THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

CARRIE CARPENTER

FEBRUARY 28, 2019

TESTIMONY OF CARRIE CARPENTER

Please state your name and address.

My name is Carrie Carpenter and I live at 336 Beech Hill Road in Norridgewock, Maine.

What is the name of your organization and business address?

I am submitting this testimony on my own behalf.

What is your current position?

I am a massage therapist.

What other occupations have you had in the greater Forks area?

Previously, I worked as a dishwasher, server, dining room manager, bartender and a whitewater rafting guide.

Why did you intervene in these proceedings?

The purpose of my testimony is to express my concerns regarding the New England Clean Energy Connect Project. I am 43 years old and I have lived in Somerset County my entire life. While my primary residence is in Norridgewock, I spend a significant amount of time at my camp in East Moxie Township, located on the east shore of Moxie Pond. It looks directly across the pond towards the existing transmission line. The current poles are just below or at the tree line and are not visible from my camp. Even a small increase in pole height would make them visible. There are 29 camps on the eastern shore of Moxie Pond, most with the same direct line of sight to the transmission line.

The scenic quality of my property in East Moxie, like so many other properties in the area, contributes greatly to its value and enjoyment. Our camp is small and rustic

with no indoor plumbing and only seasonal running water. The property is difficult to access and, in the winter, the last 7 miles in are a snowmobile trail. We go there to enjoy the view and for the sense of escape the view provides. When it's too cold to go outside in the winter, I sit inside the camp and gaze out at the unobstructed landscape. Some early summer mornings while others are still sleeping, my teenage nephew sits alone out-front staring silently at the panorama. Experiencing that view is restorative, spiritual, maybe even religious for some. If that view is marred by transmission lines it will completely change our camp experience. All of the work it takes to get to camp may no longer be worth making the trip. Spending less time at our camp means all of the stores we frequent for supplies in Skowhegan, Solon, Bingham, West Forks and Jackman will lose our business and the business of our guests. Camp improvements are currently on hold as we wait on the decision regarding NECEC. The local people we would hire to complete those improvements will not get the work, which is another negative hit to the local economy.

If NECEC is approved and we decide to sell our camp, we will likely take a significant loss. Trulia says "An unobstructed view would be priceless to some buyers, and you could expect that to be reflected in the market value of your home. When preparing a marketing plan to sell your house, your realtor will emphasize the value and benefit of the view as one of its selling points[1]." Our property would lose that value.

The many camps on the other side of the lake which abut the powerline would also lose value. The Home Guide of SF Gate says *proximity to power lines may lower a*

[1]https://www.trulia.com/voices/Home_Buying/HOW_MUCH_VALUE_CAN_YOU_ADD_TO_YOUR_HOME_FOR_AN_UNO-10902 (last visited February 27, 2019)

property's value by as much as 30%. [2] This is due not only to aesthetics, but also to concerns of Electric and Magnetic Fields (EMF), Noise and Light Impacts, and Stray Voltage.

The unmarred landscape is vital to the economy of western and northern Somerset County. Thousands of people go there to recreate because of its natural beauty, its wildlife and the true backwoods experiences this region offers. The Wisconsin Public Service Commission[3] says transmission lines can negatively affect recreation areas by 1). Discouraging potential users of recreational areas whose activities depend on the aesthetics of natural surroundings (e.g., backpackers, canoers, hikers); and 2). Altering the types of wildlife found in an area by creating more edge habitat or additional mortality risks to birds.

NECEC would change our natural world forever and rob an entire region of its identity.

"The natural landscape and visual quality of a community provide it with a sense of pride and individuality, setting it apart from other places. Special vistas, views and scenic areas contribute significantly to the quality of life, add to the value of property, and enhance the desirability and livability of a community. People respond positively to places that are visually appealing because an extremely high percent of human sensory experience is visual. When development occurs on or in the vicinity of a well-recognized landmark or outstanding view, it can have a dramatic effect upon whether people still consider that place special." (New Hampshire Office of

[2] https://homeguides.sfgate.com/much-power-lines-lower-real-estate-value-2979.html (last visited February 27, 2019)
[3] https://psc.wi.gov/Documents/Brochures/Enviromental%20Impacts%20TL.pdf (last visited February 27, 2019)

Energy and Planning, Technical Bulletin 10)[4]

Please speak for me and others in the territories your committee serves to represent and say "NO" to NECEC. Thank you!

[4] https://www.cherryhillsvillage.com/DocumentCenter/View/140/Appendix-F---01-NH-Office-of-Energy-and-Planning---Preservation-of-Scenic-Areas-and-Viewsheds-PDF (last visited February 27, 2019)

Date: 2/22/19

Respectfully submitted,

By: Carrie L Carpenter
Print Name: Carrie L. Carpenter

STATE OF Maine
COUNTY OF Somerset

Personally appeared before me on the above- named Carrie L. Carpenter, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

Cynthia Kirk
Notary Public/ Attorney at Law

My Commission expires_____

CYNTHIA KIRK
Notary Public-Maine
My Commission Expires
September 30, 2022

CYNTHIA KIRK NOTARY PUBLIC MAINE

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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PRE-FILED DIRECT TESTIMONY OF

EDWIN BUZZELL

FEBRUARY 28, 2019

TESTIMONY OF EDWIN C BUZZELL

Please state your name and address.

My name is Edwin C. Buzzell. My address is 645 Lake Moxie Road in West Forks, Maine.

What is the name of your organization and business address?

I am testifying on my own behalf.

What is your current position?

2016-Present Board of Directors, Old Canada Road National Scenic Byway

2003-Present Various Consulting Jobs for several paper companies

What other professional occupations or affiliations have you had previously?

2018 Member Natural Resource Council of Maine

2003-Present Various Consulting Jobs for several paper companies

2003 Semi-Retired after 27 years in Paper Industry, Area Manager

1988-2003 International Paper Company/ Ideal Technical Services, Jay, Maine and Cali, Columbia, South America, served one year in Columbia, SA. as Superintendent of Construction

1985-1988 Champion International, Quinnesec, MI.

1976-1985 Scott Paper/ S.D. Warren Company, Hinkley Maine

1979-1982 Owned and Operated Wildwater Adventures Wilderness Trips. A whitewater touring Company that operated on the Hudson River, NY, Indian River NY, Menominee River, WI, Kennebec Gorge, West Branch Penobscot and Dead River. (Home River, Kennebec Gorge)

What other occupations have you had in the greater Forks area?

1978-1979 Owner/Operator Kennebec Kayak and Canoe, Norridgewock. Maine (Livery service for Kennebec and Sandy River) sales and custom-made whitewater kayaks and canoes

1974-present Registered Maine Guide - Whitewater, Recreation, Fishing and Hunting

Why did you intervene in these proceedings?

I chose to intervene in these proceedings to prove that the New England Clean Energy Connect (NECEC) transmission corridor does not conform to Scenic Character and Existing Uses. This transmission corridor will also be detrimental to Wildlife Habitat and Fisheries.

I have previously offered direct testimony in 2002 to Land Use Regulatory Committee (LURC) on the re-zone of 82.5 acres of my property in Moxie Gore, Maine to commercial use. That permit was granted but restrictions placed by LURC during the re-zone made it impractical for my business. These restrictions placed on the 250 feet frontage of my property would not have even begun to equal the damage the 53-mile NECEC transmission line would do. Why would LUPC grant a permit to NECEC and allow a large corporation like CMP to do what I was denied as a private citizen. I have, as an exhibit, a letter that I wrote to LURC in 2002 asking for an exception (*See* Exhibit 1). I was denied.

The following descriptions represent my concerns regarding NECEC:

1. The outlined areas on the NECEC map, submitted at part of CMP's Site Application to the DEP and LUPC, illustrate that the transmission corridor will directly affect me and others.

A. Number Five Mountain top views- Will affect me as will others as a detriment to the Natural Scenic Beauty. The Transmission Corridor would deter me from climbing No. 5 Mountain as I have many times in the past. I would not recommend the hike to others if the proposed corridor was built. It would destroy the natural element that makes No. 5 Mountain a special place.

B. Rock Pond- Will affect me as I would not fish at or near Rock Pond as views of the transmission line would affect the existing scenic views. This is the type of development myself and others travel to get away from, not travel to see.

C. The Spencer Road- which the corridor will cross and parallel many times will not be the same wilderness drive with the development. Wildlife will not be as prevalent. I have had many sightings of Canadian Lynx, deer, moose, bear and bobcat along this road. Development will be more apt to push these wild animals further into the bush and destroy their current habitat. The existing use of this road as a logging and recreational access would change. Traffic will increase with the addition of hunters hunting the power line and line maintenance workers using this road.

D. Kennebec River Gorge-Kennebec Gorge usage is changing dramatically. More private boaters are able to do this river than ever before. I checked the figures on August 18, 2018. The figure for commercial raft paying customers was 960 on that day. Also on that day 460 private boaters went down the river on their own. The Kennebec Gorge is a developing scenic resource not a diminishing one as some commercial raft companies would like you to think. Private citizens are traveling from sometimes long distances to do the Gorge on their own. These people are adding to the economy of the area and Maine in general. They are not coming for views of development. Cutting to the river's edge will destroy the natural

wonder on a particularly scenic section of the river (*See* Exhibit 2).

F. Moxie Steam- Corridor crossing will be less than 1500 feet from my land. I travel there on a regular basis and I recommend to my guests to travel to almost the exact spot of the proposed transmission line crossing and hike down to Moxie Falls. Many other waterfalls exist between the crossing point and Moxie Falls. (*See* Exhibits 3A through 3D). This will affect me and my guests at the lodge. I would not recommend this scenic hike if a large development was the predominant scenery.

G. View from my own home - I have a direct view of Coburn Mountain from my home in Moxie Gore. At about 1300' feet I will be able to witness the destruction of my view from my own home. The reason I bought this land in 1995 and built this home was because of the pristine views of Coburn Mountain and surrounding area (See Exhibits 4A- and 4B).

The land was not even for sale, after exploring all land on the Moxie Road.

I picked the place I wanted my home. I sought out the owner which was T.M. Land Corporation. The views that I sought will no longer exist with the transmission corridor. Personally, I have more to lose than most as the NECEC project will devalue my land and home (See Exhibit 4C).

Regarding the topic of Wildlife Habitat and Fisheries:

I am an avid hunter who has harvested over a dozen bucks in the areas spanning the proposed corridor. I can safely state that the corridor would attract many more hunters to a very visible area that deer must cross. These are much easier than conventional harvests and deer will have no protection. This will be severely detrimental to a deer population just beginning to recover.

Date: Feb 21, 2019

Respectfully submitted,

By: Edwin C Buzzell
Print Name: Edwin C Buzzell

STATE OF Maine
COUNTY OF Penobscot

Personally appeared before me on the above- named Edwin C Buzzell who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

Notary Public/ ~~Attorney at Law~~

My Commission expires_____

Barbara J Dangler
Notary Public, State of Maine
My Commission Expires 10/10/2021

Ed Buzzell
P.O. Box 301 Jay, Maine

Kristina Henderson
Land Use Regulatory Committee

6/26/2002

Kristina

Received a copy of the approval and thank you for your help. I have no problem with it except the 250' buffer zone that was added in after the plan was submitted. My main lodge while it is 450 feet off the road has a clearing that extends almost to the road facing southwest. I would like to make sure that my main lodge is visible from the road. It is visible now when the leaves are off the trees since the road is only about 75-100 feet from the clearing. There are no residential areas that this affects and the lodge is not and will not be visible from any other camp or residence. No camps exist for over 2 miles on the other side (left) of the road and I own 2000 feet plus frontage on my side of the road. This will only affect about 200 feet of my entire road frontage.

The asphalt road that goes by the lodge is used commercially by every outfitter in the area. All rafters and private boaters that do the Kennebec River Gorge have to use that road to get to the put in. I wish the lodge to be visible to my potential customers that visit the area. All the commercial outfitters in the area are visible from the road they are on. I would be at a business disadvantage from other outfitters if this buffer from the road exists. I will not be able to take care of the field that is there now. Road signs would not be able to make up for being visually unavailable.

There is only one year round residence that abuts me. This is Brian Rowe's residence. Brian has told me that he has no problem with what I am proposing. His comment was that his residence is quite a bit lower in elevation. Sound because of the acoustics of the area travels up to the lodge a lot more than it travels downward. I do not have a problem with a buffer zone between Brian's residence although question any 250-foot zone around my entire property that would forever limit me. That is a lot of land to be permanently disabled from use. My abutter on the other side is a seasonal camp, which is used for snowmobiles and ATV's (Richard Greenleafs place). The abutter on my back line is Mead Paper and it is in tree growth.

Had I known that the 250' buffer clause would be added I would have been a little more specific on the area in front of the lodge and apologize for that. I will fax to you a drawing describing the land, as it exists down to the road and a drawing of what I am proposing. There is not much difference between the two. Please note that while I would like my lodge to be visible from the road I plan to plant trees, other than the scrub trees that are there. I plan to seed with grass to improve the aesthetics and drainage of the 250' x 75' area over and above what is there now.

Thank You

Ed Buzzell

Exhibit 2
Kennebec River at NECEC crossing point

Exhibit 3A
Moxie Stream below NECEC crossing

Exhibit 3B
Moxie Stream below NECEC crossing

Exhibit 3C
Moxie Stream below NECEC crossing

Exhibit 3D
Moxie Stream below NECEC crossing

Exhibit 4A
View of Coburn Mountain from Buzzell residence.

Exhibit 4B
View of Coburn Mountain from Buzzell residence.

Exhibit 4C
Buzzell residence with Coburn Mountain in background.

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PRE-FILED DIRECT TESTIMONY OF

GARNETT ROBINSON

ON BEHALF OF INTERVENOR GROUPS 2 AND 10

FEBRUARY 28, 2019

Q. Please state your name and address.

My name is Garnett Robinson, and my mailing address is PO Box 82, Dixmont, Maine 04932. I own property located at 331 Moosehead Trail, Dixmont, ME 04932.

Q. What are your general qualifications?

I am a Certified Maine Assessor and Licensed Appraiser and have performed over 20 municipal equalizations/revaluations in Maine (two more in progress). I am the current Assessor or Assessors' Agent for 14 communities (and will be adding two more this spring). I have a Bachelor's Degree in Land Use Planning. I have taught numerous appraisal and assessing courses including being a long time instructor for Maine Revenue Services Property Tax school. I have performed numerous complicated appraisals of industrial, commercial and residential properties including large and small hydro-electric dams, sawmills, processing plants, railroads, hospitals, etc. I have testified before numerous appellate Boards and Courts regarding valuation issues including the Maine State Board of Property Review. I also am on the Dixmont Planning Board, have served as past president of the Central Maine Assessor's Organization (CMAAO) and have a background in forestry and mapping, having worked as a Forest Ranger and photogrammetrist with my company still performing many municipal tax mapping projects. Please see my resume attached as Exhibit 1.

Q: What is the purpose of your testimony?

The purpose of my testimony is to assess the proposed transmission line project with respect to value considerations (economic impacts and benefits) of scenic character, existing uses, and alternatives along with compensation and mitigation of impacts.

Q. What have you reviewed to prepare this testimony?

I reviewed the following:

1. NECEC Site Location of Development Application, NECEC Natural Resources Protection Act Application and all NECEC associated available documents, maps, photos located on the Maine Department of Environmental Protection Website.

2. Applicable statutes and regulations: 38 M.R.S. § 480-D(1), 38 M.R.S. § 480-D(3), DEP Rules Chapters 315 and 375 § 14; 38 M.R.S. §§480-D(1)&(3), 38 M.R.S. § 484(3), DEP Rules Chapters 310, 315 and 335; 38 M.R.S. § 480-D, 38 M.R.S. § 484(3), DEP Rules Chapters 310 and 375 § 15.

3. Detailed Portions of the NECEC Site Location of Development Application dated October 2, 2017, including:

a. Section 1.0; Development Description

b. Section 3.0; Financial Capacity

c. Section 6.0; Visual Quality And Scenic Character

4. General Questions for CMP dated December 11, 2017

5. Supreme Judicial Court of Maine ruling: *Francis Small Heritage Trust, Inc. v. Town of Limington et al.*, 2014 ME 102, 98 A.3d 1012, 2014 Me. LEXIS 110, 2014 WL 3867782 (Me. Supreme Ct. May 15, 2014).

6. Various online websites and programs such as Google Earth, Newspaper Articles and Selectman e-mails.

7. Williams, Juliet & Thompson, Don (2018, June 9). *Report: Downed power lines sparked deadly California fires*. Retrieved from https://phys.org/news/2018-06-downed-power-lines-deadly-california.html

Q. What concerns, if any, do you have with the Application before the DEP and LUPC?

I do have concerns. First, the reliability and honesty of any company are important considerations when reviewing permitting and valuation issues. In section 3.2, cost estimates, of CMP's NECEC Site Location of Development Application (the "Application"), MDEP has determined that "the cost estimates provided by CMP in support of this application are protected from disclosure as a trade secret and are being withheld as such." Despite this declaration CMP representatives have given detailed valuation and tax/revenue estimates to towns to sway support of this project with no way to evaluate their assertions. See attached e-mail thread from CMP's John Carrol to Elizabeth Caruso 1st

Selectman of Caratunk. (*See* Exhibit 2)

In section 3.1 (Introduction) and section 3.3 (Financing of Similar Size and Technology) of the Application, CMP cites to the Maine Power Reliability Program ("MPRP') as an example of their ability to complete a project on time and on budget. CMP states, "as discussed above, in 2015 CMP completed the 1.4 billion MPRP." I am very familiar with this project having been on the Dixmont Planning Board and as the Assessors' Agent of Revaluation company working in numerous towns affected by this utility expansion. My experience on the Dixmont Planning Board and work as the Dixmont Assessors' Agent taught me that I could not readily trust materials filed by CMP regarding estimated costs or reported values at the end of their projects. For example, the Dixmont Planning Board received a signed application estimating 24 million dollars to build in June 2009 (*See* Exhibit 3, Part B Dixmont Maine Shoreland Zoning and Site Plan Review for the Maine Power Reliability Program – "MPRP") with a declared value in 2015 of $4,256,181.03 after project completion. (*See* Exhibit 4, CMP Property Tax Declaration for 2015) This is signed by Gerard Morin, Jr and the filing is done under Title 36 MRSA section 706 "Taxpayers to list property, notice, penalty, verification" (*See* Exhibit 5) also known as a true and perfect list and is certified by CMP at 100%. This shows a ratio of declared value of $4, 256,181.03 based on the "Cost Approach" to the estimated cost of $24 Million at 17.73%. This statement led the Planning Board, Board of Selectman/Assessors and me to question if CMP was incompetent, made an error, or purposely mislead the Board on their MPRP permit values, or conversely, were incompetent, made an error, or purposefully attempted to evade property taxes on their declaration of values. If this was one instance of an erroneous calculation, I would write it off as an error, but I am also the Town of Detroit's Assessors' Agent. Please see CMP's MPRP Shoreland Zoning and Floodplain Management Application (Exhibit 6) with an estimated cost of construction of $28.8 million along with CMP's Property Tax Declaration (Exhibit 7) where new transmission lines and substations were declared under Title 36 MRSA section 706 at 100% value at $10,436,407.45 or a ratio of 36.24%. This is also signed by Gerard Morin, Jr. To summarize, my

concern with CMP's Financial Capacity, section 3.0 of its Application, it is not that CMP may not have the financial capacity to complete the project, but that in sections 3.1, 3.2 and 3.3 they refer to and depend heavily on their performance in their past MPRP project as an example of their good work and performance. However, as shown above with only two examples, (and there are many more) either their estimates of cost are purposefully inflated or flawed, or their estimates of tax benefits are either flawed or purposefully high. This leads to questions like: are CMP's estimated costs to build NECEC also inflated or flawed? Likewise, are the tax and other benefits being suggested to towns and parties dependable? Since CMP's Application depends so heavily on the former MPRP, I would think it would be helpful for the Commission and Department to have a third-party audit of actual costs of MPRP versus projected costs of MPRP along with an audit of projected tax benefits/values versus legally declared values to make sure that that project numbers are reliable in the NECEC applications.

Q. Did you find any negative effects on the Scenic Character and Existing Uses and are they addressed in the Application materials you reviewed?

A. In my opinion, there will be many properties, if not most, located in the region surrounding the 53.5 mile segment of new corridor beginning at the Canadian Border in Beattie Twp and ending at the intersect of Section 222 in the Forks area shown as segment 1 in table 1-1 of the Application, that will be negatively impacted because of change in scenic character and degradation of view sheds. Most seasonal and year-round residences that go on the market in this area are advertised as having four-season recreational opportunities in the Western Mountains of Maine where beautiful views abound or similar statements about views and proximity to natural resources. Individual property views degraded by loss of scenic vistas/views such as with my camp located on Pierce Lane off Old Rt 201 in the West Forks Plt,, which has been owned by my

family since around the Kennebec Purchase and has spectacular views of the South Flank of Johnson Mountain with Coburn in the background will obviously be effected as the views go from wooded mountain to industrial poles, the height of which may require lights in elevated areas such as on the Mountain. (Note: No pictures were taken for project applications from Pierce Lane or my camp) Other negative impacts to view and value which are more common with Projects like NECEC are the loss of buffers in the remaining segments of the corridor listed as 2 to 5 in table 1-1. My opinion is based on my knowledge of what happened after the MPRP expanded corridors and infrastructure in towns where I assess or revalued. For example, in my assessment in Dixmont, Orrington and Swanville I had to make numerous downward economic adjustments to assessments as required in Title 36 MRSA section 701 A Just Value Defined (*See* Exhibit 8) to account for loss of buffers which altered properties with typical wooded views to properties with views of industrial development, poles and substations. Larger negative adjustments, based on proximity to new power lines, were required because, whether real or perceived, many people think living in close proximity to powerlines and utility corridors as dangerous due to chemical defoliants utilized in corridors, stray voltage, EMF radiation and even danger of fire such as the dozen fires caused by non-insulated Pacific Gas and Electric Company Powerlines that killed 15 people in California. (*See* Exhibit 9).

Q. Did you review the VIA CMP filed in the context of your assessment of the Scenic/Aesthetic Uses and the Alternatives Analysis?

Yes. Often overlooked in a project of this type are the regional and statewide value of views. It is obvious CMP attempted to identify view sheds affected in Section 6.0 of the Application but it failed to assess the context of regional views left untouched by man-made structures. Driving North from Bingham all the way to the overlook in Jackman, there are only two major road systems that run West through Eustis and towards Canada: the Lower Enchanted Road and the

Upper Enchanted or Spencer Road. If you drive the Lower Enchanted Road the 15 miles or so to Grand Falls, you will find multiple locations where the windmills of the Kibby Project are visible, especially at night with rows of blinking red lights. Similarly, the Attean Overlook has views of Canadian windmills across its whole Northern exposure. Upper Enchanted Road is the only large road system running West toward the Canadian Border between Bingham and Jackman with unimpacted scenic vistas. The same is true for the Kennebec River. The gorge running from Harris Dam to the Gauging Station in the West Forks is the only long section of river not crossed or having roads run parallel with powerlines, houses, etc. all the way to the Atlantic Ocean. Clearly there are many more views impacted by the chosen route than the alternative route which would have turned South from Beattie onto the Gold Brook Road which is only about 3 miles to the start of the Kibby Wind Project. It is clear from site visit photos that water crossings/views were the major impacts reviewed as there do not appear to be any photos of prominent scenic vistas seen often as you travel in on the Spencer Road. It is also clear that there are no visitor surveys or economic impact studies conducted for loss of jobs and associated income for tourist industry jobs heavily dependent on these views. Section 6.1.7 Working population, the applicant clearly has huge errors here as it states the working population includes people who are employed throughout Northern Maine in commercial timber harvesting then goes on to describe central and Southern Maine. The primary employer(s) in the area of the 53.5 mile new section of line in segment 1 is the tourism industry with hundreds of jobs guiding through rafting, hunting, fishing, “recreation biking, hunting, snowmobiling, 4 wheeling, antler hunting, canoeing, moose tours, etc.”, and at sporting camps, time shares, photographers, snowmobile/4 wheeler rentals, restaurant employees, small stores, campgrounds, etc. which are all largely dependent on tourists visiting with views being a significant part of the reason. Anyone who has ever valued commercial

properties realizes that the income approach is the best way to appraise or test the other 2 approaches to value: the sales comparison (market) and Cost Approach and that loss of net operating income (NOI) due to the proposed project will lower property values. Additionally, loss of numerous jobs in the tourist industry could reduce residential housing prices as residents leave the area for jobs elsewhere. We have examples where large numbers of jobs left due to loss of a large employer, leaving behind an oversupply of housing stock which drove property values down include Millinocket, East Millinocket and Madison. Other industry that will probably be affected by this project include Maine Power Generators, including hydro-electric, gas, biomass, waste power generators, windmills and solar farms. Lower contract prices in Power Purchase Agreements will also likely lead to lower valuations, tax abatements and possible loss of jobs.

Q. Has CMP demonstrated through their Application that they have adequately considered alternatives?

No they have not. Section 2.3.2 of the Application, Transmission Alternatives, does not list burying the line in the 53.5 mile new section as an alternative. CMP rejected this alternative with a statement in their materials that burying cable costs between 4 to 10 times more than above ground costs but was not supported by any documentation or analysis. Only two small areas involving the Kennebec River and Appalachian Trail crossings were considered for burial in the materials I reviewed. Burying the line would mitigate most effects from view or from hazards such as forest fires. Competing proposals to the NECEC in both New Hampshire and Vermont featured the majority of new lines buried as part of their proposals and permitting and should have been a consideration here. As clearly required by DEP 310.5 (A) a project will not be permitted if there are practicable alternatives that would meet the project purpose and have less environmental impact. Without an in-depth analysis of costs to bury the cable and only a simple statement that it

costs four to ten times more, how can the Department and Commission consider the reasonableness of not including this alternative, that apparently is being more commonly considered in large projects of this nature? Without a cost analysis and an analysis of projected revenue over the life of the project how can the Department and Commission consider even the four to ten times the cost to be unreasonable? Anticipated revenue over long term may justify this type of expenditure and more but because of missing documentation the Department and Commission cannot even make those determinations. Further, within the Compensation and Mitigation analysis, businesses affected by the proposed project appear to consist only of the effects on the Kennebec River crossing but largely avoids analysis of many other businesses that will be affected by this project. Analysis is needed and should have been performed to identify numbers of visitors to the region by season, activities they participated in, factors that drew them to the area such as snowmobiling, hunting, fall leaf peeping, etc. the amount of money spent and their perception of proposed impacted views and their likelihood to visit the area after such a project is completed. Likewise an analysis of regional jobs by type and economic impact of any anticipated loss of revenues both long term and during construction should have been performed. Mitigation should include all businesses harmed by this project, not just rafting companies. Additionally, seasonal and residential properties that will have impacted views, loss of buffers, or lower values due to being closer to large overhead powerlines should be considered. Finally, to remind the Department and Commission, Maine's Supreme Court's decision, Francis Small Heritage Trust, Inc. v. Town of Limington, et al. (*See* Exhibit 10) which gave Land Trusts tax exemptions for charitable and benevolent organizations found that there is a public benefit and need to protect scenic views, rare mountain habitats, rivers, etc., and referenced the legislature and statutes that are relevant in reviewing the NECEC project:

There can be little doubt that the Legislature has enunciated a strong public policy in favor of the protection and conservation of the natural resources and scenic beauty of Maine. For example, *38 M.R.S. § 480-A* (2013) states: The Legislature find and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dunes systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical [***19] resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State. The Legislature further finds and declares that the cumulative effect of frequent minor alterations and occasional major alterations of these resources poses a substantial threat to the environment and economy of the State and its quality of life. S*ee also 5 M.R.S. § 6200* (2013) (finding that "the continued availability of public access to [outdoor] recreation opportunities and the protection of the scenic and natural environment are essential for preserving the State's high quality of life" and that the "public interest in the future quality and availability for all Maine people of lands for recreation and conservation is best served by significant additions of lands to the public domain"); *30A M.R.S. § 4312(3)(F)* (2013) (identifying the protection of "critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas" as a state goal). In creating the Land for Maine's Future program, the Legislature declared that the future social and economic well-being of the citizens of this State depends upon maintaining the quality and availability of natural areas for recreation, hunting and fishing, conservation, wildlife habitat, vital ecologic functions and scenic beauty and that *the State, as the public's trustee, has a responsibility and a duty to pursue an aggressive and coordinated policy to assure that this Maine heritage is passed on to future generations.*

Q. Does this conclude your testimony?

Yes, it does.

Criteria Beyond the Scope of the Hearing

Section 1.6 of the Application, Economic Benefits of the Project During the Construction Phase, only considers positive effects of temporary and seasonal employment during construction of the corridor but has done no analysis of job loss due to possible reduced tourism, which should be a consideration both during and after construction. Analysis, and reporting of other regional jobs at risk once the Project is online such as with power generators and loggers supplying Biomass Plants, is needed as well for such a massive landscape altering project such as this. Additionally, CMP asserts "Transmission infrastructure investments on the NECEC Project are expected to increase municipal property valuations relative to the cost of the investment expenditures. Based on existing mill rates and tax revenue resulting from NECEC Project infrastructure is estimated to be contributed on an annual basis following construction." If you consider CMP's past performance during the Maine Power Reliability Program this statement is doubtful. It fails to include any analysis for decreased valuation of properties effected from impacted views, loss of buffers, closer proximity to utility infrastructure and corridors, or lower revenues for Businesses. Their statement "The additional supply of renewable clean power is expected to provide wholesale electricity cost reductions to New England ratepayers resulting in significant positive economic benefits to businesses and residential customers," is similarly unsupported but if true, would also support a conclusion that towns with existing significant power generation industry could see those plants lose value due to lower contract prices for electricity on the ISO-New England market.

Q Does this conclude your testimony?

A Yes.

Date:

Respectfully submitted,

By: _____

Print Name: Garnett S. Robinson

STATE OF MAINE
COUNTY OF PENOBSCOT

Personally appeared before me on the above- named Garnett S. Robinson, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

_____

Notary Public/ ~~Attorney at Law~~

My Commission expires_____

SHIRLENE D. LINDSEY
NOTARY PUBLIC
STATE OF MAINE
MY COMMISSION EXPIRES JANUARY 7, 2025

Garnett S. Robinson P.O. Box 82
Phone: (207) 234-2822 Fax: (207) 234-2822 Dixmont, Maine 04932

SKILLS

-Land Use Planning and Permitting Specialist B.S. Major: Land Use Planning
-Certified Maine Assessor (CMA)
-Certified Code Enforcement Officer-Inactive
-Knowledge of NEPA, ISO 14001 and environmental permitting procedures
-Working Knowledge of PCs, including Windows, Excel, GIS, Trio, and various C.A.M.A.software
-Appraiser Registration # AP2609
-Instructor-Maine Property Tax School (2005 to Present)

EXPERIENCE

August 2003 — Present
Maine Assessment and Appraisal Services - Dixmont, Maine
President
Property Assessing, Mapping, Appraisal and Revaluation services.

June 2003 to June 2008
R & G Appraisal Services - Orneville, Maine
Fee Appraiser doing residential and commercial' properties.

January 2006 to January 2008
Central Maine Association of Assessing Officers (CMAAO)
President (2Terms)
Organization set up to offer training and materials to newly elected selectmen/assessors.

December 2000 December 2004
Hamlin Associates - Parkman, Maine
Vice President-Assessors' Agent
Property Assessing, Mapping Upgrades and Revaluation Services.

June 1999- June 2000
James W. Sewall Co. - Old Town, Maine
Photogrammetrist- Digitally compiled detaiied Planimetric and Topographicai maps from aerial photography

May 1990 - May 1999
Maine Forest Service - Jackman, Maine
Patrolled to enforce conservation laws, including DEP, LURC, FPA, and fire control. Supervised and trained fire crews. Coordinated payroll reports, ensuring accuracy and timely completion. Assisted with updating maps for the Delorme Atlas Company. Maintained permit sites and oversaw equipment maintenance. Assisted other government agencies.

EDUCATION

May 2001, Suma Cum Laude Honors Graduate University of Maine- Orono, Maine
B.S. Major: Land Use Planning; Member of Phi Kappa Phi Honor Society & Presidential Scholar
August 2001, Certificate: Certified Maine Assessor, Property Tax Division, State of Maine
Certificate: Certified Code Enforcement Officer, State Planning Office- Shoreland- #0725
September 1993, Certificates: Forest Ranger- Maine Forest Service Ranger Academy
September 1990, Certificate: Conservation Officer, Law Enforcement Academy at Waterville 1989-1990 Forest Management Courses (Dean's List), University of Maine - Orono, Maine 1989, Associates Degree, Liberal Studies (Dean's List), University of Maine - Orono, Maine 2001 -Present, USPAP, IAAO, and many advanced appraisal courses.

Elizabeth Caruso

From: Carroll, John H. [john.carroll@avangrid.com]
Sent: Thursday, September 6, 2018 12:02 PM
To: Elizabeth Caruso
Subject: RE: Retraction of support

Elizabeth,

Thanks for getting back to me. As you note, you and I had some discussions about the WMRC, but I think it would valuable to address that with the board as well as the broader set of issues noted in your letter. For example, your concern that the NECEC is "blocking access to solar or other energy projects in Caratunk and Somerset County" is entirely mistaken. For example, a major solar farm is presently under review in Farmington, and any such "blocking" would be just as likely to affect that project as anything that might be built in Somerset County, but that is clearly not the case.

Regarding the proposed NextEra solar farm, that facility was actually included in one of CMP's competing proposals in the Massachusetts process. Unfortunately for your community, the state of Massachusetts simply didn't select it because it didn't fit their needs. If your intent in not supporting the NECEC is to stop the project, you should probably recognize that it would not open the way for the NextEra solar farm. Thus, while the NECEC would increase tax payments to Caratunk by about $100,000 annually, stopping the project will not ensure future tax revenues from a solar project in Caratunk—your community will simply miss out on this opportunity.

We think it would be valuable to discuss all of these concerns with the full Board of Selectmen, so I repeat my request to be allowed time on the public agenda at the earliest possible date.

Thank you,

John Carroll

From: Elizabeth Caruso [mailto:caratunkselectmen@myfairpoint.net]
Sent: Wednesday, September 05, 2018 2:37 PM
To: Carroll, John H.
Subject: RE: Retraction of support

Dear John,

The Town has somewhat detailed our concerns in our letters requesting intervention with the DEP and LUPC and our public comments provided to the PUC and MPU. I'm sure someone at CMP has taken note.

In regards to our concerns, I had already indicated to you a few of our concerns over the phone (lack of representation on WMRC) and at our Selectmen's meeting (solar project and multiple areas of concerns crossing the river and pristine areas).

Elizabeth Caruso
First Selectman
Town of Caratunk
207.672.3030

From: Carroll, John H. [mailto:john.carroll@avangrid.com]
Sent: Tuesday, September 4, 2018 12:12 PM
To: Elizabeth Caruso
Subject: RE: Retraction of support

Dear Selectwoman Caruso:

We are disappointed by the Board's decision regarding the NECEC, but we will amend our materials as you ask. Since we continue to believe the project would provide much needed benefits to Caratunk and all of Maine, could you tell me what issues led the Board of Selectmen to conclude that the project will be harmful to your town?

I apologize if we missed a meeting with the Selectmen, but I want you to know that we would have attended had we been aware that you were taking this matter up again. Also, I would like to request formally another meeting with the Selectman in September regarding the concerns that led the board to reverse its position.

As a related matter, do you know if Caratunk will continue to engage with Western Mountains and Rivers Corporation? We believe the memorandum of understanding with that group includes numerous benefits for the region, and the Caratunk was expected to be among the communities that would have representation on the board.

John C.

From: Elizabeth Caruso [mailto:caratunkselectmen@myfairpoint.net]
Sent: Friday, August 31, 2018 7:42 PM
To: Carroll, John H.
Subject: Retraction of support

Dear John,

I am writing to you to ask that you would please correct the record and remove Caratunk from your list of towns in "support" of your NECEC. It is reasonable and important that CMP **not list** the Town of Caratunk on your map as a town in support of this project. Although we had initially issued a letter in support, as you are aware, we have since found reasons that this project is harmful to Caratunk. Please remove our letter of support from **any existing or future** CMP communications regarding the NECEC.

I appreciate for your time and attention in responding to this matter.

Elizabeth Caruso
First Selectman
Town of Caratunk
207.672.3030

PART B:
SHORELAND ZONING PERMIT APPLICATION

GENERAL INFORMATION

1. Applicant	2. Applicant's Address	3. Applicant's Tel. #
Central Maine Power Company	83 Edison Drive Augusta, Maine 04336	(207) 623-3521
4. Property Owner	**5. Owner's Address**	**6. Owner's Tel. #**
Central Maine Power Company	83 Edison Drive Augusta, Maine 04336	(207) 623-3521
7. Contractor	**8. Contractor's Address**	**9. Contractor's Tel. #**
10. Location/Address of Property Central Maine Power Transmission Line Corridor (See Exhibit 1, attached)	**11. Tax Map/Page & Lot #** See Deed Reference Table (Exhibit 6, attached).	**12. Zoning District** Stream Protection (3), Resource Protection (1)

13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS (PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED).

See attached application text, drawings, and maps.

14. Proposed Use of Project	15. Estimated Cost Of Construction
Essential Service -- Electric power transmission.	$24 million

Exhibit 4

2015
Valuations

Acct #90
Map 20 lot 7

CENTRAL MAINE POWER

April 27, 2015

RE: 2015 Property Tax Declaration

To: Municipal Assessing Officer(s)

Enclosed is the Central Maine Power Company's (CMP) Property Tax Declaration (Declaration) for the 2015 property tax year. The Declaration is for real and personal property owned or otherwise reported for local ad valorem property tax purposes by CMP and located in your jurisdiction.

The Declaration is designed to both facilitate the method in which CMP reports its' real and personal property, and to create a concise and usable format. It is also intended to constitute the same information as would be provided on a true and perfect list as required under 36 M.R.S.A., Section 706, irrespective of whether such a request has been made for the current tax year.

Since CMP voluntarily files the Declaration on an annual basis, we request that any assessment placed on CMP property be properly equalized with all other classes of property within the jurisdiction.

We also request and hereby authorize the assessor(s) to value CMP's land, wherever and whenever possible, as one contiguous parcel without regard to roads, railroads or other public rights of ways in accordance with 36 M.R.S.A., §701(A). To the extent possible, CMP requests that the transmission and distribution, substation, and personal property assessment accounts, if any, be separately assessed from any other real property that the Company may own in this jurisdiction.

As a reminder, the responsibility for CMP's property tax management has been transferred to Iberdrola USA Management Corporation (IUMC) parent company of CMP. CMP remains the owner of record for assessment purposes. All property tax assessment correspondence and property tax bills should be mailed to:

Central Maine Power Company
IUMC - Local Taxes
70 Farm View Drive
New Gloucester, Maine 04260

CMP's corporate office remains at 83 Edison Drive, Augusta, ME 04336, (tel. 207-623-3521). All non-tax related mail including planning board, abutter notices, and real estate should be mailed to the Augusta address.

If you have any questions regarding valuation or related property tax management issues, please contact Stephen Holt at 207-688-6068, stephen.holt@iberdrolausa.com. If you have questions involving information contained in the Declaration or tax bills, please contact Shari Irish at 207-688-6067, shari.irish@iberdrolausa.com. We would be pleased to discuss any matters with you prior to your commitment date. Thank you for your attention and cooperation.

Respectfully submitted,

Gerard R. Morin, Jr.
Manager - Local Tax & Audit Management
207-688-6130

Enclosure: 2015 Tax Year Declaration

Central Maine Power Company
Property Tax Declaration
2015
Dixmont
Penobscot County

REAL ESTATE

I. LAND

Description

A strip of land 218 feet in width extending from land of Herbert N. Smith and the Troy Town Line in a general southeasterly direction to land of Charles S. Porter and the Monroe Town Line, used as right of way for transmission line section 203. The area is about 170 acres

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
		170		

map 5 lot 60 & 60-1/land and residence for MPRP Transmission line from Gregory Henderson. Will be selling the residence at a later date. 10/17/2013 sold 5-60 land and Mobile home to Cunningham & Rabisz

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
5/ 60 & 60-1	Gregory Henderson	15	01/10/2012	12701/350

Purchased 18 acres-Residence - Gregory Henderson

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
5-60 & 5-60-1	Gregory Henderson	18	01/05/2012	B4476-P350

Small triangular shaped lot of land on westerly side of the East Dixmont Road and northeasterly of the right of way for transmission line section 203. Land outside of right of way. Acquired by deed from Laura R. Morse dated April 30, 1930, Penobscot Registry, Book 1048, Page 300. The area is about 0.2 a

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
	Laura Morse	.2	04/30/1930	1048-300

Triangular shaped lot bounded on the south by the Monroe Town Line and northeasterly by the southerly side of the right of way for transmission line section 203. Land outside of right of way. Acquired by deed from Charles S. Porter dated April 5, 1930, Penobscot Registry, Book 1046, Page 218. The area is about 1.13 acres.

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
	Charles S Porter	1.13	04/05/1930	1046-218

Triangular shaped lot of land on the westerly side of the North Dixmont Corner Road and northeasterly of right of way for transmission line section 203. Land outside of right of way. Acquired by deed from Charles H. Philbrick dated May 10, 1930, Penobscot Registry, Book 1046, Page 339. The area is about 1.7 acre

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
	Charles Philbrick	1.7	05/10/1930	1046-339

REAL ESTATE

I. LAND

Triangular shaped lot on south side of South Dixmont Road and northeasterly of right of way for transmission line section 203. Land outside of right of way. Acquired by deed from John R. Read, dated April 9, 1930, recorded in Penobscot Registry, Book 1046, Page 219. The area is about 0.72 acre

Map/Lot	Grantor	Acres	Date of Purchase	Book/Page
	John R Read	.72	04/09/1930	1046-219

Dixmont
2015 TAX YEAR TRANSMISSION AND DISTRIBUTION PROPERTY

$1.1 million/mile × 6.6 = 7,260,000

8,463,000

15,723,000

ITEM II - TRANSMISSION LINES

Section Number	Voltage (KV)	Structure Description	Miles of Line	Unit Values	Valuation
2030	115 KV	Wood, Single Pole	6.60	$ 228,519	$ 1,508,225.40
3023	345 KV	Wood Poles	6.51	$ 422,113	$ 2,747,955.63
			1.3 million/mile	Subtotal	$ 4,256,181.03

Note: Steel structure investments, if any, are included in the Unit Value and Valuation.

ITEM III - DISTRIBUTION SYSTEM (Aerial)

Property Class	Quantity	Unit Values	Valuation
A. Poles			
Wholly Owned	1194	$ 422	$ 503,868.00
Jointly Owned	0	$ 327	$ 0.00
B. Conductors			
Primary/Secondary Conductor	46.16	$ 9,091	$ 419,640.56
Street Light Conductor	0.00	$ 3,268	$ 0.00
C. Street Lights			
Fixtures	6	$ 258	$ 1,548.00
D. Yard Lights			
Fixtures	6	$ 105	$ 630.00
E. Service Meters & Related Equipment			
Meters	520	$ 451	$ 234,520.00
		Subtotal	$ 1,160,206.56
		Total Transmission and Distribution*:	$ 5,416,387.59

1,160,206.56 × 1.1

* Total is at 100% prior to adjustment by certified ratio.

17,463,309.87
method 1

The unit value for service meters and related equipment includes ALL investment for meters, service drops, miscellaneous hardware, distribution transformers and regulators located in this jurisdiction. The valuation for distribution property includes conductors, insulators, guys, line transformers and other appurtenant equipment investment owned by this company but attached to poles owned by another utility declared herein.

1,276,227.22 Distribution at 11030

Default method 2
Permitted Estimated Value
$24,009,000
× .67
= 16,080,000

15,723,000 above
+
15,901,500 Ave Poles
1,276,230
17,177,730

DIXMONT
2015 TAX YEAR UNDERGROUND SERVICE

Class	Miles	Original Cost	Valuation
Distribution	0	$3,069	$2,148
		Total	**$2,148**

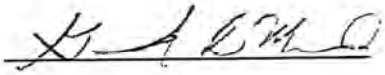
DIXMONT

2015 Personal Property

Communication Equipment	$9,450
Total	**$9,450**

Date: April 27, 2015

Central Maine Power Company

By: 

§705. County commissioners may appoint assessors; procedure

If for 3 months after any warrant for a state or county tax has been issued, a municipality which is not part of a primary assessing area or is not a primary assessing area has neglected to choose assessors, or the assessors chosen have neglected to assess and certify such tax, the Treasurer of State or of the county may so notify the county commissioners.

On receipt of such notification the county commissioners shall appoint 3 or more suitable persons in the county to be assessors for such municipality. New warrants shall be issued to such assessors, which said warrants shall supersede the state and county warrants originally issued to the assessors of the delinquent municipality.

Assessors appointed under this section shall be duly sworn; shall be subject to the same duties and penalties as other assessors; and shall assess upon the polls and estates of the municipality its due proportion of state and county taxes, and such reasonable charges for time and expense in making the assessment as the county commissioners may approve, which said charges shall be paid from the county treasury.

§706. Taxpayers to list property, notice, penalty, verification

Before making an assessment, the assessor or assessors, the chief assessor of a primary assessing area or the State Tax Assessor in the case of the unorganized territory may give seasonable notice in writing to all persons liable to taxation or qualifying for exemption pursuant to subchapter 4-C in the municipality, primary assessing area or the unorganized territory to furnish to the assessor or assessors, chief assessor or State Tax Assessor true and perfect lists of all their estates of which they were possessed on the first day of April of the same year.

The notice to owners may be by mail directed to the last known address of the taxpayer or by any other method that provides reasonable notice to the taxpayer.

If notice is given by mail and the taxpayer does not furnish the list, the taxpayer is barred of the right to make application to the assessor or assessors, chief assessor or State Tax Assessor or any appeal from an application for any abatement of those taxes, unless the taxpayer furnishes the list with the application and satisfies the assessing authority or authority to whom an appeal is made that the taxpayer was unable to furnish the list at the time appointed.

The assessor or assessors, chief assessor or State Tax Assessor may require the person furnishing the list to make oath to its truth, which oath any of them may administer.

The assessor or assessors, chief assessor or State Tax Assessor may require the taxpayer to answer in writing all proper inquiries as to the nature, situation and value of the taxpayer's property liable to be taxed in the State or subject to exemption pursuant to subchapter 4-C. As may be reasonably necessary to ascertain the value of property according to the income approach to value pursuant to the requirements of section 208-A or generally accepted assessing practices, these inquiries may seek information about income and expenses, manufacturing or operational efficiencies, manufactured or generated sales price trends or other related information. A taxpayer has 30 days from receipt of such an inquiry to respond. Upon written request, a taxpayer is entitled to a 30-day extension to respond to the inquiry and the assessor may at any time grant additional extensions upon written request. Information provided by the taxpayer in response to an inquiry that is proprietary information, and clearly labeled by the taxpayer as proprietary and confidential information, is confidential and is exempt from the provisions of Title 1, chapter 13. An assessor of the taxing jurisdiction may not allow the inspection of or otherwise release such proprietary information to anyone other than the State Tax Assessor, who shall treat such proprietary information as subject to section 191, subsection 1, except that the exemption provided in section 191, subsection 2, paragraph I does not apply to such proprietary information. As used in this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available and information protected from disclosure by federal or state law or regulations. A person who knowingly violates the confidentiality provisions of this paragraph commits a Class E crime.

A taxpayer's refusal or neglect to answer inquiries bars an appeal, but the answers are not conclusive upon the assessor or assessors, chief assessor or State Tax Assessor.

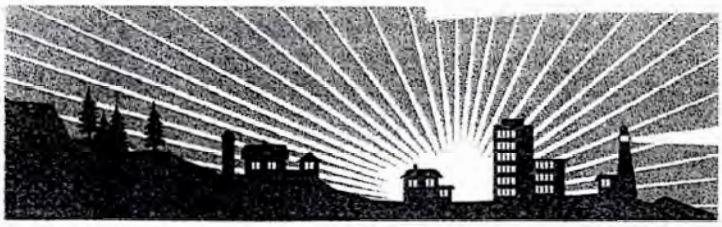
If the assessor or assessors, chief assessor or State Tax Assessor fail to give notice by mail, the taxpayer is not barred of the right to make application for abatement; however, upon demand the taxpayer shall answer in writing all proper inquiries as to the nature, situation and value of the taxpayer's property liable to be taxed in the State. A taxpayer's refusal or neglect to answer the inquiries and subscribe the same bars an appeal, but the list and answers are not conclusive upon the assessor or assessors, chief assessor or the State Tax Assessor.

§707. Exempt property; inventory required

Assessors shall include in their inventory, but not in the tax list, every 5 years beginning in 1963:

Exhibit 4

S. Section
received - 7-15-09



MAINE POWER
RELIABILITY PROGRAM

A CENTRAL MAINE POWER COMPANY PROGRAM

TOWN OF DETROIT, MAINE
SHORELAND ZONING AND FLOODPLAIN MANAGEMENT APPLICATION

Received
7-15-09

7-31-09
Complete

Sections 3023, 203, and 66/67 Transmission Line Construction

Prepared for:

Central Maine Power Company
83 Edison Drive
Augusta, Maine 04336

Prepared by:

TRC

TRC Engineers, LLC
249 Western Avenue
Augusta, Maine 04330

July 2009

Permit# 07-Shoreland- ~~ORIGINAL~~
2010
ORGINAL

TOWN OF DETROIT
SHORELAND ZONING PERMIT APPLICATION

FEE - $100.00

GENERAL INFORMATION

1. Applicant	2. Applicant's Address	3. Applicant's Tel. #
Central Maine Power Company	83 Edison Drive Augusta, Maine 04336	(207) 623-5321
4. Property Owner	**5. Owner's Address**	**6. Owner's Tel. #**
Central Maine Power Company	83 Edison Drive Augusta, Maine 04336	(207) 623-3521
7. Contractor	**8. Contractor's Address**	**9. Contractor's Tel. #**
10. Location/Address of Property	**11. Tax Map/Page & Lot #**	**12. Zoning District**
Existing transmission line corridor from Pittsfield to Plymouth town line (Section 66/67, and 203 corridor)	7-32, 7-34, 5-31, 5-29, 4-29, 4-30, 4-73 (See also Deed Reference Table attached as Exhibit 4)	Limited Residential (2) Resource Protection (2)

13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS (PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED).

The Maine Power Reliability Program (MPRP) is a Central Maine Power Company ("CMP") program to upgrade Maine's bulk power system. The vast majority of Maine's bulk power transmission system was placed into service in the early 1970s and is now reaching the limits of its ability to meet the growing electrical demand of Maine customers. Since the last major transmission infrastructure was completed more than 30 years ago, the patterns of both available generation and customer load have shifted significantly. For example, population has become more concentrated in the southern part of the state, while the generation needed to serve that load is now more distant and dispersed. When these changes are combined with increasing peak demand, the current transmission infrastructure in Maine will, in very few years, become inadequate and unsafe. In addition, the reliability and security standards mandated by law and administered by the North American Electric Reliability Corporation (NERC), the Northeast Power Coordinating Council, Inc. (NPCC), and ISO New England (ISO-NE) have changed significantly in recent years. CMP must upgrade its bulk power system with this proposed project to meet the mandatory standards and to provide reliable electric service to Maine customers into the future. In all, MPRP will encompass nearly 80 Maine towns, and will require approvals from the Maine Public Utilities Commission, the Maine Department of Environmental Protection, and numerous municipalities.

Project Description in the Town of Detroit

The part of the program located in the Town of Detroit involves work in an existing 218 foot wide transmission line corridor (Section 203) that traverses the central portion of the town. In this corridor, which extends for approximately 6.9 miles from Pittsfield to the Plymouth town line, the project involves the installation of a new 345 kV transmission line along the northeast side of the corridor (Section 3023 attached as Exhibit 2). The new line will be primarily constructed on approximately 63 two-pole wooden H-frame structures typically 75 feet above ground, and one steel single pole structure installed on the west side of the substation that will be approximately 135 feet above ground.

The project also involves the rebuilding of the existing 115 kV line (Section 203) from the Detroit substation to the Plymouth town line. The rebuilt line will be relocated to the southwest side of the corridor and will be primarily constructed using approximately 79 single pole wooden structures that are typically 75 feet above ground and one single pole steel structure installed on the east side of the substation that will be approximately 70 feet above ground. Additional tree clearing along portions of the southwest side of the existing corridor will be necessary to meet mandatory clearance and safety standards (see maps attached as Exhibit 1). The existing 115 kV lines from the Detroit substation to the Pittsfield town line (Sections 66 and 67 - 0.1 miles) will be rebuilt using two single pole wooden structures and two single pole steel structures that will be approximately 65 to 75 feet above ground.

Please note that structure heights vary due to varying terrain and the need to achieve spans which will avoid or minimize impacts to natural resources. Typical above ground structure heights are described above, although some structures may exceed those heights in specific instances (see the attached table in Exhibit 3 for a description of the number of structures within specific height ranges for the new and rebuilt transmission line sections).

The proposed upgrades in the Town of Detroit, as outlined above, are a part of the program to improve the reliability, safety, and security of the bulk power transmission system in Maine, while at the same time meeting the increasing demands for electrical power.

14. Proposed Use of Project	**15. Estimated Cost Of Construction**
See Description above	Approximately $28.8 million for the MPRP project in the Town of Detroit

CENTRAL MAINE POWER

2014 Values
Dist Acct # 65 $688,800
Transmission # 64, $12,142,900
Substation 66 & 56 $5,724,900

April 27, 2015

RE: 2015 Property Tax Declaration

To: Municipal Assessing Officer(s)

Enclosed is the Central Maine Power Company's (CMP) Property Tax Declaration (Declaration) for the 2015 property tax year. The Declaration is for real and personal property owned or otherwise reported for local ad valorem property tax purposes by CMP and located in your jurisdiction.

The Declaration is designed to both facilitate the method in which CMP reports its' real and personal property, and to create a concise and usable format. It is also intended to constitute the same information as would be provided on a true and perfect list as required under 36 M.R.S.A., Section 706, irrespective of whether such a request has been made for the current tax year.

Since CMP voluntarily files the Declaration on an annual basis, we request that any assessment placed on CMP property be properly equalized with all other classes of property within the jurisdiction.

We also request and hereby authorize the assessor(s) to value CMP's land, wherever and whenever possible, as one contiguous parcel without regard to roads, railroads or other public rights of ways in accordance with 36 M.R.S.A., §701(A). To the extent possible, CMP requests that the transmission and distribution, substation, and personal property assessment accounts, if any, be separately assessed from any other real property that the Company may own in this jurisdiction.

As a reminder, the responsibility for CMP's property tax management has been transferred to Iberdrola USA Management Corporation (IUMC) parent company of CMP. CMP remains the owner of record for assessment purposes. All property tax assessment correspondence and property tax bills should be mailed to:

Central Maine Power Company
IUMC - Local Taxes
70 Farm View Drive
New Gloucester, Maine 04260

CMP's corporate office remains at 83 Edison Drive, Augusta, ME 04336, (tel. 207-623-3521). All non-tax related mail including planning board, abutter notices, and real estate should be mailed to the Augusta address.

If you have any questions regarding valuation or related property tax management issues, please contact Stephen Holt at 207-688-6068, stephen.holt@iberdrolausa.com. If you have questions involving information contained in the Declaration or tax bills, please contact Shari Irish at 207-688-6067, shari.irish@iberdrolausa.com. We would be pleased to discuss any matters with you prior to your commitment date. Thank you for your attention and cooperation.

Respectfully submitted,

Gerard R. Morin, Jr.
Manager - Local Tax & Audit Management
207-688-6130

Enclosure: 2015 Tax Year Declaration

Detroit
2015 TAX YEAR TRANSMISSION AND DISTRIBUTION PROPERTY

ITEM II - TRANSMISSION LINES

Section Number	Voltage (KV)	Structure Description	Miles of Line	Unit Values	Valuation
2030	115 KV	Wood, H-Frame	6.86	$ 228,519	$ 1,567,640.34
3023	345 KV	Wood Poles	6.87	$ 422,113	$ 2,899,916.31
40	34.5KV	Wood, Single Pole	0.40	$ 185,802	$ 74,320.80
50	34.5KV	Steel Pole/Tower	0.52	$ 185,802	$ 96,617.04
670	115 KV	Wood, Single Pole	0.13	$ 228,519	$ 29,707.47
82	115KV	Wood, Single Pole	0.23	$ 228,519	$ 52,559.37
850	115 KV	Wood, Single Pole	0.48	$ 228,519	$ 109,689.12
				Subtotal	$ 4,830,450.45

Note: Steel structure investments, if any, are included in the Unit Value and Valuation.

ITEM III - DISTRIBUTION SYSTEM (Aerial)

Property Class	Quantity	Unit Values	Valuation
A. Poles			
Wholly Owned	586	$ 422	$ 247,292.00
Jointly Owned	0	$ 327	$ 0.00
B. Conductors			
Primary/Secondary Conductor	25.20	$ 9,091	$ 229,093.20
Street Light Conductor	0.00	$ 3,268	$ 0.00
C. Street Lights			
Fixtures	15	$ 258	$ 3,870.00
D. Yard Lights			
Fixtures	6	$ 105	$ 630.00
E. Service Meters & Related Equipment			
Meters	495	$ 451	$ 223,245.00
		Subtotal	$ 704,130.20
		Total Transmission and Distribution*:	$ 5,534,580.65

* Total is at 100% prior to adjustment by certified ratio.

The unit value for service meters and related equipment includes ALL investment for meters, service drops, miscellaneous hardware, distribution transformers and regulators located in this jurisdiction. The valuation for distribution property includes conductors, insulators, guys, line transformers and other appurtenant equipment investment owned by this company but attached to poles owned by another utility declared herein.

DETROIT
2015 TAX YEAR SUBSTATION DECLARED VALUE

The below represents all investments associated with substation operating properties including bus work, control buildings and related improvements such as well and septic, equipment, transformers, fencing, etc. It does not include land.

Facility Name	Type	Original Cost	Valuation
DETROIT S/S	Distribution	$290,578	$215,135
DETROIT S/S	Transmission	$6,433,138	$5,390,822
		Total	**$5,605,957**

Title 36: TAXATION
Part 2: PROPERTY TAXES
Chapter 105: CITIES AND TOWNS
Subchapter 5: POWERS AND DUTIES OF ASSESSORS

§701-A. Just value defined

In the assessment of property, assessors in determining just value are to define this term in a manner that recognizes only that value arising from presently possible land use alternatives to which the particular parcel of land being valued may be put. In determining just value, assessors must consider all relevant factors, including without limitation the effect upon value of any enforceable restrictions to which the use of the land may be subjected including the effect on value of designation of land as significant wildlife habitat under Title 38, section 480-BB, current use, physical depreciation, sales in the secondary market, functional obsolescence and economic obsolescence. Restrictions include but are not limited to zoning restrictions limiting the use of land, subdivision restrictions and any recorded contractual provisions limiting the use of lands. The just value of land is determined to arise from and is attributable to legally permissible use or uses only. [2007, c. 389, §1 (AMD).]

For the purpose of establishing the valuation of unimproved acreage in excess of an improved house lot, contiguous parcels and parcels divided by road, powerline or right-of-way may be valued as one parcel when: each parcel is 5 or more acres; the owner gives written consent to the assessor to value the parcels as one parcel; and the owner certifies that the parcels are not held for sale and are not subdivision lots. [1993, c. 317, §1 (NEW); 1993, c. 317, §2 (AFF).]

SECTION HISTORY
1969, c. 246, (NEW). 1985, c. 764, §13 (AMD). 1993, c. 317, §1 (AMD). 1993, c. 317, §2 (AFF). 1999, c. 478, §2 (AMD). 2007, c. 389, §1 (AMD).

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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Report: Downed power lines sparked deadly California fires

9 June 2018, by Juliet Williams And Don Thompson

In this Oct. 9, 2017 file photo, flames from a wildfire consume a home, near Napa, Calif. Downed power lines caused a dozen Northern California wildfires last fall, including two that killed a total of 15 people, California's Department of Forestry and Fire Protection said Friday, June 8, 2018. The wildfires were part of a series that were the deadliest in California history. (AP Photo/Rich Pedroncelli, file)

Power lines owned by San Francisco-based Pacific Gas & Electric Co. are to blame for a dozen wildfires in Northern California's wine country last fall, including two that killed 15 people combined, the state's Department of Forestry and Fire Protection said Friday.

Investigators determined the fires—part of a series that were the deadliest in California history—were caused by PG&E-owned equipment.

All of the blazes that raged through California last October killed 44 people, destroyed 8,800 structures and forced more than 100,000 people to evacuate. About 11,000 firefighters from 17 states and Australia helped battle the blazes.

In eight of the 12 fires included in Friday's report, Cal Fire said there was evidence of violations of state law and that its findings have been forwarded to county prosecutors.

Hundreds of homeowners and relatives of those killed have sued PG&E.

"PG&E has been trying to duck responsibility for the fires, blaming everything from climate change to local fire departments and the state's liability laws," Patrick McCallum, co-chair of a coalition of people affected by the wildfires, said in a statement.

He said Cal Fire's report "puts the blame where it belongs—squarely on PG&E, confirming it was responsible for many of the fires that devastated so many lives."

"As victims, we see the report as an important step toward rebuilding and recovery," McCallum said.

In this Oct. 13, 2017 file photo, a firefighter carries a water hose to put out a fire burning along the Highway 29 near Calistoga, Calif. Downed power lines caused a dozen Northern California wildfires last fall, including two that killed a total of 15 people, California's Department of Forestry and Fire Protection said Friday, June 8, 2018. The wildfires were part of a series that were the deadliest in California history. (AP Photo/Jae C. Hong, File)

PG&E said in a statement that the company believes its "overall programs met our state's high standards" for maintaining electrical equipment and pruning about 1.4 million trees a year.

But because of California's much longer wildfire season and extreme weather, PG&E said it has made changes including creating a wildfire operations center to monitor extreme weather and fire threats in real time, putting in place a network of weather stations throughout high-risk fire areas and boosting vegetation management.

In March, the company announced it would start switching off power to minimize sparks in vulnerable areas during times of extreme fire danger. PG&E and some other state utilities previously have resisted such a measure, arguing that cutting off power carries its own risks, including to patients dependent on electrical equipment.

In one fire in Mendocino County last fall, investigators said Potter Valley experienced wind speeds up to 67 mph, causing many tree branches to fall, triggering numerous 911 calls reporting fires, according to Cal Fire's report.

"An arc from a conductor was witnessed along with the start of a vegetation fire," the report said. A second fire also was "from an overhead conductor." The two sparked a third, merged, and burned 10 miles (16 kilometers), the report said.

A responding firefighter said the smoke was blowing sideways and he had to veer around numerous tree branches in the road to get to the fire area.

One homeowner told the firefighter "he saw a tree illuminate when the conductors arced."

Another property owner told Fire Captain Specialist Eric Bettger that "he saw a flash to the east and saw the conductors come down.

In this Oct. 14, 2017 file photo, PG&E crews work on restoring power lines in a fire ravaged neighborhood in an aerial view in the aftermath of a wildfire in Santa Rosa, Calif. Downed power lines caused a dozen Northern California wildfires last fall, including two that killed a total of 15 people, California's Department of Forestry and Fire Protection said Friday, June 8, 2018. The wildfires were part of a series that were the deadliest in California history. (AP Photo/Marcio Jose Sanchez, File)

"He said the fire crossed the road within seconds," Bettger said.

CalFire did not post details of its investigation into Napa County fire.

Sen. Bill Dodd, a Democrat who represents the Napa area, called the report's findings "disappointing and deeply concerning."

"I'm calling on PG&E, utilities across the state and the Public Utilities Commission to step up and ensure they are meeting their legal obligations to maintain power lines in a safe manner," Dodd said in a statement. "It's inexcusable and it can't be allowed to happen again."

Dodd has introduced legislation that would require electric utilities to update wildfire plans to determine when they need to cut power to lines during harsh weather and boost infrastructure.

Nearly $1.5 billion was spent fighting fires and on recovery north of San Francisco in October, including debris removal and infrastructure repair

and the destruction prompted $10 billion in insurance claims.

CalFire investigators are still probing other fires in October and December, including the deadliest blaze in Napa and Sonoma Counties, which PG&E has argued was started by wires belonging to a private homeowner.

Francis Small Heritage Trust v. Town of Limington

Supreme Judicial Court of Maine

May 15, 2014, Argued; August 7, 2014, Decided

Docket: Yor-13-511

Reporter
2014 ME 102 *; 98 A.3d 1012 **; 2014 Me. LEXIS 110 ***; 2014 WL 3867782

FRANCIS SMALL HERITAGE TRUST, INC. v. TOWN OF LIMINGTON et al.

Prior History: ***Francis Small Heritage*** *Trust v. Town of Limington & Assessors of Limington, 2013 Me. Super. LEXIS 82 (Me. Super. Ct., May 30, 2013)*

Disposition: Judgment of the Superior Court vacating the decision of the State Board of Property Tax Review affirmed.

Core Terms

exemption, charitable, open space, Farm, open space land, conservation, purposes, properties, preservation, benevolent, valuation, charitable purpose, organization's, recreational, quotation, parcels, marks, commercial activity, Incorporation, forestry, wildlife, natural resources, public access, tax exemption, activities, taxation, charitable institution, compatible, reduction, scenic

Case Summary

Overview

HOLDINGS: [1]-The trial court properly vacated the Board of Property Tax Review's ruling that a trust was not entitled to a tax exemption as a benevolent and charitable institution under *Me. Rev. Stat. Ann. tit. 36, § 652(1)(A)*, *(C)*. The trust was organized and conducted for charitable purposes within the meaning of *§ 652(1)(C)(1)*, it operated its properties like a state park, thereby assisting the state in achieving its conservation goals, and there was no evidence to support the Board's finding that the trust owned a commercial farm; [2]-In the context of conservation easements, Maine's Farm and Open Space Tax Law, *Me. Rev. Stat. Ann. tit. 36, §§ 1101-1121* (2013), did not preempt the charitable exemption codified in *§ 652*, as the two laws were distinct in their scope and purpose.

Outcome
The judgment was affirmed.

LexisNexis® Headnotes

Administrative Law > Judicial Review > Standards of Review > General Overview

HN1[] **Judicial Review, Standards of Review**

In appeals from agency action, where the superior court acted in its appellate capacity, the Maine Supreme Court reviews the decision of the agency directly without deference to the superior court's intermediate review.

Business & Corporate Law > Nonprofit Corporations & Organizations > General Overview

Tax Law > State & Local Taxes > Real Property Taxes > Exemptions

Tax Law > State & Local Taxes > Real Property Taxes > General Overview

Tax Law > State & Local Taxes > Administration & Procedure > Judicial Review

HN2[] **Business & Corporate Law, Nonprofit Corporations & Organizations**

As a general rule, all real estate in Maine is subject to taxation. *Me. Rev. Stat. Ann. tit. 36, § 502* (2013). Legislatively established state policy encouraging charitable use of land, however, establishes that an organization's property is exempt from taxation if (1) the organization claiming the exemption is organized and

conducted exclusively for benevolent and charitable purposes, and (2) the property is owned and occupied or used solely for the organization's own purposes. Me. Rev. Stat. Ann. tit. 36, § 652(1)(A), (C)(1). Whether a purpose is benevolent and charitable within the meaning of § 652(1) is a question of law that an appellate court reviews de novo.

Evidence > Burdens of Proof > Allocation

Tax Law > State & Local Taxes > Real Property Taxes > Exemptions

HN3[] Burdens of Proof, Allocation

Because taxation is the rule and exemption the exception, the burden is on the party seeking a tax exemption to prove that it falls unmistakably within the spirit and intent of the act creating the exemption.

Business & Corporate Law > Nonprofit Corporations & Organizations > General Overview

Tax Law > State & Local Taxes > Real Property Taxes > Exemptions

HN4[] Business & Corporate Law, Nonprofit Corporations & Organizations

In cases where the charitable exemption is claimed, there must be a careful examination to determine whether in fact the institution is organized and conducting its operation for purely benevolent and charitable purposes in good faith, whether there is any profit motive revealed or concealed, whether there is any pretense to avoid taxation, and whether any production of revenue is purely incidental to a dominant purpose which is benevolent and charitable. When these questions are answered favorably to the petitioner for exemption, the property may not be taxed. The Maine Supreme Court has construed the word "benevolent" as synonymous with the word "charitable." An activity or purpose is "charitable" if it is for the benefit of an indefinite number of persons, either by bringing their minds or hearts under the influence of education or religion, by relieving their bodies from disease, suffering, or constraint, by assisting them to establish themselves in life, or by erecting or maintaining public buildings or works or otherwise lessening the burdens of government.

Business & Corporate Law > Nonprofit Corporations & Organizations > General Overview

Tax Law > State & Local Taxes > Real Property Taxes > Exemptions

HN5[] Business & Corporate Law, Nonprofit Corporations & Organizations

Part of the rationale for granting exemption for charitable institutions is that any institution which by its charitable activities relieves the government of part of its burden is conferring a pecuniary benefit upon the body politic, and in receiving exemption from taxation it is merely being given a quid pro quo for its services in providing something which otherwise the government would have to provide. This "quid pro quo" factor, although not controlling, is one courts should consider in determining whether the charitable exemption applies. Providing opportunities for even casual and limited group recreational and relaxation activities can constitute a quid pro quo because it provides something that government would otherwise provide, through the government system of parks, public lands, and recreational facilities.

Business & Corporate Compliance > ... > Business & Corporate Law > Nonprofit Corporations & Organizations > Formation

Tax Law > State & Local Taxes > Real Property Taxes > Exemptions

Business & Corporate Law > Nonprofit Corporations & Organizations > General Overview

HN6[] Nonprofit Corporations & Organizations, Formation

An organization's incidental, nonexempt use of property will not render the property ineligible for exemption from property tax. A logical corollary to that holding is that an organization's incorporating documents may authorize the organization to engage in such incidental use without destroying the exemption.

Business & Corporate Law > Nonprofit Corporations & Organizations > General Overview

Tax Law > State & Local Taxes > Real Property Taxes > Exemptions

Real Property Law > ... > Limited Use Rights > Easements > Conservation Easements

HN7 **Business & Corporate Law, Nonprofit Corporations & Organizations**

The charitable exemption codified in *Me. Rev. Stat. Ann. tit. 36, § 652(1)* is well established in Maine law, tracing its origins back to the 1800s. Nothing in the language or legislative history of Maine's Farm and Open Space Tax Law, *Me. Rev. Stat. Ann. tit. 36, §§ 1101-1121* (2013), indicates any intent to preempt or otherwise displace this longstanding exemption in the context of land conservation. Although the Open Space Tax Law provides that the assessor shall determine whether the land is open space land, and that, if so, that land must be classified as open space land and subject to taxation under Me. Rev. Stat. Ann. tit. 36, pt. 2, ch. 105, subch. 10, *Me. Rev. Stat. Ann. tit. 36, § 1109(3)*, that provision only comes into effect upon the landowner's election to apply for taxation pursuant to *Me. Rev. Stat. Ann. tit. 36, § 1103*. The legislature specifically made the application of the Open Space Tax Law voluntary on the part of the taxpayer. That the Open Space Tax Law's valuation methodology recognizes and adjusts for the restricted nature of open space land, *Me. Rev. Stat. Ann. tit. 36, § 1106-A*, does not demonstrate legislative intent to tax such land when it is owned and used by a charitable institution.

Counsel: **[***1]** On the briefs: Leah B. Rachin, Esq., Bergen & Parkinson, LLC, Kennebunk, for appellant Town of Limington.

David A. Lourie, Esq., Portland, for appellee The ***Francis Small Heritage*** Trust, Inc.

Karin Marchetti-Ponte, Esq., Maine Coast ***Heritage*** Trust, Mount Desert, and Robert H. Levin, Esq., Portland, for amici curiae Maine Coast ***Heritage*** Trust and Land Trust Alliance, Inc.

At oral argument: Leah B. Rachin, Esq., for appellant Town of Limington.

David A. Lourie, Esq., for appellee The ***Francis Small Heritage*** Trust, Inc.

Karin Marchetti-Ponte, Esq., for amici curiae Maine Coast ***Heritage*** Trust and Land Trust Alliance, Inc.

Judges: Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, GORMAN, and JABAR, JJ.

Opinion by: SILVER

Opinion

[1013]** SILVER, J.

[*P1] The Town of Limington appeals from a judgment entered in the Superior Court (York County, *Fritzsche, J.*) vacating a decision of the State Board of Property Tax Review. The Town argues that (1) the Superior Court erred in vacating the Board's ruling that ***Francis Small Heritage*** Trust, Inc., is not entitled to a tax exemption as a benevolent and charitable institution pursuant to *36 M.R.S. § 652(1)(A)*, *(C)* (2013), and (2) the Board did not err in concluding that the Town correctly applied the "[a]lternative valuation method" of **[***2]** *36 M.R.S. § 1106-A(2)* (2013) to the Trust's properties that are classified as open space land pursuant to Maine's Farm and Open Space Tax Law, **[**1014]** *36 M.R.S. §§ 1101-1121* (2013).[1] This opinion gives us the opportunity to review the real estate tax status of land fully devoted to conservation and free public access. Because we conclude that the Trust is entitled to a charitable exemption, we affirm the judgment.

I. BACKGROUND

[*P2] The following facts are drawn from the administrative record developed before the Board. The Trust owns eleven contiguous parcels of land on and near Sawyer Mountain in Limington. Three of the parcels have historically been taxed pursuant to the Maine Tree Growth Tax Law, *36 M.R.S. §§ 571 to 584-A* (2013).[2] The remaining eight parcels are classified as open space land pursuant to the Farm and Open Space Tax Law, *36 M.R.S. §§ 1101-1121*. The open space

[1] Various provisions of the Farm and Open Space Tax Law, including *36 M.R.S. § 1106-A* (2013), have been amended since the 2009 and 2010 tax years at issue in this case. *See, e.g.*, P.L. 2011, ch. 240, §§ 7-8 (effective Sept. 28, 2011) (codified as amended at *36 M.R.S. § 1109(1)*, *(3)* (2013)); P.L. 2011, ch. 618, §§ 6-7 (effective Aug. 30, 2012) (codified at *36 M.R.S. § 1106-A(2)-(3)*). Those amendments do not affect this appeal.

[2] Various provisions of the Maine Tree Growth Tax Law have been amended since the 2009 and 2010 tax years at issue in this case. *See, e.g.*, P.L. 2013, ch. 405, § A-23 (effective Oct. 9, 2013) (codified at *36 M.R.S. §§ 575-A*, *577*, *579*, *581-F to 581-G* (2013). Those amendments do not affect this appeal.

properties are protected by third-party, "forever-wild" conservation **[***3]** easements, and some of the parcels are also further protected by easements held by the Department of Inland Fisheries and Wildlife as part of the Land for Maine's Future program.

[*P3] The Trust's purposes are "to conserve natural resources and to provide free public access to those natural resources." To that end, the Trust's properties are "used and operated as conserved wildlife habitat," and are open to the public 365 days a year. Local schools use the properties for field trips and environmental education. The Trust's land is also open for hunting, fishing, hiking, cross-country skiing, and snowmobiling. In addition, the Trust has engaged in other activities, such as sponsoring a Limington Boy Scout Troop, participating in a project with Maine Medical Center to research the risk of exposure to Lyme-disease-transmitting deer ticks, and conducting a workshop on invasive plants. The Trust also holds a conservation easement on a commercial **[***4]** farm in the town of Parsonsfield. The Trust's Articles of Incorporation set forth the purposes of the Trust:

> *The corporation is organized exclusively for charitable, educational, and scientific purposes* within the meaning of *Section 501(c)(3) of the Internal Revenue Code* and Title 13-B of the Maine Revised Statutes. The nature of the activities to be conducted and the purposes to be promoted or carried out by the corporation are as follows:
>
> (a) *The receipt and administration of property and funds for the promotion of conservation and preservation of the natural resources* primarily in, but not limited to, the Towns of Cornish, Limerick and Limington, County of York, state of Maine *for the benefit of the general public*, including land and water resources, plant and animal life, and areas of scenic, agricultural, ecological or educational significance therein;
>
> (b) In conformity with the purposes set forth in this paragraph, the corporation shall accept by gift, devise or bequest, but may also obtain by purchase, lease, or otherwise, property and interests **[**1015]** therein, including, but not limited to, developmental rights therein, and other property, real, personal or mixed, of historic, scenic, agricultural and natural significance. *Other specific purposes of the corporation shall be to* maintain **[***5]** open space and preserves for wildlife and plant life, *protect appropriate uses such as logging, farming and other compatible commercial activities within specified areas and adjacent areas*, engage in and promote scientific study and education regarding natural resources, to demonstrate and teach the necessity of preserving our natural ***heritage*** by conservation and preservation so that future generations may enjoy it, and to protect and promote the utilization of properties for hunting, fishing, hiking, cross country skiing and other compatible uses.

(Emphasis added.)

[*P4] For tax purposes, the assessed value of open space land is governed by 36 M.R.S. § 1106-A, which provides that, if the assessor cannot determine the market price of the property, the assessor may employ an "[a]lternative valuation method." *Id.* § 1106-A(1), (2). Pursuant to the alternative valuation method, "[t]he assessor may reduce the ordinary assessed valuation of the land, without regard to conservation easement restrictions," by up to 95% if the land meets certain statutory criteria.[3] *Id.* § 1106-A(2). Section 1106-A(2) further provides, however, that "[n]otwithstanding this section, the value of forested open space land may not be reduced to less than the value it would have under

---

[3] The statute provides in relevant part:

> The assessor may reduce the ordinary assessed valuation of the land, without regard to conservation easement restrictions and as reduced by the certified ratio, by the cumulative percentage reduction for which the land is eligible according to the following categories.
>
> **A.** All open space land is eligible for a reduction of 20%.
>
> **B.** Permanently protected open space land is eligible for the reduction set in paragraph A and an additional 30%.
>
> **C.** Forever wild open space land is eligible for the reduction set in paragraphs A and B and an additional 20%.
>
> **D.** Public access open space land is eligible for the applicable reduction set in paragraph A, B or C and an additional 25%.

36 M.R.S. § 1106-A(2)(A)-(D) (2013). Subsection (3) of the statute defines "[p]ermanently protected open space," "[f]orever wild open space," and "[p]ublic access open space." 36 M.R.S. § 1106-A(3)(A)-(C). The Town does not dispute that the Trust's open space properties meet all of these criteria and are eligible for a 95% reduction in assessed value.

[the Maine Tree Growth Tax Law], **[***6]** and the open space land valuation may not exceed just value as required under [*36 M.R.S. § 701-A* (2013)]."

[*P5] In assessing the Trust's open space properties, the Town utilized the alternative valuation method. Because the Town's valuation of the properties, **[***7]** as reduced pursuant to *section 1106-A(2)(A)-(D)*, fell below the value of the properties pursuant to the Maine Tree Growth Tax Law, the Town instead used the tree growth value. The Town did not have data regarding the mixture of trees for one of the Trust's open space parcels because it had never been enrolled in the tree growth program, so the Town instead used the full value of that parcel as reduced pursuant to *section 1106-A(2)(A)-(D)*.

[*P6] The Trust requested tax abatement on its eleven properties for the 2009 and 2010 tax years, contending that the properties should be granted tax-exempt status, and that, if the properties are not exempt, the Town overvalued the eight **[**1016]** open space lots by misapplying the alternative valuation method set forth in *36 M.R.S. § 1106-A(2)*. The Town denied the Trust's petitions, and the Trust appealed to the Board.

[*P7] The Board consolidated the Trust's appeals and held evidentiary hearings on July 19 and 20, 2011, and September 9, 2011. The Board received the testimony of several witnesses, including Richard Jarrett, the treasurer of the Trust and a member of its board of directors. Jarrett testified that the "compatible commercial activities" provision of the Trust's Articles of Incorporation permitted the Trust to engage in forestry. The Trust, Jarrett testified, **[***8]** plans to use its tree growth parcels for an educational program on sustainable tree harvesting, with any revenue flowing back into the Trust to be used in accordance with its purposes. Jarrett also testified that heavily encumbered conservation land is more of a financial liability than an asset, and that transfers of such property are generally for nominal value and often accompanied by a donation of "stewardship" funds for the maintenance of the property.

[*P8] By a written decision dated August 22, 2012, the Board denied the Trust's appeals. The Board concluded that the Trust was not entitled to a tax exemption because "its activities are not restricted solely to benevolent and charitable purposes." In reaching this conclusion, the Board relied on several facts: (1) the Trust's Articles of Incorporation permitted the Trust to "engage" in commercial activities such as farming and logging; (2) Jarrett, the Trust's treasurer, interpreted the commercial activities provision of the Articles to permit the Trust to engage in forestry; (3) three of the Trust's parcels were enrolled in the tree growth program; and (4) the Trust "own[s]" a commercial farm in Parsonsfield. The Board also reasoned that the Trust's property could not be **[***9]** exempt because eight of the Trust's properties were classified as open space land and already enjoyed substantial tax relief, relying in part on *Cushing Nature & Preservation Center v. Inhabitants of the Town of Cushing, No. Civ.A.CV99-059, 2001 Me. Super. LEXIS 50, 2001 WL 1729095, at *6 (Me. Super. Ct. May 30, 2001)*, *vacated on other grounds*, *2001 ME 149, 785 A.2d 342*.

[*P9] With respect to the valuation issue, the Board concluded that the plain language of *section 1106-A(2)* supported the Town's use of the tree growth value where the 95% reduction resulted in a value less than the tree growth value. The Board also rejected the Trust's argument that the fair market value of the properties was nominal due to restrictions on their use because the Board found Jarrett's "unsupported testimony not persuasive and therefore insufficient to overcome the presumption that the assessors' valuation is valid."

[*P10] The Trust appealed the Board's decision to the Superior Court pursuant to M.R. Civ. P. 80C and *5 M.R.S. §§ 11001-11008* (2013). The Superior Court vacated the Board's decision, concluding that the Trust was entitled to a tax exemption as a benevolent and charitable institution. The court reasoned that the Trust's Articles of Incorporation permitted only the "protection" of logging, farming, and other compatible commercial activities, and did not actually authorize the Trust to engage **[***10]** in them, and that any revenue derived by the Trust from such commercial activities was purely incidental. The court further reasoned that nothing in the Maine Tree Growth Tax Law or the Farm and Open Space Tax Law precluded exemption of the Trust's property as that of a benevolent and charitable institution. The court did not reach the issue of the Town's valuation **[**1017]** of the Trust's open space properties. The Town timely appealed.[4]

II. DISCUSSION

A. Standard of Review

[4] Amici Maine Coast ***Heritage*** Trust and Land Trust Alliance, Inc., filed a brief in support of the Trust.

[*P11] Because HN1[↑] the Superior Court acted in its appellate capacity, we review the decision of the Board directly without deference to the Superior Court's intermediate review. *See* Humboldt Field Research Inst. v. Town of Steuben, 2011 ME 130, PP 3-4, 36 A.3d 873; Mar. Energy v. Fund Ins. Review Bd., 2001 ME 45, P 7, 767 A.2d 812. We review the Board's decision for abuse of discretion, errors of law, or findings not supported by the evidence. Mar. Energy, 2001 ME 45, P 7, 767 A.2d 812.

B. Analysis

[*P12] HN2[↑] As a general rule, all real estate in Maine is subject to taxation. 36 M.R.S. § 502 (2013); Hebron Acad., Inc. v. Town of Hebron, 2013 ME 15, P 7, 60 A.3d 774. Legislatively established state policy encouraging charitable use of land, however, establishes that an organization's property is exempt from taxation if (1) the organization claiming the exemption is "organized and conducted exclusively for benevolent **[***11]** and charitable purposes," and (2) the property is "owned and occupied or used solely for [the organization's] own purposes." 36 M.R.S. § 652(1)(A), (C)(1). Because the Town does not argue that the Trust does not own, occupy, and use the property in question solely for its own purposes, we address only whether the Trust is "organized and conducted exclusively for benevolent and charitable purposes." *Id.*

[*P13] Whether a purpose is benevolent and charitable within the meaning of section 652(1) is a question of law that we review de novo. Cushing Nature & Pres. Ctr. v. Town of Cushing, 2001 ME 149, P 10, 785 A.2d 342.HN3[↑] Because "[t]axation is the rule and exemption the exception," Green Acre Baha'i Inst. v. Town of Eliot, 150 Me. 350, 353, 110 A.2d 581 (Me. 1954), the burden is on the party seeking the exemption to prove that it falls "unmistakably within the spirit and intent of the act creating the exemption," Hebron Acad., 2013 ME 15, P 7, 60 A.3d 774 (quotation marks omitted). HN4[↑] In cases where the charitable exemption is claimed,

> there must be a careful examination to determine whether in fact the institution is organized and conducting its operation for purely benevolent and charitable purposes in good faith, whether there is any profit motive revealed or concealed, whether there is any pretense to avoid taxation, and whether any production of revenue is purely incidental to a dominant purpose which is benevolent and charitable. When these questions **[***12]** are answered favorably to the petitioner for exemption, the property may not be taxed.

Christian Fellowship & Renewal Ctr. v. Town of Limington, 2006 ME 44, P 17, 896 A.2d 287 (quoting Green Acre, 150 Me. at 354, 110 A.2d 581).

[*P14] We have construed the word "benevolent" as synonymous with the word "charitable." Id. P 13. An activity or purpose is "charitable" if it is

> for the benefit of an indefinite number of persons, either by bringing their minds or hearts under the influence of education or religion, by relieving their bodies from disease, suffering, or constraint, **[**1018]** by assisting them to establish themselves in life, or by erecting or maintaining public buildings or works or otherwise lessening the burdens of government.

Id. P 14 (quoting Episcopal Camp Found., Inc. v. Town of Hope, 666 A.2d 108, 110 (Me. 1995)). HN5[↑] Part of the rationale for granting exemption for charitable institutions is that

> [a]ny institution which by its charitable activities relieves the government of part of [its] burden is conferring a pecuniary benefit upon the body politic, and in receiving exemption from taxation it is merely being given a "quid pro quo" for its services in providing something which otherwise the government would have to provide.

Episcopal Camp, 666 A.2d at 110 (alterations in original) (quotation marks omitted). This "quid pro quo" factor, although not controlling, is one courts should consider in determining whether the charitable exemption applies. **[***13]** Christian Fellowship, 2006 ME 44, PP 24, 35, 896 A.2d 287. Providing opportunities for even "casual and limited group recreational and relaxation activities" can constitute a quid pro quo because it "provid[es] something that government would otherwise provide, through the government system of parks, public lands, and recreational facilities." Id. P 37 (quotation marks omitted).

[*P15] We have not directly addressed whether land conservation constitutes a charitable purpose within the meaning of section 652(1). *See* Cushing, 2001 ME 149, P 15, 785 A.2d 342 (declining to reach the issue of "whether land conservation or preservation, standing alone, could constitute a charitable use"). We have, however, considered whether wildlife refuges qualify for

exemption. In *Holbrook Island Sanctuary v. Inhabitants of the Town of Brooksville, 161 Me. 476, 477, 484, 214 A.2d 660 (Me. 1965)*, the plaintiff organization sought exemption of property it operated as a wildlife sanctuary or game preserve. Public access to the plaintiff's property was strictly limited:

> The corporation employed a full-time Warden . . . with an additional helper during the summer months and the hunting season. All persons wishing to enter the sanctuary were and are asked to register at the office and to apply to the Warden for permission to enter the sanctuary. Persons and organizations engaged in nature study were permitted in the Sanctuary accompanied by the Warden for **[***14]** the purpose of nature study, observation and photography. The public was directed not to enter the sanctuary for any other purpose. The Warden and his assistant were instructed to prohibit hunting in the area.

Id. at 480-81. The plaintiff blocked off existing access roads on the property, with the intention of permitting the roads to become overgrown and return to their natural state. *Id. at 480*. We concluded that the organization at issue was not "charitable," because it was "nothing in substance more than a game preserve," the purpose of which was "plainly to benefit wild animals"; provided "no benefit to the community or to the public"; and was contrary to public policy favoring state-regulated game management areas. *Id. at 484-88*; *see also Silverman v. Town of Alton, 451 A.2d 103, 106 (Me. 1982)* (holding that a wildlife refuge was not "in and of itself . . . a scientific institution or organization" pursuant to *36 M.R.S. § 652(1)(B)* (2013), and that the "incidental scientific objective to benefit the University of Maine by permitting use of the premises" was insufficient to bring the property within the exemption).

[*P16] **[**1019]** The Town suggests that our holdings in *Holbrook* and *Silverman* control this case. Amici Maine Coast ***Heritage*** Trust and Land Trust Alliance, Inc., in turn, urge us to overrule or **[***15]** limit *Holbrook*, citing scholarly criticism of that decision. *See* Kirk G. Siegel, Comment, *Weighing the Costs and Benefits of Property Tax Exemption: Nonprofit Organization Land Conservation*, *49 Me. L. Rev. 399, 416 (1997)* ("[*Holbrook*'s] holding, that a benefit to wild animals did not equate to a benefit to the community and was therefore not charitable, might be assessed differently by a court with a modern awareness of the public benefits of ecosystem preservation.").

[*P17] We conclude that both *Holbrook* and *Silverman* are distinguishable. Our holding in *Holbrook* was based on the absence of any benefit to the public of a game preserve operated in a manner that heavily restricted public access and was contrary to public policy. *See Holbrook, 161 Me. at 480-81, 484-88, 214 A.2d 660*. As we discuss further below, neither rationale applies here. *Silverman* is also inapposite, as it did not apply the exemption for benevolent and charitable organizations, but rather the exemption for scientific institutions. *451 A.2d at 105-06*.

[*P18] Appellate courts in several other jurisdictions have concluded that land conservation is a charitable purpose, at least when coupled with public access, or where conservation of the land otherwise confers a public benefit. *See, e.g., Santa Catalina Island Conservancy v. Cnty. of L.A., 126 Cal. App. 3d 221, 178 Cal. Rptr. 708, 716 (Ct. App. 1981)* (concluding that "nonprofit organizations **[***16]** formed and conducted for the purpose of preserving natural environments and recreational opportunities for the benefit of the public come within the term 'charitable' as defined by the decisions of our Supreme Court by lessening the burdens of government"); *Turner v. Trust for Pub. Land, 445 So. 2d 1124, 1124, 1126 (Fla. Dist. Ct. App. 1984)* (holding that a nonprofit corporation's conservation of land in its natural state entitled it to tax exemption pursuant to a Florida statute defining a charitable purpose as "a function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service" (quotation marks omitted)); *Pecos River Open Spaces, Inc. v. Cnty. of San Miguel, No. 30,865, 2013-NMCA-029, 2013 WL 309847, at *5, *7 (N.M. Ct. App. Jan. 11, 2013)* (holding that, "owing to the substantial public benefit derived from conservation of the Property, conservation in this case constitutes a charitable purpose that qualifies the Property for a tax exemption" pursuant to the New Mexico Constitution); *Mohonk Trust v. Bd. of Assessors, 47 N.Y.2d 476, 392 N.E.2d 876, 878-80, 418 N.Y.S.2d 763 (N.Y. 1979)* (concluding that a trust whose purpose was "preservation of wilderness areas for the benefit of the public" was entitled to exemption pursuant to statute exempting property used exclusively for "religious, charitable, hospital, educational, moral or mental improvement of men, women or children or cemetery **[***17]** purposes" (quotation marks omitted)); *Little Miami, Inc. v. Kinney, 68 Ohio St. 2d 102, 428 N.E.2d 859, 860 (Ohio 1981)* (per curiam) (holding that an organization's restoration of an island to its natural state and continued efforts to preserve the island were

in furtherance of charitable purposes and rendered the property exempt); *see also* Trustees of Vt. Wild Land Found. v. Town of Pittsford, 137 Vt. 439, 407 A.2d 174, 175-77 (Vt. 1979) (holding that land preserved in an undeveloped state was not exempt as a "public, pious or charitable use[]" where public access to the land was strictly limited (quotation marks omitted)). Several of these holdings were based in part on legislative **[**1020]** recognition of a public policy in favor of conservation. *See* Santa Catalina, 178 Cal. Rptr. at 716; Turner, 445 So. 2d at 1126; *Pecos River*, 2013-NMCA-029, 2013 WL 309847, at *3-5.

[*P19] Most recently, in New England Forestry Foundation, Inc. v. Board of Assessors of Hawley, 468 Mass. 138, 9 N.E.3d 310, 312-13 (Mass. 2014), the Supreme Judicial Court of Massachusetts held that a nonprofit land conservation organization was entitled to a tax exemption as a charitable organization. The organization's stated purpose was, in part, to "create, foster, and support conservation, habitat, water resource, open space preservation, recreational, and other activities by promoting, supporting, and practicing forest management policies and techniques to increase the production of timber in an ecologically and economically prudent manner." Id. at 313 (quotation marks omitted). The property at issue was a 120-acre parcel abutting a state **[***18]** forest that the organization maintained in an undeveloped state using sustainable forestry practices and opened for public recreation. Id. at 313-14, 321, 325-26. The Massachusetts court concluded that the organization's purposes were charitable because the environmental benefits of holding land in its natural state "inure[d] to an indefinite number of people," and because the organization "lessen[ed] the burdens of government" by "assist[ing] the State in achieving its conservation policy goals." Id. at 320-23.

[*P20] There can be little doubt that the Legislature has enunciated a strong public policy in favor of the protection and conservation of the natural resources and scenic beauty of Maine. For example, 38 M.R.S. § 480-A (2013) states:

> The Legislature finds and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dunes systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical **[***19]** resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State.
>
> . . . .
>
> The Legislature further finds and declares that the cumulative effect of frequent minor alterations and occasional major alterations of these resources poses a substantial threat to the environment and economy of the State and its quality of life.

See also 5 M.R.S. § 6200 (2013) (finding that "the continued availability of public access to [outdoor] recreation opportunities and the protection of the scenic and natural environment are essential for preserving the State's high quality of life" and that the "public interest in the future quality and availability for all Maine people of lands for recreation and conservation is best served by significant additions of lands to the public domain"); 30-A M.R.S. § 4312(3)(F) (2013) (identifying the protection of "critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas" as a state goal). In creating the Land for Maine's Future program, the Legislature declared that

> the future social and economic well-being of the **[***20]** citizens of this State depends upon maintaining the quality and availability **[**1021]** of natural areas for recreation, hunting and fishing, conservation, wildlife habitat, vital ecologic functions and scenic beauty and that *the State, as the public's trustee, has a responsibility and a duty to pursue an aggressive and coordinated policy to assure that this Maine* ***heritage*** *is passed on to future generations.*

5 M.R.S. § 6200 (emphasis added). The Legislature also recognized the important role played by conservation organizations in achieving these goals. *See id.* (finding that "Maine's private, nonprofit organizations . . . have made significant contributions to the protection of the State's natural areas and . . . should be encouraged to further expand and coordinate their efforts").

[*P21] Against this legal backdrop, we consider whether the Trust is organized and conducted for benevolent and charitable purposes pursuant to Maine law. The Trust's purpose is to conserve natural

resources for the benefit of the public. The Trust has opened its properties to the public year-round, free of charge, and permits school field trips, hunting, fishing, hiking, cross-country skiing, and snowmobiling. As the Superior Court determined, **[***21]** the Trust essentially operates its properties in the manner of a state park in the Sawyer Mountain region. In doing so, the Trust assists the state in achieving its conservation goals, *see, e.g.*, 5 M.R.S. § 6200; 30-A M.R.S. § 4312(3)(F); 38 M.R.S. § 480-A, and "provid[es] something that government would otherwise provide, through the government system of parks, public lands, and recreational facilities," *Christian Fellowship, 2006 ME 44, P 37, 896 A.2d 287* (quotation marks omitted). We therefore hold that, under the circumstances of this case, the Trust is organized and conducted for benevolent and charitable purposes within the meaning of *section 652(1)(C)(1)*.

[*P22] The Board reached the opposite conclusion in part because the Trust's Articles of Incorporation permit it to "engage" in "appropriate uses such as logging, farming and other compatible commercial activities." It also found that the Trust "owned" a commercial farm in Parsonsfield. We are not persuaded by this analysis. The Trust's Articles of Incorporation state, amongst a list of purposes, that "[o]ther specific purposes of the corporation shall be to . . . *protect* appropriate uses such as logging, farming and other compatible commercial activities within specified areas and adjacent areas."[5] (Emphasis added.) Moreover, there was no evidence that the Trust owns a commercial farm; rather, the testimony indicated that the Trust holds a ***[***22]** *conservation easement* on a farm property in Parsonsfield, protecting the property from further development. The treasurer of the Trust testified that the Trust plans to harvest its tree growth parcels, but only as part of an educational program on sustainable tree harvesting, with any revenue flowing back into the Trust to be used in accordance with its purposes. An educational program on sustainable forestry is consistent **[**1022]** with the Trust's charitable purposes. *See* 36 M.R.S. §§ 563-564, 572 (2013) (declaring encouragement of operation of forest land on a "sustained yield basis" as the public policy of Maine).

[*P23] The Board also based its conclusion that the Trust is not entitled to exemption on the reasoning that the Legislature has already provided tax relief for open space land pursuant to the Farm and Open Space Tax Law, 36 M.R.S. §§ 1101-1121, citing the reasoning of *Cushing, 2001 Me. Super. LEXIS 50, 2001 WL 1729095, at *6*. Likewise, the Town argues that the Legislature, in enacting the Farm and Open Space Tax Law, intended it to be the exclusive method of taxing open space land.

[*P24] This reasoning does not withstand scrutiny.***HN7***[↑] The charitable exemption now codified in *section 652(1)* is well established in Maine law, tracing its origins back to the 1800s. *See* *Hebron Acad., 2013 ME 15, PP 14-15, 60 A.3d 774*. Nothing in the language or legislative history of the Farm and Open Space Tax Law, originally enacted in 1971, *see* P.L. 1971, ch. 548 (effective Sept. 23, 1971), indicates any intent to preempt or otherwise displace this longstanding exemption in the context of land conservation. Although the Farm and Open Space Tax Law provides that "[t]he assessor *shall* determine" whether the land is open space land, and that, if so, "that land *must* be classified as open space land and subject to taxation under this subchapter," 36 M.R.S. § 1109(3) (emphasis added), that provision only comes into effect upon the landowner's "*election* to apply" for taxation **[***24]** pursuant to the statute, *id.* § 1103 (emphasis added). The Legislature, in other words, specifically made the application of the Farm and Open Space Tax Law voluntary on the part of the taxpayer. That the statute's valuation methodology recognizes and adjusts for the restricted nature of open space land, *see id.* § 1106-A, does not demonstrate legislative intent to tax such land when it is owned and used by a charitable institution.

[*P25] The Farm and Open Space Tax Law and the charitable exemption are distinct in their scope and purpose. The Farm and Open Space Tax Law describes its purpose as follows:

> It is declared that it is in the public interest to encourage the preservation of farmland and open space land in order to maintain a readily available source of food and farm products close to the

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[5] The Trust's treasurer did testify that the "compatible commercial activities" language in the Trust's Articles of Incorporation permitted the Trust to engage in forestry. Even if we assume that the Articles of Incorporation do permit the Trust to engage in forestry and that such use would be nonexempt in the circumstances of this case, we have made clear that ***HN6***[↑] incidental, nonexempt use of property will not render the property ineligible for exemption. *See* *Hebron Acad., Inc. v. Town of Hebron, 2013 ME 15, PP 20-26, 60 A.3d 774*. A logical corollary to that holding is that an organization's incorporating documents may authorize the organization to engage in such incidental use without destroying the exemption. **[***23]** *See id.*

> metropolitan areas of the State to conserve the State's natural resources and to provide for the welfare and happiness of the inhabitants of the State, that it is in the public interest to prevent the forced conversion of farmland and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation **[***25]** as such farmland and open space land, and that the necessity in the public interest of the enactment of this subchapter is a matter of legislative determination.

36 M.R.S. § 1101. In contrast with the specific, conservationist purposes of the Farm and Open Space Tax Law, the charitable exemption seeks to encourage all activities that are "for the benefit of an indefinite number of persons" and "lessen[] the burdens of government" by providing services in which the state has a genuine interest. *See Christian Fellowship, 2006 ME 44, PP 14, 23, 896 A.2d 287* (quotation marks omitted) (defining "charitable" and noting a legislative study indicating that "the original purposes of the charitable exemption were to promote not only providing services in lieu of government services, but also providing a service in which the state has a genuine interest" **[**1023]** (quotation marks omitted)); *see also New England Forestry Found., 9 N.E.3d at 316* (noting that Massachusetts's charitable exemption "does not seek to encourage charitable organizations to pursue particular substantive policy goals or charitable activities," but rather exempts certain property from taxation "on the theory that property held for philanthropic, charitable, religious, or other quasi public purposes in fact helps to relieve the burdens of government"). **[***26]**

[*P26] Although some of the factors by which the Farm and Open Space Tax Law defines open space land could be relevant in the application of the charitable exemption, *see 36 M.R.S. §§ 1102(6)*, *1109(3)*, open space land may be held by an individual or entity that does not qualify for a charitable exemption for any number of reasons, *see, e.g., id. § 652(1)(A)* (requiring that an organization be "incorporated by this State" in order to be entitled to exemption as a charitable institution); *Nature Conservancy of the Pine Tree State, Inc. v. Town of Bristol, 385 A.2d 39, 43 (Me. 1978)* ("Land held in its natural state does not become tax exempt by transfer to a charitable institution where the grantor retains the rights to access, passage or custodianship, more particularly since these tend to be the only private rights of ownership exercised while land is privately being held in its natural state."). That the two statutes might overlap in their application to a particular taxpayer does not indicate legislative intent that one statute "preempt" the other. *See New England Forestry Found., 9 N.E.3d at 315-16* (holding that a Massachusetts statute providing tax incentives for owners of undeveloped forest land did not preempt the Massachusetts charitable exemption statute because the statutes served distinct purposes and contained no language indicating that they were mutually **[***27]** exclusive).

[*P27] The Town correctly notes that when two statutes are in conflict, "we favor the application of a specific statutory provision over the application of a more general provision." *Cent. Me. Power Co. v. Devereux Marine, Inc., 2013 ME 37, P 22, 68 A.3d 1262*. We will not, however, read into the exemption statute and the Farm and Open Space Tax Law a conflict where none exists. *See Fernald v. Shaw's Supermarkets, Inc., 2008 ME 81, P 19, 946 A.2d 395*; *Yeadon Fabric Domes, Inc. v. Me. Sports Complex, LLC, 2006 ME 85, P 20, 901 A.2d 200*. C. Conclusion

[*P28] Under the circumstances of this case, the Trust is entitled to exemption as a charitable and benevolent organization. Because we conclude that the Trust's property is exempt, we do not reach the issue of valuation.

The entry is:

> Judgment of the Superior Court vacating the decision of the State Board of Property Tax Review affirmed.

End of Document

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

JUSTIN JAMES PRESIENDORFER

ON BEHALF OF INTERVENOR GROUPS 2 AND 10

FEBRUARY 28, 2019

Q: Please state your name and business address.

A: My name is Justin James Presiendorfer and I live at 27 Uhlman Drive in Thornton, New Hampshire.

Q: What is the name of your organization?

I am an independent consultant.

A: **What is your current position?**

I am a private consultant on matters related to wildlands, recreation, and the management thereof.

Q: What are your qualifications?

A: I serve as the chair of the board of directors for the Society for Wilderness Stewardship which is the professional society for wilderness managers, researchers, and educators. One of the primary programs that we operate places budding professionals alongside federal agency staff as they develop programs to monitor wilderness character. I have over 15 years of experience managing congressionally designated wilderness areas for the USDA Forest Service including the Caribou-Speckled Mountain Wilderness, Maine's only national forest wilderness. In addition to work in New England I have served as a Forest Service program manager for the Eastern Region providing oversight and guidance to 17 national forests across the US Forest Service's 20-state Eastern Region. The three programs I managed were focused on those areas designated by congress as Wilderness, Wild and Scenic Rivers, or National Scenic or Historic Trails. For five years I served on the Chief's Wilderness Advisory Group, a portion of this time as chair, and provided wilderness guidance directly to the head of the USDA Forest Service.

Q: Are you familiar with the project area?

A: I am. My great, great, great, great grandfather Galon Newton moved to Moose River with his brother Jacob in 1828. Family members eventually spread into the communities from Dennistown to the Forks and my grandfather Linwood Moore was born in Moose River in 1930. While I live in northern New Hampshire I make at least one trip per year to visit the woods, ponds and rivers that my grandfather grew up in.

Q: What is the purpose of your testimony?

A: I am providing testimony related to the impacts of the NECEC project proposal on the Scenic Character and Existing Uses of the project area as well as the analysis of the project alternatives.

Q: What have you considered to prepare this testimony?

A: I considered the following:

The NECEC Project Application

Documents and information exchanged between PUC and the Applicant that were publicly available;

The Applicant's response to the February 23, 2018 USACE Information Request

The Applicant's Natural Resources Protection Act Application dated September 27, 2017

Maine State Comprehensive Outdoor Recreation Plan 2014-2019

The Record of Decision for the Northern Pass Transmission Line Project

A variety of reports on the recreation economy and recreation trends including but not limited to:

Outdoor Industry Association's consumer spending report "The Outdoor Recreation Economy"

Outdoor Industry Association's (OIA) Maine State Report

Annual Reports from the Maine Office of Tourism

2017 Maine Office of Tourism Kennebec Valley Regional Report

USDA Forest Service's Future of America's Forest and Rangelands: Forest Service 2010 Resources Planning Act Assessment.

Bureau of Economic Analysis webpages focused on outdoor recreation found at https://www.bea.gov/data/special-topics/outdoor-recreation

Outdoor Participation Report 2018. The Outdoor Foundation

A variety of research on people's preference for natural landscapes including but not limited to:

Coeterier, J.F., 1996. Dominant attributes in the perception and evaluation of the Dutch landscape. Landscape and Urban Planning 34, 27–44.

Hartig, T., 1993. Nature experience in transactional perspective. Landscape and Urban Planning 25, 17–36.

Kaplan, R., Kaplan, S., 1989. The Experience of Nature: A Psychological Perspective. Cambridge University Press, Cambridge, UK.

Ulrich, S.R., 1983. Aesthetic and affective response to natural environment. In: Altman, I., Wohlwill, J.F. (Eds.), Human Behavior and Environment: Advances in Theory and Research. Behavior and the Natural Environment, vol. 6. Plenum Press, New York, pp. 85–125.

Van den Berg, A.G., Vlek, C.A.J., Coeterier, J.F., 1998. Group difference in the aesthetic evaluation of nature development plans: a multi-level approach. Journal of Environmental Psychology 18, 141–157.

A variety of research papers on the health benefits of outdoor recreation and natural landscapes such as but not limited to:

Vella, E.J. et al. “Participation in Outdoor Recreation Program Predicts Improved Psychosocial Well-being Among Veterans with Post-traumatic Stress Disorder: a Pilot Study.” AMSUS Military Medicine, 2013.

Weinstein, Netta et al. “Seeing Community for the Trees: The Links Among Contact with Natural Environments, Community Cohesion, and Crime” BioScience, 2015.

Green Cities: Good Health. University of Washington.

2005 White Mountain National Forest Land and Resource Management Plan

Robert Kenneth Davis’s “Value of OR: An Economic Study of the Maine Woods."

Applicable statutes and regulations.

Q: What is your overall opinion of the project as it has been proposed with regard to potential impacts on scenic character?

A: Maine has the largest contiguous block of undeveloped forestland east of the Mississippi and that undeveloped landscape is essential to Maine’s brand. With much of it managed as working forest the landscape is certainly not pristine or untouched but it appears natural to the casual observer. Forest management activities are present in many areas but the impacts are largely transient and the landscape dynamic. Harvest areas regenerate naturally and commercial forestry has found a symbiotic relationship with a growing outdoor recreation economy. The road network provides access to unlimited hiking, wildlife viewing, fishing, and hunting opportunities. Many roads double as snowmobile trails or UTV routes depending on season. These nature-based or outdoor recreation activities are a growing part of the economy providing diversification from the former majority focus on forestry products.

Roughly 36.7 million tourists visited Maine in 2017 many of which came to enjoy the state’s natural beauty. The tourists weren’t alone in their pursuits however as the Outdoor Industry Association’s (OIA) Maine State Report shows that 70% of Maine

residents participate in outdoor recreation each year. Campground reservations in Maine State Parks average nearly 40% non-resident campers while the iconic Baxter State Park lures a higher rate of out-of-staters (46% non-resident visitation in 2013). A Maine Office of Tourism contractor Digital Research Inc., surveyed tourists why they chose to visit Maine in 2013 and the top answer was "beautiful scenery."

Maine's outdoor tourism economy is already strong and if national trends are an indicator it will continue to grow. Noted US Forest Service recreation researcher Ken Cordell analyzes national recreation trends and produces regular reports that help inform land managers, outdoor equipment manufacturers, and a range of investors. In the 2010 Renewable Resources Planning Act (RPA) Assessment, Cordell groups outdoor recreation activities into seven assemblages. Of these seven groups, Cordell states "the clear leader in growth of total annual days was the overall group of activities named 'viewing and photographing nature.'" People love scenery and there is a large body of research that shows with a degree of consistency that people tend to prefer natural appearing landscapes to human-influenced environments. People leave development to enjoy the undeveloped landscapes Maine has to offer.

Tourism in the region is built on the scenic integrity of the North Woods. For decades there's been a movement to designate 3.2 million acres of the landscape as the Maine Woods National Park in part because of the breathtaking scenery. The proposal has been met with opposition largely because national park designation normally precludes the timber management, hunting, snowmobiling and other traditional uses that are part of this region's fabric. The land use history in the affected region is more consistent with national forest management and the US Forest Service uses the Scenery Management System to manage for defined Scenic Integrity Objectives. The White Mountain National Forest (WMNF) encompasses nearly 800,000 acres of public land in

New Hampshire and western Maine. Based on concerns for its scenic integrity the US Forest Service included a guideline in its 2005 Land and Resource Management Plan directing all electrical utility lines of 33 kilovolts or less to be installed by burying unless certain conditions could be met. When the Northern Pass project proposed to develop new transmission lines through the WMNF the US Forest Service approved the project contingent on the lines being buried. According to the decision document "Burial of the transmission line through the WMNF resolved Forest Plan consistency issues related to visuals and effects on the Appalachian National Scenic Trail."

The transmission corridors and lines required by the NECEC project would negatively impact scenic integrity from a wide range of vantage points. The proposal states that only six conservation parcels are crossed but the reality is that the impacts are far wider when you consider views beyond the foreground. Those who live in Maine or come to visit don't care about scenic qualities just when they're on conserved lands. Maine has more than 20 million acres of land and the forests of Maine are predominantly privately owned. The most recent Maine State Comprehensive Outdoor Recreation Plan (SCORP) survey indicates that over 50% of each sample group (resident recreationists, non-resident recreationists, and general resident sample) have visited private lands for recreation in the last two years. Many of the private lands that are impacted by the NECEC proposal have high recreation value where the scenic integrity is central to the experience. A scar on the landscape looks the same regardless of who owns the land you stand on.

The proposed route seems to have little concern for even the most scenic and iconic places in Maine. People have long recognized the upper Kennebec River watershed as a special place. The river's extraordinary qualities were documented in 1982 when the Maine Rivers Study was released by the State of Maine in coordination with the

National Park Service. They were further documented and protected in 1987 by the Maine Legislature when they stated that the section of river below Harris Dam contained "significant river related natural and recreational values" that "provide irreplaceable social and economic benefits to the people in their existing state."

The outstandingly remarkable values that dominate the upper Kennebec make several segments prime candidates for our nation's system of Wild and Scenic Rivers. In fact, I believe the river is eligible based on its scenic, recreational and hydrological values. Central Maine Power has a responsibility to prove that its proposed actions will not irrevocably degrade these values and negatively impact the social and economic benefits that they provide.

Central Maine Power claims that horizontal directional drilling is not practicable to protect values in even the most scenic sections of their proposed alignment. While it may not seem practicable to CMP it hardly seems reasonable to approve a project that will clearly despoil the scenery on which the area's economy is based. Lessons learned from Northern Pass and other similar projects should have made CMP consider an alternative that buried transmission lines within existing transportation or utility corridors in those areas having the highest scenic integrity.

Q: What is your overall opinion of the project as it has been proposed with regard to potential impacts on existing uses?

A: This project as proposed would unreasonably interfere with the scenic character and existing uses of the region. Standing in contrast from the natural environment the project would degrade the very resource—the undeveloped landscape—that attracts visitors to the region and would undermine an evolving economy. CMP has failed to demonstrate that this project will not hurt the outdoor economy which is based on creating memorable experiences in a highly scenic environment.

From LL Bean to Old Town Canoes, businesses small and large have been developed around the state's natural resources. According to the Outdoor Industry Association outdoor recreation in Maine generates:

$8.2 billion in consumer spending annually; 76,000 direct jobs; $2.2 billion in wages and salaries; $548 million in state and local tax revenue.

The state saw an increase in first-time visitors to the state in 2017 with 5.3 million constituting a five-year high. The state also ran its first dedicated winter tourism campaign and off-season visitation increased, with a 13 percent increase in winter travel compared with 2016. These people come to Maine for an experience that can't be found in more developed regions. In response to the forecasted continual growth Maine announced in October 2018 a newly designated Office of Outdoor Recreation. This isn't surprising when viewed in the context of the news delivered earlier in the year by the Bureau of Economic Analysis (BEA). For the first time ever, outdoor recreation was analyzed by the BEA and the agency found it to account for 2% of the country's Gross Domestic Product. Even massive industries such as oil and gas extraction (1.4 percent) and agriculture (1 percent) ranked lower.

About 106,800 people had jobs in Maine's tourism industry in 2017, around 16 percent of the state's workforce, according to the Maine Tourism Office. A study commissioned by the Maine Departments of Inland Fisheries and Wildlife and Office of Tourism states that "Collectively, recreational hunting supports more than 3,400 full- and part-time jobs providing more than $115 million in income. The direct spending by sportsmen who hunt and the multiplier effects of that spending in Maine contribute $191 million to the state's gross state product and a total economic output of $338.7 million."

In 2016, the outdoor recreation economy grew 3.8 percent, outpacing the 2.8 percent growth in the overall economy, and outdoor recreation businesses are thriving around

the country. Implementation of the NECEC proposal would hurt the chances of local businesses realizing the benefits. Recreational as well as guided fishing will be affected by this proposal. One hundred fifteen stream crossings will create negative impacts on Eastern Brook Trout habitat through erosion, sedimentation, and raised water temperatures due to clearing of vegetation. The planned riparian buffers will help mitigate these issues, but such protections are generally not afforded for intermittent and ephemeral channels. The 2018 Special Report on Fishing commissioned by the Recreational Boating and Fishing Foundation and Outdoor Foundation documents that fishing participation grew by 1.9 million individuals from 2016 to 2017 reaching the highest participation rate since 2009. The region is well known for fly fishing and this aspect of fishing had the highest rate of new participants (14.7%). Diminished fishing opportunities in the region due to project impacts will prevent local businesses from taking advantage of these otherwise favorable trends.

Likewise, project impacts on wildlife habitat will impede both hunting and wildlife viewing-related businesses. The NECEC proposal includes impacts to 263 wetlands, 8 deer wintering areas and 12 units of Inland Waterfowl and Wading Bird Habitat. Construction and maintenance activities will likely disrupt wildlife breeding, travel patterns and other behaviors. Impacts will be most severe during construction but even after completion there will be 53 miles of new corridor to maintain. The sight and sound of maintenance equipment will provide new disturbances to wildlife that formerly did not exist and consequently diminish hunting and associated guiding opportunities.

In similar fashion, disturbance and habitat loss will have a negative impact on opportunities for wildlife viewing. Data in the Maine State Comprehensive Outdoor Recreation Plan gathered as part of the National Survey on Recreation and the Environment shows that between 1995 and 2009 the New England region added 2.1

million participants in the activity of "viewing wildlife (besides birds)". No other category added as many participants making this activity New England's quickest growing. Local businesses specializing in wildlife viewing such as bird-watching or moose tours would be negatively affected by the activities proposed by CMP.

Scenic integrity and high-quality recreation opportunities are two characteristics of the area that add to the quality of life, drawing businesses and employees to relocate. The NECEC project would diminish both effectively making it more difficult for existing businesses to attract and retain employees. Likewise, outdoor recreation has shown to have numerous health benefits further enhancing the quality of life for those that engage. As one example, among veterans with PTSD, participation in outdoor recreation corresponds with higher well-being (Vella, E.J. et al. 2013.). This is especially important as proportionally, Maine has a high rate of veterans compared to the national average. Additional research supports claims that outdoor recreation reduces crime rates, improves educational outcomes, and lowers long-term individual and public health care costs.

Many outdoor businesses are looking to diversify their offerings as a way to hedge their bets such as alpine ski areas that now offer substantial summer activities. Outdoor businesses in Maine's north woods are beginning to do the same thing in acknowledgment that visitors want high value, high quality, multi-dimensional experiences. Unfortunately, the scale of the NECEC project would make it impossible to ignore and regardless of activity the towers would continue to loom on the horizon diminishing the quality of visitors' experiences.

Q: Does anyone else share your concerns about the significance of the proposed impacts?

A: I have discussed the project proposal with many people who share my concerns about

the significance of the proposed impacts. This is especially true close to my home in northern New Hampshire where the similar Northern Pass project was recently rejected.

Q: Does this conclude your testimony?

A: This concludes my testimony at the current time.

Date: 2/21/2019

Respectfully submitted,

By: _____
Print Name: Justin J. Preisendorfer

STATE OF New Hampshire
COUNTY OF Grafton

Personally appeared before me on the above- named Justin Preisendorfer, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

_____
Notary Public/ ~~Attorney at Law~~
My Commission expires 7/11/23

CHRISTINE M. CAVICCHI
MY COMMISSION EXPIRES JULY 11, 2023
NOTARY PUBLIC
NEW HAMPSHIRE

Justin J. Preisendorfer
Wilderness Specialist

27 Uhlman Drive Thornton, NH 03285
(603)733-6576 Email: alpinetraveler@gmail.com

Relevant Professional Experience

Director & Chair
The Society for Wilderness Stewardship.
October 2017-current

I currently serve as the Chair of the Board of Directors for this 501c3 professional organization whose mission is to promote excellence in the professional practice of wilderness stewardship, science, and education to ensure the life-sustaining benefits of wilderness. Our work includes research, education, assistance to the agencies that manage land under the National Wilderness Preservation System.

Regional Program Manager—Wilderness, Wild & Scenic Rivers, Congressionally Designated Trails
USDA Forest Service; Milwaukee, WI
July-November 2017

In this position I provided oversight and guidance to 17 national forests and one national tallgrass prairie across the US Forest Service's 20-state Eastern Region in matters related to those areas designated by congress as Wilderness, Wild and Scenic Rivers, or National Scenic or Historic Trails.

Director & Treasurer
The Society for Wilderness Stewardship.
October 2014-October 2017

During my first 3-year term this group supported wilderness research and management projects across the country including wilderness character assessments across diverse landscapes. During these assessments our staff document baseline information related to an area's natural and undeveloped qualities.

Supervisory Natural Resource Specialist—Wilderness and Recreation
USDA Forest Service; Gorham, NH
February 2015-November 2017

In this position I managed a staff of up to 20 individuals responsible for all aspects of wilderness and recreation management on the northernmost of the White Mountain National Forest's three ranger districts. Duties included analyzing potential impacts of proposed activities on areas designated as wilderness or inventoried as having wilderness characteristics.

Regional Representative and Chair
USDA Forest Service Chief's Wilderness Advisory Group
October 2009-March 2014

As a collateral duty I served as a member, Vice Chair, and then Chair for this national group composed of field level managers providing advice directly to the head of the Forest Service on matters of wilderness management.

Natural Resource Specialist—Wilderness and Backcountry Recreation Specialist
USDA Forest Service; Campton, NH
June 2011-February 2015

In this position my staff and I were responsible for the management of the largest congressionally designated wilderness area in the east—the 45,000-acre Pemigewasset Wilderness centered on the river of the same name.

Forestry Technician—Wilderness and Backcountry Recreation Manager
USDA Forest Service; Gorham, NH
March 2003-June 2011

In this position I was the wilderness manager for three areas designated by congress including the Caribou-Speckled Mountain Wilderness—the only designated wilderness in Maine managed by the USDA Forest Service.

Relevant Education

- B.S. in Human Ecology, Unity College, Unity, Maine
- Graduate work at Virginia Tech and University of Montana

Relevant Honors

- National Wilderness Workshop (Russellville, AR)—Planning team and moderator 2017
- Wilderness 50th Anniversary National Conference (Albuquerque, NM)—Presenter 2014
- Bob Marshall Champion for Wilderness Stewardship National Award—2013 Forest Service recipient
- 9th World Wilderness Congress (Merida, Mexico)—Invited delegate & presenter 2009
- White Mountain National Forest Wilderness Stewardship Award—2005 recipient (only awarded twice in the last 15 years)
- Frequent presenter for interagency wilderness management trainings delivered by the Arthur Carhart National Wilderness Training Center
- Frequent discussion leader for (under)graduate courses offered through the University of Montana Wilderness Management Distance Education Program
- Member of review team for the US Forest Service's Wilderness Character Monitoring Technical Guide.

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

KATHY BARKLEY

FEBRUARY 28, 2019

TESTIMONY OF KATHY BARKLEY

Please state your name and address.

My name is Kathy Barkley and I live at 220 Main Street in Caratunk, Maine.

What is the name of your organization and business address?

I am an individual, private citizen.

What is your current position?

Currently, I am seasonally employed at a hiker hostel April through October.

What other occupations have you had in the greater Forks area?

Previously employed by various rafting companies in positions including whitewater guide, facilities manager, food service manager, office staff member, and front desk.

Why did you intervene in these proceedings?

I intervened in these proceedings to express my deep concerns for CMP's proposed transmission corridor. The corridor created by NECEC will forever destroy the northwestern Maine scenic views tourists and locals alike value and enjoy. No amount of buffering or pole color or design can change the fact that in a forested or natural area this corridor will be an eyesore. No one travels Route 201 and our access roads to view a powerline with poles higher than most trees and a 150-foot corridor that scars the landscape.

The proposed NECEC corridor will negatively affect the existing uses of every area of northwestern Maine it runs through. Hikers, hunters, fisherman, photographers, campers, non-motorized boaters, folks out for a drive, snowshoers, x-country skiers, ATV riders, snowmobilers, mountain bikers, and leaf peepers do not travel into our forests and onto our hills to enjoy a powerline scarring the land. They come to enjoy

the views, the plants, the fish and wildlife of our area. The aforementioned will be damaged, destroyed and poisoned with herbicides to build and maintain NECEC. No plan has been proposed, nor do I believe it is possible, to successfully mitigate or buffer damage to the existing resource and its uses.

Tourism, be it folks from away or local users, is a long-term sustainable economic engine for northwestern Maine as long as the reasons tourists come are not damaged or destroyed. NECEC would irreparably destroy and damage this resource that draws people to the iconic Maine woods. NECEC has no lasting benefit to Maine, and many long-lasting negative impacts to our state. Please do not approve this project.

Date 2-21-19

Respectfully submitted,

By Kathy J Barkley

Print Name Kathy J Barkley

STATE OF Maine

COUNTY OF Somerset

Personally appeared before me on the above- named Kathy J BARKLEY, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief

Before me,

LILLIAN M. TANCRELL-OUDERKIRK

Lillian M Tancrell-Ouderkirk

Notary Public/ Attorney at Law

My Commission expires 8-28-2021

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

KIMBERLY LYMAN

FEBRUARY 28, 2019

TESTIMONY OF KIMBERLY LYMAN

Please state your name and address.

My name is Kimberly Lyman. My address is 30 River Road in Caratunk, Maine.

What is the name of your organization and business address?

I am an individual citizen.

What is your current position?

I am an owner of guest rental cabins in Caratunk.

What other occupations have you had in the greater Forks area?

Other occupations I have had in the Forks area include working as a Registered Maine Whitewater guide, shuttle driver for Kennebec River Angler, and previous bartender and waitress at Northern Outdoors.

Why did you intervene in these proceedings?

As a 21-year guide, and resident of the Forks area, (Caratunk), I consider myself an expert on the area. This means this is not just 'emotional testimony'. For both personal recreation and professional, shared with friends and families through the years, hundreds of people: we've hiked, biked, fished, explored, hunted, canoed, kayaked, utilizing the wilderness in this region, from Caratunk north to Jackman. Its very attraction is it’s wild nature and scenery. It is what brings people here. We roam far from the main road, Rt. 201 to seek out places where you cannot hear traffic, or see industrialization. We use the vast network of logging roads to access these wild, special places. Ice caves, mountain tops, 'secret' streams and ponds up high in the mountains. This project would so degrade the character and scenery that it would never, ever have the same feel of wilderness and peace, the same clean

water, and streams full of trout. I would never go to these places if this line was there. We seek out places like this area for its pure natural beauty, which contrary to the testimony of CMP, does include the logged areas. Picking raspberries in an area that was logged a couple of years prior has a smell in the sunshine you can never forget once experienced. Picking berries on a poison sprayed power line would not be something I could do or would recommend.

From the guide perspective: my husband is a master guide/fishing guide. His summer income relies on the protected trout spawning streams, which are extremely sensitive and unique. His customers exclaim in wonder over how wild it feels to be on the very stretch of the Kennebec River that would be very affected once 100+ streams that feed into it are compromised and the fish killed with silt, not to mention the cleared land and easier access more people would have to the lower river if this line were to go there, either above OR below. It's the 50 miles of damage north of The Forks that will cause ripple effects that will not heal for generations.

Another perspective I bring is as a host with two rental accommodations. I have reviews from our guests from all over the country, as well as from around the world, exclaiming at how special and pure our area remains and how they feel so lucky to have found it. They can't believe what they see when they go to the Attean Overlook just south of Jackman, or when they hike # 5 Mountain, and Coburn Mountain, and Pleasant Pond and Mosquito Mountains, all with unparalleled views, views that make you feel free and full of happiness, yet ALL of these mountain tops will have a view of this power line, if built. The people say they plan to come back, to see more

of this land. Maintaining the existing scenic beauty guarantees that continued patronizing of guests who can't believe how lucky they feel to be here. They could go anywhere in the world, but they come HERE. This is the type of use Maine should be paying attention to. It is sustainable, clean generation of income for our state, to host people, and to provide guides with jobs, hosting them, to make them feel comfortable and safe.

Contrary to the testimony of one expert that CMP had speak at the Hallowell PUC public comments meeting, who said that there is no proof that people will not come back to an area because of industrialization. It is exactly so, that people will seek out other places to use for their vacations, leaving guides without patrons, leaving stores, restaurants and lodging hosts without patrons. The ripple effect of this will be felt state-wide, as these people who would no longer use our lands for their recreation would go elsewhere. The 2017 John Muir study showed that 55% of people stated that very fact (*See* Exhibit 1). Losing 55% of the number of current visitors/tourists to our area would be catastrophic not only to our area, but to the towns along the way to our area, who sell these people food, and gas, souvenirs, and more. So, the fact that the usability of the wilderness of this entire region would be compromised based on a change to the scenery that is about as far from natural as it gets, I request that the LUPC say 'no' to issuing a permit for this NECEC project.

Respectfully submitted,

By: Kimberly Lyman
Print Name: Kimberly Lyman

OF Maine
TY OF York

ally appeared before me on the above- named Kimberly S. Lyman, who being du
the foregoing testimony was true and correct to the best of his/her knowledge and belie

Before me,

Notary Public/ Attorney at Law
My Commission expires February 1, 2025

LORI A. BLONDIN NOTARY PUBLIC

Lori A. Blondin
Notary Public • State of Maine
My Commission Expires February 1, 2025

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

MANDY FARRAR

FEBRUARY 28, 2019

TESTIMONY OF MANDY FARRAR

Please state your name and address.

My name is Mandy Farrar and I currently reside at 29 West Road in Solon, Maine, however, I previously lived in the town of Caratunk for 12 years.

What is the name of your organization and business address?

I am an independent citizen.

What is your current position?

I currently work as a forester and have been in this role for 15 years.

What other occupations have you had in the greater Forks area?

Previously, I worked as a whitewater rafting guide.

Why did you intervene in these proceedings?

I chose to intervene in the proceeding because I spend most of my free time hiking, rafting, canoeing, and fishing in the nearby Caratunk/Forks area. I have worked and recreated here as an adult for over 25 years, and I love to share this beautiful area with visitors from all over the United States and beyond.

The NECEC corridor will be visible from the summits of most of the local mountains, the Old Canada Road Scenic Byway, and much of ITS 89 (a major snowmobile trail utilized by many of the businesses here). This interruption to the scenic view is a direct negative impact on recreational tourism, and in turn, to the businesses that support this community.

People can go anywhere in the United States and see industrial powerlines – this is one of the few places in the eastern United States you can still go and see greenspace for miles and miles. It is one of the things that makes this area unique, it is why

people come to this area and recreate. NECEC cutting through this area will significantly impact the scenic character and existing uses of this area in a very negative way.

Proponents of NECEC like to refer to the forest that the proposed line will run through as "cut over" land – as if the impact of the current management that takes place on this land is no different than the impact of the proposed powerline corridor. As if there is no scenic value. This is false and ignores what is actually there: an extensive, ever changing, multiple-use working forest, one that is whole, not fragmented**.** By contrast, fragmentation from human infrastructure such as power lines, damages forest health and habitat, most often with lasting, permanent negative effects. The vegetation management objective for power lines in forested regions is to reduce, if not eliminate, all tree and shrub vegetation. This is a significant impact to the scenic character, but also impacts wildlife and fisheries.

NECEC would require significant clearing through sensitive habitat, including habitat for many rare species, as well as ecologically and economically important species like Brook Trout and White-tailed Deer. The proposal would affect more than 1,000 acres of wetland, cross 115 streams and scores of vernal pools, and degrade approximately 20 acres of inland waterfowl and wading bird habitat. The potential for unreasonable erosion of soil into these sensitive areas is a very real concern.

The reality is, people have traditionally come to this area to experience our greatest resources – our clean water, our vast forests, our abundant wildlife, our thriving fisheries, and our vast mountain views where you can see nothing but trees, water,

and other mountains for miles and miles. This project will negatively impact all of those things.

For the above reasons, I am opposed to this project.

Date: February 21st 2019

Respectfully submitted,

By: Amanda Farrar
Print Name: Amanda Farrar

STATE OF Maine
COUNTY OF Franklin

Personally appeared before me on the above- named Amanda Farrar, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

Notary Public/ Attorney at Law
My Commission expires 10/25/19

KATIE E. DEMING
Notary Public, Maine
My Commission Expires October 25, 2019

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

MATT WAGNER

FEBRUARY 28, 2019

TESTIMONY OF MATT WAGNER

Please state your name and address.

My name is Matt Wagner. I live at 29 Kenney Road in Knox, Maine. I am also a land owner and tax payer in The Forks, Maine where I live as a seasonal resident.

What is the name of your organization and business address?

I am writing on behalf of myself, my wife and my children in the interest of our common future.

What is your current position?

I am the Operations Manager and Co-Owner of InSource Renewables.

What other occupations have you had in the greater Forks area?

I am a Registered Maine Whitewater Guide and previously worked as a commercial guide and trip leader on day trips and overnight trips.

Why did you intervene in these proceedings?

I intervened due to CMP's clear intent to the abuse of process. I am opposed to the clearing and construction of the proposed line for several reasons, which I will list below. As a family we have spent over twenty years hiking, biking, fishing, hunting, caving, rafting, and guiding in the Enchanted Forest and surrounding area. While we no longer live in the area, we now own a camp there and bring our children there at least every other weekend throughout the year. This is the area I consider my home. As former residents and guides we've lived on both sides of the recreation industry we now support. Please carefully consider the dramatic reshaping of this critical area's future in your permitting process. Thanks for taking a moment to consider my objections as you decide the future of the area.

In public presentations CMP has repeatedly perpetuated the notion that the area where a new corridor is to be built is a degraded or otherwise previously destroyed industrial forest. While industrial forestry has certainly left its mark, it HAS NOT permanently fragmented one of the last remaining contiguous forests east of the Mississippi River, which is exactly what this project would do. Logging roads that were once 40 feet wide have receded back into barely passable jeep trails in my lifetime. Allowing a transmission line through this area is a massive shift towards an industrial landscape, not the working forest that we've long since come to terms with.

As a lifelong outdoorsperson and conservationist, I can attest to some of the great work that's already been done by conservation organizations to protect this area. The MBPL lands on the southern slope of Coburn Mountain go largely unvisited but are an amazing unsung asset to the region. The Cold Stream conservation area attracts fisherman from all over the world as one of the greatest brook trout habitats in New England and is known to be the spawning ground for many of the brook trout in the Upper Kennebec River. The Nature Conservancy's protection of the land surrounding and including #5 Mountain is without parallel. NECEC threatens all these places with permanent development, habitat fragmentation, viewshed loss, and insufficient setbacks from streams that harbor some of the countries last remaining brook trout fisheries.

There are alternatives. This line doesn't need to transect this area. This project has been selected to save non-Maine ratepayers money over more viable and less

ecologically menacing options. In a recent public hearing CMP's own representative admitted that this line may only be economically feasible for 20-40 years as non-transmission alternatives such as solar gain ground.

No economic impact study has been done to show the potential impact on this area though a soft package has been offered by CMP to some of the rafting companies through a private arrangement that promises around 20 million in mitigation revenues to be paid to the supporters of the project. I'm certain the French would give us our 15 million back for the Louisiana Purchase in a heartbeat. The shortsightedness of this arrangement is staggering.

As an aside from the soon to be realized economic costs and ecological concerns, I have a very human concern that's at the heart of why this project should suffer a quick rebuke. It's intangible, and I'll share it with you with an anecdote. I once took a young group of Boy Scouts from southern New England down the Kennebec on a raft trip. It's a day that I know changed their lives and how they view the natural world forever. During our trip, a bald eagle was attempting to rob the young from an osprey nest that hung over the river, not far from the proposed NECEC crossing. I pulled the boat to shore and we watched for nearly an hour as the osprey and eagle battled, diving, soaring, striking each other, and screeching loudly as they wheeled around us. Later that night the scout master told me that many of the kids in other boats that day had had a blast on the river, but that the kids that had gotten to see the great birds battling had been given something much greater and that they were quieter that night as they thought about their day. I hope some of them still carry that experience with them. Their experience that day couldn't have been had by lifelong

effort. I'm certain that while many of them may not come back to experience the wildness of the area, that the idea of it, that knowing that wild places still exist, and that they can go there and leave the entanglements of modern life behind, is as critical to them today as it is to those of us who venture there regularly. There aren't many of these places left that are accessible to regular people on the east coast. A day on the river for many is a chance to re-find that bond with wildness. It doesn't matter that beyond the buffer lays a working forest that they can't see.

A lot of great work has been done to protect this experience, whether it's at the top of Enchanted Mountain, riding a raft on the Kennebec Gorge, or casting a fly to a rising trout on Cold Stream. I urge you on behalf of all who find rejuvenation in wildness to deny the application to bisect this wild and scenic area with a transmission corridor.

Date:

Respectfully submitted,

By: _____

Print Name: Matthew Wagner

Matthew S. Wagner

STATE OF Maine

COUNTY OF Somerset

Personally appeared before me the above- named Matthew Wagner, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his knowledge and belief.

Before me,

Michelle Hopkins

Notary Public/ Attorney at Law

My Commission expires

MICHELLE A. HOPKINS NOTARY PUBLIC STATE OF MAINE MY COMMISSION EXPIRES OCTOBER 17, 2025

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

NOAH HALE

FEBRUARY 28, 2019

TESTIMONY OF NOAH HALE

Please state your name and address.

My name is Noah Hale and I reside at 2895 Route 201 in West Forks, Maine.

What is the name of your organization and business address?

I am a private citizen.

What is your current position?

I am currently employed as a waiter and bartender at the Hawk's Nest Lodge in West Forks.

What other occupations have you had in the greater Forks area?

I have also worked as a Registered Maine Whitewater guide and video boater for CrabApple Whitewater.

Why did you intervene in these proceedings?

The northern forests of Maine are an American treasure, the crown jewels of the Appalachian trail and in need of our protection. The proposed, NECEC could forever mar our cherished landscape. With a swath the size of a California Interstate, 100-foot-tall towers, blinking lights, access roads, hundreds of water ways and ecosystems destroyed, loss of livelihoods, damaged property values, human health hazards and more. At the end of the day, for what? So, a foreign–owned company can sell an inconsistent foreign product to another state. Plain and simple. I am going to speak frankly. As a representative of the common Mainers, we see what this is, we see who is doing it, and we are beyond frightened. I could go on and on about how this proposed project is a disgrace to the North Woods of Maine and Maine's great citizens but I will leave you with this. Where is the need? Tax breaks? "Jobs"? Fast

internet? Do the right thing. Do not approve NECEC. Let TDI Vermont bury their approved transmission line in Vermont.

Date: 2/21/2019

Respectfully submitted,

By: Noah Hale

Print Name: Noah Hale

STATE OF Maine

COUNTY OF Somerset

Personally appeared before me on the above- named Noah Hale, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

Notary Public/Attorney at Law

My Commission expires 6/29/22

LAURA JEAN SEAVEY
Notary Public - Maine
My Commission Expires
June 29, 2022

THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

ROGER MERCHANT

ON BEHALF OF INTERVENOR GROUPS 2 AND 10

FEBRUARY 28, 2019

Please state your name and business address.

Roger Merchant. 1018 Pushaw Road, Glenburn, Maine.

What is the name of your organization?

Roger Merchant, Place-Based Photography

What is your current position?

Photographer and Forestry Naturalist

What are your qualifications?

I am a Licensed Professional Forester ME #727. From 1965-1972 I managed forestry operations on a 100,000-acre working forest. I hold lifelong experience interpreting aerial photographs and am also a photographer and forest resource documentarian. I had a thirty-two-year career with the UMaine Cooperative Extension, now retired, with program specializations in: 1) forestry and woodlot management, 2) environmental and outdoor education, 3) small business and community development, 4) community-based natural resource and cultural heritage tourism.

What is the purpose of your testimony?

The purpose of my testimony is to present a clear picture of current forest conditions along the proposed power line between Coburn Mountain and the Quebec border, including the existence of pre-existing forest fragmentation, then highlighting evidence on selected, interpreted aerial photographs demonstrating how NECEC will increase fragmentation and edge effects deeper in the woods adjacent to the line.

Please state the introduction to your testimony.

This written testimony illustrates the impact the NECEC corridor will have on forested lands in the headwaters of the Upper Moose River between the Quebec border and Coburn Mtn. to the east. For the reader-viewer, interpreted aerial photographs of sections

of this landscape provide visible evidence of: 1) the power line track, 2) the deeper edge effect of the corridor, 3) extent of headwater streams, 4) the mix of continuous forest cover and fragmented forest cover, and 5) the extent of permanent logging roads that will intersect the proposed corridor, contributing to increased fragmentation and habitat degradation.

My field knowledge as a forester from the Maine Woods began in 1965. Over half a century I've witnessed many changes in forestry and logging practice. For example, with the cessation of river drives in 1976, extensive networks of gravel roads now provide access and transportation. These permanent road and yard alterations mark the beginning of forest fragmentation, township by township. The NECEC corridor is simply the latest iteration of landscape fragmentation by infrastructure that will impact habitat conditions on and adjacent to the power line.

Please provide an overview of basic aspects of forest fragmentation.

Managed forests continually produce trees for forest products. Forest cover creates and sustains wildlife habitat while providing recreational opportunities, now and in the future.

Concerns about fragmentation are warranted. A de-forested power line corridor opens up the landscape, permanently. They require large scale, long-term use of herbicides, can lead to disruption of wildlife habitat and behavior, and compromise water quality for key cold-water species like Eastern brook trout. Fragmented landscapes can facilitate additional fragmentation from commercial development and expanded subdivision.

According to Michael Snyder, Forester and Commissioner of Vermont Department of Forests, Parks and Recreation, "forest fragmentation is the breaking of large, contiguous, forested areas into smaller pieces of forest; typically, these pieces are separated by roads,

agriculture, utility corridors, subdivisions, or other human development."[1] (see Northern Woodlands, 2014)

Can you describe Maine's forest cover change?

Forest Cover Change 1942-2016: There was a time when continuous forest cover was the norm for conditions in the Maine Woods. Aerial photographs taken in 1942, compared to the same exact aerial view in 2016, reveal very different patterns in the forest over 74 years of forest change (The 1942-2016 Forest Project)[2]. What's abundant in the 1942 views is the presence of largely unbroken, continuous forest cover. And indeed, over the longer span of time-change, trees and forests continue to prevail. However, when contrasting the same aerial views, 1942 - 2016, very distinct patterns of open blocks, patches and strips characterize today's view of the forest. The extent of continuous forest cover in 2016 has been reduced by a larger, more extensive patchwork pattern from newer forest practices. This pattern reveals evidence of significant alteration and fragmentation of forest cover. Change is the one constant in life and this mirrors just as true for any forest. Further examples of 74 years of forest change can be found at The 1942-2016 Forest: (https://www.facebook.com/The-1942-2016-Forest). Accelerated Forest Cover Change 1989-1997: Fast forward from 1942 to the 1989 Maine Forest Practices Act (MFPA). Changes in forests, forestry practice and logging technology prompted concerns about the impact of clear cutting on forests and habitat. Questions emerged about the mandates of the 1989 MFPA and whether or not they were contributing to forest and habitat degradation. Research suggests these concerns were

[1] Hagan, John M. and Boone, Randall B. 1997. *Harvest Rate, Harvest Configuration and Forest Fragmentation,* Manomet Center for Conservation Sciences Rpt.#MCDCF-97001

[2] Merchant, Roger, ME LPF-727. 2016. *The 1942-2016 Forest Project,* A social media page developed to illustrate forest changes from 1942 to and 2016 within the entire Piscataquis Watershed. (https://www.facebook.com/The-1942-2016-Forest)

not superfluous. In 1997, the Manomet Center for Conservation Sciences conducted research on these effects from the allowances and restrictions dictated by the 1989 MFPA. They found that, *"a many-small-clearcut strategy, allowed more harvesting than a fewer-large-clearcut strategy, and that the many-small-clearcut strategy led to greater fragmentation[3]".*

Can you describe the continuous forest cover and fragmented forest cover as it relates to NECEC in 2019?

Field observations from Coburn Mtn. to the Quebec border reveal a mix of largely coniferous, and a smaller portion of deciduous forests, each composed of regenerating, younger, and middle-aged stands. Older growth forests are rare. Robust regeneration involves both coniferous and deciduous species. NECEC's characterization of this landscape as simply "cutover land" diminishes the value of what actually grows there forest-wise; a robust, ever-changing, multiple-use, transitionally fragmented working forest, as well as associated fisheries and wildlife habitats, streams, lakes and wetlands.

When you look closely at the photographs attached with this testimony, you will see the patterns of small blocks, patches and strips that provide visible evidence of the extent of forest fragmentation concerns. The red dash-dot lines on each photograph, distinguishes areas of continuous forest cover, cut and uncut, from the visible patchwork areas of more fragmented forest cover.

Forest fragmentation from forest practices has a transitional life. For example, when a clear cut is made, that patch and its' edges are open and obvious. Over time, natural or artificial regeneration fills in the harvested space and edges, so the initial fragmentation

[3] Hagan, John M. and Boone, Randall B. 1997. *Harvest Rate, Harvest Configuration and Forest Fragmentation,* Manomet Center for Conservation Sciences Rpt.#MCDCF-97001

and edge effects are somewhat mitigated, softened.

On the longer-term effects of this transitional fragmentation from newer forest practices, I think the jury is still out. In forest time, we haven't lived long enough in this new age to account for the long-term impacts.

Nevertheless, with respect to the distinction between continuous forest cover and more fragmented forest cover, the NECEC corridor will carve through equal portions of both types of forest cover. Fragmented forests occupy 40% of the landscape on and around the power line from Quebec to Coburn.

An argument made by proponents of NECEC is that this project will create no greater environmental impact than logging. They insist the power line will pass through "cut over" industrial forestland that has been actively logged for years, and so, what's the difference?

I argue there is a huge difference when you consider the area in question includes a significant portion (40%) of forest landscape and habitat that has been transitionally fragmented by block, patch and strip cuts. Factor in the extensive network of permanent gravel roads and yards, the second fragmentation; then factor in the third NECEC fragmentation, a permanent 150-foot-wide corridor with some 300 feet of effects deeper in the woods either side of the corridor, then you are looking at a landscape that is being subjected to three fragmentations.

Can you describe potential negative impacts of NECEC with regard to forest fragmentation?

The extent and negative impacts of forest fragmentation are well addressed in Maine Mountain Collaborative, Occasional Paper #2. "Research in Maine, the Northeast and around the word demonstrates unequivocally that fragmentation – whether permanent or temporary – degrades native terrestrial and aquatic ecosystems, and reduces biodiversity

and regional connectivity over time and in a number of ways[4].

The NECEC corridor will expand deforestation and fragmentation from Quebec to Coburn Mtn. and south to Moxie. The 300-foot right of way holds great potential for future power line expansion to meet the growing needs of Massachusetts customers, the primary beneficiaries of this distributed power. In return, Maine is expected to shoulder and absorb all the costs - the impacts - of environmental degradation and destruction that will occur as a result of this project.

The NECEC proposal will permanently eliminate forest cover and habitat protections in the cleared corridor, and will significantly impact ecological and habitat conditions deeper within forests adjacent to both sides of the deforested power line corridor. Fragmentation upon fragmentation seems an unwise course for sustaining forest diversity and habitat continuity.

With two fragmentation strikes already in place, the third NECEC pitch will be a huge contributor to forest and habitat fragmentation. I believe it is deserving of that third classic call, “three strikes - NECEC is out”.

Can you provide representative examples that illustrate NECEC’s environmental impacts?

I would like to present Aerial Photography Documentation. Three sections of the NECEC Project were selected to illustrate and highlight existing forest and environmental conditions on the ground, between Coburn Mtn. and the Quebec border to the west, as well as to reveal environmental impacts including NECEC.

The photos were extracted from Goggle Earth and edited to enhance and make clear the variety of forest conditions, including permanent gravel roads and streams. The three

[4] McMahon, Janet M.S. 2018. *The Environmental Consequences of Forest Fragmentation in the Western Maine Mountains,* Maine Mountain Collaborative, Occasional Paper #2.

sections selected are approximately 6 miles x 3 miles on each photo. The map scale is in the lower right corner. Interpreted examples for you to investigate further are:

Spencer Road - Coburn Mountain

Rock Pond - The Notch -Tumbledown

Lowelltown - Beattie

A close examination of the aerial photographs will show you field details relevant to this testimony. The photos were converted to black and white to highlight forest conditions. Dark areas are coniferous forest; light areas are deciduous forest. When you look closely at the photographs you will note areas that show patterns of blocks, patches, and strips. This is pre-existing fragmented forest cover. Other areas of forest don't have this patch-work pattern. Those are areas of continuous forest cover. The red dash-dot lines on each photo delineate fragmented forest cover, from continuous forest cover.

Additional details were interpreted from the photos and USGS maps, and highlighted in color to illustrate additional features relevant to the impacts of NECEC. The cold-water streams network is shown in blue, but do not include all the first order streams crucial to brook trout habitat. The network of permanent, gravel roads is shown in brown on each photo.

Last and not least, with the most significant environmental footprint, is the proposed power line, the light-yellow swath across each photo. The approximate 750-foot width on the photos, accounts for the 150-foot wide cleared corridor, plus, an additional 600 feet of environmental impact deeper within the forests adjacent to either side of the power line (300 on each side).

Each photograph is presented with two views: 1) a small image and interpretive notes on the front side, 2) a larger view of the same image on the back side to help you better see the field details addressed on the front.

As was said by a tree sage, a forest picture is worth a thousand words. So, follow the stream and roads and the yellow swath in each photo to discover where they all intersect, and particularly the environmental fragmentation that will occur between the Quebec Border and Coburn Mtn.-Route 201 as a result of NECEC.

Seeing is believing...

First, I present Exhibit 1 - CMP-HQ-NECEC Project - Forest Fragmentation: Spencer Road Pond-Coburn Mtn-Rte 201[5]. Here, you can see continuous forest cover is evident across the heights of Coburn Mt. just above the southern border in the center (S) of this aerial photograph. Dark, unbroken coniferous forests dominate the heights of Coburn, which runs SW – NE to Route 201 at Parlin Pond.

The balance of the landscape in this photo is fragmented forest; blocks, patches, strips. The red dash-dot lines delineate fragmented from continuous forest cover types. With the exception of wetlands and partial cuts next to Spencer Road, which runs E-W from Parlin Pond, the bulk of the remaining landscape is fragmented forest cover. From an eagle's eye view, continuous forest cover occupies 40% of this area, fragmented forests 60%.

Blue indicates the network of streams; brown shows the network of permanent gravel roads. The light-yellow swath (750') across this photo is the track of the proposed power line. This width accounts for the 150-foot cleared corridor, plus 300 feet either side of the corridor to account for ecological impacts deeper within the forests adjacent to both side of the corridor... The larger photo on the next page shows the fragmentation, upon pre-existing fragmentation that will result from NECEC[6].

Next, I direct you to MP/HQ/NECEC Proposal - Forest Fragmentation: North of

[5] Merchant Aerial Photography Documentation Exhibit 1
[6] Merchant Aerial Photography Documentation Exhibit 2

Tumbledown-The Notch-Rock Pond[7]. This view of NECEC impact reveals the extent of visible, pre-existing forest fragmentation north and west of Tumbledown Mtn. Highly visible blocks, patches and strips characterize fragmented forests in this rugged area. Continuous forest cover of conifers occupies the north slopes of Tumbledown Mtn., extending across the bottom of the photo to Rock Pond.

Continuous forest cover extends from No.6 Mtn. in the NE corner, SW to the Spencer Road west of The Notch *(green circle).* Forest conditions west of the Notch show the extent of forest fragmentation as well as where the power line swath will further fragment the fragmented.

Additionally, the proximity of the power line to the blue-ribbon trout waters of Rock Pond and tributaries is evident in the SE corner of this aerial photograph.

A crow's eye view of this landscape estimates that continuous forest cover, uncut and partially cut, occupies about 60% of this rugged, scenic landscape. Heavily fragmented forests and habitat occupy about 40%. Beyond the edges of the corridor, this permanent fragmentation will impact forest and habitat conditions 300 feet deeper into the woods either side of the cleared zone[8].

Now look at CMP/HQ/NECEC Proposal - Forest Fragmentation – Lowelltown/Beattie Pond[9]. This image shows forest patterns where NECEC, *yellow swath,* will cross the Quebec-Maine border west of Lowelltown on the CMQ RR, a mile north of Beattie Pond. The dark areas are coniferous forests; lighter are deciduous forests. Blue shows the network of headwater streams, but not all of the first-order streams crucial for Eastern brook trout.

Red dot-dash lines delineate two primary types of forest conditions: 1) uncut and

[7] Merchant Aerial Photography Documentation Exhibit 3
[8] Merchant Aerial Photography Documentation Exhibit 4
[9] Merchant Aerial Photography Documentation Exhibit 5

partially cut areas that retain continuous forest cover, 2) fragmented forests - visible blocks, patches, strips of harvested forestland. Permanent logging roads are shown in brown.

The small summit, left of center, covered in dark conifers shows continuous forest cover on top and all around the summit, southwest of the power line. The forests in the NE and SW corners, and along the south border are areas of continuous forest cover.

Note where NECEC intersects streams and roads, as well as where it will cause further fragmentation of forest habitat disruption in a landscape that is highly fragmented.

A crows-eye cruise of this landscape estimates that fragmented forests occupy 45% of the area; continuous forest cover occupies 55%. The fragmenting corridor will impact forest and habitat conditions, 300 feet deeper into the woods either side of the cleared zone[10].

Can you provide representative examples from this region to illustrate forest fragmentation and continuous forests?

Yes. I would also like to submit a series of supplemental photographs from the Quebec Border to Coburn Mountain-Route 201. These photos cover the entire landscape between the Quebec and Coburn Mtn. They show only the yellow-black power line track, providing an open-view of the percent forest fragmentation versus continuous.

Quebec border - Beattie Pond: Extensive fragmentation from strips, blocks, patches occupies 45% of this landscape; the other 55% is in continuous forest cover, coniferous and deciduous[11].

Wing Pond - S. Branch Moose River – West of Tumbledown: Fragmented block and strip cuts account for 45% of forest cover, the other 55% is in partial and uncut

[10] Merchant Aerial Photography Documentation Exhibit 6
[11] Merchant supplemental photo 1

continuous forest cover[12].

Tumbledown Mtn. to Rock Pond: Strips, patches, light and heavily cut blocks account for approximately 40% of this landscape, 60% is continuous cover, high elevation conifers[13].

Rock Pond – Whipple Pond: A mix of blocks, patches, and continuous forest cover, conifers (dark green) plus some deciduous (light gray). Fragmented forests occupy 35% of this landscape, continuous forest cover, 65%[14].

Moore Pond: The intensity of fragmented blocks is less in this section of forested landscape, 70% continuous forest cover, mostly conifers. Extensive permanent road and yard patterns, plus blocks and patches occupy 30%. Extensive wetland and stream at the top (N)[15].

Coburn Mtn North: Block cuts are older and not as obvious, however extensive large angular patches east of Gracie Pond suggest large, older patch cuts. Factor in extensive roads and yards, this area is 60% fragmented, 40% continuous forest cover including extensive conifers on Coburn Mtn. to the south (S)[16].

Coburn Mtn South: SE of Coburn Mtn, upper left corner, extensive block cutting in this view shows extensive fragmentation 75%; continuous forest cover 25%[17].

What is your conclusion about impacts of this project?

The NECEC Project will significantly add to the base of forest fragmentation that already exists in the working forests between Coburn and Quebec, and it will further degrade habitat, fisheries and wildlife, in and around the power line corridor. I can speak to general impacts from my knowledge and literature review, but I am not a wildlife or

[12] Merchant supplemental photo 2
[13] Merchant supplemental photo 3
[14] Merchant supplemental photo 4
[15] Merchant supplemental photo 5
[16] Merchant supplemental photo 6
[17] Merchant supplemental photo 7

fisheries biologist and cannot speak in great detail to those aspects.

From my interactions with others concerning NECEC, I sense and hear concerns about how NECEC will impact forests and habitats.

It is my view that NECEC is intent upon minimizing their impact overall and everywhere, and, minimizing and dismissing any concerns about the environment in the public arena. They are on mitigation buy-out-frenzy to assure their will prevails, regardless. Economic benefit to NECEC- CMP-HQ-AVENGRID is the sole driving force in this project, and their intent to mitigate all environmental costs, their tool of choice you could say.

Does this conclude your testimony?

Yes.

COMMENTS ON NON-HEARING TOPICS

Protect the Scenic and Environmental Values Of the Upper Moose River Basin and Kennebec River

I walked into the Maine Woods as a forester and photographer in 1965 and spent the next fifty years exploring, appreciating and learning from these woods. Maine natural resources contribute to our rural quality of life, our tourism and forest economies. CMP's proposal to construct a new 53-mile corridor through the woods of the Upper Moose River Basin will degrade these treasured natural assets. And NECEC expects us to absorb and carry the costs of the visual and environmental impacts that will result from the CMP-HQ project, and all in the name of delivering power to Massachusetts?

I recall a conversation with colleague Peter Lammert, prior to his retirement from the Maine Forest Service. I asked him what he thought would be the biggest threat to the future of the Maine Woods. His response, "more and more powerlines." They carve up the woods, fragment and degrade forest cover and wildlife habitat, and they erode, if not destroy, the value of magnificent, scenic viewsheds.

During a 32-year career with UMaine Cooperative Extension, I participated in county and regional nature-based tourism initiatives. Maine's forested landscape, full of beautiful streams and lakes, rivers and mountains, are natural golden eggs that draw people to our remote regions and rural communities. Tourists are not coming here to experience power line views and other industrial scale intrusions.

CMP's line will chop up a vast and beautiful forest landscape, eroding and degrading remote scenic viewsheds like Attean View, Coburn and Sally Mountains, Greenlaw Cliffs, The

Notch, No. 5 and Tumbledown, all in the Upper Moose River Basin. There will be similar impacts at the Kennebec Gorge and Lake Moxie, adjacent to Bald Mountain and the Appalachian Trail. My photographs of this unique, scenic region speak to the permanent fragmentation this proposal will have on the forest environment and natural beauty found here. All of this loss will be in the service of CMP feeding Massachusetts hunger for more Hydro Quebec (HQ) generated power.

CMP, HQ, Massachusetts insist this is about sustainable hydropower. Think about where this power is generated from, a massive impoundment the size of the State of New York east of James Bay. Do we dare speak to the uncomfortable truth that this power comes at high ethical and environmental cost, where HQ dammed, diverted and destroyed life-sustaining rivers that had sustained First Nations people in Quebec? Google Earth exposes HQ's destructive footprint. The Rupert, Eastmain, La Grande, Caniapiscau, Great Whale and other free flowing rivers, all are gone, dead. Calling this power "sustainable" is misleading if not dishonest.

Opposing NECEC is not about opposing clean energy sources, including locally generated solar, which CMP and the large Mega Electric Industry have been squashing out, state-by-state. And what do they fear? That the public is waking up to the fact that we can save some bucks on other alternatives while protecting our larger environment, by stepping off the antiquated coal, oil, gas, HQ, CMP grid. We already have enough power lines and wind farms intruding into this beautiful landscape. With the CMP line paving the way, what's next? Yet another expanded power line in the accommodating 300-foot right of way? A re-located East-West Highway? A pipeline? The industrial scale incubation possibilities are endless once the first cut is made. The impacts from these possibilities will destroy the value of the natural golden eggs that nourish our rural quality of life, valued irreplaceable assets that feed our rural forestry, tourism, small business base.

To do nothing to protect these natural assets and our legacy of community-based forestry, tourism and environmental protection is to let CMP-HQ "pave over paradise and put up the power line parking lot" in one of the last unique, remote scenic viewsheds in Maine, the Upper Moose River Basin.

I offer this protective possibility; that the communities, counties, tribal nations, and people associated with the Moosehead Region and the Upper Moose River Basin get together to talk about landscape protection for these woods. Seek agreements and draft documents that officially declare and circumscribe Moosehead and the Upper Moose River Basin as a "Power Transmission-Wind Farm-E.W. Highway Free Zone in Maine."

Our neighbors in New Hampshire gave the HQ Northern Pass a "No Pass" and I hope Maine makes the same decision on the NECEC power line.

We need to protect the values provided by our environment that support our rural communities, values that feed small businesses, forestry and tourism, and the unbroken scenic beauty that feeds our hearts and souls on a quiet night, by the edge of a lake, on a starlit night.

NOTE: When folks in Massachusetts look at rural Maine, they think there's nothing there. Looking at a NASA nighttime photo of New England, they see the familiar brightness of Boston and Portland. Further north, beyond Route 2 and the "Airline", they see that big black hole on the nighttime map of Maine, leading them to think there's nothing there, so what's the big deal anyway about running a power line through these dark empty woods?

I created this collection of photographs from the Upper Moose River Basin to illustrate the fact that this unique forested environment is Not Empty! It's full and rich in brook trout, wild flowing streams and rivers, wandering souls, magnificent wildlife and scenery to be seen from 'viewshed peaks' like Coburn, Sally, No.5, Tumbledown. Our rural communities as well as visitors, treasure these beautiful natural assets.

This rich natural legacy is in need of our care, attention, management and protection.

Enjoy the following scenic views that include power line tracks.....

Looking west from the base of Tumbledown Mtn. the power line will carve through the gap north of Peaked Mountain on the left. Further west the line drops down and crosses the South Branch Moose River. Trending across the south flank of Moose Mountain in the far distance, the line will turn northwest to the Quebec border near Lowelltown.

Headwaters throughout the Upper Moose River Basin contain cold-water habitat like this that is crucial for the survival of wild Eastern brook trout. Well shaded from direct sunlight, this brook protects cool waters that support the excellent blue ribbon trout fishing found thought the Upper Moose River Basin.

Concerns about NECEC opening up the forested landscape and warming headwaters, is well illustrated in this photo of a first-order-stream in the Upper Moose River Basin. Forest cover is absent, exposing the water to excessive heat, which in turn feeds and heats downstream cold water habitat. Applications of herbicides will be required to maintain a tree and brush-free power line. How will this impact water quality for brook trout, wildlife and humans? Many first order steams like this are found along the proposed power line pathway through the Upper Moose River Basin.

In between No.5 and Tumbledown Mtn. arises the dramatic remote viewpoint provided by Greenlaw Cliffs, which forms The Notch, just west of Rock Pond. The power line will skirt the north side of Rock Pond, then come straight up through The Notch destroying the rugged beauty found in this unique wild and scenic location.

Coburn Mtn. rises in the eastern end of the Upper Moose River Basin, just west of Rt. 201. In the 1960's, Enchanted Mountain Ski Area, over on the east slope was a wild, downhill ski for the brave and intrepid. Coburn provides for an amazing viewshed, 360 degrees around, when you stand on the summit lookout platform any season of the year.

The viewshed west of Coburn Mtn. looks up the Moose River Basin. Grace Pond and Camps are on the left. Beyond those waters in the distance rises No.5 Mtn. Just to the left of the magnificent view provided by No.5, you see where the NECEC line will come through The Notch. Attean and Sally Mountains rise above Attean and Wood Ponds in the center background. To the far right is lofty Boundary Bald Mtn. The yellow track of the power line carves across this extensive wild, working forest landscape and will be visible from both Sally and Attean Mtns.

Grace Pond with No.5 behind and Attean on the right, the power line track and impact will be even more noticeable in winter. Higher elevation viewpoints such as Coburn, Sally, No.5, Tumbledown, Peaked, Moose, Van Dyke, provide a more complete picture of the power lines visual impact. CMP photo-simulations tend to focus on lower elevation lakeside views that minimize the visual impact. These photos speak directly to the viewshed impacts that the NECEC project will have from multiple viewpoints within the Upper Moose River Basin.

The Coburn East viewshed looks down to Johnson Mountain, wrapped on the west and then the south by NECEC. The power line then extends further south, reaching across the Kennebec Gorge to Moxie Pond, and The Mosquito in the far, far distance. The power line to the left (north) will cross the northeast shoulder of Coburn Mtn, about a half-mile beyond the two unique, high elevation water bodies, Mountain Ponds.

The Attean viewshed looking south from Sally Mtn. begs the classic questions for each and all of us... What is beauty, only in the eye of one beholder? Or is it within the many eyes and hearts that have walked out into the woods, and up a mountaintop to see and touch, to feel and experience what the joy of beauty is about in this spectacular place?

Beauty is boundless; it is not beholding to any boundary lines, public or private, town or county, yours or mine. Here it is limitless to the horizon, and beyond. A power line carved across a real and scenic landscape like this is in fact, the ultimate and deadly antitheses of Beauty.

Indeed, carving up and fragmenting this incredible scenic landscape while compromising wildlife and wild brook trout habitat and further fragmenting the forest environment is the desired, coveted NECEC-CMP-HQ plan going forward with lavish rewards for all... What a loss of treasured natural values and diminishment of human experience that define the incredible outdoors and sense of place for people near and far, who wander the Upper Moose River Basin.

Will the CMP power line through the Upper Moose River Basin come to pass to feed energy hungry Massachusetts's consumers?

Will we protect and govern what is unique about our particular, shared sense of place, or will we simply be left out, deselected and sold to industrial development by the higher bidders in the global market?

SIGNATURE

Roger Merchant
1018 Pushaw Road
Glenburn, Maine
04401

Heidi Sanders
Notary Public, State of Maine
My Commission Expires October 17, 2023

Heidi Sanders
2/22/19

Roger Merchant
1018 Pushaw Road
Glenburn, Maine 04401
207-343-0969 (c)
rogmerch@gmail.com

A. Vision: My enduring purpose is to contribute to change through initiatives that provide balanced attention to the social, economic and environmental aspects of sustainable development. These practices guide my work:

1. Community-based assessment of issues, opportunities and solutions
2. Facilitating open inquiry through an interactive process
3. Disseminating fact-finding relevant to local issues and decision making
4. Strengthening leadership through the development process

B. Professional Credentials:
2012-Present: Place-Based Photographer, Rural Community Development Resource
Since retiring I devote time and energy to photography, community development and service to the environment.

1980-2012: Associate Extension Professor, Natural Resources and Community Development, University of Maine Cooperative Extension.
My Extension portfolio includes woodland stewardship, environmental and outdoor education, 4H adventure programs, rural development and tourism. Signature programs include: Taking Care of Your Forest, Penobscot Riverkeepers, Life Jackets, Piscataquis County Economic Development Council and Tourism Task Force.

The last decade of my extension career focused on natural resource and cultural heritage tourism in the Maine Highlands. I taught Community-based Tourism Planning at UMaine - College of Forest Resources.

1976-79: Central Kentucky Re-ED, Lexington, Kentucky.
In a community social worker role I coordinated services for children with learning and behavioral challenges. I facilitated parenting and human relations trainings, and provided backcountry leadership for outdoor programs.

1974-76: Comprehensive Care Center, Winchester, Kentucky
As youth services social worker, I provided counseling for children and adolescents, conducted human relations workshops and supervised graduate social work students.

1965-72: Forester: Dead River Company, Bangor, Maine
I administered all aspects of forestry on a 100,000 acre working forest: timber inventory, mapping, road layout, and implementation of forest practices. Ongoing harvest supervision provided quality assurance for sustainable forestry. I conducted field projects in forest nutrients, timber marketing, natural areas protection, and served as forestry liaison to a tribal project involving the Passamaquoddy's, Dead River Timberlands, and UMaine Cooperative Extension.

C. Educational Credentials:

- 1974 - Masters of Social Work, West Virginia University
- 1965 - Bachelors of Science in Forestry, University of Maine
- 1963 - AAS Forestry, Paul Smith's College, New York

D. Other Credentials:

- *2010-2012 Instructor:* PRT470-Community Tourism Planning included field-based community service learning as an integral part of the requirements for this advanced undergraduate course.
- *2002 Sabbatical:* Community Approaches to Rural Tourism Development in Forested Regions East of the Mississippi.
- *1994 International Exchange:* Quebec Labrador Foundation - Landscape Stewardship Exchange in the Southern Czech Republic
- *1988 Sabbatical:* Adventure Education Strategies for Positive Youth Development via Outward Bound and Experiential Education Programs.

C. Public Service:

- Co-Founder - Piscataquis Tourism Task Force
- Co-Founder - Piscataquis County Economic Development Council
- Founder and Former Board President: Life Jackets and Penobscot Riverkeepers 2000
- Board Membership: Hirundo Wildlife Refuge, Maine Highlands Corporation, Penquis Child Abuse Prevention Council, Maine Appalachian Trail Club
- Volunteer Trail Maintainer since 1980, Maine Appalachian Trail Club
- Maine Forest Service - Fire Lookout Volunteer, Burnt Mtn., Baxter State Park

D. Professional Affiliations and Awards:

- Maine Licensed Professional Forester #727
- NAI Interpretive Guide 2009-2019
- Registered Maine Guide 1993-2002
- Facilitator Project Learning Tree

- 2007 King Cummings Regional Leadership Award
- 2005 Pete Myrick-Piscataquis County Community Service Award

E. Other Talents:

- I authored collections of short stories in *Trust* and *The Maine Forest* for Literacy Volunteers of America in 1982. At my grandchildren's prompting, I am currently working on a collection of stories from my life. As a musician for 45 years, I occasionally gig at open-mic with the story-songs of our times.

- I'm an accomplished photographer of forestry, nature, rural life, railroads and the Maine Woods. I am currently developing a new website, My Encyclopedia of Place-based Photography

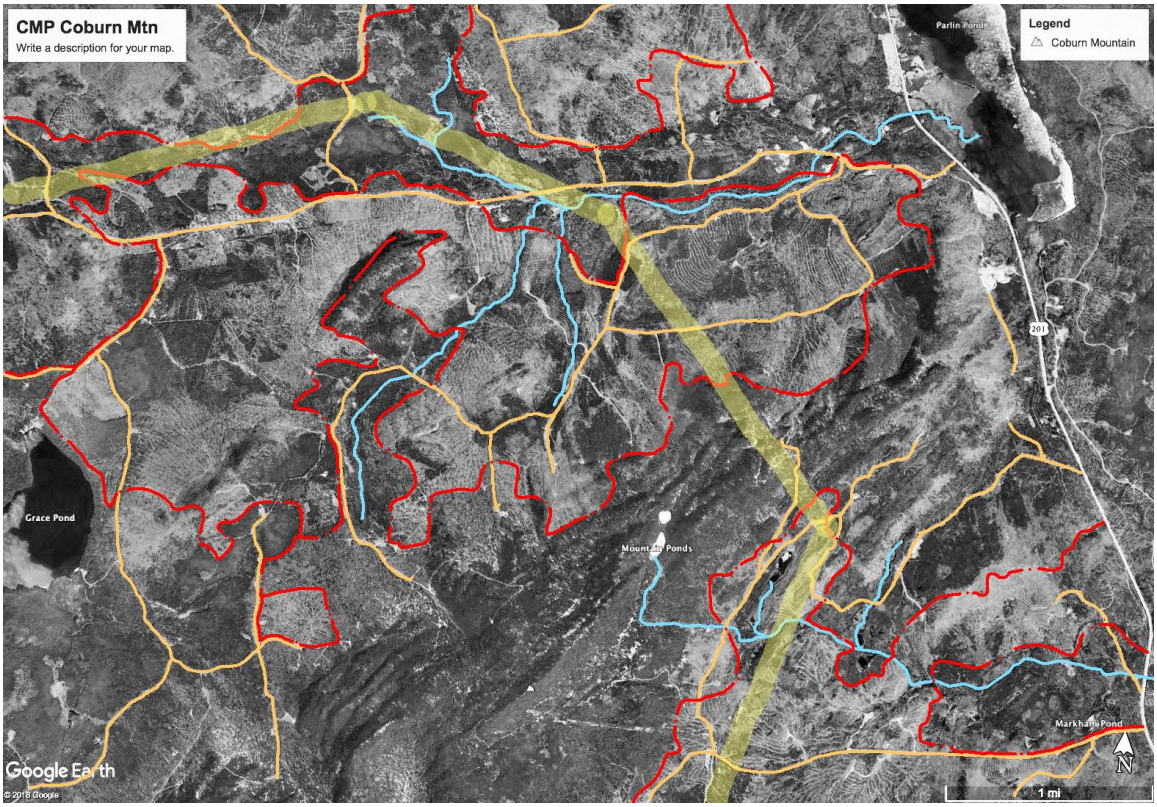
- I enjoy the outdoors, backpacking, lake and river canoeing. I'm a seasoned wilderness canoe paddler. Notable on my water travels are the Allagash, Dead River and Penobscot in Maine, the Spanish and Mississagi Rivers in Ontario.

CMP-HQ-NECEC Project

Forest Fragmentation: Spencer Road Pond-Coburn Mtn-Rte 201

Merchant Aerial Photography Documentation Exhibit 1

NW NE



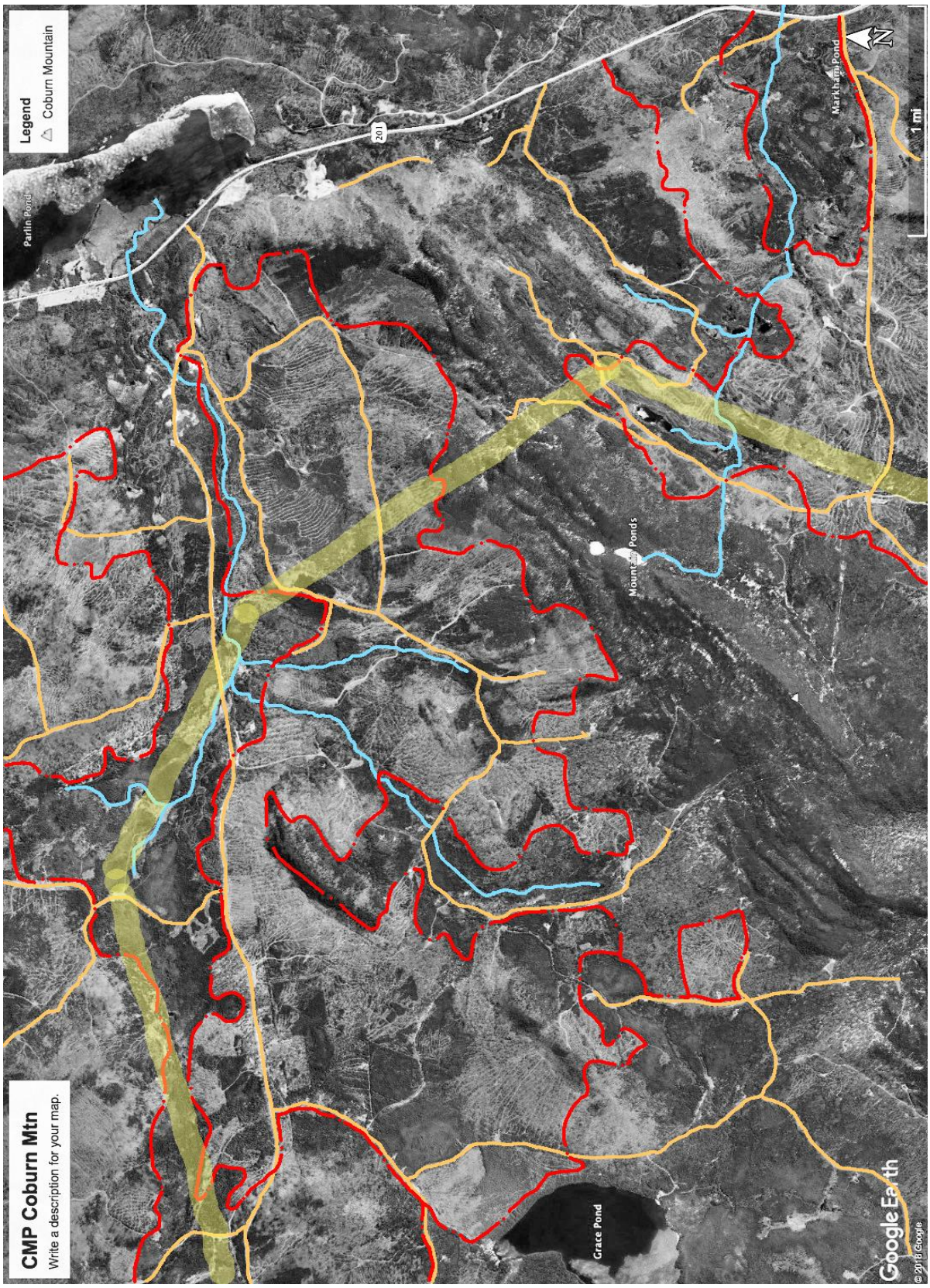
SW S SE

Continuous forest cover is evident across the heights of Coburn Mt. just above the southern border in the center (S) of this aerial photograph. Dark, unbroken coniferous forests dominate the heights of Coburn, which runs SW – NE to Route 201 at Parlin Pond.

The balance of the landscape in this photo is fragmented forest; blocks, patches, strips. The red dash-dot lines delineate fragmented from continuous forest cover types. With the exception of wetlands and partial cuts next to Spencer Road, which runs E-W from Parlin Pond, the bulk of the remaining landscape is fragmented forest cover. From an eagles eye view, continuous forest cover occupies 40% of this area, fragmented forests 60%.

Blue indicates the network of streams; brown shows the network of permanent gravel roads. The light yellow swath (750') across this photo is the track of the proposed power line. This width accounts for the 150 foot cleared corridor, plus 300 feet either side of the corridor to account for ecological impacts deeper within the forests adjacent to both side of the corridor... The larger photo on the next page shows the fragmentation, upon pre-existing fragmentation that will result from NECEC.

Merchant Aerial Photography Documentation Exhibit 2

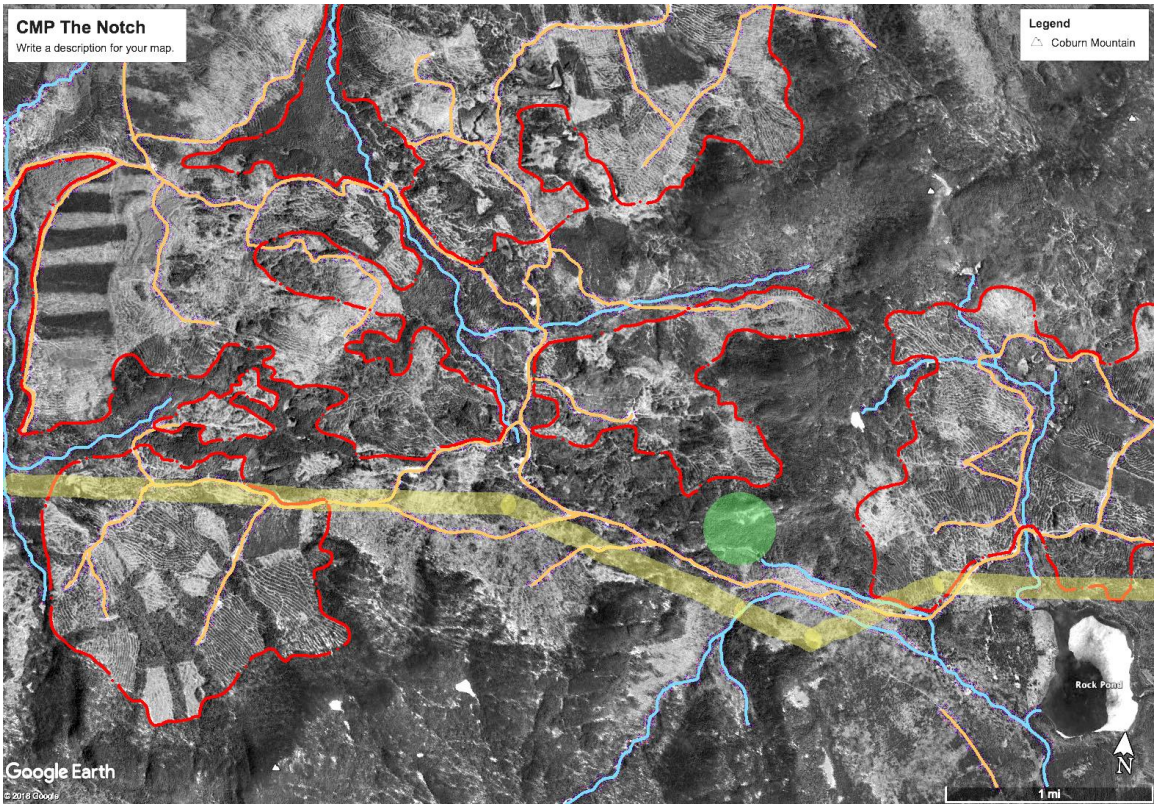


MP/HQ/NECEC Proposal

Forest Fragmentation: North of Tumbledown-The Notch-Rock Pond

Merchant Aerial Photography Documentation Exhibit 3

NW NE



SW SE

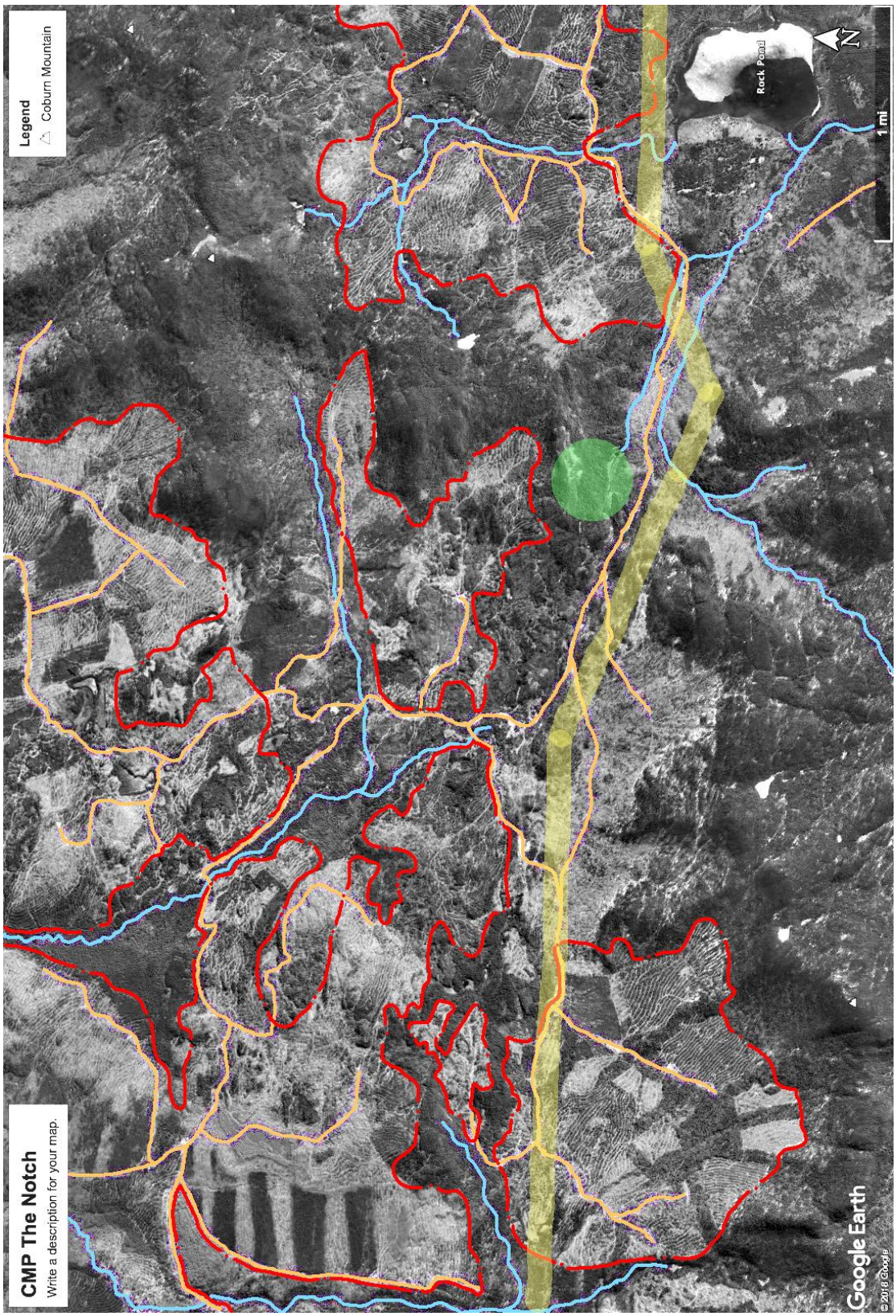
This view of NECEC impact reveals the extent of visible, pre-existing forest fragmentation north and west of Tumbledown Mtn. Highly visible blocks, patches and strips characterize fragmented forests in this rugged area. Continuous forest cover of conifers occupies the north slopes of Tumbledown Mtn., extending across the bottom of the photo to Rock Pond.

Continuous forest cover extends from No.6 Mtn. in the NE corner, SW to the Spencer Road west of The Notch *(green circle).* Forest conditions west of the Notch show the extent of forest fragmentation as well as where the power line swath will further fragment the fragmented.

Additionally, the proximity of the power line to the blue ribbon trout waters of Rock Pond and tributaries is evident in the SE corner of this aerial photograph.

A crow's eye view of this landscape estimates that continuous forest cover, uncut and partially cut, occupies about 60% of this rugged, scenic landscape. Heavily fragmented forests and habitat occupy about 40%. Beyond the edges of the corridor, this permanent fragmentation will impact forest and habitat conditions 300 feet deeper into the woods either side of the cleared zone.

Merchant Aerial Photography Documentation Exhibit 4

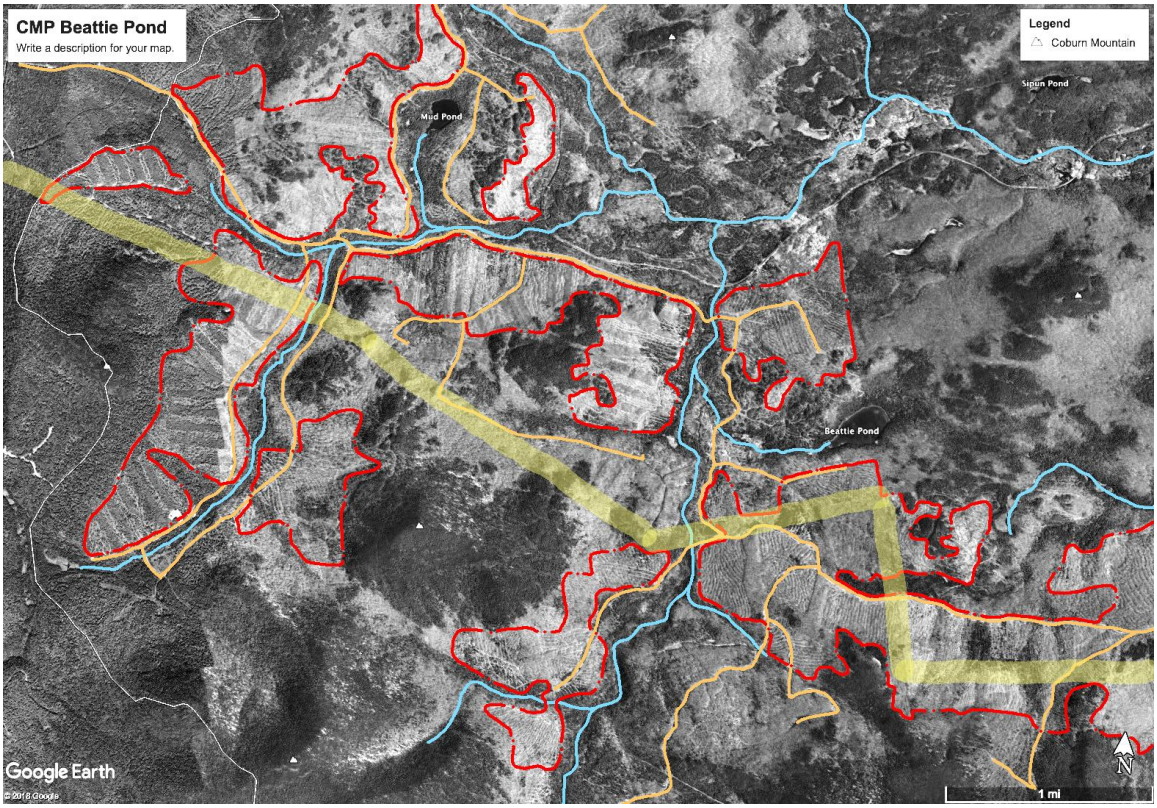


CMP/HQ/NECEC Proposal

Forest Fragmentation – Lowelltown/Beattie Pond

Merchant Aerial Photography Documentation Exhibit 5

NW NE



SW SE

This image shows forest patterns where NECEC, *yellow swath,* will cross the Quebec-Maine border west of Lowelltown on the CMQ RR, a mile north of Beattie Pond. The dark areas are coniferous forests; lighter are deciduous forests. Blue shows the network of headwater streams, but not all of the first-order streams crucial for Eastern brook trout.

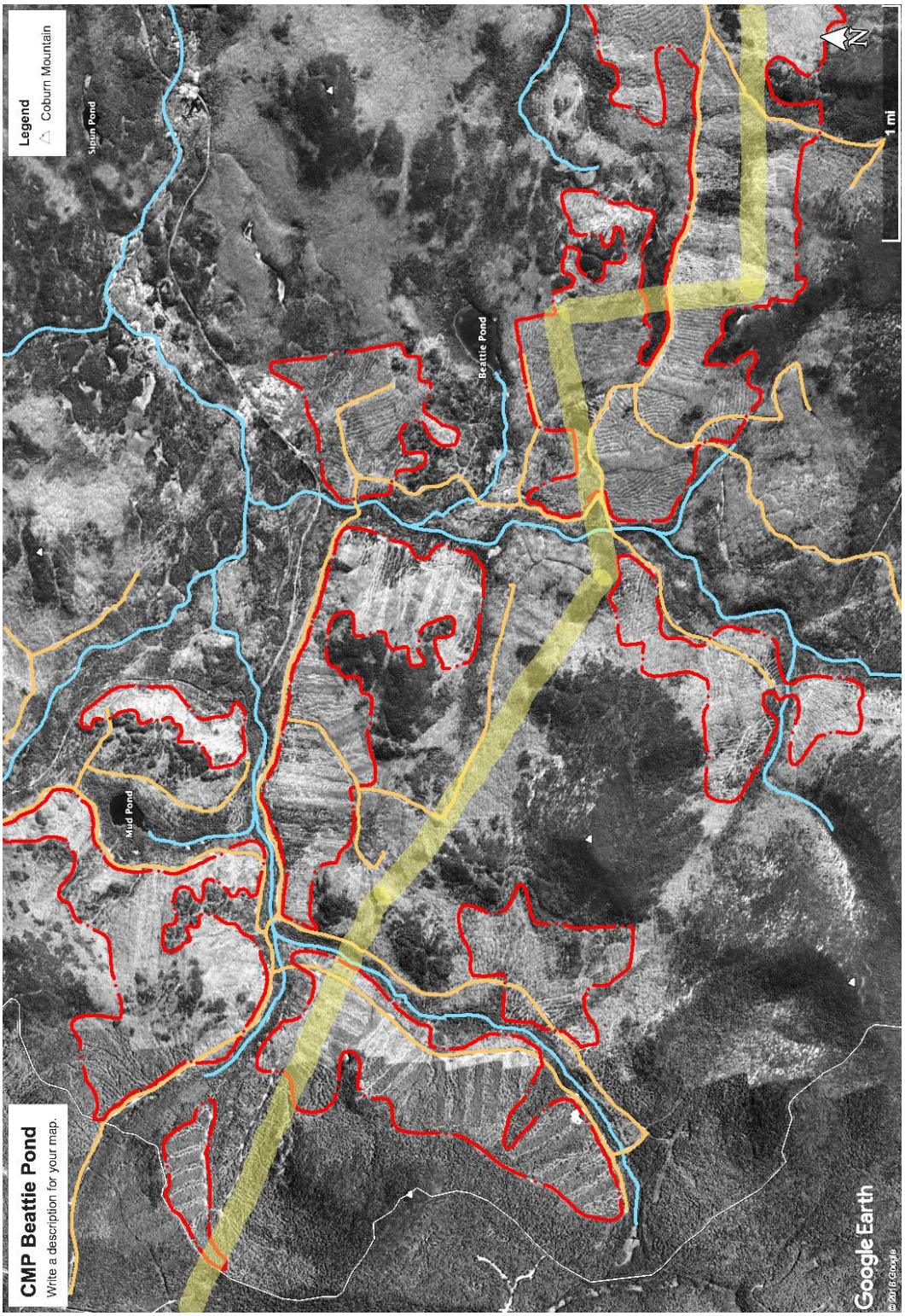
Red dot-dash lines delineate two primary types of forest conditions: 1) uncut and partially cut areas that retain continuous forest cover, 2) fragmented forests - visible blocks, patches, strips of harvested forestland. Permanent logging roads are show in brown

The small summit, left of center, covered in dark conifers shows continuous forest cover on top and all around the summit, southwest of the power line. The forests in the NE and SW corners, and along the south border are areas of continuous forest cover.

Note where NECEC intersects streams and roads, as well as where it will cause further fragmentation of forest habitat disruption in a landscape that is highly fragmented.

A crows-eye cruise of this landscape estimates that fragmented forests occupy 45% of the area; continuous forest cover occupies 55%. The fragmenting corridor will impact forest and habitat conditions, 300 feet deeper into the woods either side of the cleared zone.

Merchant Aerial Photography Documentation Exhibit 6



Supplemental Photographs: Quebec Border to Coburn Mountain-Route 201... These photos cover the entire landscape between the Quebec and Coburn Mtn. They show only the yellow-black power line track, providing an open-view of the % forest fragmentation vs. continuous.

Quebec border - Beattie Pond: Extensive fragmentation from strips, blocks, patches occupies 45% of this landscape; the other 55% is in continuous forest cover, coniferous and deciduous.

SUPPLEMENTAL PHOTO 1

Wing Pond - S.Branch Moose River – West of Tumbledown: Fragmented block and strip cuts account for 45% of forest cover, the other 55% is in partial and uncut continuous forest cover.

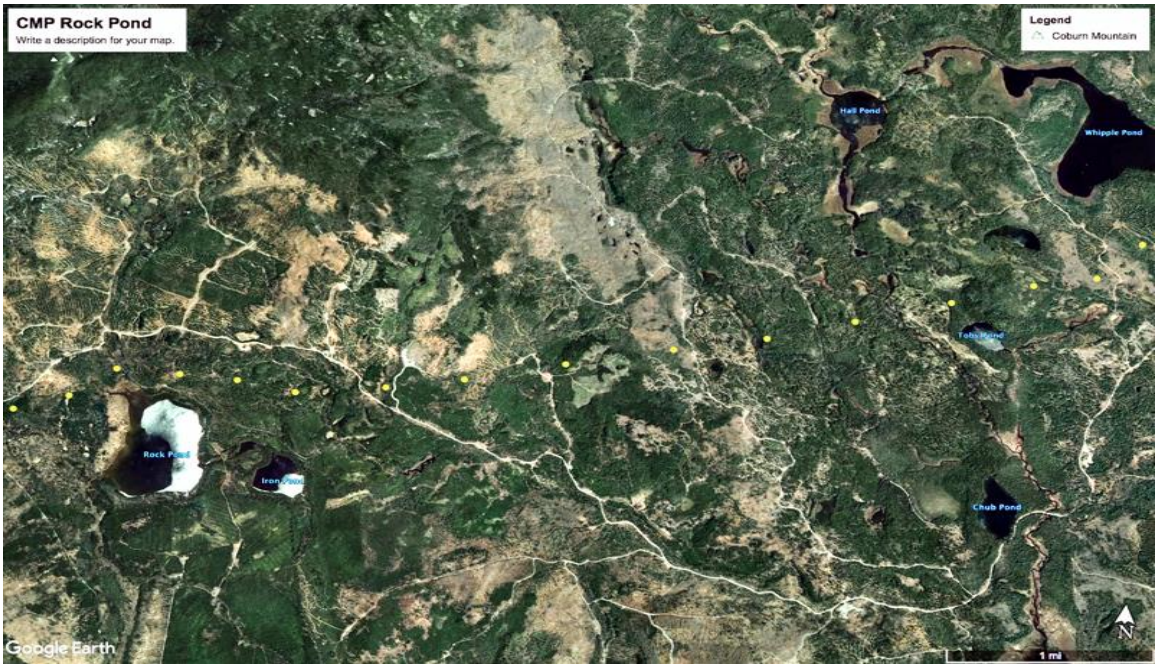
SUPPLEMENTAL PHOTO 2

Tumbledown Mtn. to Rock Pond: Strips, patches, light and heavily cut blocks account for approximately 40% of this landscape, 60% is continuous cover, high elevation conifers.

SUPPLEMENTAL PHOTO 3

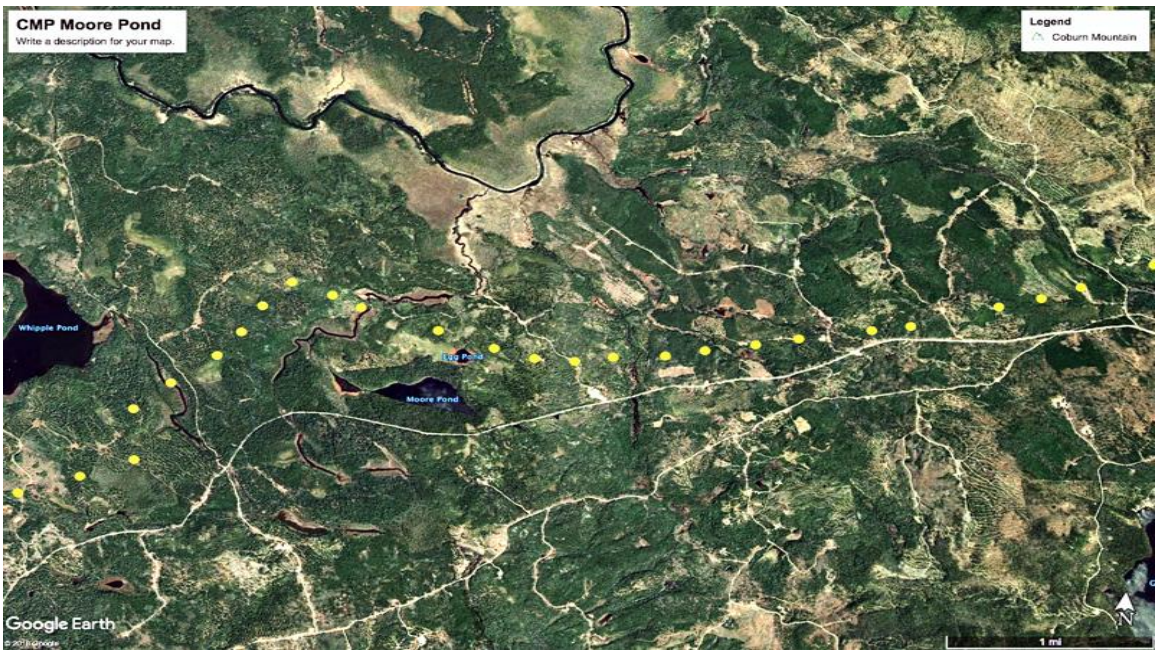
Rock Pond – Whipple Pond: A mix of blocks, patches, and continuous forest cover, conifers (dark green) plus some deciduous (light gray). Fragmented forests occupy 35% of this landscape, continuous forest cover, 65%.

SUPPLEMENTAL PHOTO 4



Moore Pond: The intensity of fragmented blocks is less in this section of forested landscape, 70% continuous forest cover, mostly conifers. Extensive permanent road and yard patterns, plus blocks and patches occupy 30%. Extensive wetland and stream at the top (N).

SUPPLEMENTAL PHOTO 5

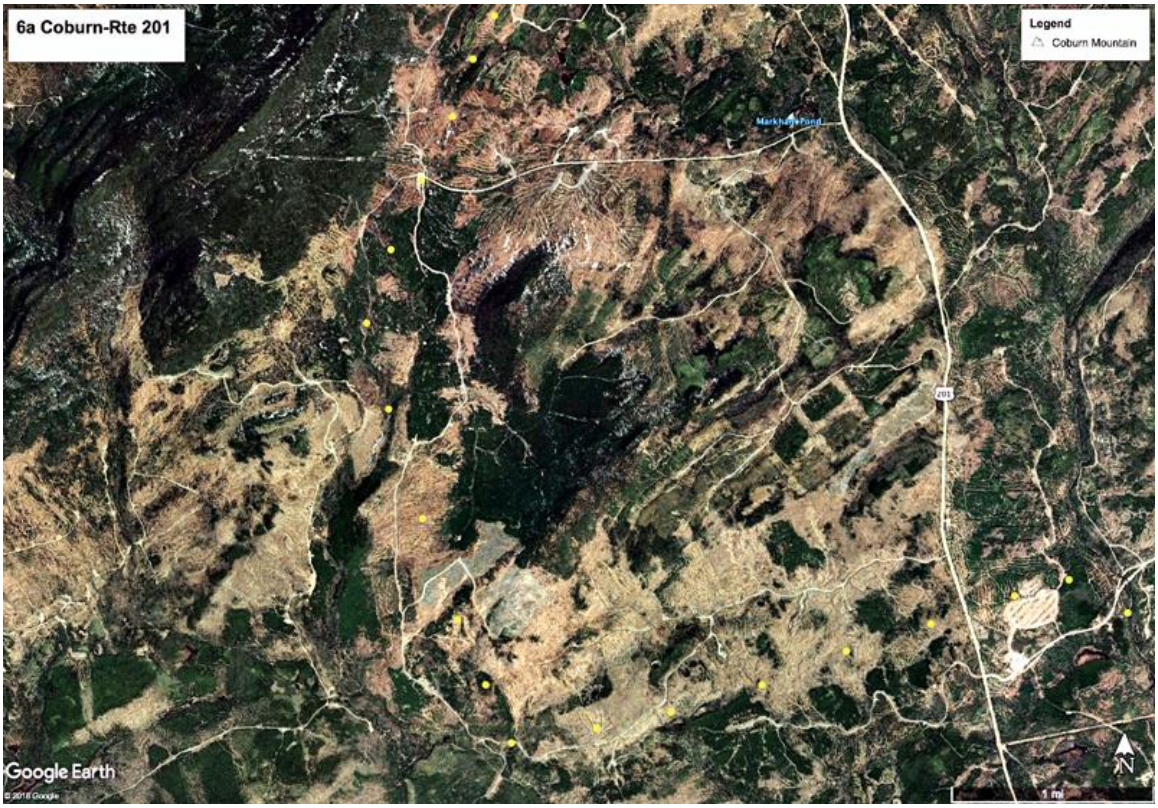


Coburn Mtn North: Block cuts are older and not as obvious, however extensive large angular patches east of Gracie Pond suggest large, older patch cuts. Factor in extensive roads and yards, this area is 60% fragmented, 40% continuous forest cover including extensive conifers on Coburn Mtn. to the south (S).

SUPPLEMENTAL PHOTO 6

Coburn Mtn South: SE of Coburn Mtn, upper left corner, extensive block cutting in this view shows extensive fragmentation 75%; continuous forest cover 25%.

SUPPLEMENTAL PHOTO 7



THE STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE NEW ENGLAND CLEAN ENERGY CONNECT FROM QUÉBEC-MAINE BORDER TO LEWISTON AND RELATED NETWORK UPGRADES

PRE-FILED DIRECT TESTIMONY OF

TONY DIBLASI

FEBRUARY 28, 2019

TESTIMONY OF TONY DIBLASI

Please state your name and address.

My name is Tony DiBlasi and I reside at 3 Van Tassel Drive in Windham, Maine. I own a second home in Caratunk, Maine.

What is the name of your organization and business address?

I am an individual, private citizen.

What is your current position?

I am currently employed as a corporate trainer.

What other occupations have you had in the greater Forks area?

I have worked as a whitewater rafting guide for Moxie Outdoor Adventures.

Why did you intervene in these proceedings?

I intervened in these proceedings because I am concerned about CMP's proposed transmission line. I have been a registered Maine guide on and off for nearly 25 years. I love the western Maine region and have raised my family to appreciate the pure natural splendor that it offers. In my time in this area, I have taken hundreds of people from all corners of the globe down the Kennebec River. I have had the unique opportunity to share amazing wilderness river trips with people from Thailand, Chile, the UK, Japan, Australia, Russia, countless summer camps, people with disabilities, families of all function and disfunction, bachelor and bachelorette parties – ALL appreciate what we have here. Once we hit the lower river and the excitement of the whitewater has dissipated, that's when the River really starts to truly show her beauty. Whether or not I bring it to their attention or they bring it to mine, sooner or later people realize that we are in a real wilderness setting. Aside

from the Carry Brook access stairs, there are no man-made structures between Harris Station and town.

If this powerline project gets approval and goes forward crossing the lower Kennebec, we will have lost a true gem. I started out as a Moxie Outdoor Adventures Guide in the early 1990's and I still continue to guide for them to this day. Our lunch site is in plain view of the proposed river crossing. Seeing the High Voltage Direct Current wires complete with red aviation warning balls will esthetically cheapen the river experience and devalue the product we have worked a quarter of a century to develop. Going under the river will not make the project any more tolerable. Not to mention the project would ruin an untold number of wilderness habitats and for what? So that the commonwealth of Massachusetts can get clean energy from Canada.

I for one do not see how this project benefits Maine taxpayers with lower energy costs. I am not opposed to clean energy ideas when done in a thoughtful manner with the full support of the community and the individuals and business it directly effects. I feel this project has been rushed through its paces after the Northern Pass's abysmal defeat in NH. I could not be more against this. There is way too much at stake here and if green-lighted, there is no "rewind", no "undo", no turning back, when it's gone… it is gone.

Date: 2-21-2019

Respectfully submitted,

By: _____

Print Name: Anthony P DiBlasi

STATE OF Maine

COUNTY OF Cumberland

Personally appeared before me on the above- named Anthony Diblasi, who being duly sworn, did testify that the foregoing testimony was true and correct to the best of his/her knowledge and belief.

Before me,

PATRICK MOODY
NOTARY PUBLIC
State of Maine
My Commission Expires
June 4, 2023

_____

Notary Public/ Attorney at Law

My Commission expires 6/4/2023

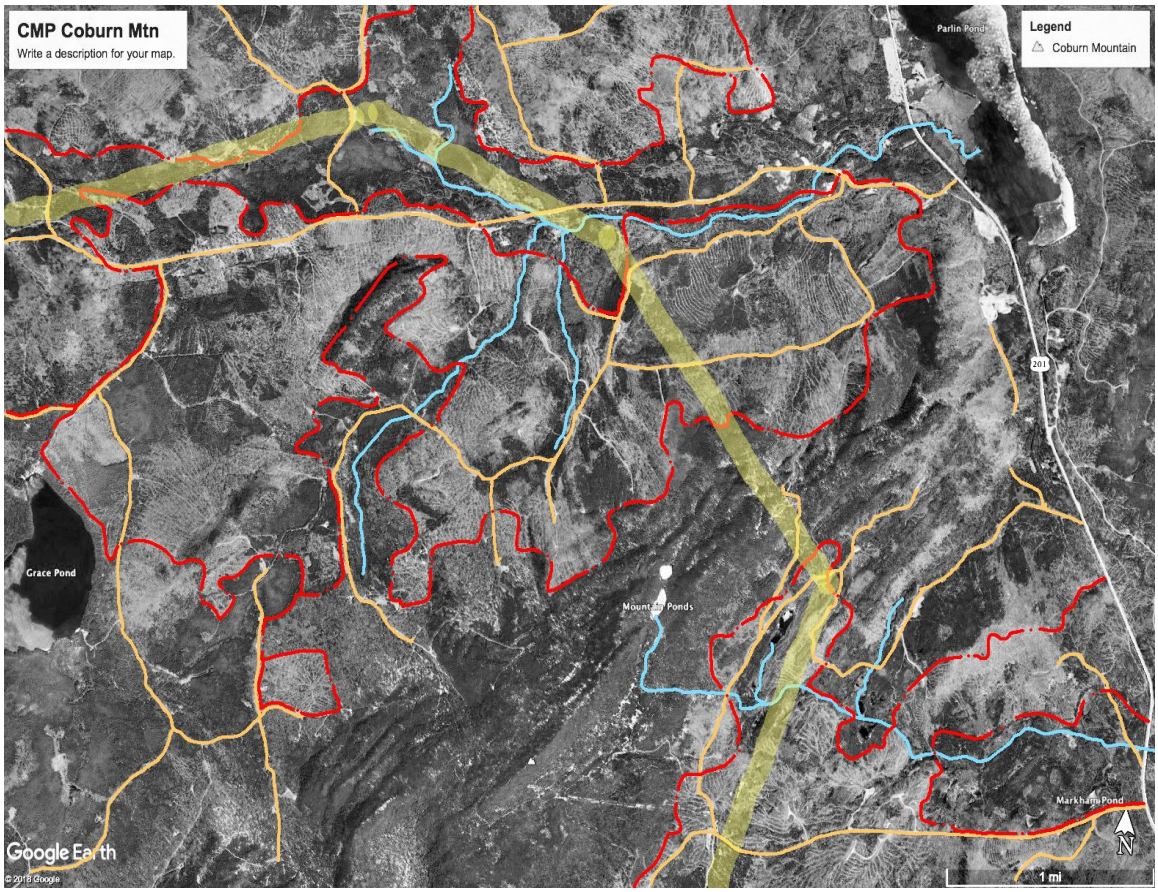
PATRICK R. MOODY NOTARY PUBLIC MAINE

Merchant Exhibit 7

To elucidate my pre-filed testimony, beginning at page 9, line 5, “Seeing is believing…,” the following photographs and accompanying text illustrates forest, stream, road and power line features on three examples: Coburn Mtn, The Notch-Tumbledown, Beattie-Lowelltown. A larger duplicate photo accompanies each example:

CMP-HQ-NECEC Project
Forest Fragmentation: Spencer Road-Coburn Mtn-Rte 201

NW NE



SW S SE

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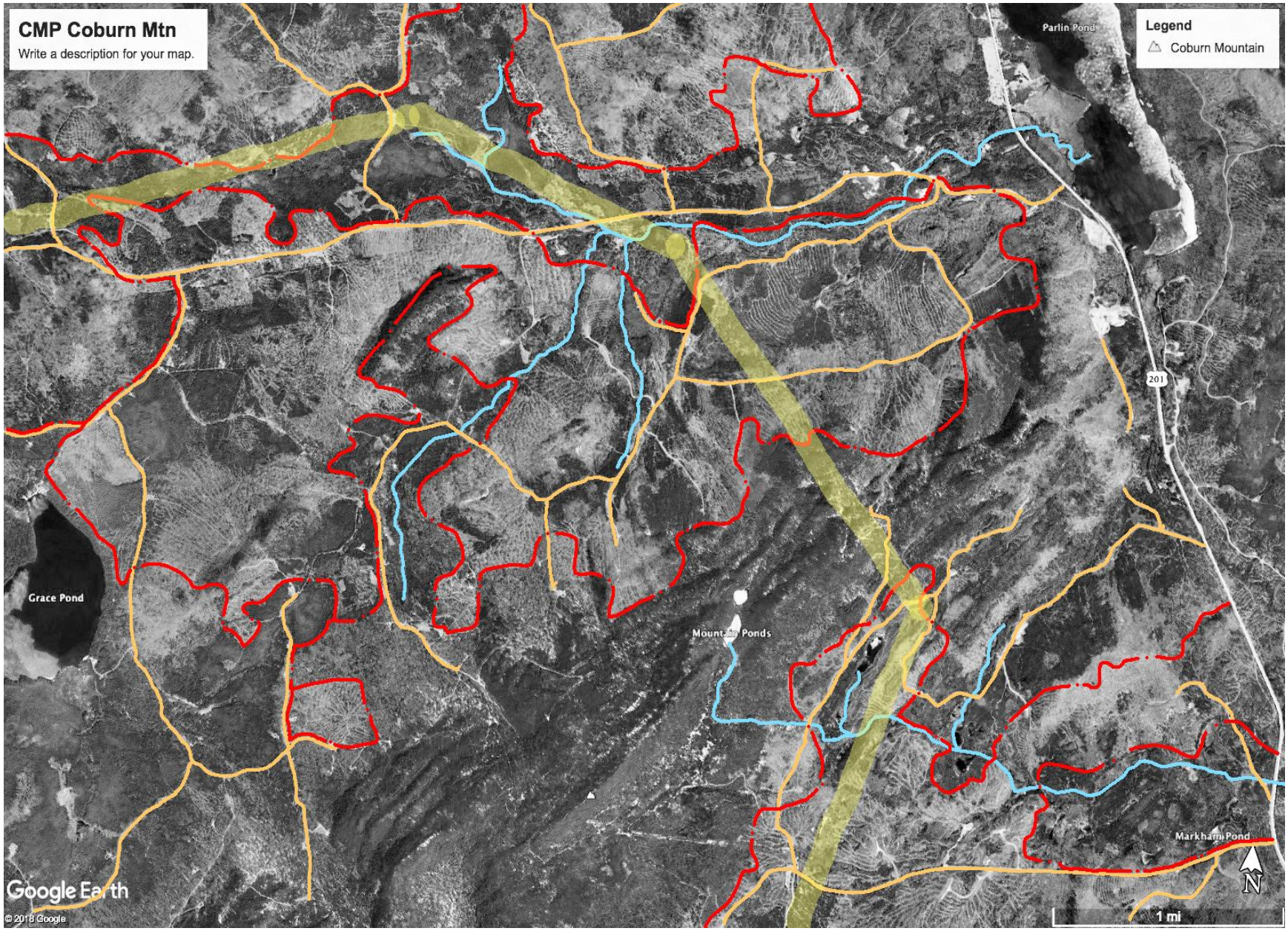
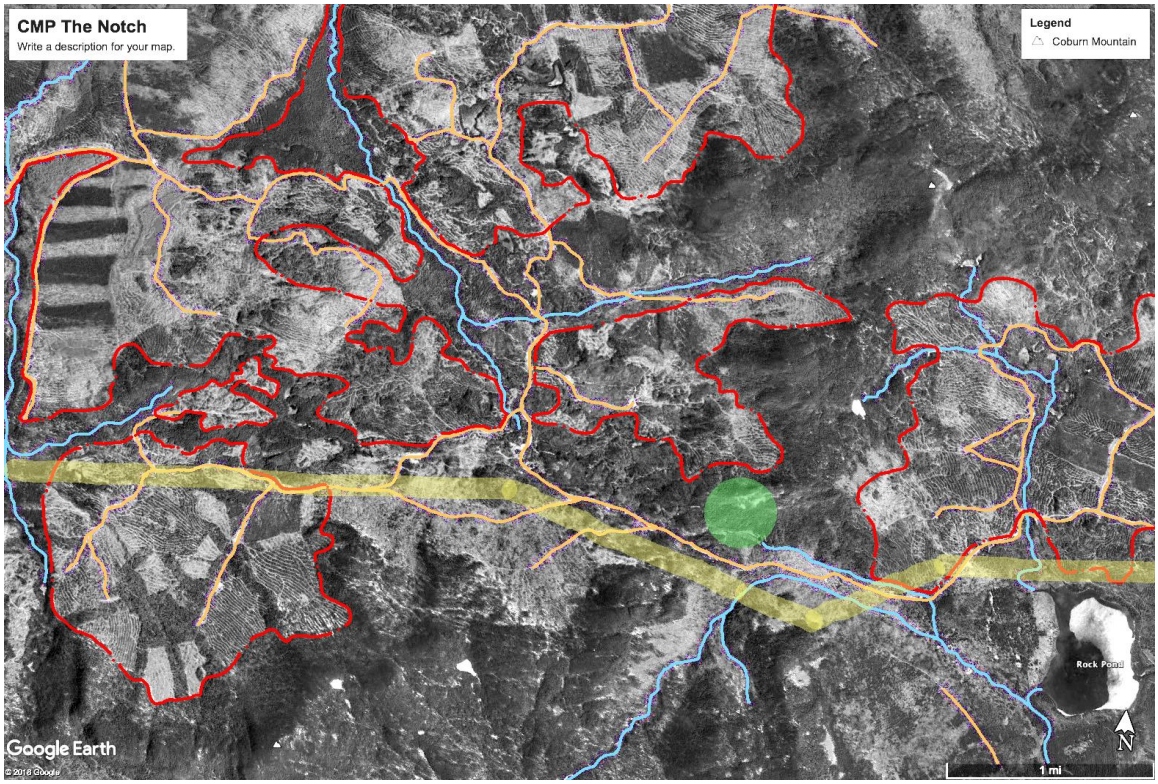

CMP Coburn Mtn
Write a description for your map.
Legend
Coburn Mountain
Parlin Pond
201
Grace Pond
Markham Pond
N
1 mi
Google Earth
© 2018 Google

MP/HQ/NECEC Proposal
Forest Fragmentation: North of Tumbledown-The Notch-Rock Pond

NW NE



SW SE

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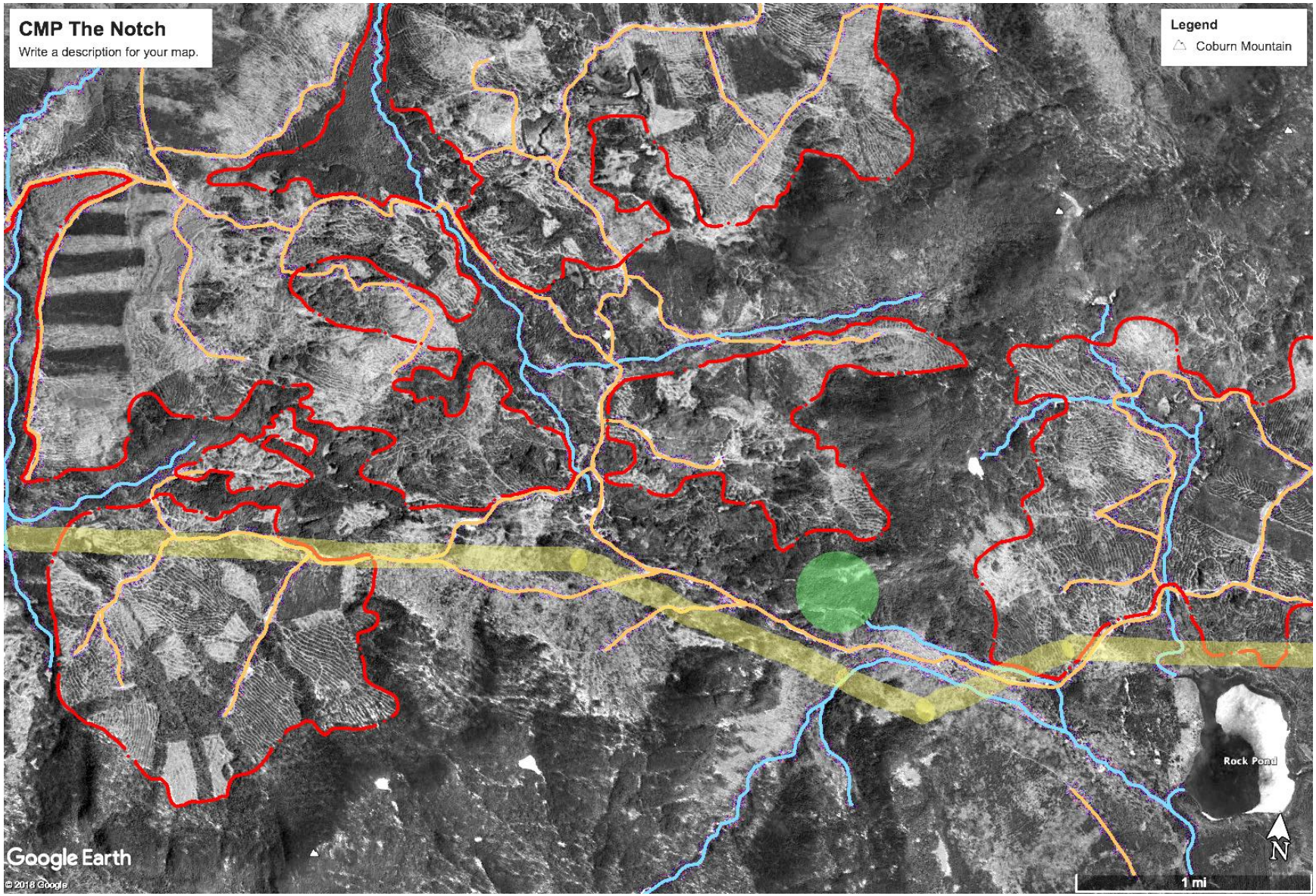
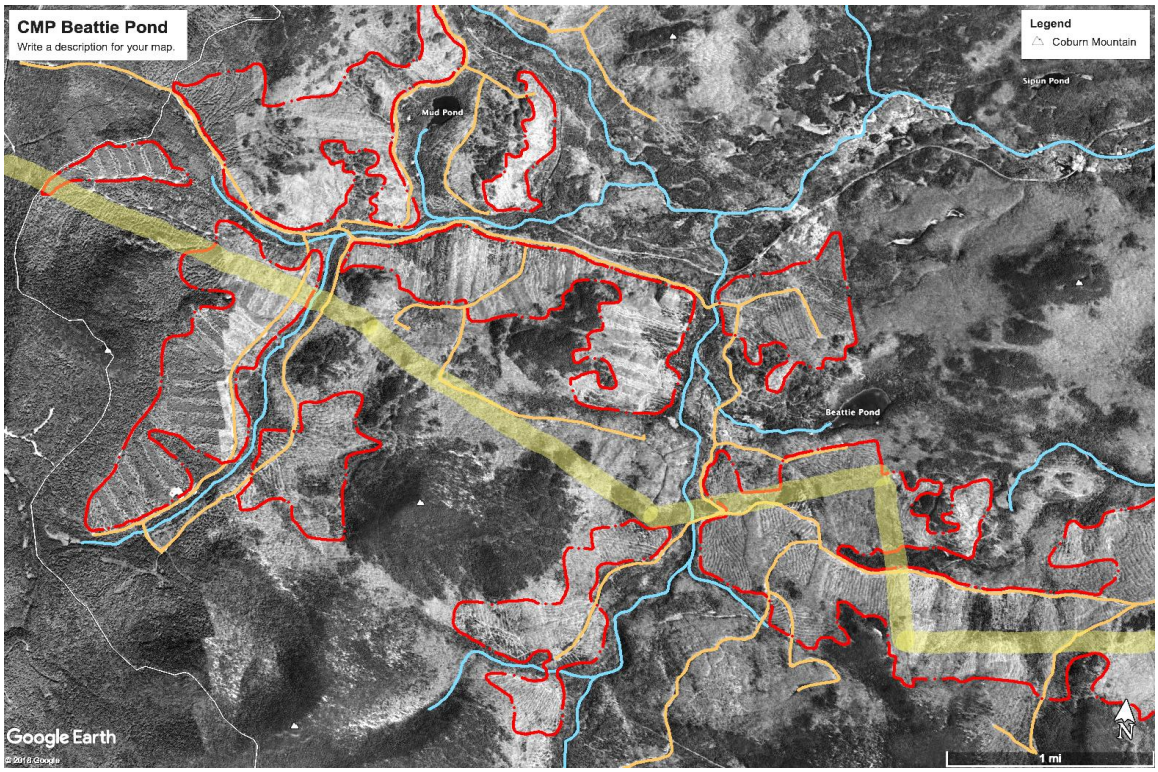

CMP The Notch
Write a description for your map.
Legend
Coburn Mountain
Rock Pond
N
1 mi
Google Earth
© 2018 Google

CMP/HQ/NECEC Proposal
Forest Fragmentation – Lowelltown/Beattie Pond

NW NE



SW SE

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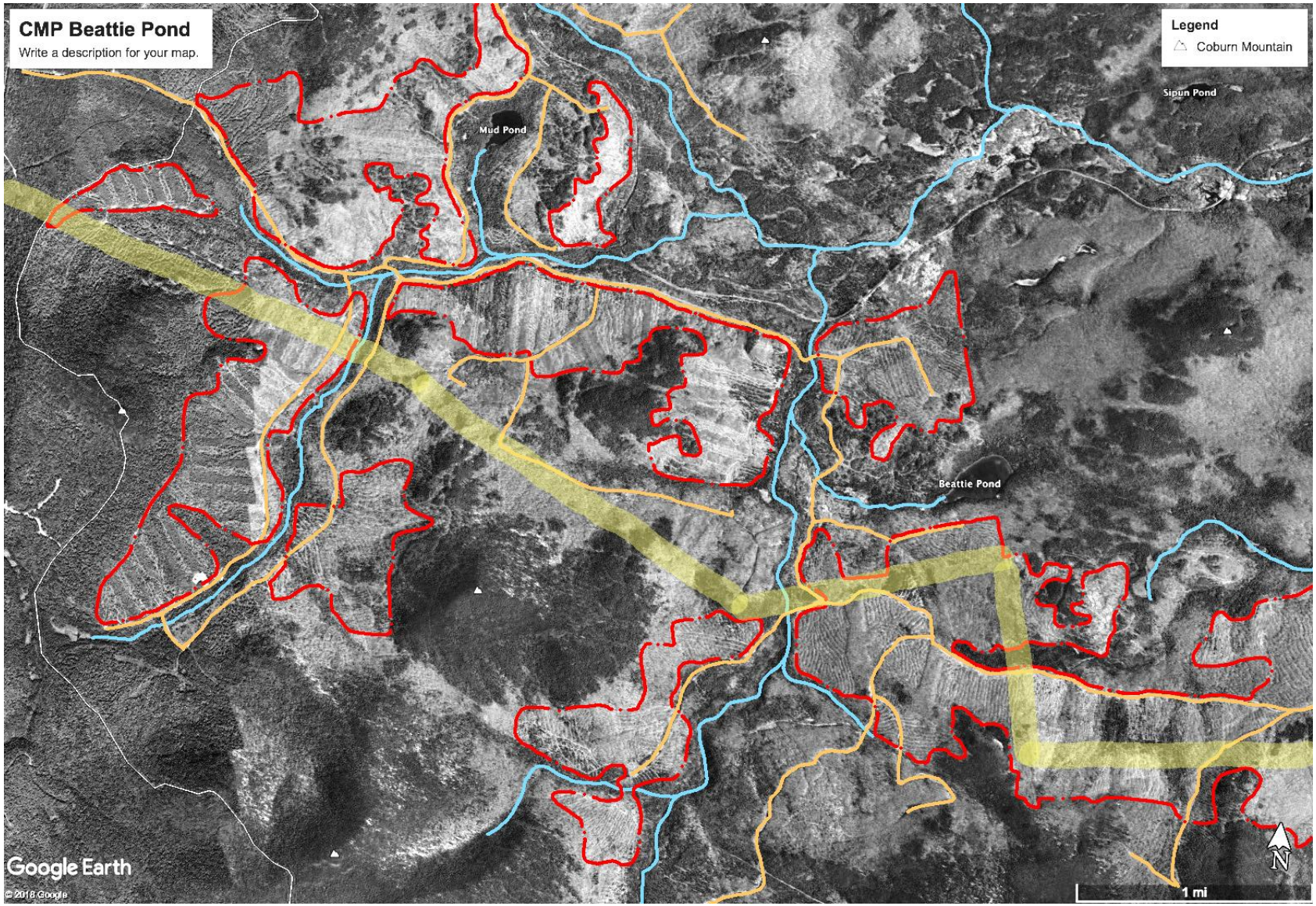
CMP Beattie Pond
Write a description for your map.
Legend
Coburn Mountain
Sipun Pond
Mud Pond
Beattie Pond
Google Earth
© 2018 Google
1 mi
N

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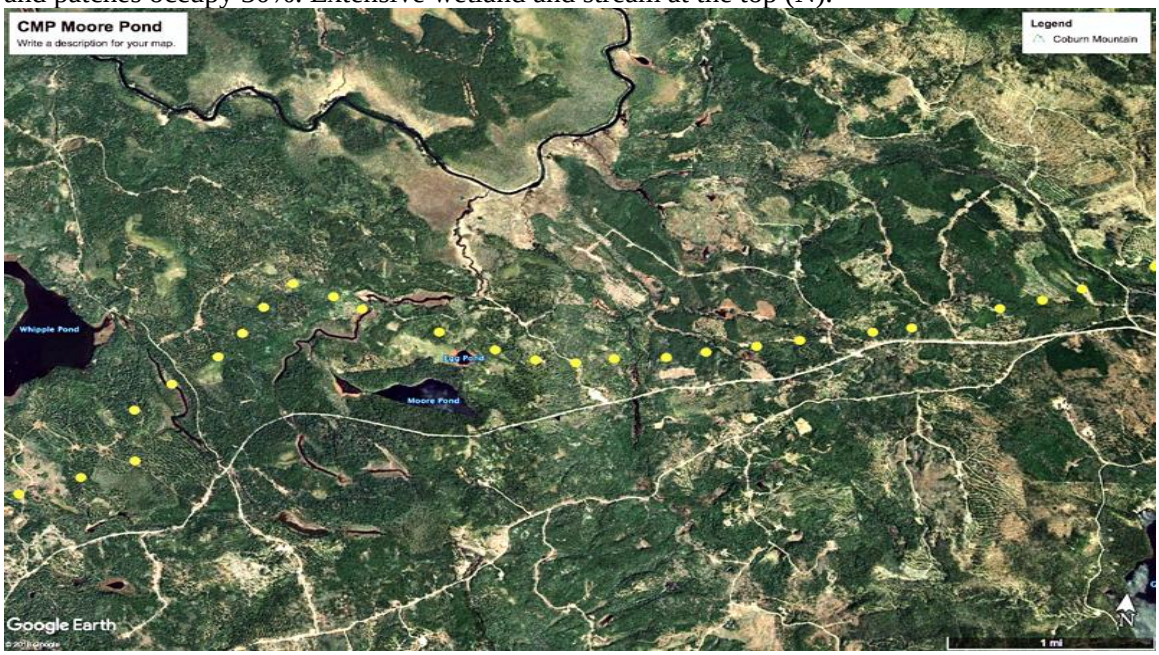

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