



April 25, 2019

Dear Mr. Clement:

The Appalachian Mountain Club (AMC), the Natural Resources Council of Maine (NRCM), and the Maine Council of Trout Unlimited (TU) urge you to deny the application of Central Maine Power's (CMP) Army Corps of Engineers permit for the New England Clean Energy Connect (NECEC) transmission corridor. Because this project is highly controversial and would "significantly affect the quality of the human environment,"<sup>1</sup> AMC, NRCM, and TU also urge you to hold at least one public hearing on this application and produce a full environmental impact statement pursuant to the National Environmental Policy Act.<sup>2</sup>

The negative effects of this project on Maine's environment and economy would be severe and the project is opposed by a majority of the state, especially in the communities through which this project would pass. These harms will be outlined in greater detail in our comments below but include harms to:

- Critical wildlife habitat through habitat fragmentation at an unprecedented scale;
- Maine's brook trout habitat;
- High-quality deer wintering areas in Western Maine;
- Hundreds of wetlands and vernal pools;
- The scenic quality of the Appalachian Trail;
- Livelihoods of people involved in tourism and guiding industries in Western Maine; and
- Maine's in-state renewable energy industry.

CMP has tried to justify the NECEC's massive environmental damage through a marketing campaign claiming greenhouse gas reductions from the project. However, CMP has provided no proof of these benefits, and we have reviewed a great deal of evidence showing that NECEC would have no greenhouse gas benefits and could actually increase greenhouse gas emissions.

The harm NECEC would cause is substantial, and we urge the ACOE to deny CMP's permit application. At the very least, the ACOE should not proceed without performing a full Environmental Impact Statement (EIS) and holding a public hearing on NECEC.

Respectfully,

Susan J. Ely  
On behalf of AMC, NRCM, and TU  
3 Wade Street  
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<sup>1</sup> 42 U.S.C. § 4443(2)(c).

<sup>2</sup> 42 U.C.S. §§ 4332 *et seq.*

## **AMC/NRCM/TU Initial Comments in Opposition to the NECEC Permit Application**

While the totality of this project imposes significant environmental and social impacts on Maine, we are most concerned about the approximately 54 miles of new, permanently cleared transmission corridor that would bisect the largest remaining block of intact temperate forest in the US – a globally significant forest region. We are also very concerned about the negative wildlife impacts of expanding the existing corridor. Aside from the underground crossing of the Kennebec River, CMP's proposed line utilizes a 150-foot-wide deforested corridor and 100-foot-tall, above-ground transmission lines that would negatively impact the Appalachian Trail, hundreds of wetlands and streams, dozens of inland waterfowl and wading bird habitat areas and deer wintering yards, and encroach upon Beattie Pond, a Class 6 remote pond. NECEC would also harm Maine's ability to develop new, in-state, renewable energy generation projects that would reduce greenhouse gas emissions. By shifting sales of Hydro-Quebec's electricity from other markets through Maine's limited transmission system, NECEC would cause grid congestion in Maine and prevent new projects from connecting to the New England grid. Greater detail about these concerns is outlined below and in the attached exhibits.

### **Impacts on critical wildlife habitat through habitat fragmentation**

The Western Maine Mountains are the heart of a globally significant forest region that is notable for its relatively natural forest composition, lack of permanent development, and high level of ecological connectivity. The proposed new corridor would be one of the largest permanent fragmenting features bisecting this region and would have an unreasonable adverse effect on wildlife habitat, wildlife lifecycles, and travel corridors. CMP's assessment of these impacts is cursory, overly general, lacking in specific analyses, and inappropriately conflates the impacts of the corridor with those of timber management. CMP's conclusion that the project would not create an adverse effect on wildlife habitat through forest fragmentation is unsupported by any evidence in their application and contradicted by the extensive scientific literature on this subject.

### **Impacts on Maine's brook trout habitat**

This region is the heart of the largest block of intact aquatic habitat in the Northeast, supporting populations of native brook trout that have been identified as the "last true stronghold for brook trout in the United States." The proposed new corridor would substantially fragment this habitat, with multiple stream crossings that impact brook trout habitat, and the creation of a new corridor that could be a vector for increased human use and introduction of invasive species. The corridor would clear forest cover from riparian areas (in contradiction to Maine Department of Inland Fisheries and Wildlife's published guidelines) and increase water temperatures in these critical coldwater streams. CMP's assessment of these resources and impacts is inadequate, does not contain a specific analysis of impacts to brook trout habitat, and incorrectly assumes the impacts of the new permanent corridor would be identical to the impacts of past and present forest management.

For example, this proposed project will cross Horse Brook, an important coldwater tributary to the Moose River, which warms in the summer and relies on this coldwater stream to

maintain correct stream temperatures. It would also clear multiple headwater tributaries of Salmon Stream and East Branch Salmon Stream, critical coldwater streams for brook trout in the Kennebec and Dead Rivers.

### **Impacts on high-quality deer wintering areas in Western Maine**

The project will dramatically impact what little remains of quality deer wintering areas in the region of the proposed new corridor. Deer wintering areas are a habitat type that is critical to help deer survive Maine's long winters when food and shelter are severely limited. The proposed expansion of the existing right of way would cross an additional 22 deer wintering areas, increasing fragmentation in at least 11 of these by cutting large numbers of older trees that make up the habitat.

### **Impacts on hundreds of wetlands and vernal pools**

The cleared right of way for the proposed project would also impact hundreds of vernal pools and important travel routes to and from pools, resulting in impacts ranging from complete destruction for some vernal pools to greatly compromised habitat for others. The cumulative impact of this project would likely greatly diminish the resiliency of pool-breeding amphibians along the corridor. It would result in direct deaths from construction and significant indirect impacts from habitat fragmentation, habitat degradation, invasive species, and decreased canopy cover for pools.

### **Impacts on the scenic quality of the Appalachian Trail**

The proposed line would degrade the hiking experience for users of the Appalachian Trail (AT). Currently the AT passes through an existing transmission line corridor containing a 115 kV transmission line three times at the southern end of Moxie Pond. The existing towers are about 45' high – less than the height of the surrounding forest vegetation. The proposed project would widen the corridor by 50% and install a second transmission line with towers that are 100' tall – more than twice the height of the existing towers and significantly taller than the surrounding forest. The proposed project would be the first crossing of the AT by a transmission line of this size in Maine. It thus would constitute a unique and novel negative impact to the AT in the state and would increase the exposure of users of this section of the trail to incompatible development.

The Applicant contends that the effect of the project on AT users would be “negligible.” No evidence is presented to support this conclusion. No surveys of AT users have been conducted to determine their reaction to the proposed project. The Applicant’s conclusion contradicts the Applicant’s own Visual Impact Assessment, which rated the visual impact of the project on the AT as “moderate to strong,” and by the Applicant’s recognition of the need to mitigate the impact through the planting of vegetation to buffer the trail from this impact.

Based on the Applicant’s photosimulation, it is clear that the proposed vegetative buffer would provide virtually no buffering from the negative impacts of the line. In addition, the vegetative screening is proposed at only one of the three crossings.

## **Impacts on livelihoods of people involved in tourism and guiding industries in Western Maine**

This proposed project is not consistent with and would negatively impact the scenic character and existing uses in this region, particularly impacting tourism and guiding industries dependent on the scenic and remote qualities of this region. This project would significantly degrade the remote, undeveloped scenic character of the region and harm the experience of existing recreational users, including hikers, boaters, and paddlers, and those who hunt and fish in these remote and beautiful areas.

## **Impacts on Maine's in-state renewable energy industry**

CMP's proposed transmission line would cost Maine new clean energy jobs by making it harder for local renewable energy projects to move forward. Hydro-Quebec's hydropower has the potential to clog up Maine's power grid, preventing local renewable energy projects from exporting their electricity. This would make it harder for in-state wind and solar projects to move forward, sacrificing our ability to provide clean, renewable power to all Maine people and communities. For example, expert testimony before Maine's Public Utilities Commission has shown that the Maine Aqua Ventus offshore wind project would provide many more jobs and economic benefits per dollar spent than NECEC.

## **Lack of demonstrated greenhouse gas benefits**

CMP's primary justification for this project is that it would have a positive impact on efforts to combat global climate change. Given the significance of the impacts of the project, it is imperative that these benefits be conclusively demonstrated. Although CMP proposed NECEC as a response to a Massachusetts program to decrease greenhouse gas emissions, our review indicates there will be ***no reduction in greenhouse gas emissions*** associated with this project at all. The State of New Hampshire wisely rejected a similar proposal to run a transmission corridor from Quebec to Massachusetts through New Hampshire (called "Northern Pass"), concluding that there was no evidence that Northern Pass would have any greenhouse gas benefits. Specifically, in its decision document at the end of years of hearings and study, New Hampshire's Site Evaluation Committee stated:

As to the savings associated with a decrease in carbon emissions, we agree with Counsel for the Public that no actual greenhouse gas emission reductions would be realized if no new source of hydropower is introduced and the power delivered by the Project to New England is simply diverted from Ontario or New York. The record is unclear as to whether the hydropower is new or will be diverted from another region.<sup>3</sup>

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<sup>3</sup> New Hampshire Site Evaluation Committee. 2018. Decision and Order Denying Application for Certificate of Site and Facility. March 30. P. 161. Accessed at [https://www.nhsec.nh.gov/projects/2015-06/orders-notices/2015-06-2018-03-30\\_order\\_deny\\_app\\_cert\\_site\\_facility.pdf](https://www.nhsec.nh.gov/projects/2015-06/orders-notices/2015-06-2018-03-30_order_deny_app_cert_site_facility.pdf).

In the case of NECEC, the record is clear that HQ will build no new hydropower facilities for generating electricity to send to Massachusetts. HQ specifically stated it would build no new generating capacity in its application for a contract with the Massachusetts Department of Public Utilities:

This Proposal offers a viable, low cost Clean Energy Generation delivery project with limited risk, because (i) there is no construction risk related to the generation resources which are already in service... Because no new hydroelectric generation projects will be required, there will be no incremental environmental impacts from hydroelectric generation as a result of this Proposal.<sup>4</sup>

Because HQ will build no new generation specifically for NECEC, the primary way that HQ can increase its sales of energy to Massachusetts is by shifting electricity sales from other current customers. Massachusetts ratepayers and Maine's North Woods will pay the price for this HQ electricity shell game. Neither CMP nor Hydro-Quebec has demonstrated that these benefits would be realized, and there is substantial evidence that they would not, and could even result in an increase in global greenhouse gas emissions.

### **Summary**

The significant environmental and social impacts created by this project clearly rise to the level for which an Environmental Impact Statement should be prepared. The project is similar to the recent Northern Pass project for which a federal EIS was prepared (and we contend that the environmental impacts of this project are more severe than those of Northern Pass) and deserves the same level of scrutiny. In addition, the high level of public concern from Maine towns and residents justifies the need for at least one public hearing at which these concerns could be expressed.

We thank you for the opportunity to submit these comments.

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<sup>4</sup> HRE Section 83D Request for Proposal Application Form. Pp. 4, 56.

## **Appendix**

### **A. Proposed Project would significantly affect the quality of the human environment**

- i. NRCM/AMC/TU Direct Testimony in ME DEP/LUPC proceeding with exhibits
- ii. NRCM/AMC/TU Rebuttal Testimony in ME DEP/LUPC proceeding with exhibits
- iii. NRCM/AMC/TU Surrebuttal Testimony in ME DEP/LUPC proceeding with exhibits
- iv. Janet McMahon Testimony to DEP LUPC Proceeding
- v. Watson, et. al, The exceptional value of intact forest ecosystems, *Nature Ecology & Evolution*, 2, pages599–610 (2018).
- vi. McMahon, Janet, The Environmental Consequences of Forest Fragmentation in the Western Maine Mountains, *Occasional Paper No. 2* (2018).
- vii. McMahon, Janet, Diversity, Continuity and Resilience – The ecological values of the western Maine mountains, *Occasional Paper No. 1* (2016).
- viii. Mac Hunter Testimony in ME DEP LUPC proceeding

### **B. Proposed project would not reduce greenhouse gas emissions**

- i. Energyzt, Greenwashing and Carbon Emissions: Understanding the true impacts of New England Clean Energy Connect, Oct. 2018.
- ii. DPU 18-64 18-65 18-66 Mass Attorney General Witness Murphy Direct and Rebuttal Testimony
- iii. DPU 18-64 18-65 18-66 NextEra Surrebuttal Testimony

### **C. Proposed project is deeply unpopular in Maine and opposition is growing**

- i. 10,357 Petition Signatures in opposition to the NECEC as of April 24 2019
- ii. Public polling showing overwhelming majority of Mainers oppose the NECEC
- iii. Letters from Towns opposing or withdrawing prior support for project