page 42 of Central Maine Power Company's Pre-Filed Testimony, the company claims that "soft development" breaks in forested cover will create "edge effect," and therefore the project is beneficial because it will boost plant and animal diversity.

While CMP highlights "edge effect" benefits, it conveniently ignores the downside of fragmenting 53 new miles of transmission line from Quebec to the Forks. The transmission line will 1) act as a conduit for the spread of invasive, non-native plants. Japanese knotweed, Phragmites, Asiatic bittersweet, and Japanese barberry, 2) harm scarlet tanagers, goshawks, and other forest interior nesting birds that require intact forests to successfully raise young, 3) degrade the Upper Kennebec DWA, the last remaining significant deer yard in the region.

Deer in western and northern Maine require intact spruce-fir deer wintering areas. Constructing a new transmission line through the Upper Kennebec DWA would indeed create "edge effect" but that would severely compromise the integrity of the deer yard.

On page 43, CMP states that the project will cross 22 mapped deer wintering areas (DWAs), totaling 44.3 acres, as well as 39 acres located within the upper Kennebec DWA. Furthermore, CMP claims that "construction and maintenance in the existing corridor will not significantly affect the functional attributes of the DWAs intersected by the Project for the following reason:

Corridor construction will widen existing, non-forested transmission line corridors by an average of only approximately 75 feet. As such, the functional effects on these DWAs are expected to be indiscernible; after construction these DWAs are expected to function similar to the way they currently do."

The Applicant's claims that the project would result in "indiscernible" impacts and "similar functions" for deer yards are false. The Upper Kennebec DWA is located within Segment One, which entails 53 miles of new transmission line construction. The most significant deer yard along the transmission corridor will essentially be split in half during winter. Deep snows beneath the powerlines will function as a wall, prohibiting deer from crossing between the newly bisected DWA. CMP's proposed "deer corridors," consisting of trees that in eight out of 10 "deer corridors" will not be allowed to grow to full maturity, will not adequately remedy this situation. The new transmission corridor through the DWA will largely prevent deer from moving through it in winter. Deer require intact wintering areas to provide shelter, food, and escape routes from predators.

Furthermore, also on page 43 of its testimony filing, CMP states:

"In summary, the NECEC Project will create a swath of permanently maintained scrub- shrub habitat in an area with a scarcity of such habitat, and characterized by a patchwork of clear-cuts, and young and older tree (primarily softwood) regrowth. The inclusion of scrub-shrub habitat within the larger landscape, while

it will advantage some plant and animal species over others, will not adversely impact overall habitat and species diversity, and may improve it.”

This statement is also patently untrue: one need only look at Google Earth images of the proposed transmission line to clearly see that there’s no “scarcity” of scrub-shrub habitat. On the contrary, there is a scarcity of large contiguous tracts of older trees that serve as DWAs: CMP’s transmission corridor will severely damage one of last remaining DWAs in the region.

On page 60 of its testimony file, CMP proposes, as mitigation for deer yard impacts, “Revegetating disturbed soils adjacent to DWAs with wildlife seed mix specifically formulated to optimize nutritional value to wildlife during late fall and early spring when woods forage is sparse.”

This will not help deer. In fact, an early spring wildlife seed mix for deer may not be beneficial. Deer are browsers, not grazers like elk or cows. Deer will eat green clover in the spring but it causes diarrhea because they lack the micro-fauna and flora in their stomachs to digest grasses. Secondly, a late fall food plot will attract deer, but it’s unnecessary. There are adequate natural fall foods—beechnuts, acorns, beaked hazelnuts—for foraging deer. Therefore, CMP’s wildlife mix in spring and fall will provide no long-term benefit, and it’s certainly not compensation for destroying 39 acres of deer yard.

In closing, despite CMP’s claims to the contrary in its testimony, the CMP corridor will cause significant fragmentation throughout the project area. In Segment 1 of the project, the permanent clear cut will increase numbers of invasive plants, degrading forest habitat for deer and other animals. It will also fragment the most important remaining DWA in the Forks region, and CMP’s proposed “deer corridor” mitigation will not prevent this. It will also further degrade already fragmented deer habitat in the 22 DWAs in the sections where CMP will widen already existing corridor. The planting of “wildlife mix” will not help deer in crucial winter months when food is scarce (the small plants in the “wildlife mix” will be under snow). In sum, the CMP corridor will cause unreasonable impacts to DWAs for which CMP has provided inadequate mitigation.

Notarization

I, Ron Joseph, being first duly sworn, affirm that the above rebuttal testimony is true and accurate to the best of my knowledge.

Date: March 25, 2019



Ron Joseph

The above-named Ron Joseph made affirmation that the above testimony is true and accurate to the best of his knowledge.

Date: March 25,, 2019



Catherine B. Johnson, Attorney-at-law