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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
MAINE LAND USE PLANNING COMMISSION

IN THE MATTER OF
CENTRAL MAINE POWER COMPANY'S
NEW ENGLAND CLEAN ENERGY CONNECT PROJECT

NATURAL RESOURCES PROTECTION ACT
SITE LOCATION OF DEVELOPMENT ACT
SITE LAW CERTIFICATION

HEARING - DAY 1
MONDAY, APRIL 1, 2019

PRESIDING OFFICER: SUSANNE MILLER

Reported by Robin J. Dostie, a Notary Public and
court reporter in and for the State of Maine, on
April 1, 2019, at the University of Maine at
Farmington Campus, 111 South Street, Farmington,
Maine, commencing at 8:00 a.m.

REPRESENTING DEP:

GERALD REID, COMMISSIONER, DEP
PEGGY BENSINGER, OFFICE OF THE MAINE ATTORNEY GENERAL
JAMES BEYER, REGIONAL LICENSING & COMPLIANCE MGR, DEP
MARK STEBBINS, DIRECTOR, BUREAU OF LAND RESOURCES

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PARTIES

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PARTIES

Intervenors (cont.):

Group 8:

NextEra

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PARTIES

Intervenors (cont.):

Group 10:

Edwin Buzzell
LUPC Residents and Recreational Users
Carrie Carpenter, Eric Sherman, Kathy Barkley,
Kim Lyman, Mandy Farrar, Matt Wagner,
Noah Hale, Taylor Walker and Tony DiBlasi

Designated Spokesperson:
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1 TRANSCRIPT OF PROCEEDINGS

2 MS. MILLER: Good morning. I now call to
3 order this joint public hearing of the Maine
4 Department of Environmental Protection and the Land
5 Use Planning Commission on the New England Clean
6 Energy Connect project. This hearing is to gather
7 evidence to evaluate the application submitted by
8 Central Maine Power pursuant to the Department's
9 requirements under the Natural Resources Protection
10 Act and the Site Location of Development Act as well
11 as the Commission's Site Law Certification process.

12 The permit application is for the
13 construction of a new high voltage direct current
14 transmission line that would run from the Maine
15 border with Quebec to a new converter station in
16 Lewiston as well as additional construction on a
17 separate line in parts of southern Maine. The
18 purpose of the New England Clean Energy Connect line
19 would be to deliver up too 1,200 megawatts of
20 electricity from hydropower generating facilities in
21 Quebec, Canada to the New England Power grid.

22 Portions of the proposed project would be in
23 the following municipalities: Alna, Anson, Caratunk,
24 Chesterville, Cumberland, Durham, Embden, Farmington,
25 Greene, Industry, Jay, Leeds, Lewiston, Livermore

1 Falls, Moscow, New Gloucester, New Sharon, Pownal,
2 Starks, Whitefield, Wilton, Windsor, Wiscasset and
3 Woolwich.

4 In addition, the proposed project would
5 traverse townships and plantations including:
6 Appleton Township, Bald Mountain Township, Beattie
7 Township, Bradstreet Township, Concord Township,
8 Hobbstown Township, Johnson Mountain Township,
9 Lowelltown Township, Merrill Strip Township, Moxie
10 Gore, Parlin Pond Township, Skinner Township, T5 R7
11 BKP WKR and West Forks Plantation.

12 Portions of the proposed project would also
13 abut the boundaries of T5 R6 BKP WKR (Haynestown),
14 The Forks Plantation and Pleasant Ridge Plantation.

15 The purpose of this public hearing is to
16 receive testimony from the parties and the general
17 public on whether the proposed project meets the
18 requirements of the Natural Resources Protection Act
19 and Site Location of Development Act and whether the
20 project meets the requirements for Site Law
21 Certification by the commission. The hearing will be
22 conducted jointly by the Department and Commission.
23 The Commission portion of the hearing will take place
24 on Tuesday, April 2 starting at 10:30 in the morning
25 and will end after public testimony is received that

1 same evening. The Department will conduct the
2 remaining portions of the hearing during the rest of
3 this week.

4 The criteria for consideration at the
5 hearing are limited to specific Commission and
6 Department criteria.

7 The Commission's portion of the hearing will
8 focus on whether the project is an allowed use by
9 special exception within the Recreational Protection
10 (P-RR) subdistricts.

11 The Department's portion of the hearing will
12 focus on the following criteria: Scenic character
13 and existing uses which includes visual impact
14 assessment and scenic aesthetic uses, buffering for
15 visual impacts, recreational and navigational uses;
16 two, wildlife habitat and fisheries which includes
17 endangered species including Roaring Brook Mayfly,
18 Spring Salamanders, brook trout habitat, habitat
19 fragmentation and buffer strips around cold water
20 fisheries; three, alternatives analysis; four,
21 compensation and mitigation including the following
22 resources, cold water fisheries habitat, outstanding
23 river segment and wetlands. A copy of the criteria
24 is on a one-page sheet, which is located towards the
25 back of the room on the right-hand side -- on your

1 right-hand side there is a round table, so if you
2 want to take a look at that that's available.

3 The DEP will also evaluate whether CMP has
4 demonstrated that its project -- proposed project
5 meets the remaining criteria of the Natural Resources
6 Protection Act and the Site Law and comments and
7 evidence on those criteria may be submitted to the
8 DEP in writing.

9 My name is Susanne Miller. I am the
10 Director for the Department's Eastern Maine Regional
11 Office and I have been designated the Presiding
12 Officer for this matter by the Commissioner of the
13 Department. This designation is limited in its scope
14 to the authority necessary to conduct the hearing and
15 administer governing procedural statutes and
16 regulations in the development of the administrative
17 record. My role does not include the ultimate
18 decision-making authority on the merits of the
19 application, that is -- which the Commissioner
20 expressly retains.

21 Joining me from the Department of
22 Environmental Protection today are Jerry Reid is
23 right over there, Commissioner; Jim Beyer, Project
24 Manager for the NECEC project; and Mark Stebbins, who
25 is with our Land Program. Also with us is Peggy

1 Bensinger, Assistant Attorney General and counsel to
2 the Department to my right. We also have a few other
3 folks here from the Department. We have Doris
4 Peaslee, who is handling our tech on the computer.
5 We have April Kirkland, who is over to the right.
6 And we also have David Madore, who is our
7 Communications Director in the back of the room.

8 Tomorrow, we will be joined by the Land Use
9 Planning Commission and its attorney for that portion
10 of the hearing, which begins at 10:30.

11 I should also mention at this time that
12 while not a part of these proceedings, Mr. Jay
13 Clement from the U.S. Army Corps of Engineers will
14 also be here during the week in case anyone has
15 questions about the federal process and he's up in
16 the back there.

17 This public hearing is being recorded and it
18 will be transcribed. Copies of the transcript will
19 be available upon request once the transcript is
20 completed. Our court reporter is Dostie Reporting
21 Service and sitting up with us today is Robin Dostie
22 and she's in the pink right there. Prior to
23 presenting the summary of your direct testimony or
24 cross-examining a witness, please state your name
25 clearly, who you are affiliated with and which

1 Intervenor group you represent.

2 A microphone is provided to each party as
3 well as for the witnesses, the Presiding Officer's
4 table and for those questioning witnesses. Please
5 note that the microphone has an on/off switch, please
6 turn it on before you speak and make sure you turn it
7 off when you are done to avoid feedback and also to
8 ensure any side conversations aren't recorded. Just
9 when you press the gray button when the blue light is
10 on the mic is on and when you press it again the blue
11 light goes off then it's off.

12 This week the entire proceeding will be
13 live-streamed through the University of Maine
14 Farmington's live-stream system. A link to this is
15 provided on the Department's website and the
16 streaming is directly through the UMF system.

17 At this time, please silence or turn off
18 your electronic devices including cell phones so that
19 there are no interruptions.

20 A couple of logistical notes, the emergency
21 exits to this room are located outside the doors if
22 you head down the right and then make another right.
23 The restrooms are located in the same general
24 direction, so just go out the doors and make a right
25 and you'll see them in that general area as well.

1 You can get snacks and coffee by purchasing them at
2 the University dining hall. Coffee and snacks in
3 this room are for staff.

4 This hearing is being held by the Department
5 pursuant to the Maine Administrative Procedure Act,
6 Title 5, Sections 9051 through 9064 Chapter 3 of the
7 Department's Rules - Rules Governing the Conduct of
8 Licensing Hearings. On September 7, 2018, January
9 17, 2019 and March 26, 2019, the Department held
10 pre-hearing conferences in which this hearing's
11 procedures were discussed. The procedures and
12 rulings for this hearing are specified in the eight
13 Procedural Orders and one Commissioner's ruling which
14 were submitted August 13, 2018, October 5, 2018,
15 February 5, 2019, March 4, 2019, March 13, 2019,
16 March 18, 2019 was the Commissioner's ruling, March
17 21, 2019 and March 29, 2019.

18 Notice of this public hearing was published
19 in the following newspapers in Maine, the Lewiston
20 Sun Journal on March 1, 2019 and March 22, 2019; the
21 Bangor Daily News on February 26, 2019 and March 22,
22 2019; the Kennebec Journal on February 27, 2019 and
23 March 22, 2019; and the Portland Press Herald on
24 February 28, 2019 and March 22, 2019.

25 Notice was also send to the parties as well

1 as those persons and/or entities set forth in Chapter
2 3 and all those who specifically requested
3 notification.

4 During the daytime portion of the hearing,
5 the Department will receive evidence from the
6 Applicant and Intervenors. Intervenors in this
7 proceeding are organized by group and include: Group
8 1, Friends of Boundary Mountains, Maine Wilderness
9 Guides and Old Canada Road; Group 2, West Forks
10 Plantation, Town of Caratunk, Kennebec River Anglers,
11 Maine Guide Services, Hawk's Nest Lodge and Mike
12 Pilsbury; Group 3, International Energy Consumer
13 Group, City of Lewiston, International Brotherhood of
14 Electrical Workers Local 104 and Maine Chamber of
15 Commerce and the Lewiston/Auburn Chamber of Commerce;
16 Group 4, Natural Resources Council of Maine,
17 Appalachian Mountain Club, Trout Unlimited; Group 5,
18 Wagner Forest Management; Group 6, The Nature
19 Conservancy and the Conservation Law Foundation;
20 Group 7, Western Mountains and Rivers Corporation;
21 Group 8, NextEra; Group 9, Office of the Public
22 Advocate; and Group 10, Edwin Buzzell, Carrie
23 Carpenter, Eric Sherman, Kathy Barkley, Kim Lyman,
24 Mandy Farrar, Matt Wagner, Noah Hale, Taylor Walker
25 and Tony DiBlasi.

1 Some of the Intervenors are Intervenors for
2 the Department portion of the hearing only, some are
3 Intervenors for the Commission's portion only and
4 some are intervenors in both proceedings.

5 Testimony of the parties was filed in
6 writing in advance of the public hearing. That
7 pre-filed testimony is part of the record and all of
8 the parties have received copies. Today's hearing
9 will begin with opening statements from all of the
10 parties followed by and overview of the proposed
11 project from the Applicant. Then we will begin with
12 a summary of the testimony from the Applicant's first
13 witness panel, cross-examination will follow that.
14 As you will see throughout this hearing, many
15 witnesses have group -- been grouped into panels to
16 allow for an efficient hearing. Please note that
17 counsel for the Department and Department staff may
18 ask questions at any time, although the Department
19 will generally hold its questions until the
20 completion of cross-examination.

21 A copy of today's agenda is located on the a
22 table in the back of room as well. And I just want
23 to just make one minor note, which is that we
24 inadvertently did not add an opening statement block
25 for Group 10, so we're going to add that at 9 o'clock

1 after Group 8 is finished.

2 The Commission and Department will hear
3 testimony from the general public on Tuesday, April 2
4 starting at 6 p.m. The Department will hear
5 testimony from the general public on Thursday, April
6 4 starting at 6 p.m. Any testimony from members of
7 the public that is focused on the topics of the
8 Commission portion should be given tomorrow night as
9 the Commission will not be present at the evening
10 session Thursday night. Testimony on Thursday night
11 will be limited to the Department's hearing topics.
12 All witnesses at this hearing will be sworn. All
13 evidence already entered into the record will be
14 available during the course of the public hearing for
15 inspection by anyone who wishes to do so. A copy of
16 the project file is located also on that back round
17 table. Please speak with a representative from the
18 Department if you wish to look at portions of the
19 file. After the hearing, the project file will be
20 available for public review by arrangement during
21 regular business hours at the Department's Bangor
22 office.

23 At this time, I ask all persons planning to
24 testify today to stand up and raise their right-hand
25 so I can swear you in. I think we've got everybody.

1 Okay. Do you swear or affirm that the testimony you
2 are about to give is the whole truth and nothing but
3 the truth?

4 (Witnesses affirm.)

5 MS. MILLER: Thank you. All participants in
6 the public hearing are expected to conduct themselves
7 professionally both in their dealings with the
8 Department, with each other and the general public.
9 If a party or member of the general public is unable
10 to conduct themselves professionally, I will take
11 appropriate action which may include excluding the
12 individual from further participation in the
13 proceedings.

14 In closing, the goal is a fair and
15 productive public hearing. Please be aware of time
16 constraints and adhere to the time allotted to you in
17 the agenda. Please be concise and keep testimony
18 relevant to the licensing criteria set forth in the
19 Department's and Commission's procedural orders.

20 Department staff have read the pre-filed
21 direct and rebuttal testimony. The Department is
22 here to listen and consider all of the evidence. The
23 purpose of this public hearing is to collect
24 information as part of the license application
25 process for the Department to be able to based upon

1 the administrative record as a whole make an informed
2 decision based on the facts and statutory
3 requirements. Thank you all for your participation.

4 With that, we will get the proceeding
5 started beginning with opening statements and we'll
6 start with the Applicant.

7 MR. MANAHAN: Good morning. Can you hear me
8 okay? My name is Matt Manahan representing Central
9 Maine Power and with me is Lisa Gilbreath also
10 representing Central Maine Power. Is it okay for me
11 to speak here in this location as opposed to the
12 podium?

13 MS. MILLER: Yes.

14 MR. MANAHAN: Great. Thank you. The New
15 England Clean Energy Connect project, or NECEC, has
16 been prominent in the news of late, but our task
17 today is removed from all of the politics and the
18 media hype. CMP will demonstrate this week that the
19 proposed project meets all DEP approval criteria as
20 it relates to the four hearing topics. CMP has
21 carefully and thoughtfully sited and designed the
22 project to avoid impacts whenever possible, to
23 minimize unavoidable impacts and to compensate for
24 those unavoidable impacts.

25 First, with respect to alternatives, the

1 evidence will show that there is no practicable
2 alternative that would be less damaging to the
3 environment. In reviewing alternatives, CMP's
4 primary consideration was identifying the existing
5 transmission line corridor closest to the Canadian
6 border, which is Section 222 in The Forks and
7 evaluating the optimal route from the Canadian border
8 to connect to it. CMP's project route and
9 Alternatives analysis avoided siting the project in
10 the state and national parks, recreation areas, areas
11 with protected or natural or cultural resources and
12 areas with high scenic values and sensitivity. CMP's
13 witnesses will show this week that the alternatives
14 to the chosen route would add significantly greater
15 adverse impacts.

16 Second, with respect to hearing topics on
17 scenic character and existing uses, the evidence will
18 show that the project will not adversely affect
19 scenic character and will not unreasonably interfere
20 with existing scenic aesthetic or recreational uses.
21 CMP carefully sited the project to maximize the use
22 of existing conditions and natural buffers such as
23 topography and intervening vegetation to minimize the
24 visibility of project. For example, one, to the
25 extent possible when avoiding the sensitive areas I

1 just mentioned choosing the straightest route between
2 the Canadian border and the existing CMP transmission
3 line Section 222 corridor, thus minimizing the length
4 of new transmission line corridor to less than 54
5 miles. Two, co-locating more than 70 percent of the
6 proposed transmission line with existing transmission
7 lines within existing corridors avoiding or
8 minimizing new visual impacts that can occur with new
9 corridors. Three, maximizing the use of natural
10 buffers such as topography and intervening vegetation
11 to minimize the visibility of the project by, for
12 example, avoiding ridge lines and siting the
13 transmission corridor alongside slopes and low
14 points. Four, orientating the transmission line
15 perpendicular to Route 201 where the corridor crosses
16 that road so that the transmission line corridor is
17 visible for the minimum amount of time to passing
18 motorists. And five, locating the transmission line
19 along the west side of Johnson Mountain and along the
20 shoulder of Coburn Mountain to reduce its visibility
21 from Route 201.

22 CMP also carefully designed the project to
23 minimize its visibility. For example, one, using
24 self-weathering steel structures in most locations to
25 support transmission line corridor conductors to make

1 them less obtrusive and more compatible with their
2 natural surroundings. Two, proposing to shorten the
3 structure close to Beattie Pond to minimize its
4 visual impact and visibility to recreational users of
5 that pond. Three, reducing the height of structures
6 along the west side of Moxie Lake to minimize their
7 visibility. And four, proposing to cross beneath the
8 Upper Kennebec River utilizing horizontal directional
9 drilling, or HDD, rather than an overhead crossing to
10 eliminate visible conductors, aviation markers and
11 structures from the Kennebec River and to maintain
12 that river's segment scenic and recreational values.
13 CMP also proposed to create new buffers to minimize
14 the project's visual impacts. Examples include
15 roadside buffer plantings in several areas and
16 tapering of vegetation along the edges of the
17 transmission line corridor segments visible from the
18 summit of Coburn Mountain from Rock Pond.

19 Third, with respect to the next hearing
20 topic wildlife habitat and fisheries, the evidence
21 will show that the project will not unreasonably harm
22 significant wildlife habitat or threatened or
23 endangered plant habitat. CMP's proposal including
24 the following measures specifically intended
25 including Roaring Brook Mayfly and Northern Spring

1 Salamanders. One, riparian buffers and 100 feet will
2 be maintained adjacent to all perennial streams
3 within Segment 1 adjacent to all cold water fishery
4 streams crossed by the project adjacent to all
5 streams containing threatened or endangered species
6 and adjacent to all four outstanding river segments
7 crossed aerially by the project. Two, at the request
8 of IF&W, CMP is proposing expanded riparian buffers
9 of 75 feet for all other streams. And three, CMP
10 modified the design to include eight taller
11 structures to avoid and minimize impacts by allowing
12 full height canopy within the 250 foot wide
13 conservation management areas of two streams
14 containing threatened and special concern status
15 species.

16 To avoid habitat fragmentation, CMP is
17 co-locating more than 70 percent of the new
18 transmission line within or immediately adjacent to
19 existing transmission line corridors rather than
20 creating a new corridor for the entire transmission
21 line. You will also hear about several other
22 measures to minimize habitat fragmentation within
23 Habitat 1, which is the new corridor portion of the
24 project. For example, within the Upper Kennebec
25 River dewatering area establishing maintaining 10

1 new deer winter travel corridors.

2 With respect to cold water fisheries, the
3 project proposal includes several measures to avoid,
4 minimize and compensate for unavoidable impacts
5 including, one, permanently preserving over 12 miles
6 of cold water habitat and almost eight miles of
7 habitat and frontage along the Dead River. Two,
8 replacing missing non-functional and improperly
9 installed culverts to reconnect isolated cold water
10 fishery habitat to downstream areas. Three, donating
11 \$180,000 to the Maine Endangered and Nongame Wildlife
12 Fund to pay for additional mitigation for unavoidable
13 cold water impacts. And four, performing stream
14 crossings by heavy equipment during construction
15 through the installation of equipment spans with no
16 in-stream disturbances. Fourth, and with regard to
17 the final hearing topic with respect to compensation
18 and mitigation, the evidence will show that CMP has
19 proposed a very robust compensation plan to address
20 all unavoidable impacts.

21 CMP has offered compensation for unavoidable
22 impacts in many forms and for numerous purposes,
23 offered in lieu fees total more than \$3 million and
24 other compensation fees total over \$2 million for a
25 total of over \$5 million. Land proposed for

1 permanent preservation total nearly 2,800 acres,
2 provisions for tapering of transmission corridor
3 vegetation at two locations, Coburn Mountain and Rock
4 Pond, Three Slide Mountain near Gold Brook, increased
5 vegetation maintenance costs by more than \$22,000 per
6 year and maintenance of winter deer travel corridors
7 in the Upper Kennebec deer wintering, increased
8 vegetation management costs by more than \$9,000 per
9 year. Conserved land will include over 2,000 acres
10 to offset wetland impacts, an additional 717 acres
11 within the Upper Kennebec deer wintering area. We
12 believe this is the most, one of the most, if not the
13 most, robust compensation plans for any development
14 project in Maine history especially given be the
15 project's minimal natural resource impacts. It
16 includes numerous design, construction, maintenance
17 and monetary components that far exceed what is
18 required for compensation by statute and regulation
19 and that very effectively compensate for unavoidable
20 impacts.

21 So in short, the evidence will show that the
22 New England Clean Energy Connect meets all DEP
23 approval criteria and that there is no other
24 practicable alternative that will be less damaging to
25 the environment and that meets the project purpose,

1 which is to deliver 1,200 megawatts of clean energy
2 generation from Quebec to New England at the lowest
3 cost to ratepayers. Thank you for your time and
4 consideration.

5 MS. MILLER: Thank you. Before we move on
6 to Group 1, I just want to mention that April sitting
7 over here is helping me keep time, so throughout
8 these proceedings as -- if you see her lift up a red
9 piece of paper it's going to tell you when you have
10 about a minute left. I'm also going to be looking at
11 that so just -- so we can do our best to stay on
12 track today.

13 So now we'll go ahead and go to Group 1,
14 Mr. Haynes.

15 MR. HAYNES: Thank you. Does this sound
16 okay to everybody? Good morning and I thank you for
17 attending the first day of DEP hearings regarding the
18 NECEC proposal to cross western Maine for the new
19 power line corridor. I am Robert Haynes, a Maine
20 licensed forester --

21 MS. MILLER: I'm sorry, can you move the
22 microphone just a little closer for the
23 transcriptionist?

24 MR. HAYNES: I can do that. I can do that.

25 MS. MILLER: Thank you.

1 MR. HAYNES: I'm Robert Haynes, a Maine
2 licensed forester, coordinator of the Old Canada Road
3 National Scenic Byway Incorporated, spokesperson for
4 Group 1 and an abutter to the project. Group 1
5 consists of the Friends of Boundary Mountains, Maine
6 Wilderness Guides Organization and Old Canada Road
7 Scenic Byway.

8 I'd like to give you an overview of the
9 components of Group 1. Friends of the Boundary
10 Mountains witness Janet McMahon, an eminent ecologist
11 who has long studied the intact forested region of
12 the western Maine mountains will bring testimony to
13 your attention on how the habitat fragmentation
14 caused by the CMP power line will bring dire
15 ecological consequences to the core habitat of a
16 region significant at a continental scale. These
17 will be permanent ecological consequences affecting
18 biodiversity that cannot be mitigated or compensated
19 away.

20 The Maine Wilderness Guides Organization
21 calls to your attention that CMP's proposed project
22 will have significant negative impacts on existing
23 wilderness guiding operations. The largest
24 unfragmented forest of the region, wildlife and
25 wildlife habitat and will show its concerns that CMP

1 has not made adequate provisions for fitting the
2 development harmoniously into the existing natural
3 environment and that the development will adversely
4 affect existing uses and scenic character.

5 The Maine Wilderness Guides Organization is
6 a non-profit organization whose mission is to provide
7 the unified voice for the profession of wilderness
8 guiding while maintaining the highest professional,
9 educational and stewardship standards for the
10 conservation of remote woods and waters. MWGO has
11 approximately 100 members including members who guide
12 in the forest, rivers, streams and lakes that will be
13 affected by this proposal.

14 The National Scenic Byway Program selected
15 distinguished roads of national significance across
16 the country. To date there are only 150 across the
17 nation. Old Canada Road was selected in 2000 by the
18 Secretary of Transportation. Funded with competitive
19 grant money from the Federal Highway Administration,
20 OCR has invested over a million dollars over the 78
21 mile byway corridor from Solon to Canada promoting
22 positive visitor experience and creating opportunity
23 for travelers to stay longer and spend more money.

24 One of the intrinsic values that caused OCR
25 to be selected in 2000 as a national byway was its

1 outstanding scenery, small towns and working forests.
2 We work closely with the Maine Department of
3 Transportation in completing projects. The most
4 recent was a 6 mile trail project in cooperation with
5 Central Maine Power Company on the Kennebec and Dead
6 Rivers. Tourists come to the Upper Kennebec Valley
7 for what it has and for what is missing, night sky,
8 lack of self-service, if desired, lack of chain
9 stores and, of course, the Maine woods. Our visitors
10 come from around the world and all over the United
11 States not just for what this new road designation
12 can offer but for what guides and the recreational
13 industry have provided for decades, a continuous,
14 positive outdoor experience from wild water rides to
15 snowmobiling to just enjoying being away from it all.

16 The Upper Kennebec Valley has provided
17 memories for years. We want to continue helping to
18 provide that experience for generations, however, the
19 design of the NECEC project has caused concern with
20 its potential impact on the scenic quality and
21 existing uses. The OCR directors have serious
22 concern that an HVDC power line from Canada as
23 proposed will be detrimental to the traditional Maine
24 woods experience. Return customers are the best and
25 we want them to come back for years. Returning to

1 see a very tall power line cutting across Old Canada
2 Road, over Coburn Mountain and through the Moose
3 River basin may not be what they have in mind. I
4 will bring testimony to your attention that
5 demonstrates how critical the scenic character and
6 existing uses along the Old Canada Road area are to
7 the people, business and experience of this region.
8 Thank you.

9 MS. MILLER: Thank you. Group 2.

10 MS. CARUSO: Good morning. Thank you for
11 this opportunity. My name is Elizabeth Caruso, I'm
12 the First Selectman of the Town of Caratunk.
13 Caratunk is a remote rural town nestled along the
14 Kennebec River on the Appalachian Trail and is home
15 to Pleasant Pond, many years the state's cleanest
16 body of water.

17 Once a historic logging town, now Caratunk's
18 rugged natural landscape and non-industrialized
19 natural resources lure tourists and vacation home
20 owners from all over the country to live and recreate
21 here. The region's snowmobile trails, rivers, native
22 brook trout fisheries, hunting grounds, remote
23 beautiful ponds and nearby mountains with spectacular
24 non-industrialized views are the treasures that these
25 urban people seek as well as our own residents.

1 Like The Forks area, Caratunk's year-round
2 residents either make their livelihoods within the
3 recreation and natural resource-based tourism
4 industry or in the construction, logging and service
5 industries catering to the needs of seasonal and
6 year-round landowners. Along with the West Forks
7 Plantation, we represent two of the towns and
8 plantations along the 53 miles of new corridor, all
9 of whom have officially opposed this project.

10 Additionally, Group 2 consists of the
11 Kennebec River Anglers, a unique fishing guide
12 service that focuses on guiding their clients who
13 come from all over the country to catching wild brook
14 trout in remote and niche rivers, ponds and lakes of
15 the new corridor. Maine Guide Service similarly
16 guides hunters, anglers, snowmobilers and hikers
17 visiting all over the country and is also the
18 Kennebec River Ferry Service for the Appalachian
19 Trail in Caratunk. Hawk's Nest restaurant and lodge
20 in the West Forks is another business based on the
21 natural resource tourism in our area.

22 This large scale industrial project does not
23 belong in Maine and certainly not in the last
24 unfragmented forest we are so blessed to have in our
25 region. The negative impact on the scenic character

1 and existing uses along the first 53 miles will
2 diminish the quality of life and economic possibility
3 around the growing outdoor industry and the area
4 towns. CMP has failed to demonstrate that their
5 proposal would not cause unreasonable impacts to the
6 socioeconomic conditions for the people who live,
7 work and visit the first 53 mile segment.

8 Group 2's testimony and the testimony of
9 other opposition Intervenors will show that CMP has
10 failed to demonstrate that this proposed industrial
11 project will not unreasonably interfere with the
12 scenic character, existing scenic, aesthetic,
13 recreational or navigational uses and has failed to
14 show that an industrial project of this scale and
15 size could possibly fit harmoniously into the natural
16 environment. CMP has failed to demonstrate that this
17 industrial project will not unreasonably harm any
18 significant wildlife habitat, fresh water wetland
19 plant habitat, threatened or endangered plant habitat
20 and specifically the endangered species Roaring Brook
21 Mayfly, spring salamanders, brook trout habitat,
22 habitat fragmentation and buffer strips around cold
23 water fisheries. We do not agree that CMP has met
24 its burden of proof that there is no practicable
25 alternative. Even assuming that they have, CMP has

1 not minimized the proposed alteration to Maine's
2 natural resources as much as possible. This
3 industrial activity will have an unreasonable impact
4 on protected natural resources and wildlife.

5 And finally, CMP has failed to provide
6 adequate mitigation and compensation for a loss of
7 wetland function since they have failed to even
8 adequately assess the impacts on cold water fisheries
9 habitat, the outstanding river segments and wetlands.
10 For all of these reasons Group 2 expects the
11 Department will find that CMP has failed to meet its
12 burden not only with the respect to the hearing
13 topics, but also on other necessary review criteria
14 relevant to a determination to issue a Natural
15 Resource Protection Act permit and Site Location
16 Development Act permit. So Group 2 urges the
17 Department to reject CMP's project and deny its
18 application. Thank you.

19 MS. MILLER: Thank you. Group 3.

20 MR. BUXTON: Thank you and good morning,
21 all. I am Tony Buxton of Preti Flaherty representing
22 Industrial Energy Consumer Group this week. With me
23 is Benjamin Borowski of Preti Flaherty and later this
24 week we'll be joined by Jerry Petrucelli of his
25 firm.

1 Group 3 is composed of Industrial Energy
2 Consumer Group, City of Lewiston, Lewiston/Auburn
3 Chamber of Commerce, the International Brotherhood of
4 Electrical Workers and the Maine State Chamber of
5 Commerce. Most of our testimony has been designated
6 for comment status, but we are pleased to offer brief
7 testimony by Robert Myers, Executive Director of the
8 Maine Snowmobilers Association on the value of the
9 project to snowmobiling. These groups are united in
10 our support to CMP's application because we think CMP
11 has met both the letter and the intent of the law
12 that has been recited by others here today. We
13 understand the importance of carefully analyzing each
14 of these issues and we welcome this opportunity --
15 the opportunity to join in this effort, however, our
16 analysis of those issues and of the application of
17 CMP convinces us that those standards are being met
18 by CMP and indeed that CMP in this proceeding and in
19 others has made an extraordinary effort to make this
20 a good project that fits harmoniously into the
21 environment of Maine. We understand the importance
22 of these statutes and this project to society and we
23 understand that if we are to meet the needs of
24 society that we have both a practical and a moral
25 obligation to find reasonable solutions; in this

1 instance, to find ways to transport clean, renewable
2 energy from the Quebec border to Lewiston, Maine.

3 We thank and congratulate all of the parties
4 here today for their participation whatever their
5 position may be. We believe civilization survived
6 because we reason together and we look forward to
7 doing that this week. Thank you.

8 MS. MILLER: Thank you. Next, we have Group
9 4.

10 MS. ELY: Good morning. My name is Sue Ely
11 and I am here to represent Group 4 consisting of the
12 Appalachian Mountain Club, The Natural Resources
13 Council of Maine and the Maine Council of Trout
14 Unlimited. We plan to show that this project would
15 cause irreparable damage to Maine's north woods. We
16 are most concerned by the approximately 53 new
17 miles -- miles of new permanently clear transmission
18 corridor that would bisect the largest remaining
19 block of intact temperate forest in the U.S., a
20 globally significant forest region. We are also very
21 concerned about the negative wildlife impacts of the
22 expanding the existing corridor. Aside from the
23 underground crossing of the Kennebec River, CMP's
24 proposed line utilizes 100 foot tall above-ground
25 transmission lines that will negatively impact the

1 Appalachian Trail, hundreds of wetlands and streams,
2 dozens of inland waterfowl and wading bird habitat
3 areas and deer wintering lot -- yards and encroaches
4 upon Beattie Pond, a Class 6 remote pond.

5 Even the Maine Public Utilities Commission,
6 with which we disagree vehemently on the recent
7 hearing examiner's report on this project, concedes
8 that the project would have a significant adverse
9 effect on scenic and recreational values including
10 the associated impacts on tourism and the economies
11 of communities near this project. The Public
12 Utilities Commission advocated its responsibility to
13 protect Maine's --

14 MR. MANAHAN: Ms. Chairman, I'd have to
15 object to discussion of the PUC proceeding here
16 today.

17 MS. BENSINGER: Do you want to respond to
18 that objection?

19 MS. ELY: It's a -- it's a public record
20 directly relevant to this project and they actually
21 specifically called out their lack of evaluating
22 scenic -- acting on scenic and recreational impacts
23 on the presumption that this body will do that.

24 MS. BENSINGER: I would recommend that you
25 sustain the objection and limit -- limit any

1 discussion about the PUC's analysis.

2 MS. MILLER: So I will sustain it. Limit it
3 to what is relevant to this proceedings. Thank
4 you.

5 MS. ELY: So I am still unclear.

6 MS. BENSINGER: I mean, try not to dwell on
7 the PUC process. We're here to talk about the DEP's
8 statutory criteria and not the PUC's criteria. So
9 your opening statement is more about your position on
10 whether the Applicant has met the criteria that the
11 DEP has to apply.

12 MS. ELY: Okay. We believe -- we agree that
13 the hearing examiners are correct in that there will
14 be impacts on scenic and recreational values
15 including impacts on tourism and economies of
16 communities near the project. And because of these
17 impacts and because this is the body that is being
18 tasked with doing this analysis and it's clear that
19 there are not other bodies doing a similar analysis
20 or any other parallel analysis like the PUC, it makes
21 the work that we're doing this week even more
22 critical and vitally important and we thank you for
23 the opportunity to provide information about these
24 numerous and significant concerns.

25 On the scenic character and existing uses,

1 this proposed project is not consistent with and
2 would negatively impact the scenic character and
3 existing uses of the region, for example, this
4 project would significantly degrade the remote
5 undeveloped scenic character of the region and harm
6 the experience of existing recreational users
7 including hikers, boaters, paddlers and those who
8 hunt and fish in these remote and beautiful areas.
9 The proposed line will also degrade the hiking
10 experience for users of the Appalachian Trail. It
11 would be the first crossing of the AT by a
12 transmission line of this size anywhere in the state.

13 On wildlife habitat and fisheries, the
14 western Maine mountains is the heart of a globally
15 significant forest region that is notable for this
16 relatively natural forest composition, lack of
17 permanent development and high level of ecological
18 connectivity. The proposed new corridor would be one
19 of the largest permanent fragmenting features
20 bisecting this region and would have an unreasonable
21 adverse effect on wildlife habitat, wildlife life
22 cycles and travel corridors. CMP's assessment of
23 these impacts is cursory, overly general, lacking in
24 specific analysis and inappropriately conflates the
25 impacts of the corridor with those of timber

1 management.

2 MS. MILLER: Can we wrap this up?

3 MS. ELY: This region is the heart of the
4 largest block of impact aquatic habitat in the
5 northeast supporting populations of native brook
6 trout that has been identified as the last true
7 stronghold for brook trout in the United States. It
8 would substantially fragment its habitat with
9 multiple stream crossings, the impact for trout
10 habitat, the creation of a new corridor that could be
11 a vector for increased human use and the introduction
12 of invasive species.

13 The clear cut away for the project would
14 impact hundreds of vernal pools and important travel
15 routes to and from these pools, again, resulting in
16 impacts ranging from complete destruction of some
17 vernal pools to greatly compromised habitat for
18 others. The project would also dramatically impact
19 deer wintering areas, a habitat type that is critical
20 to help Maine deer survive Maine's long winters when
21 food and shelter are critically limited.

22 CMP has also failed to demonstrate that
23 there is not a practicable alternative to the
24 proposed project that is less damaging to the natural
25 environment such as burying the project underground

1 or considering alternatives to reduce impacts on the
2 unfragmented forest, brook trout habitat, vernal
3 pools and deer wintering areas. Finally, CMP has
4 failed to provide adequate mitigation or compensation
5 of the projects many impacts. CMP's proposed
6 mitigation is inadequate to compensate for
7 fragmentation of Maine's north woods as well as
8 specific impacts on brook trout habitat, vernal pools
9 or deer wintering areas. For this reason and the
10 reasons stated above, Group 4 respectfully asks the
11 Department to deny CMP's permit application.

12 MS. MILLER: Thank you. Group 5.

13 MR. NOVELLO: Good morning. Thank you for
14 the opportunity to speak with you today. My name is
15 Mike Novello. I'm an employee of Wagner Forest
16 Management. I am here representing Group 5. We are
17 taking no position for or against this project.

18 Our client borders the proposed transmission
19 line for much of its travel through The Forks
20 Plantation. We originally filed for Intervenor
21 status to ensure that our client's interests were
22 represented and protected in these proceedings. Our
23 concern is limited to one topic that several photos
24 in the derived photosimulations were taken from our
25 client's land without their permission. As this land

1 is privately owned, we do not believe it is
2 appropriate for views from this private land to be
3 considered in evaluating the scenic impact or other
4 topics before this -- before the parties. Thank you.

5 MS. MILLER: Thank you. Group 6.

6 MR. WOOD: Hi. Good morning. Rob Wood with
7 The Nature Conservancy representing Group 6, the
8 Nature Conservancy and Conservation Law Foundation.

9 The Western Maine region contains globally
10 and regionally significant wildlife habitat. The
11 Nature Conservancy's science shows that this area is
12 unique in the eastern United States for its high
13 level of habitat connectivity and its high level of
14 resilience to climate change. Western Maine provides
15 a key linkage to wildlife movement especially for
16 species that require mature forests and full canopy
17 cover and the reason will become more important over
18 time. We are concerned about the habitat
19 fragmentation that would occur from Segment 1 of the
20 proposed transmission corridor. Unlike the impact of
21 forestry in the region, this transmission corridor
22 would traverse the entirety of the core forest block,
23 would be wider than standard logging roads and would
24 create a permanent fragmenting feature and connected
25 a resilient forest habitat. We believe that more can

1 be done to avoid, minimize and compensate for these
2 habitat fragmentation impacts to ensure no net loss
3 biodiversity. For example, the line to be sited
4 along the Spencer Road to reduce a new forest edge
5 with portions potentially buried along the road, the
6 corridor could also be narrowed through additional
7 vegetative tapering and fragmentation could be
8 reduced through additional wildlife travel corridors.
9 For any remaining habitat, fragmentation habitats,
10 additional compensation could be provided to conserve
11 land in the region, which could reduce habitat
12 fragmentation elsewhere in the region and prevent
13 future habitat fragmentation. Thanks.

14 MS. MILLER: Thank you. Group 7.

15 MR. SMITH: Good morning. My name is Ben
16 Smith. I'm here on behalf of Western Mountains and
17 Rivers Corporation, also known as WMRC, a Maine
18 non-profit corporation.

19 WMRC was formed in August 2017. As a
20 non-profit, WMRC's mission is to expand conservation
21 along western Maine's rivers including the Kennebec,
22 Dead, Sandy, Moose, Sebec and Carrabassett and
23 also surrounding natural resources and also to
24 develop recreation projects, educational programs and
25 increase economic development in the area through

1 nature-based tourism.

2 Contrary to some claims of Intervenors, some
3 Intervenors, board members of WMRC are entirely
4 comitted and they are legally obligated to follow the
5 laws, federal and state, surrounding charitable
6 missions of non-profit organizations. There can be
7 no private inurement, period. There have also been
8 criticisms about WMRC's members in the press
9 including that the members are unknown, that they're
10 not from the area, that they're not devoted to the
11 region, that they're working at CMP's directions,
12 that there are only a few handpicked rafting
13 organizations and they don't have any other
14 experience with outdoor recreation. All these
15 criticisms are unfounded. The current board member
16 of WMRC or the current board membership is close to
17 1,500. Board members include business and community
18 leaders from the greater Forks region, career public
19 servants and people dedicated to the communities in
20 and around The Forks area.

21 I'll give you some examples. Ben Towle from
22 Caratunk, owner of Maine Lakeside Cabins, owner of
23 Maine Outdoor Sports, president of the local ATV
24 club. John Philbrick, Caratunk, owner of Adventure
25 Bound and member of the recreational industry and

1 recreational guide for years, also previously worked
2 for New England Outdoors another recreational
3 outfitter. Judith Hutchinson, The Forks, local
4 select person, assessor, past president of The Forks
5 Fish and Game Club, currently works as a tax auditor
6 for the state. Susie Hoffmeyer, Caratunk, vice
7 president and co-founder of Northern Outdoors in The
8 Forks. She's a registered Maine Guide, master
9 license, hunting, fishing, recreation and whitewater
10 rafter to the first female to hold that license. Pam
11 Christopher, Moxie Gore, executive director at The
12 Forks area Chamber of Commerce for 10 years. Rachel
13 Prominent, West Forks, owner and operator of 15 Mile
14 Stream Lodge, the largest guiding camp and outfitter
15 in the region. Peter Mills, Cornville, lawyer, 16
16 year legislator in the House and Senate, executive
17 director currently of the Maine Turnpike Authority,
18 has held that position since 2011. Robert Peabody,
19 Solon, owner and operator of Crabapple Rafting
20 Company, signatory to the Harris Station FERC
21 licensing, son of the owner of Moxie Trail Rentals,
22 family is very involved in recreational industry.
23 Russell Walters, Kingfield, co-owner and president of
24 Northern Outdoors, a four-season adventure resort
25 based in The Forks. Tom Coleman, West Forks,

1 district forester for LandVest to large real estate
2 management and holding company overseeing land in
3 western Maine. Lloyd Trafton, West Forks, Somerset
4 County Commissioner and long-time select person for
5 West Forks U.S. Border Patrol. Chris Savage,
6 executive director for Somerset Economic Development
7 Corporation. And then you also have with me here
8 Larry Warren and Joe Christopher. Larry is one of
9 the founders of the Town of Carrabassett Valley and
10 former president and controller of Sugarloaf Mountain
11 Corporation and he's the founder of Maine Huts and
12 Trails. Joe Christopher, owner of several businesses
13 including Three Rivers Rafting, Inn By The River,
14 Sugarloaf Inn, lives in The Forks, has lived there
15 for 30 years, makes it a weekly adventure to actually
16 swim down the Kennebec Gorge.

17 Sometime after CMP began participating in
18 the Section 83D process, WMRC approached CMP in order
19 to explore ways it could protect the Kennebec Gorge.
20 The Gorge had long been established by CMP as a
21 potential for transmission line crossing. WMRC
22 wanted to suggest and did suggest to CMP that they
23 would co-locate facilities along Harris Station and
24 Harris Dam. Unfortunately, this was not possible.
25 Part of that is because of a very arduous, difficult

1 and time consuming and expensive FERC relicensing and
2 also there would be no assurance after such a
3 proceeding that the sort of benefits and
4 accommodations that are currently under the
5 arrangement with Brookfield would remain the case, so
6 that was simply not a feasible alternative. WMRC
7 then began negotiating with CMP whether or not they
8 could pursue an underground solution. That was not a
9 preferred alternative for many reasons and I think
10 the Applicant can actually speak to.

11 As a result, WMRC had basically one option
12 to do whatever it could to try to protect the
13 Kennebec Gorge through negotiating a mitigation
14 package and compensation package that would protect
15 any type of intrusion and impact upon the Kennebec
16 Gorge area under any of the alternatives that could
17 occur and that's exactly what it did.

18 MS. MILLER: Can you wrap this up?

19 MR. SMITH: I will. We have two witnesses
20 that will speak at the Department's proceeding. We
21 have Joe Christopher and Larry Warren. They will
22 speak to the first issue identified by the
23 Department, namely whether the project will have an
24 unreasonable impact on the existing recreational
25 aesthetic, scenic and other uses. As shown by their

1 testimony, we believe that the Department can find
2 and should find that the project has been designed in
3 a manner that seeks to minimize the adverse impact of
4 the project on such uses and that any impact is not
5 unreasonable. Thank you.

6 MS. MILLER: Thank you. Group 8.

7 MS. TOURANGEAU: Good morning. This is
8 Joanna Tourangeau on behalf of NextEra, also known as
9 Group 8. We are here to talk about the alternatives
10 that need to be considered under the Site Location of
11 Development Act and the Natural Resources Protection
12 Act, 38 MRSa Section 487-A4 specifies that the
13 Department shall consider whether any proposed
14 alternatives to the proposed location and character
15 of the transmission line may lessen its impacts on
16 the environment or the risks it would engender to
17 public health or safety without unreasonably
18 increasing its cost. The Department may approve or
19 disapprove all or portions of the proposed
20 transmission line and shall make such orders
21 regarding its location, character, width and
22 appearance and will lessen its impact on the
23 environment having regard for any increase cost to
24 the Applicant.

25 Under NRPA, as we all know, the question

1 that's presented is whether the preferred alternative
2 for achieving the project purpose is reasonable
3 balancing cost, logistics, technical aspects against
4 impacts to the protected resources. Here, the
5 impacts are significant and adverse. The Applicant's
6 supplement to its application documents the benefits
7 of undergrounding a portion of the new transmission
8 line as it crosses the Upper Kennebec. Other
9 portions of the transmission line and the
10 undergrounding alternative and its benefits
11 associated therewith are not documented in the
12 application at all. After this flaw in the
13 application came to light the Applicant responded
14 that whether they considered the alternative or not
15 it's just too expensive. This isn't substantial
16 evidence upon which the Department can determine
17 reasonableness. The Applicant failed to meet its
18 burden under SLODA and NRPA to show that the costs
19 and benefits, both sides of the scale, so that the
20 Department can determine how to balance those scales.
21 Thank you.

22 MS. MILLER: Thank you. And now we have
23 Group 10.

24 MR. BUZZELL: Hello. I'm Ed Buzzell and I'm
25 an Intervenor for Group 10 against CMP's NECEC

1 project. We're a group of local residents and
2 recreational users. The Applicant CMP's proposed
3 project will perversely and permanently scar the
4 western mountains of Maine with towers and
5 transmission lines cutting through unique forest
6 ecosystems and rising well above the tree canopy.
7 This will make an industrial infrastructure starkly
8 visible within far too many of Maine's wild
9 landscapes. It will slice 53 miles of new corridor
10 from Canada through the last and largest undeveloped
11 contiguous forest east of the Mississippi. It will
12 further cross the iconic Kennebec Gorge and most of
13 the benefits will not be for Maine but will be more
14 Canada and Massachusetts.

15 The Department of Environmental Protection
16 should deny these permits based on the following:
17 Alternatives exist for transmitting electricity from
18 Quebec to Massachusetts, alternatives that would not
19 damage the State of Maine. An alternative
20 underground project already permitted in the State of
21 Vermont exists to transmit electricity to
22 Massachusetts with no damage to Maine. The Applicant
23 itself chose not to pursue practical alternatives
24 that would have avoided or greatly lessened the
25 damage that would be caused by its own proposal. The

1 Applicant failed to study or even consider burying
2 the transmission line from Canada to The Forks. Two
3 alternate projects, one in Vermont and a similar
4 project in New Hampshire, both offered to go
5 underground. The Applicant until recently strongly
6 proposed to run transmission lines across the
7 Kennebec Gorge. The Applicant stated in many
8 hearings that it did not know if it was even possible
9 to drill under the Gorge. Because of Maine popular
10 opposition the Applicant then decided to directional
11 drill under the Gorge. No visual assessment has been
12 done or study of what damage directional drilling
13 will do to the surrounding area, Kennebec Gorge or
14 the cold stream fisheries located just below the
15 crossing. Once this damage is done it can never be
16 undone.

17 The proposed NECEC corridor will be a
18 permanent visual scar on the base of Coburn Mountain.
19 That scar will be seen from over 12 miles away from
20 any elevated area, while the damage done by cutting
21 will heal, deadly herbicides will ensure that this
22 scar will never heal. The project will be most
23 harmful to most wildlife along the corridor. A large
24 corridor will be detrimental to the deer population
25 as hunters looking for an easy kill will be able to

1 hunt the long open stretches of corridor and for a
2 deer population faced with harsh winters and just
3 starting to recover this will be tragic.

4 Since 2015, almost 150,000 commercial
5 whitewater rafting guests and almost 30,000 private
6 boaters came to enjoy not just the Kennebec Gorge,
7 but also to enjoy a remote wilderness area that no
8 longer exists in the urban areas that they live. The
9 additional upswing in private boaters proves that
10 this is still a developing resource. Not all these
11 guests and private boaters come to just boat the
12 river. Many came to enjoy the natural resources such
13 as Moxie Falls, Coburn Mountain, Number 5 Mountain,
14 thousands of other outdoorsmen and women also come to
15 the area to fish, camp, hunt, canoe, hike and many of
16 the other outdoor activities. They do not come to
17 see views of development. These are existing uses
18 that may be irrevocably destroyed.

19 The Public Utility Commission staff admits,
20 quote, with respect to the effects of the project on
21 scenic and recreational values and the associated
22 impacts on tourism --

23 MR. MANAHAN: Could I just object for the
24 record? This is not in the pre-filed testimony and
25 in addition could I just comment, I didn't want to

1 interrupt his flow earlier and I'm sorry that I had
2 to here, but he's also said that he's testifying on
3 behalf of all of Group 10 Intervenors, most, other
4 than Mr. Buzzell, they're all non-intervenors in the
5 DEP process, they're at the LUPC, so I would object
6 to him speaking on behalf of LUPC Intervenors before
7 the DEP here.

8 MS. MILLER: I will sustain both of those.
9 And just try to limit your comments to not what's
10 happening in -- oh, I'm sorry, did you want to
11 respond to that, Ms. Boepple?

12 MS. BOEPPLE: Yes, I would, please. First
13 of all, Mr. Buzzell was not representing that he was
14 speaking on behalf of all of Group 10. We know that
15 the other Intervenors are part of the LUPC process
16 and not the DEP. He's hear speaking as a DEP
17 Intervenor. Yes, he was grouped in Group 10, excuse
18 me, and therefore he should have an opportunity to
19 speak in group -- on behalf of himself in Group 10 as
20 a DEP Intervenor, so I hope that objection won't be
21 sustained.

22 And second, with respect to the reference to
23 the PUC, again, this is merely reminding the
24 Department what the role of the Department plays
25 versus what the PUC's role played and therefore it is

1 relevant to the hearing topics and he's almost
2 concluded, so.

3 MS. BENSINGER: But I think the Presiding
4 Officer's sustaining of the objection is to the
5 quoting from the PUC decision, so if you would just
6 proceed without quoting from the PUC decision.

7 MS. BOEPPLE: Could I get clarity on the
8 objection with respect to Mr. Buzzell speaking here
9 today?

10 MS. MILLER: Yeah, Mr. Buzzell can speak on
11 behalf of Mr. Buzzell.

12 MS. BOEPPLE: Thank you.

13 MR. BUZZELL: I was about ready to wrap this
14 up anyways, so. With this in mind, how can the
15 Department of Environmental Protection permit this
16 destructive process? And thank you for your time and
17 consideration.

18 MS. MILLER: Thank you very much. So the
19 next thing we have on our agenda is to start with the
20 Applicant's overview of the project. We'll do --
21 we'll start that at 9:05, so we have a quick
22 opportunity for a break.

23 (Break.)

24 MS. MILLER: Okay. We need to reconvene
25 this. We're a little later than we had hoped in our

1 break. So right now on the schedule we have an
2 overview of the project from the Applicant.

3 THORN DICKINSON: Good morning. My name is
4 Thorn Dickinson. I'm the Vice President of Business
5 Development at Avangrid Networks and I'm happy to be
6 here today to give an overview related to the
7 project.

8 The main purpose or need of the project is
9 for New England Clean Connect is to build a
10 transmission line and the related facilities
11 necessary to deliver 1,200 megawatts of renewable
12 generation from Quebec to the ISO New England
13 electricity grid. It's proposed in response to a
14 request for proposal in Massachusetts, which there
15 are 46 other proposals for long-term contracts for
16 clean energy projects that were issued by the
17 Massachusetts Department of Energy Resources and the
18 electric distribution companies of Massachusetts.

19 The power from the project will provide
20 firm, guaranteed and tract year-round energy
21 deliveries that reduce winter electricity prices by
22 reducing the stress on the natural gas
23 infrastructure, also substantial reduction and
24 wholesale cost of electricity for the cost of
25 benefits of retail customers.

1 MS. MILLER: I'm sorry to interrupt you --

2 THORN DICKINSON: Yes.

3 MS. MILLER: I just want to mention I just
4 noticed in our redacted testimony that was stricken
5 that last paragraph -- that last bullet at the bottom
6 of the page was some of the testimony that we had
7 struck from the record, so I just wanted to clear
8 that up.

9 THORN DICKINSON: Okay.

10 MR. MANAHAN: Excuse me, Ms. Miller, I don't
11 believe that that was stricken. My -- as we read the
12 order it was just the last bullet in the discussion
13 that Mr. Thorn -- Mr. Dickinson had in his testimony
14 and not the -- what preceded that last bullet. Yeah,
15 that language that's on that slide was language that
16 was not stricken by Procedural Order, it was after
17 that language in that slide. What was stricken was
18 the last piece about Massachusetts Energy rules in
19 the final bullet.

20 MS. BENSINGER: No, it was the last
21 paragraph in the purpose and need, so that's from
22 we'll provide on down. So why don't we move on from
23 this slide.

24 THORN DICKINSON: Sure. The overall in the
25 project is 193 miles of transmission corridor from

1 Quebec to Lewiston, Maine and from Windsor to
2 Wiscasset. The Quebec to Lewiston is the direct
3 current portion of the line and Windsor to Wiscasset
4 is part of the investments making in the alternating
5 current or AC portion of the line. 139.5 miles of
6 the route is within existing corridors. The -- we
7 have -- Central Maine Power has full control and
8 ownership of the entire route. There are substation
9 upgrades in Cumberland, Lewiston, Pownal, Windsor and
10 Wiscasset. Overall, the project cost is \$950 million
11 and we expect it to be fully operational by the end
12 of 2022.

13 When we drilled down and looked a little
14 closer at the project just looking at it in three
15 segments going from north to south, you have a --
16 this is the part of the DC line, the direct current
17 portion of the line going from the Quebec border.
18 The yellow portion of the line is the new corridor,
19 the 53 miles from the Quebec border to The Forks.
20 That joins up on the black area of the DC line, which
21 represents the part where it's parallel to the
22 existing corridor, the existing transmission line,
23 and heading south towards Bingham. The next segment
24 further south goes from Moscow down to Jay. And then
25 last segment from the -- that ends up in Lewiston

1 where the converter station will be located. And
2 then to the east you also see the alternating current
3 transmission line from Windsor to Wiscasset.

4 This is a graph that -- a map that we use
5 quite a bit to demonstrate how we laid out the
6 project, as I mentioned previously. In order to
7 minimize the impact on the environment of the
8 project, 72 percent of the route is -- of the DC line
9 is along the existing corridor. In addition, the 28
10 percent or the 54 or 53 miles from the Quebec border
11 through The Forks was through a privately owned
12 working forest, land that we now control and own, and
13 was done in a way to avoid sensitive and kind of
14 conserved areas in an area of a working forest.

15 Lastly, this is just meant to represent the
16 overall permit and time line of the project. Here
17 you'll see various state approvals, regional
18 approvals, federal and municipal approvals and,
19 again, with a goal of our expectation of being able
20 to bring the project online by the end of 2022.

21 GERRY MIRABILE: Good morning. My name is
22 Gerry Mirabile and I am Manager of NECEC permitting
23 for Central Maine Power Company. Today, we will
24 summarize our --

25 MS. MILLER: Can you speak up a little bit

1 more, the transcriptionist needs to hear.

2 GERRY MIRABILE: Good morning. My name is
3 Gerry Mirabile and I am manager of permitting for
4 NECEC project for Central Maine Power Company.
5 Today, we will summarize our pre-filed direct
6 testimony the four hearing topics designated by the
7 Presiding Officer in the Second Procedural Order. As
8 part of Panel 1, I will begin by discussing hearing
9 topic two, Wildlife Habitat and Fisheries, in
10 particular Roaring Brook Mayfly and Northern Spring
11 Salamander, brook trout habitat, habitat
12 fragmentation and buffer strips around cold water
13 fisheries. I will then discuss hearing topic four,
14 Compensation and Mitigation including cold water
15 fisheries habitat, outstanding river segments and
16 wetlands.

17 First, regarding the Roaring Brook Mayfly
18 and Northern Spring Salamander. CMP has worked very
19 closely with the Maine Department of Inland Fisheries
20 and Wildlife to protect these state-threatened and
21 special concern species and as a result has proposed
22 eight taller structures at Gold Brook and Appleton
23 Township and at Mountain Brook and Johnson Mountain
24 Township within their conservation management areas.
25 These will allow full-height vegetation within those

1 conservation management areas and allow -- and avoid
2 any unreasonable disturbance or harm to their
3 habitat.

4 Next, we proposed a fee payment based upon
5 the DEP's In Lieu Fee Program of \$470,000 to the
6 Maine Endangered and Nongame Wildlife Fund to
7 compensate for impacts to these two species in other
8 locations. CMP has also expanded buffers around
9 streams from the standard 25 feet to 100 feet wide
10 adjacent to all perennial streams in Segment 1, all
11 cold water fishery streams crossed, all streams
12 containing threatened or endangered species and
13 adjacent to all four outstanding river segments that
14 are crossed aerially. All other streams will have 75
15 foot buffers. Within these buffers stringent
16 protective work practices and vegetation management
17 will be implemented. Finally, any necessary
18 in-stream work, which is not anticipated at this
19 time, with the exception of culvert replacement will
20 be done between July 15 and September 15 and frozen
21 ground conditions will be utilized to the extent
22 possible during initial clearing and construction to
23 reduce soil compaction, vegetation damage and the
24 need for crane mat uses.

25 Next, I will summarize brook trout habitat.

1 To protect brook trout habitat specifically, we
2 proposed avoidance of cold water streams wherever
3 possible through careful siting of the project,
4 expanded buffers of 100 feet rather than the standard
5 25 feet within all cold water fisheries habitat
6 including all brook trout habitat. Within these
7 buffers there will be no foliar herbicides used, no
8 vehicle fueling or maintenance will be done unless on
9 an existing paved road or with secondary containment,
10 mats will be used across all streams, initial tree
11 clearing will be during frozen ground conditions when
12 possible, mats will be used to support mechanized
13 equipment, travel lanes or reach-in techniques will
14 be used for clearing, taller non-capable will be
15 retained outside of the wire zone within the corridor
16 and site specific erosion sedimentation control plans
17 will be developed and implemented for any structures
18 within these buffers. These measures demonstrate
19 that CMP has avoided unreasonable disturbance to
20 brook trout habitat and has made adequate provisions
21 for protection of brook trout and its habitat.

22 Next, I will talk about habitat
23 fragmentation. Habitat fragmentation has many
24 definitions but can be summarized as a division of a
25 landscape into smaller and more isolated pieces. CMP

1 has avoided and minimized additional fragmentation by
2 thoughtfully and siting the NECEC project. As noted
3 earlier, more than 70 percent of the project is
4 within existing corridors, avoiding new fragmentation
5 of and direct impacts to resources such as wetlands
6 and vernal pools and all of Segment 1 is located
7 within a working forest that is regularly and
8 periodically fragmented and harvested by way of
9 clearcuts and strip cuts on a 30 to 50 year cycle.
10 The transmission line corridor will revegetate with
11 shrubs and smaller trees and thus will remain a
12 viable habitat for and traversable by a wide variety
13 of wildlife species. This is very different than
14 hard development such as roads where habitat is
15 entirely lost and where the remaining habitat is
16 thereby isolated from surviving viable habitat. Tree
17 clearing impacts and fragmentation within the Upper
18 Kennebec deer wintering area will be minimized and
19 mitigated by maintaining deer winter travel corridors
20 and creating and maintaining eight other deer winter
21 travel corridors where vegetation will be allowed to
22 grow up to heights of 35 feet and provide cover and
23 shelter from the elements and predators as deer cross
24 the transmission line corridor, which they will. The
25 above measures demonstrate that the project will not

1 unreasonably harm significant wildlife habitat or
2 travel corridors through habitat fragmentation.

3 Next, I will describe project buffer strips
4 around cold water fisheries. The NECEC project has
5 been designed and will be constructed to avoid and
6 where this is not possible to minimize and compensate
7 for impacts to cold water fisheries. For example, we
8 will permanently preserve more than 12 miles of cold
9 water fisheries habitat. We will replace
10 non-functional and improperly installed culverts on
11 the project site and off-site to reconnect upstream
12 fish habitat. CMP will donate \$180,000 to the Maine
13 Endangered and Nongame Wildlife Fund for cold water
14 fisheries impact mitigation and during construction
15 CMP will cross streams with no in-stream disturbance.
16 We have also expanded riparian buffers to 100 feet
17 and 75 feet described earlier and in consultation
18 with the Maine Department of Inland Fisheries and
19 Wildlife and this measure will minimize ground
20 disturbance during construction and maintenance,
21 minimize insulation of water temperature increases
22 and protect water quality. These measures
23 demonstrate CMP has made adequate provisions for
24 buffer strips around cold water fisheries and the
25 project will not unreasonably harm cold water

1 fisheries.

2 I'll now move on to issue four, compensation
3 and mitigation, and I will summarize first the cold
4 water fisheries habitat protection. The project will
5 avoid and where this is not possible minimize and
6 compensate for cold water fishery impact in several
7 ways including preservation of more than 12 miles of
8 cold water fisheries habitat, culvert replacements
9 on-project and off-project to reconnect viable
10 habitat of \$180,000 donation to the Maine Endangered
11 and Nongame Wildlife Fund for cold water fisheries
12 impact mitigation and expanded riparian buffers
13 within stringent and protective measures will be
14 implemented. These mitigation measures have been
15 developed in consultation with the Maine Department
16 of Inland Fisheries and Wildlife to which has stated
17 that CMP has addressed its remaining project resource
18 impact concerns. CMP has therefore adequately
19 avoided where possible and mitigated and compensated
20 for unavoidable cold water fishery impacts.

21 Regarding outstanding river segments crossed
22 by the project, CMP has protected the outstanding
23 natural and recreational attributes of the Kennebec
24 River by crossing beneath the river thus avoiding any
25 visual impacts to this resource. Undisturbed buffers

1 of 1,160 feet on the west side and 1,450 on the east
2 side of the river will be maintained allowing
3 full-height vegetation to grow in these areas. The
4 four other outstanding river segments crossed
5 aerially by the project, the Kennebec River below
6 Wyman Dam, Carrabassett River, Sandy River and West
7 Branch of the Sheepscot River will all be crossed by
8 the transmission line within the existing corridors
9 thereby minimizing the visual impacts. Also, CMP
10 will maintain 100 foot riparian buffers along each of
11 these river segments. These buffers will protect
12 water quality, minimize ground disturbance and the
13 potential for pollutants and sediments to enter the
14 water, minimize insulation and water temperature
15 increases and retain wildlife travel corridors.
16 Because CMP is crossing beneath the Upper Kennebec
17 River and because the four aerial outstanding river
18 segment crossings would be co-located within existing
19 corridors which minimizes resource impacts by
20 avoiding creation of new corridors and new crossings,
21 no reasonable alternative exists which would have
22 less adverse effect upon the natural and recreational
23 features of these outstanding river segments.

24 I will now discuss CMP's mitigation and
25 compensation of wetland impacts. CMP designed and

1 sited the project to avoid wetland impacts wherever
2 possible and to minimize and compensate for
3 unavoidable impacts. For example, many angles in the
4 transmission route are a direct result of routing
5 around wetlands. Construction access across wetlands
6 where that is necessary will be located at the
7 narrowest point of wetlands if that is feasible. CMP
8 has developed a robust compensation plan that
9 includes significant land conservation and in lieu
10 fees to offset unavoidable impacts. Compensation for
11 even temporary wetland impacts, which is required by
12 the Army Corps consists of preservation of three
13 tracts collectively containing 511 acres of wetlands
14 to be preserved and CMP has offered in lieu fees of
15 nearly \$975,000 to compensate for wetland impacts
16 alone. These avoidance, minimization and
17 compensation measures demonstrate that CMP has
18 avoided significant and unreasonable wetland impacts
19 and has appropriately compensated for unavoidable
20 impacts. Thank you.

21 MARK GOODWIN: Good morning. My name is
22 Mark Goodwin. My colleague Lauren Johnston and I are
23 employed as senior environmental scientists by Burns
24 and McDonnell Engineering Company in Portland, Maine.
25 We've been providing CMP with state, federal and

1 local permitting support on the New England Clean
2 Energy Connect project since April of 2017.

3 Burns and McDonnell is an engineering
4 construction services and environmental consulting
5 firm with recent large project experience in Maine on
6 CMP's Maine Power Reliability Program, also known as
7 the MPRP. At over 450 miles of transmission lines
8 the MPRP was arguably the largest project developed
9 in Maine in the last 40 years. Through our
10 experience of providing environmental services on
11 large linear projects we have developed a thorough
12 understanding of construction impacts and the
13 avoidance, minimization measures and best management
14 practices that can successfully result in no
15 unreasonable impact or adverse effects to wildlife
16 fisheries and their habitats.

17 CMP has successfully applied for and
18 received approval from the DEP for multiple projects
19 including the MPRP with essentially the same types of
20 construction practices and impact types and in some
21 instances less stringent requirements than those
22 proposed as part of the NECEC application. DEP
23 issued the permit for the MPRP with the finding that
24 CMP had provided adequate provisions for the
25 protection of fisheries and wildlife and that the

1 construction of the project would not unreasonably
2 harm or adversely affect their habitats. With
3 respect to deering -- excuse me. With respect to DEP
4 hearing issues 2 and 4 and related subtopics my
5 testimony draws the same conclusion that the project
6 will not unreasonably harm or adversely affect
7 wildlife and fisheries or their habitat. CMP will
8 accomplish this through the implementation of the
9 avoidance and minimization measures and construction
10 best management practices including in its
11 applications and through the execution of its
12 proposed compensation plan to offset unavoidable
13 impacts.

14 I will now present a brief summary of my
15 testimony regarding hearing issue 2 and its subtopics
16 followed by Lauren Johnston, who will provide a brief
17 summary of our testimony on issue 4 which covers
18 compensation and mitigation. Hearing issue 2, as
19 Gerry stated previously, includes wildlife habitat
20 and fisheries specific to the following subtopics as
21 described in DEP's Second Procedural Order. Subtopic
22 1 Endangered Species including the state threatened
23 Roaring Brook Mayfly and the Northern Stream
24 Salamander, which is a species of special concern in
25 Maine. Subtopic 2, brook trout habitat, Subtopic 3

1 habitat fragmentation and Subtopic 4 buffer strips
2 around cold water fisheries.

3 Subtopic 1. As demonstrated by my
4 testimony, CMP will not unreasonably harm or
5 adversely effect Roaring Brook Mayfly or Northern
6 Spring Salamander. Inland Fisheries and Wildlife
7 identified the presence of Roaring Brook Mayfly and
8 Northern Spring Salamander within the project area
9 during its project review. In response, Burns and
10 McDonnell supported by an entomologist and a
11 herpetologist recommended by IF&W conducted field
12 surveys for those streams meeting the habitat
13 parameters defined by IF&W and identified two water
14 bodies with the confirmed presence of both species.
15 These waterbodies are Gold Brook in Appletown
16 Township and Mountain Brook in Johnson Mountain
17 Township. Following these surveys, IF&W determined
18 that due to the presence of both species in Gold
19 Brook and Mountain Brook that those waterbodies were
20 economically significant. Accordingly and upon
21 consultation with IF&W, CMP modified its proposal to
22 incorporate taller structures to avoid and minimize
23 clearing of full height canopy within the 250 foot
24 management zones of Gold and Mountain Brooks. For
25 all other waterbodies with confirmed or assumed

1 presence of these species, IF&W determined that CMP's
2 vegetation management practices and avoidance and
3 minimization measures combined with a contribution to
4 the Maine Endangered and Nongame Wildlife Fund would
5 adequately protect and offset impacts to the habitat
6 and these species.

7 Next, I will discuss the brook trout habitat
8 subtopic. As demonstrated by my testimony, CMP will
9 not unreasonably harm or adversely affect brook trout
10 habitat. There are no in-stream activities proposed
11 for the construction of the transmission line by CMP
12 that would negatively affect brook trout habitat.
13 CMP's erosion and sediment control practices,
14 environmental control requirements and vegetation
15 management practices included in its applications as
16 well as environmental monitoring commitments made to
17 DEP and others will adequately protect brook trout
18 habitat from pollution. Studies on the effect of
19 transmission line development on trout habitat
20 demonstrate that tree clearing and the management of
21 right of ways in an early successional vegetated
22 condition would result in a minimal impact on the
23 habitat. Specifically a study by Alan M. Peterson
24 published in the Journal of Fisheries Management
25 concluded that electric transmission right of ways,

1 quote, need not constitute an adverse effect on
2 headwater trout population densities and forested
3 basins. As noted in Lauren Johnston's rebuttal
4 testimony, Exhibit 4, provided in the testimony of
5 Jeffrey Reardon shows nearly the entire State of
6 Maine as having intact subwatershed supporting brook
7 trout populations despite the presence of human
8 activity and disturbances. This is evidence that not
9 all human activity necessarily causes unreasonable
10 harm or adverse impact to brook trout or their
11 habitat especially those activities that retain
12 natural features like the proposed project.

13 I will now address habitat fragmentation.
14 As demonstrated by my testimony, the project will not
15 unreasonably impact wildlife and fisheries through
16 habitat fragmentation. CMP has avoided and minimized
17 habitat fragmentation by the following: One,
18 co-locating more than 70 percent of the project in
19 existing corridors; two, locating the remainder of
20 the line close to existing fragmentation features,
21 primarily logging roads and areas impacted by timber
22 harvesting as shown on Exhibit CMP-3.1A and CMP-3.1B;
23 modifying the alignment of the new corridor to avoid
24 the majority -- excuse me; three, modifying the
25 alignment of the new corridor to avoid the majority

1 of significant vernal pools and retain connectivity
2 of their critical terrestrial habitats; four,
3 implementing integrated vegetation management
4 practices adopted by federal agencies including the
5 U.S. EPA that are wildlife-friendly, promote early
6 successional vegetation and produce a soft edge
7 effect, which improves habitat connectivity and
8 lessens the impact of fragmentation; and five,
9 providing travel corridors for wildlife by
10 maintaining early successional vegetation and by
11 proposing riparian buffers and taller vegetation at
12 site specific locations including the Upper Kennebec
13 River deer wintering area as recommended by DEP and
14 IF&W.

15 Characterizations of the western Maine --
16 characterizations of western Maine as unfragmented
17 forests are as follows: This area is fragmented by a
18 number of natural and manmade features including
19 rivers and streams, the cleared and mowed area along
20 the length of the U.S./Canada border, highways
21 including Routes 6, 15, 16, 27 and 201, existing
22 transmission lines, the Central Maine and Quebec
23 Railway and forestry clearcuts, strip cuts, skidder
24 trails and logging roads. The project will not
25 promote fragmentation through the construction of

1 access roads or access to electricity. CMP will use
2 existing public and private logging roads to access
3 the project right of way. Access roads within the
4 right of way will be temporary and restored following
5 construction. In addition, there will be no
6 development along the new corridor resulting from
7 increased access to electricity because this
8 electricity is not available for distribution, it's
9 direct current power. What's available for
10 distribution locally is alternating current. The
11 project will not create a hard edge; in other words,
12 the change in habitat is restricted to a change in
13 vegetated cover type as opposed to the severe
14 depletion of habitat like in the case of a highway.
15 Comparing the project to a super highway like I-95 or
16 the Jersey Turnpike, which are both essentially
17 devoid of habitat is completely misleading.

18 In regards to habitat fragmentation and
19 significant vernal pools, no significant vernal pool
20 depressions will be destroyed or directly impacted
21 through permanent fill as a result of the project and
22 the majority of the significant vernal pool
23 depressions are located either in existing cleared
24 right of ways or in forested areas not proposed for
25 clearing. Further, nearly all of the significant

1 vernal pool critical terrestrial habitats by the
2 project will remain partially forested and connected
3 by way of forest and/or early successional cover
4 through adjacent forested habitat following
5 construction of the project. These areas will remain
6 traversable by wildlife. As a result, impacts to
7 significant vernal pools from habitat fragmentation
8 will be minimal and will not cause unreasonable harm
9 or adverse impact.

10 Although deer wintering areas impacted by
11 the project are not considered significant wildlife
12 habitat, CMP has provided adequate provision for the
13 protection of these areas. There are no deer
14 wintering areas intersected by the project that have
15 been determined to be high or moderate value.
16 Co-location of the majority of the transmission line
17 have minimized impacts to deer wintering areas
18 because fragmentation in these areas already exists.
19 Additionally, IF&W did not recommend mitigation for
20 deer wintering areas in the co-located portions of
21 the project because in these areas winter conditions
22 are shorter in duration and snow depth are less of an
23 impediment to deer movement. IF&W determined that
24 proposed corridors totaling 1.1 linear miles with
25 vegetation at either full mature height or heights of

1 up to 35 feet would be adequate to maintain the
2 integrity of the Upper Kennebec deer wintering area.
3 Notably, this is the only deer wintering area within
4 the area proposed as new corridor between Moxie Pond
5 and the Canadian border. Additionally, CMP has
6 proposed the preservation of seven tracts of land
7 within the Upper Kennebec deer wintering area in an
8 area that currently has little protection from
9 development, which is further protecting this
10 habitat.

11 Shortly following construction and
12 restoration of disturbed areas the right of way will
13 transition to an early successional habitat that
14 remains permeable to wildlife movement. The
15 transmission line right of way will not be a barrier,
16 will not unreasonably impede wildlife movement and
17 will not adversely affect wildlife life cycles. As a
18 result, there will be no adverse effect to wildlife
19 and fisheries through habitat fragmentation.

20 To wrap up of the summary of my testimony on
21 hearing issue 2, I'll finish with a discussion of
22 buffer strips around cold water fisheries. CMP has
23 provided adequate provisions for buffer strips around
24 cold water fisheries. CMP consulted with and
25 incorporated the 100 foot riparian buffers for cold

1 water fisheries recommended and determined by the DEP
2 and IF&W that adequately protect wildlife and
3 fisheries. The riparian buffer strips proposed by
4 CMP for the project provide more protection to
5 fisheries resources than the ones that were proposed
6 and approved by the DEP in 2010 for the MPRP project.
7 Some of these protective measures include
8 restrictions on herbicide application and refueling
9 and equipment maintenance, requirements for site
10 specific erosion and sediment control plans for
11 structures that can otherwise not be sited outside of
12 the buffer areas and equipment travel over frozen
13 conditions or on timber mats within the buffers to
14 minimize soil disturbance. Notably, compensation was
15 not required by the agencies for cold water fisheries
16 impacts on the MPRP despite clearing of riparian
17 areas associated with both Atlantic salmon and brook
18 trout. This suggests that the agencies did not
19 believe canopy removal constituted unreasonable harm
20 or adverse effect.

21 Thank you for your time. Lauren Johnston
22 will now present a summary of our testimony on the
23 issue four, compensation and mitigation.

24 LAUREN JOHNSTON: Thank you, Mark. I'm
25 Lauren Johnston. I'm a senior environmental

1 scientist with Burns and McDonnell. I assisted in
2 the state and federal permit applications, the agency
3 consultation process and prepared application
4 supplements and agency data request responses for the
5 New England Clean Energy Connect.

6 CMP's compensation plan achieves a no net
7 loss of the ecological functions and values. The
8 plan is robust, multifaceted and uses a number of
9 compensation methods such as a payment to the DEP In
10 Lieu Fee Program, preservation of land that contain
11 regionally significant and natural resources and
12 implementation of a number of wildlife enhancement
13 projects and funding contributions. CMP's plan meets
14 and in the case of compensation for wetlands it
15 exceeds the applicable compensation requirements. In
16 total, the compensation plan includes 13 parcels that
17 contain nearly 2,800 acres of land for preservation
18 to be placed in conservation in perpetuity, over \$3
19 million to the In Lieu Fee Program to be placed in
20 the Maine Natural Resources Conservation Fund and
21 used for grant awards at the discretion of the
22 administrators, a nearly \$650,000 payment to the
23 Maine Endangered and Nongame Wildlife Fund, a
24 \$200,000 commitment for culvert replacements and a
25 \$12 million payment to the Maine Natural Areas

1 Conservation Fund. The total land preservation at
2 over \$5.1 million in monetary compensation
3 requirements, compensation surpasses the requirements
4 set forth in the compensation rules.

5 MS. BENSINGER: Could you pull the
6 microphone a little closer for the live-stream --

7 LAUREN JOHNSTON: Sure.

8 MS. BENSINGER: -- so it can pick you up?

9 LAUREN JOHNSTON: Sure.

10 MS. BENSINGER: Thank you.

11 LAUREN JOHNSTON: Issue 4 Compensation and
12 Mitigation includes the following subtopics as
13 described in DEP's Second Procedural Order.
14 Compensation and mitigation for cold water fisheries
15 habitats, outstanding river segments and wetlands.
16 Projects that are subject to the Natural Resources
17 Protection Act, or NRPA, like the NECEC, are required
18 to provide appropriate and practical compensation to
19 resource impacts that cannot be otherwise avoided,
20 minimized or further mitigated.

21 First, I'll provide a summary of the
22 compensation and mitigation proposed for indirect
23 impacts to cold water fisheries habitat. I'll
24 describe how the project will not result in an
25 unreasonable disturbance of cold water fisheries

1 habitat. Proposed avoidance and minimization
2 measures include no in-stream work for the purposes
3 of construction, temporary crossings which fully span
4 the resources, implementation of erosion and sediment
5 controls as per CMP's environmental guidelines and
6 Maine's Erosion and Sedimentation Control Law, the
7 expansion of buffers and riparian areas to 100 feet
8 for cold water fisheries resources. As demonstrated
9 in our testimony, the project will not adversely
10 impact brook trout habitat. Nonetheless, CMP has
11 proposed compensation to address indirect impacts to
12 approximately 11 linear miles of streams.

13 In a December 2017 information request the
14 DEP noted that this mitigation package should
15 compensate for impacts to cold water fisheries,
16 quote, the Department envisions this mitigation
17 package will be the responsibility of CMP to
18 implement not simply providing ILF monies. CMP fully
19 responded by proposing a multifaceted package of
20 compensation to mitigate for indirect impacts to cold
21 water fisheries habitat. These include the
22 preservation of approximately 12 linear miles of
23 stream on the Grand Falls, Lower Enchanted and basin
24 tracts, which total over 1,053 acres. The
25 contribution of \$180,000 to Maine Endangered and

1 Nongame Wildlife Fund, this contribution will be used
2 at the discretion of IF&W for cold water fisheries
3 habitat enhancement and an implementation of a
4 culvert replacement program, which includes repair,
5 removal or replacement within CMP controlled lands
6 during construction as well as a \$200,000 -- as well
7 as \$200,000 of funding to replace culverts on lands
8 outside CMP's ownership. CMP is comitted to working
9 with IF&W and cooperating environmental advocacy
10 groups to identify the most valuable culvert
11 replacement projects to undertake with a goal of
12 maximizing cold water habitat fisheries -- cold water
13 fisheries habitat connectivity. CMP has fully
14 addressed DEP and IF&W's recommendations to provide a
15 comprehensive mitigation plan for the minor
16 unavoidable impacts to cold water fisheries habitat.
17 As a result, the indirect impacts associated with
18 forest conversion will not unreasonably harm or
19 adversely impact this habitat.

20 Next, I'll discuss compensation and
21 mitigation for outstanding river segments. The
22 project crosses five locations that are protected as
23 outstanding river segments. The Upper Kennebec River
24 between West Forks and Moxie Gore, the Kennebec River
25 below Wyman Dam in Moscow, the Carrabassett River in

1 Anson, the Sandy River in Farmington and the West
2 Branch of the Sheepscot River in Windsor. At a
3 considerable expense of approximately \$31 million,
4 CMP has proposed to cross under the Upper Kennebec
5 River using horizontal drill -- directional drill
6 technology eliminating project views from the river
7 and preserving the aesthetic and recreational value
8 of this river segment. CMP has minimized impacts to
9 the other four outstanding river segments by
10 co-locating within existing rights of way to limit
11 clearing impacts generally to 75 feet. CMP is also
12 comitted to retaining a 100 foot riparian buffer on
13 all outstanding river segments. Only 850 feet of
14 outstanding river segment frontage will be impacted
15 by the removal of forested canopy. The Grand Falls,
16 Lower Enchanted and basin tracts preserve -- proposed
17 for preservation contains 7.9 miles of river frontage
18 along the Dead River also an outstanding river
19 segment. These parcels offer a wealth of
20 recreational opportunities, which are not limited to
21 hiking, fishing, whitewater rafting, wildlife viewing
22 and hunting and also include the protection of the
23 Grand Falls Waterfall, the largest horseshoe
24 waterfall in the state. Impacts to outstanding river
25 segments have been minimized to the extent possible

1 by co-locating in existing rights of way and will not
2 unreasonably impact existing recreational uses of
3 these rivers. The preservation of 7.9 miles of river
4 frontage on the Dead River is nearly 50 times greater
5 far exceeding the 850 feet of river frontage that
6 would be impacted by the project.

7 Next, I'll discuss the compensation and
8 mitigation for wetlands. Recommended compensation
9 for unavoidable impacts to wetlands are quite clear
10 and well-defined under NRPA and under Section 404 of
11 the Federal Clean Water Act. The compensation plan
12 addresses both state and federal requirements for
13 both wetland compensation and not only achieves a no
14 net loss of wetland ecological functions and values
15 it exceeds the recommendation -- recommended state
16 and federal compensation amounts or ratios of
17 compensation to impact. Field surveys were conducted
18 in all areas of the project to inform CMP's avoidance
19 and minimization of wetland impacts during the
20 engineering and design process. Unavoidable
21 impacts -- impact types include the placement of
22 direct fill such as poles and substation development,
23 temporary access roads for construction and forested
24 wetland conversion. The DEP regulates permanent
25 wetland fill but does not require compensation for

1 temporary access of forested wetland conversion,
2 however, the Army Corps does. For the purposes of
3 the DEP public hearing, I'll focus on compensation of
4 direct fill, which is relevant to the DEP. The
5 compensation plan addresses the guidance of both
6 agencies, the recommended land preservations --
7 preservation ratios differ however. The DEP requires
8 an 8 to 1 ratio whereas the Army Corps requires a 20
9 to 1 ratio of land to wetland impacts. Where ratios
10 differed the higher one was applied. CMP's
11 compensation plan offers a ratio of 30 to 1 for
12 permanent fill and wetland well exceeding both the
13 state and federal recommendations. The Flagstaff
14 Lake, Little Jimmie Pond and Pooler Pond tracts
15 proposed for wetland preservation total approximately
16 1,022 acres of land and contain 510 acres of wetland.
17 There will be -- there will be 4.1 acres of permanent
18 wetland fill as a result of placement of transmission
19 poles and substation development. CMP is proposing
20 123 acres of wetland preservation to be used to
21 offset permanent wetland fill impacts. This is a
22 ratio of 30 to 1 greatly exceeding the DEP's
23 preservation ratio of 8 to 1. Temporary wetland
24 impact and forested wetland conversion will also be
25 offset by a portion of the 510 acres of wetland as

1 required by the Army Corps. For permanent wetland
2 fill and significant vernal pool and inland wading
3 bird and waterfowl habitats, CMP has chosen to
4 compensate using In Lieu Fee Program. The fees were
5 calculated using the prescribed compensation formula
6 described in DEP's 2017 In Lieu Fee fact sheet with
7 the appropriate resource multipliers. The calculated
8 In Lieu Fee for permanent wetland fill associated
9 with significant vernal pools and inland wading bird
10 and waterfowl habitats totals over \$245,000.

11 I'll conclude my discussion related to
12 compensation and mitigation by saying that the
13 project has been designed and sited in a manner that
14 avoids and minimizes impacts to the greatest extent
15 possible. Where unavoidable impacts cannot be
16 further mitigated, CMP has proposed a robust and
17 comprehensive compensation plan. The plan not only
18 achieves the goal of no net loss, it far exceeds the
19 minimum requirements under NRPA. Thank you.

20 MS. MILLER: Thank you. This is -- so I
21 just want to clarify for the agenda this was the
22 project overview and summary of direct testimony for
23 the Panel 1.

24 MR. MANAHAN: Right. And I've discussed
25 with Mr. Beyer we're reserving the remainder of the

1 time for this panel to go up for the next panel so we
2 won't exceed the total, but I think we've got
3 basically 40 minute reserved for Panel 2.

4 MS. MILLER: Okay. I would propose a 10
5 minute break, so cutting that to 30 minutes, and then
6 we'll go ahead after this 10 minute break, we'll
7 start with cross-examination and we'll just continue
8 through until noon for lunch. We may have to
9 reconsider whether we start the next panel before
10 lunch because we might have to break that up with the
11 time, so we'll think that through, but for now, let's
12 take a 10 minute break. We'll start back up at 10
13 o'clock and we'll start with cross-examination and I
14 believe we have Group 1 is going to be the first
15 Intervenor group to cross-examine the Applicant
16 panel. Thank you.

17 (Break.)

18 MS. MILLER: So we'll get started with
19 Intervenor Group 1 for cross-examination.

20 MR. WEINGARTEN: Good morning. My name is
21 Bob Weingarten.

22 MS. MILLER: Does the set volume go up on
23 that any more or?

24 VIDEOGRAPHER: Yup. I can... Yup.

25 MS. MILLER: We just need to make sure the

1 mic works so the transcriptionist can hear, so just
2 bear with us just a second.

3 MR. WEINGARTEN: Okay. Well, my name is Bob
4 Weingarten. I'm with a group called Friends of the
5 Boundary Mountains. We're part of Group 1. I am not
6 an attorney. I have never done cross-examination
7 before, so bear with me, but I'm just a citizen who
8 lives in western Maine who loves the woods and loves
9 the wildlife and that's where I'm coming from.

10 So my first set of questions for
11 Mr. Goodwin. Mr. Goodwin, I see that you have been
12 an environmental professional for 20 years working
13 with clients primarily with the electrical
14 transmission and natural gas pipeline industries; is
15 that correct?

16 MARK GOODWIN: Yes.

17 MR. WEINGARTEN: And these projects that you
18 have worked on in the course of your career are
19 primarily for linear energy development projects; is
20 that correct?

21 MARK GOODWIN: That is correct.

22 MR. WEINGARTEN: Okay. And as part of your
23 in environmental assessment for your private clients
24 such as CMP, would you study and analyze the critical
25 environmental impacts that these linear development

1 projects have on the landscape, on the environment,
2 on the habitat and the many different species that
3 depend on the habitat?

4 MARK GOODWIN: I'm not sure I understand
5 your question.

6 MR. WEINGARTEN: Well, my question is would
7 you be assessing the environmental risks to those
8 features as part of your job?

9 MARK GOODWIN: Certainly not on every
10 project that I've worked on. I've been tasked with
11 assessing environmental impacts, but I have been
12 responsible for assessing environmental impacts for
13 various projects through the NEPA process.

14 MR. WEINGARTEN: Okay. And having worked on
15 these linear projects and doing assessments on the
16 linear projects you must have encountered a number of
17 projects that were fragmented or that fragmentation
18 might be part of the issue with that project; is that
19 correct?

20 MARK GOODWIN: This is probably the first
21 project that I've been involved with where the
22 fragmentation topic has taken sort of a more of a
23 front stage, I would say.

24 MR. WEINGARTEN: So you've never actually
25 analyzed fragmentation in any prior projects in your

1 20 years?

2 MARK GOODWIN: Not for any particular
3 environmental report that was produced as part of a
4 permit.

5 MR. WEINGARTEN: Well, I was wondering if
6 you came across a fragmented project or project that
7 might fragment the habitat, would you recommend
8 against proceeding ahead with that project if you
9 felt that that fragmentation was significant?

10 MARK GOODWIN: I would recommend mitigation
11 for any project that might have an unreasonable
12 habitat fragmentation impact.

13 MR. WEINGARTEN: But you would never
14 actually say, no, we shouldn't do that because of the
15 fragmentation?

16 MARK GOODWIN: Depends on whether or not
17 adequate mitigation could be achieved.

18 MR. WEINGARTEN: So you feel that mitigation
19 can somehow take away any of the adverse effects that
20 species and the woods and the environment would
21 suffer because of fragmentation?

22 MARK GOODWIN: Can you repeat the question?

23 MR. WEINGARTEN: So you believe that
24 mitigation is the only response to a adverse
25 situation due to fragmentation? In other words, you

1 would never say after studying all of this as an
2 environmental scientist we should not proceed ahead
3 on this?

4 MARK GOODWIN: I mean, the first
5 recommendation would be to try to avoid the impact.

6 MR. WEINGARTEN: But say you can't.

7 MARK GOODWIN: If you can't avoid the impact
8 then you put mitigation or minimization measures in
9 place to make the impact so that it's not going to
10 create an adverse effect or be causing unreasonable
11 harm.

12 MR. WEINGARTEN: But you never tell your
13 client, no, don't do it, let's not move ahead on
14 this?

15 MARK GOODWIN: You know, I can't recall a
16 specific project where I told a client that I didn't
17 believe it was -- yeah, a project that couldn't have
18 minimization measures or mitigation that could offset
19 the impact.

20 MR. WEINGARTEN: So your role is not so much
21 to advise the client as to whether this fragmentation
22 is a real serious issue but just a way of getting it
23 approved?

24 MARK GOODWIN: No, I'm a consultant. My job
25 is to make recommendations to the client to help make

1 their project successful. If I feel like their
2 project is not going to be successful, I'm going to
3 make recommendations to them and measures that they
4 could use to further their project.

5 MR. WEINGARTEN: But as an environmental
6 scientist isn't there a point where you feel that
7 something should not be built?

8 MARK GOODWIN: Well, if you take it to the
9 extreme, yeah, obviously if -- if someone said, all
10 right, well, we're going to build a transmission line
11 and we're going to make it a, you know, we're not
12 even going to maintain the right of way in an early
13 successional vegetated state but the proposal is to,
14 you know, maintain the right of way as a paved, you
15 know, boundary to boundary feature that stretches for
16 100 miles, obviously I'm going to say that's not a
17 reasonable impact. So I guess it depends on what
18 extremes you want to take it to.

19 MR. WEINGARTEN: Well, it's -- but the
20 question is what -- it's not the extreme of the
21 project the question is what does the fragmentation
22 do to the habitat, what does the fragmentation do to
23 the wildlife, and you're saying to me that it's just
24 a question of figuring out how to get around it
25 rather than saying, no, don't do it?

1 MARK GOODWIN: This project -- the
2 application that's before the Department is
3 recommending, you know, a certain vegetation
4 management practices or proposing them and that's the
5 application in front of the Department and that's
6 what I'm here to testify on.

7 MR. WEINGARTEN: Well, so speaking about
8 your testimony, on Pages 113 to 114, which is part of
9 the CMP total testimony package, it seems that you
10 try to deflect the serious impact of the habitat
11 fragmentation in Segment 1 by calling attention to
12 how admirable it is that CMP will place other
13 segments of the transmission line in pre-existing
14 corridors. I want to ask you how will utilizing
15 existing corridors for other segments eliminate or
16 reduce any adverse impacts whatsoever on the 53 miles
17 of the habitat that is in the most sensitive
18 environmental section of the corridor?

19 MARK GOODWIN: Our job is to permit a
20 project and take the impacts as a whole. You can't
21 just focus on one portion of the project over
22 another. So we try to minimize impacts in total and
23 by co-locating we're able to minimize impact in total
24 and by using that co-locating corridor and getting it
25 to a location just north of Moxie Pond it also brings

1 that co-located section to an area that has the
2 shortest distance from the Canadian border back to
3 that existing transmission line. So we look at it --
4 we look at it as a whole.

5 MR. WEINGARTEN: Well, it sounds like you
6 were saying let's throw the 53 mile Segment 1 under
7 the bus because we can't do anything about that so
8 we'll just talk about the other segments and how good
9 they are.

10 MARK GOODWIN: Is that a question?

11 MR. WEINGARTEN: Yeah. Do you agree with
12 that?

13 MARK GOODWIN: No, I don't.

14 MR. WEINGARTEN: Yeah. Well, okay. Sounds
15 like you were proposing that.

16 MS. MILLER: Let's limit it to questions,
17 please.

18 MR. WEINGARTEN: Excuse me?

19 MS. MILLER: Please limit it to questions.

20 MR. WEINGARTEN: Okay. Well, I want to ask
21 you then about your -- your testimony dealing with
22 forestry activities. In your testimony you seem to
23 try to divert attention from the fragmentation caused
24 by the corridor to talk about the activities of
25 the -- of the logging that goes on in this area. I

1 want to ask you, are you aware of the vast difference
2 between temporary forestry activities and the
3 permanence of a 53 mile long or linear fragmentation
4 that will exist forever?

5 MARK GOODWIN: They're different impacts.

6 MR. WEINGARTEN: Yes, and how come you tried
7 to divert attention to that as a way of pacifying the
8 questions about the fragmentation?

9 MARK GOODWIN: I don't attempt to defer from
10 that. The transmission line on Segment 1 is routed
11 relatively close to existing logging roads and
12 traverses through areas that have been previously
13 forested. If you look at the Exhibits CMP-3.1A and
14 3.1B, you can see that they are -- it's located
15 relatively close to those features as opposed to, you
16 know, I guess what I want to say is these are not
17 intact forest areas. These are not -- because we're
18 closer to these fragmenting features, we're not
19 placing the line in interior forest. Interior forest
20 is forest that has not been influenced by human
21 activity.

22 MR. WEINGARTEN: Well, that's a definition
23 of a true wilderness under the United States
24 Wilderness Act. It doesn't necessarily follow that
25 intact forest has nothing but wilderness in it.

1 MR. MANAHAN: Ms. Miller, I would object to
2 the questioner testifying instead of asking
3 questions.

4 MR. WEINGARTEN: Okay. I'm sorry.

5 MS. MILLER: And I agree with that. Please
6 hold your comments and ask questions. Thank you.

7 MR. WEINGARTEN: Sorry. So I want to direct
8 on this subject your testimony on Page 115 where you
9 claim that CMP's corridor will be promoting, quote,
10 the movement of wildlife across the corridor and
11 increasing habitat connectivity in these areas.
12 Mr. Goodwin, are you aware that the transmission
13 corridor will actually divide many large forest
14 habitat blocks into smaller blocks which will
15 compromise habitat for forest specialist species and
16 those that require forest interior habitat?

17 MARK GOODWIN: I don't know what you're
18 defining as a large forest block.

19 MR. WEINGARTEN: The existing.

20 MARK GOODWIN: I'm not aware of what that
21 would -- how are you defining a large forest block?

22 MR. WEINGARTEN: Well, I'm asking the
23 questions.

24 MARK GOODWIN: I can't answer that question.

25 MS. MILLER: Can you restate the question so

1 it's a little more clear?

2 MR. WEINGARTEN: Well, I'm asking the
3 question is aren't you aware that the corridor will
4 divide the existing large forest habitat blocks into
5 smaller blocks, which will compromise habitat for
6 forest dwelling specialists?

7 MARK GOODWIN: I don't know. Does anybody
8 else have a answer for that? I'm not sure I
9 understand what you're asking me. Can you -- are you
10 saying that the entire -- I guess I don't understand
11 the question.

12 MR. WEINGARTEN: All right. Well, I tried
13 to make it as clear as I could.

14 MS. MILLER: Can you try to restate it again
15 so he can answer?

16 MR. WEINGARTEN: We have a corridor that's
17 running through an existing large habitat block,
18 won't that create smaller habitat blocks?

19 MARK GOODWIN: There are already smaller
20 habitat blocks in that area. That area is a mosaic
21 of different age/class clearings from the forestry
22 industry.

23 MR. WEINGARTEN: But those are temporary; is
24 that correct?

25 MARK GOODWIN: They are temporary, but it's

1 a constantly changing mosaic, so one area might be
2 temporary for, I don't know, I'm not a forester, but,
3 I don't know, 15 or 20 years and then, you know, the
4 next thing you know you have a different area that's
5 open and clear so it's constantly changing up there.

6 MR. WEINGARTEN: And the corridor will be
7 permanent; is that correct?

8 MARK GOODWIN: That's correct.

9 MR. WEINGARTEN: Mr. Goodwin, can you
10 honestly say that the 53 miles of the corridor will
11 fit -- will fit harmoniously into the natural
12 environment there?

13 THORN DICKINSON: Is it okay if we follow-up
14 on one specific thing before we go?

15 MS. MILLER: Yes.

16 THORN DICKINSON: I was just going to say
17 that, you know, the idea that this transmission
18 project will be permanent, you know, is something
19 I've heard, but, you know, that we're expecting a 40
20 year life related to this project. No one knows what
21 technology is going to change in the future, whether
22 that project at the end of that 40 year life is going
23 to continue or not. Eventually the project is going
24 to be decommissioned, the poles will be taken up, the
25 wire will be rolled up and --

1 MS. BOEPPLE: Ms. Presiding Chair, I'm going
2 to object. This is way beyond the scope of the
3 hearing topics and I believe this is an attempt at
4 CMP to get in testimony that is not relevant on
5 what's supposed to be before the Department today.

6 MR. MANAHAN: The witness is answering the
7 question that was posed.

8 MS. BOEPPLE: Actually, no, he's not. The
9 question that was posed was to the environmental --

10 MR. MANAHAN: Well, this is a panel. This
11 is a panel and the panel is responding to questions
12 and the questioner asked whether the transmission
13 line would be permanent and Mr. Dickinson is on the
14 panel which is answering questions.

15 MS. MILLER: I'm going to deny the objection
16 because the question -- the question pertained to the
17 permanence of the line and the impact and they were
18 just trying to -- what I understood was they were
19 just trying to answer that question. So go on. So
20 Mr. Weingarten --

21 MR. WEINGARTEN: Can I go on?

22 MS. MILLER: Yes, please.

23 MR. WEINGARTEN: Well, this is also to
24 Mr. Goodwin. Mr. Goodwin, in your testimony you
25 spend a great deal of time extolling the virtues of

1 something called integrated vegetation management,
2 IVM, as a standard practice within utility right of
3 ways and this is practice that's done after the
4 corridor is built, after everything is finished is
5 how you maintain the corridor as I understand it; is
6 that correct?

7 MARK GOODWIN: Partially. The -- you know,
8 the vegetation -- the project submitted a vegetation
9 clearing plan, it's Exhibit 10-1 of the Site Law
10 application, which defines the practices that will be
11 used to clear -- do the initial clearing of the right
12 of way and there is protective measures in that
13 document. And then, yes, the IVM is management
14 primarily after construction.

15 MR. WEINGARTEN: Yes, and so since there's
16 management after construction, why is it placed in
17 your testimony as a way of trying to explain that
18 there is no fragmentation because you have this
19 vegetation management plan?

20 MARK GOODWIN: I don't believe that it --
21 that it's in the application to explain that there
22 won't be -- or in my testimony to explain that there
23 won't be fragmentation. It's in there to show that
24 there are practices that can help to promote wildlife
25 connectivity with this type of activity and soften

1 that fragmentation effect.

2 MR. WEINGARTEN: But isn't this kind of like
3 extolling the virtues of a closed barn door after the
4 cows have left?

5 MS. MILLER: Can you...

6 MR. WEINGARTEN: Well, in other words, we're
7 talking about how the corridor will be maintained
8 under the concept of this is how we minimize
9 fragmentation, but this is after the fragmentation is
10 on the ground; is it not?

11 MARK GOODWIN: Yes.

12 MR. WEINGARTEN: It is. So the integrated
13 vegetation management really does not pertain to
14 protecting or minimizing fragmentation; is that
15 correct?

16 MARK GOODWIN: No one is arguing that the
17 project won't have some level of impact. Innovative
18 vegetative management is and vegetation practice to
19 minimize those impacts.

20 MR. WEINGARTEN: I'm bringing this up
21 because in your testimony under fragmentation you are
22 trying to say all of the reasons why CMP will not
23 really cause fragmentation or minimize fragmentation
24 and you use integrated vegetation management as one
25 of your arguments and I am asking you the question as

1 to isn't this like saying that we have a plan after
2 the barn door is already open and the cows have
3 escaped because the fragmentation is already done; is
4 that correct?

5 MARK GOODWIN: It's a management technique
6 to allow minimization of impacts to wildlife
7 habitat.

8 MR. WEINGARTEN: Well, you also extol the
9 management practice of integrated vegetation
10 management to say that it promotes the development of
11 early successional scrub/shrub habitat growth; is
12 that correct?

13 MARK GOODWIN: That's correct.

14 MR. WEINGARTEN: And are you aware that
15 early successional habitat is already abundant in
16 this region?

17 MARK GOODWIN: I mean, IVM promotes early
18 successional habitat. You have to take it into
19 context as to how that's being used, you know, we're
20 promoting that vegetation type in the corridor. It's
21 not to promote an increase in that habitat for the
22 entire region. It's just to manage that in the right
23 of way.

24 MR. WEINGARTEN: But how can -- I asked you
25 how can early successional habitat be considered a

1 good step environmentally or habitat-wise when there
2 is so much of it already there, isn't this not really
3 a benefit for the landscape and the environment?

4 MARK GOODWIN: In the context of the project
5 that's being proposed it is a benefit because it's
6 going to minimize the impacts.

7 MR. WEINGARTEN: But it's -- but it will
8 take away vegetation that would be a lot more
9 desirable there; is that correct?

10 MARK GOODWIN: Desirable?

11 MR. WEINGARTEN: For the habitat and for the
12 forest dwelling species.

13 MARK GOODWIN: I think it's obvious that,
14 you know, the ideal situation for certain habitats is
15 probably forested cover, but this project is proposed
16 for a certain purpose and, you know, what comes with
17 that is proposals to avoid, minimize and mitigate and
18 that's what we've done and that's what part of this
19 IVM is part of.

20 MR. WEINGARTEN: Well, on Page 116 of your
21 testimony you claim that this type of vegetation
22 management will create something you call a soft edge
23 and you tried to explain the soft edge by comparing
24 it to building impervious surfaces such as roads or
25 residential development and trying to say that this

1 type of edge effect is much better than building
2 roads or residential development; is that correct?

3 MR. MANAHAN: Ms. Miller, can I just ask,
4 the question is referring to Page 115 of
5 Mr. Goodwin's testimony and I'm not clear what he's
6 talking about.

7 MS. MILLER: I think maybe -- I'm thinking
8 it might be Page 17 of his testimony at the bottom.
9 It's the last paragraph on Page 17 of his direct
10 testimony which talks about CMP's best management
11 practices will avoid the hard edge impact, is that
12 what you're referring to?

13 MR. WEINGARTEN: Yes, that's what I'm
14 talking about.

15 MR. MANAHAN: Thank you.

16 MR. WEINGARTEN: So what I am asking you is
17 you are comparing the so-called soft edge that you're
18 trying to create with how much more it could be
19 damaged if there was roads being built or other kinds
20 of impervious surfaces; is that correct?

21 MARK GOODWIN: Can you ask the question
22 again, please?

23 MR. WEINGARTEN: Your proposal -- I mean,
24 you're claiming that CMP's proposed development will
25 not create a hard edge, that is the changes in

1 habitat is primarily restricted to a change in
2 vegetation cover type from forested to scrub/shrub as
3 opposed to the permanent removal of habitat. You say
4 that it's better than creating impervious surfaces
5 associated with residential and commercial surfaces;
6 is that correct?

7 MARK GOODWIN: Correct.

8 MR. WEINGARTEN: So I'm asking you would it
9 be more relevant and more straightforward to compare
10 the impacts of the fragmentation caused by the
11 corridor to the natural condition of no fragmentation
12 in the habitat rather than to the hypothetical
13 building of roads or other impervious surfaces, would
14 that be more honest and direct and straightforward?

15 MARK GOODWIN: To compare the impact of --

16 MR. WEINGARTEN: Of the edge.

17 MARK GOODWIN: -- soft edge management
18 techniques to what currently exists?

19 MR. WEINGARTEN: Yes. Yes.

20 MARK GOODWIN: I don't know that you can
21 really make a comparison other than one has a soft
22 edge fragmentation and one has no fragmentation other
23 than, you know, those land uses that have already
24 fragmented the habitat.

25 MR. WEINGARTEN: And that would be a much

1 more viable comparison; would it not?

2 MARK GOODWIN: Viable in what sense?

3 MR. WEINGARTEN: In that it would reflect
4 the actual thing that is happening in terms of
5 building a corridor where there is no corridor rather
6 than saying, well, we could have built an impervious
7 road like a residential development so look how much
8 better this is, which is what you're saying, I think,
9 right?

10 MARK GOODWIN: No. No. I'm simply saying
11 that management of right of ways using innovative
12 vegetation management practices or the management
13 practices that CMP has proposed is a soft edge as
14 opposed to an abrupt edge like a commercial
15 development that has no vegetative features. They're
16 two completely separate concepts.

17 MR. WEINGARTEN: Does your testimony have
18 any comparison with what exists now?

19 MARK GOODWIN: I'd have to read through my
20 testimony to answer that.

21 MR. WEINGARTEN: I don't think it does; is
22 that correct?

23 MARK GOODWIN: Again, I'd have to read
24 through my testimony.

25 MR. WEINGARTEN: Ms. Johnston, I'd like to

1 ask you a question, if I may. I'd like you to
2 imagine that you're an endangered species and someone
3 has come along and said, well, we're going to destroy
4 your habitat but we're going to put a couple of
5 thousand dollars into a fund managed by some state
6 bureaucrats and that will be okay, right? I mean,
7 that's a good thing to do, right? Right, Ms.
8 Johnston?

9 LAUREN JOHNSTON: I don't understand your
10 question.

11 MR. WEINGARTEN: My question is how does
12 endangered species or threatened species get helped
13 or have their habitat preserved by putting money into
14 an endangered species fund for some other extraneous
15 reasons?

16 LAUREN JOHNSTON: The In Lieu Fee Program is
17 a program administered by the Department and put into
18 fund for grant projects that will be used to protect
19 natural resources or enhancement projects.

20 MR. WEINGARTEN: Would it be help -- would
21 it help the endangered species in the area where the
22 corridor is going to be built?

23 LAUREN JOHNSTON: I am not aware of where
24 the funding will be appropriated at this time.

25 MR. WEINGARTEN: Neither am I. I guess I

1 want to move on to Mr. Mirabile, if I may. And I'm
2 going to ask some questions about the scenic impact
3 that concerns the Old Canada Road, okay. So in
4 Volume 1 of the application, Page 24, Line 14, CMP
5 acknowledges the presence of the Old Canada Road
6 National Scenic Bypass, I mean, Byway and claims that
7 the corridor has been located to minimize scenic
8 impacts from this federally designated travel route;
9 is that right?

10 GERRY MIRABILE: That is what the
11 application says, yes.

12 MR. WEINGARTEN: So, Mr. Mirabile, are you
13 aware that locating the corridor over the highest
14 ridge line in the area, which is Coburn Mountain,
15 does nothing to minimize the scenic impact from north
16 to southbound traffic on the Old Canada Road?

17 GERRY MIRABILE: I don't believe the project
18 is located on the ridge line of Coburn Mountain. And
19 one mitigation measure for visibility from Route 201
20 is to orient the project perpendicular so that the
21 amount of time it's viewable from Route 201 is
22 minimized.

23 MR. WEINGARTEN: Well, is it true that you
24 have no plan to minimize the views where the line
25 crosses the Old Canada Road in Johnson Mountain

1 Township?

2 GERRY MIRABILE: Yeah, we have proposed a
3 buffer planting plan at the Route 201 crossing in
4 Johnson Mountain Township.

5 MR. WEINGARTEN: You have?

6 GERRY MIRABILE: Yes, we have.

7 MR. WEINGARTEN: I want to ask you then,
8 does -- does not placing the corridor through
9 existing conditional forest land used by many
10 different people jeopardize the use and experience of
11 the Maine woods and does that not conflict with the
12 NRPA Chapter 315, Page 1, which states that the
13 Applicant must demonstrate that a proposed activity
14 will not unreasonably interfere with existing scenic
15 and aesthetic uses; in other words, is there a
16 conflict there?

17 GERRY MIRABILE: I don't agree that there is
18 a conflict. I think the project starts out at the
19 planning stage and then the location stage where the
20 route itself, as Mr. Dickinson defined earlier, was
21 defined in part by avoiding those areas most
22 sensitive in terms of recreation and visual aspects
23 and when we avoided those areas and we looked also at
24 avoiding impacts to other resources. So the first of
25 the three sort of criteria are avoidance, which we

1 have done from the very beginning of the project,
2 planning location and design and then we look at
3 minimizing impacts by working around them by minor or
4 micro-rerouting and then we compensate for
5 unavoidable impacts and I believe we have done all
6 three of those as well.

7 MR. WEINGARTEN: Including --

8 MS. MILLER: Mr. --

9 MR. WEINGARTEN: Including unavoidable
10 impacts?

11 GERRY MIRABILE: Including unavoidable
12 impacts. That's what we mitigate for.

13 MS. MILLER: Mr. Weingarten, you have four
14 minutes left in your testimony.

15 MR. WEINGARTEN: Okay.

16 MS. MILLER: Oh, sorry, cross-examination.

17 MR. WEINGARTEN: Well, are you aware that
18 the tops of the metal towers will be visible along
19 the entire length of the Spencer Road?

20 GERRY MIRABILE: I know that the tops will
21 be visible from certain locations along its route.

22 MR. WEINGARTEN: Are you aware that when the
23 abutting landowners cut the timber to the corridor
24 property line entire poles, concrete foundations and
25 the line will be exposed?

1 GERRY MIRABILE: What the abutting property
2 owners do is not something that CMP has any control
3 over.

4 MR. WEINGARTEN: You don't have control, but
5 did you anticipate that or factor that in your scenic
6 mitigation work?

7 GERRY MIRABILE: As Mr. Goodwin noted, it's
8 a continuing changing mosaic of cuts, clearcuts and
9 you can anticipate that the things that are visible
10 now may not be visible in the future and vice
11 versa.

12 MR. WEINGARTEN: Well, have you considered
13 the possibility of minimizing the visual effect of
14 the project for the length of the Spencer Road by
15 placing the transmission line in the center of the
16 300 foot ownership that you have resulting in a 75
17 foot vegetated buffer on each side?

18 GERRY MIRABILE: Can you repeat the
19 question, please?

20 MR. WEINGARTEN: Yes. Are you aware -- I
21 mean, has CMP considered minimizing the visual effect
22 of the project for the length of the Spencer Road by
23 placing the transmission line in the center of the
24 300 wide right of way and in that way having a 75
25 foot vegetative buffer on either side?

1 GERRY MIRABILE: Early on in the process in
2 the DEP review process we were asked to evaluate
3 whether the north or the south side of the 300 foot
4 corridor had greater impacts in terms of resources
5 that would be encountered. We did that evaluation
6 and determined that the south side had the fewer
7 impacts overall, which means that we oriented on the
8 southern 150 feet rather than the northern. To move
9 it to the north at this point would entail additional
10 impacts in our view.

11 MR. WEINGARTEN: But you never thought about
12 putting it in the middle?

13 GERRY MIRABILE: I don't believe we
14 considered that option.

15 MR. WEINGARTEN: So in other words, by
16 clearing the whole property the whole long corridor,
17 there is no way that you could minimize with a buffer
18 on either side?

19 GERRY MIRABILE: There are existing buffers
20 based upon existing adjacent land uses and those will
21 come and go as clearing is done and we are proposing
22 tapering to create buffers within the corridor in
23 certain areas.

24 MR. WEINGARTEN: Well, if I may ask, as
25 shown on the exhibit that the Old Canada Road

1 submitted there was publicly owned land and land
2 purchased for public use, about 16,000 acres of the
3 Leuthold Preserve, which abounds the west of the Old
4 Canada Road accessible only through the Spencer Road,
5 travelers and residents use this road exclusively for
6 traditional recreation to two very popular hiking
7 destinations are Tumbledown Mountain and Number 5
8 Mountain for which have sweeping views of the Maine
9 woods. Is it not true that the application contains
10 no remedy or attempt to or reduce the destructive
11 scenic impacts of this 100 foot plus commercial
12 structure from these elevated viewpoints?

13 GERRY MIRABILE: I don't believe that's
14 accurate. The average height of the structures to
15 begin with is around 94 feet, somewhat less than 100.
16 And the routing from the beginning was intended to
17 reduce and avoid impacts to scenic resources while at
18 the same time meeting the need to get from the Canada
19 border to Section 222 in The Forks.

20 MR. WEINGARTEN: So you had to compromise in
21 other words?

22 GERRY MIRABILE: There were choices and
23 decisions made along the route to avoid certain
24 resources.

25 MS. MILLER: Mr. Weingarten, I'm going to

1 have to ask to you wrap up your testimony -- I mean,
2 your cross-examination, sorry.

3 MR. WEINGARTEN: Okay. It was
4 cross-examination, I hope.

5 MS. MILLER: Yes.

6 MR. WEINGARTEN: Okay. Thank you.

7 MS. MILLER: Thank you. So now we'll call
8 up Groups 2 and 10.

9 MS. BENSINGER: And just a reminder that the
10 time allotments for cross-examination were given as a
11 block to allocate between Panel 1 and Panel 2 as you
12 choose. So in the note on the bottom of Page 1 of
13 the schedule, keep in mind that, you know, the 85
14 minutes allotted is for both panels.

15 MS. BOEPPLE: Good morning. Can you hear
16 me? Good morning. My name is Elizabeth Boepple and
17 I represent the Intervenors in Group 2, West Forks
18 Plantation, Town of Caratunk, Kennebec River Anglers,
19 Maine Guide Services, Hawk's Nest Lodge and Mike
20 Pilsbury and one Intervenor from Group 10, Ed Buzzell
21 and all of them have been admitted into these
22 proceedings before the Department.

23 Good morning, Mr. Dickinson.

24 THORN DICKINSON: Good morning. My first
25 questions are for you, but as we go along if it's

1 appropriate for others on the panel to respond,
2 please feel free to jump in.

3 THORN DICKINSON: Thank you.

4 MS. BOEPPLE: So do you have your pre-filed
5 testimony in front of you?

6 THORN DICKINSON: Yes.

7 MS. BOEPPLE: So on Page 3 you describe the
8 location of the project. So if you could go to Page
9 3, please. And if you could please read the line
10 beginning with the majority of the project.

11 THORN DICKINSON: The majority of the
12 project will be constructed adjacent to existing
13 transmission lines in existing transmission corridors
14 owned by CMP with the remainder constructed on
15 commercial forest land owned or controlled by CMP.

16 MS. BOEPPLE: Thank you. Now, is the area
17 you are describing as commercial forest land, is that
18 the first segment of the route?

19 THORN DICKINSON: From The Forks to the
20 Quebec border.

21 MS. BOEPPLE: So that's the 53 miles?

22 THORN DICKINSON: Correct.

23 MS. BOEPPLE: Okay. And can you tell me how
24 you would define a commercial forest?

25 THORN DICKINSON: It's a working area that

1 is used for forest products utilization where you'll
2 see logging roads and various areas with different
3 stages of cutting.

4 MS. BOEPPLE: Stages of cutting. Do you see
5 installation of industrial structures?

6 THORN DICKINSON: There are various lay down
7 areas, hosting areas for the equipment that need to
8 be done. I would probably put those into the
9 industrial category.

10 MS. BOEPPLE: But does that include
11 installation, actually permanent planting in the
12 ground an industrial structure typically?

13 THORN DICKINSON: I would assume so, but,
14 you know, off the top of my head, I don't remember
15 specifically if there are any permanent structures
16 that the logging and forest project companies use in
17 that area.

18 MS. BOEPPLE: So is it CMP's position that
19 by locating a transmission corridor in a commercial
20 forest that that's a similar kind of impact on the
21 environment?

22 THORN DICKINSON: Yeah, there are many
23 similarities. I think, you know, they -- just come
24 to mind is the bridges too. There are obviously
25 bridges along these logging loads and trails, but I

1 think the ultimate goal in trying to lay out the
2 project would be, number one, try to utilize existing
3 corridors as much as possible and then places where
4 you don't have an existing corridor to try to find
5 areas that avoid those scenic and visual impacts,
6 those environmental impacts as much as possible and
7 we believe that a corridor like this is a -- would be
8 a more of a similar type.

9 MS. BOEPPLE: So I believe -- I believe it
10 was Mr. Goodwin who stated during a summary -- the
11 summary of his testimony that there was an attempt to
12 locate this corridor in close proximity to logging
13 roads, one of you made that statement, was that you,
14 Mr. Goodwin?

15 MARK GOODWIN: Yes.

16 MS. BOEPPLE: And you said that was a form
17 of avoidance or mitigation in some fashion?

18 MARK GOODWIN: It's a minimization measure
19 by placing it close to already existing fragmented --
20 fragmenting features.

21 MS. BOEPPLE: Okay. So is it fair to say
22 that CMP is comparing logging roads to a transmission
23 corridor cut through a forest?

24 MARK GOODWIN: I mean, they're certainly not
25 the same thing.

1 MS. BOEPPLE: You seem to be indicating that
2 there is not a comparison there because somehow
3 that's going to minimize the impact of the
4 transmission corridor, isn't that what you were
5 saying? I mean, if I'm wrong, correct me.

6 MARK GOODWIN: It minimizes in the sense
7 that instead of going through, you know, having the
8 transmission line sited through a forest that doesn't
9 have any nearby roads or extensive cutting. Does
10 that answer your question?

11 MS. BOEPPLE: If what? If it doesn't do
12 that -- I'm sorry.

13 MARK GOODWIN: It meant by placing -- by
14 placing it close to existing fragmentation features
15 and in areas that are routinely disturbed by the
16 forest products industry it minimizes the impact as
17 opposed to putting it in an area that doesn't have
18 any nearby logging roads or cutting.

19 MS. BOEPPLE: Okay. And so CMP's position
20 is that this corridor with industrial structures that
21 are planted in the ground, which, I mean, you have to
22 admit you're going to put poles in this corridor,
23 correct? Steel poles are going in this corridor, yes
24 or no?

25 MARK GOODWIN: Yes.

1 MS. BOEPPLE: Okay. You're saying that
2 that's the same impact as a logging road; is that
3 correct?

4 MARK GOODWIN: No. A logging road isn't
5 vegetated.

6 MS. BOEPPLE: So that's -- and therein lies
7 the similarity that it's the lack of the vegetation
8 and not the additional structure that's added to the
9 corridor?

10 MARK GOODWIN: Is that a question?

11 MS. BOEPPLE: I'll move on.

12 MARK GOODWIN: Okay.

13 MS. BOEPPLE: Mr. Dickinson, can we go back
14 to your testimony, please, on Page 3 --

15 THORN DICKINSON: Yes.

16 MS. BOEPPLE: -- where you're discussing the
17 purpose of the project. And do you see where on Page
18 3 you talk about the selection of this project under
19 the Mass RFP?

20 THORN DICKINSON: Just so we're looking at
21 the same place, where specifically are you
22 referencing?

23 MS. BOEPPLE: I may be looking at your
24 rebuttal testimony. Do you have your rebuttal
25 testimony in front of you?

1 THORN DICKINSON: Yes.

2 MS. BOEPPLE: Okay. I believe it's on Page
3 3 of your rebuttal testimony.

4 THORN DICKINSON: Okay.

5 MS. BOEPPLE: And you see where you're
6 discussing the Massachusetts RFP?

7 THORN DICKINSON: Again, just to avoid any
8 confusion --

9 MS. BENSINGER: Actually, it's in the
10 direct. The beginning of the last paragraph on Page
11 3 of the direct.

12 MS. BOEPPLE: Okay. Thank you.

13 THORN DICKINSON: So we -- here we're
14 talking about the response to the Massachusetts RFP?

15 MS. BOEPPLE: Correct.

16 THORN DICKINSON: I see now.

17 MS. BOEPPLE: Okay. And does your testimony
18 say that -- could you read what you have stated with
19 the line that begins this route is shorter?

20 THORN DICKINSON: It's above -- I'm sorry.
21 So above you're saying this route is shorter than
22 other routes for deliveries from Quebec to New
23 England and represents the lowest cost path for
24 delivery of clean energy from Quebec.

25 MS. BOEPPLE: Right. And is it your

1 testimony that that's why this project was selected?

2 THORN DICKINSON: I think there were a
3 number of reasons. The analysis that the
4 Massachusetts EDCs selected looked at the various
5 costs and benefits associated with the project and
6 selected the project with the overall best
7 combination of cost and benefits.

8 MS. BOEPPLE: Okay. So if I could pull up
9 Group 2 C-1, please. The first image. I'm showing
10 you a comparison of three projects. One of them is
11 obviously your project on the far right, the one in
12 the middle is the Northern Pass project and the one
13 on the left is the Vermont Clean Power Link. Are you
14 familiar with this -- these -- all of these --
15 obviously you're familiar with your own, but are you
16 also familiar with the Northern Pass and the Clean
17 Energy Connect?

18 THORN DICKINSON: Yes, I am.

19 MS. BOEPPLE: I believe those were all
20 mentioned in your testimony. CMP has talked about
21 the different projects that you were competing
22 against?

23 THORN DICKINSON: That's correct.

24 MS. BOEPPLE: And I'd like you to just note
25 that the Northern Pass project, which was picked

1 first before your project was actually a more
2 expensive project. Do you see that?

3 THORN DICKINSON: Well, this is the -- this
4 is the publicly available information?

5 MS. BOEPPLE: Yes, it is.

6 THORN DICKINSON: And I'll tell you that --
7 and I do believe that both of those projects were
8 more expensive than this project.

9 MS. BOEPPLE: And yet the Northern Pass was
10 the one that was chosen first, correct?

11 THORN DICKINSON: Yeah, my estimation of why
12 that project was built first was that --

13 MS. BOEPPLE: Well, it wasn't built.

14 THORN DICKINSON: I mean, it was picked.
15 Sorry. Thank you. It was picked first because it
16 had an earlier expected in-service date and when the
17 valuation team reviews projects like these, they'll
18 do them generally on a net present value basis and if
19 there are benefits that occur earlier sometimes that
20 can outweigh the fact that it's own cost may be more
21 expensive.

22 MS. BOEPPLE: So what I'm curious about
23 though is that Northern Pass was selected and the
24 route is approximately the same length as your
25 proposed project, correct?

1 THORN DICKINSON: It's a little bit longer,
2 but.

3 MS. BOEPPLE: Okay. And the Northern Pass
4 project has a segment that is approximately 52 miles
5 in length that was going to be buried, were you aware
6 of that?

7 THORN DICKINSON: Yes, I am.

8 MS. BOEPPLE: And your project, you have
9 represented and testified that the northern stretch
10 of this project can't be buried because it's cost
11 prohibitive, correct?

12 THORN DICKINSON: So I'm happy to talk in
13 detail about my rebuttal testimony and the impacts
14 associated with this if this is the right time. I
15 know that we're also coming back --

16 MS. MILLER: We'd like to hear it today and
17 at the next --

18 THORN DICKINSON: Great.

19 MS. BOEPPLE: And if I could, before you
20 continue, I'm going to ask that -- I'm not waiving my
21 right to make objections to the rebuttal testimony
22 and I'm also not waiving my requested additional time
23 for the next hearing date on this topic.

24 MS. BENSINGER: And one other question, are
25 you going to offer that as an exhibit to be admitted?

1 MS. BOEPPLE: Yes. This is part of some
2 additional slides that are part of...

3 MS. BENSINGER: And do you have paper copies
4 of those?

5 MS. BOEPPLE: I have paper copies of this,
6 yes. And I can distribute those.

7 MS. BENSINGER: Can we do that now?

8 MR. MANAHAN: Could I just say Ms. Boepple
9 reserved her right to object to this witness, but
10 she's past the deadline for that. The April 19
11 deadline is the deadline to object to new rebuttal
12 witnesses, not current direct testimony.

13 MS. BENSINGER: That's correct.

14 MR. MANAHAN: Thank you.

15 MS. BOEPPLE: And that's what I was
16 referring to.

17 MS. BENSINGER: So the parties will have a
18 couple minutes to look at this proposed exhibit. If
19 you could just hold off for a minute while the
20 parties look at it.

21 MR. MANAHAN: Could we just ask, it appears
22 that this exhibit was prepared by staff Michael
23 Fisher and it contains several descriptions of these
24 other -- these other projects. We don't know who
25 this person Michael Fisher is or where he got his

1 information.

2 MS. BOEPPLE: All of the -- would you like
3 me to respond? All of the information is public
4 information and it was a compilation that was done by
5 staff at the Society for the Protection of New
6 Hampshire Forests in conjunction with the Northern
7 Pass hearing. Each one of the maps was taken from
8 information, again, it was publicly available as well
9 as all of the data that's incorporated within this.
10 It was simply pulling three maps together into one
11 compilation.

12 MR. MANAHAN: Okay. Well, we would just put
13 on the record our objection to this because we don't
14 have the ability to cross-examine the person that
15 prepared this so that we can't find out whether this
16 information is accurate or not, but I just want to
17 say that for the record.

18 MS. BENSINGER: Do you want to respond to
19 that?

20 MS. BOEPPLE: Yes. I'm not submitting this
21 and saying that the data is 100 percent accurate. I
22 think it's common knowledge and it's out there in the
23 public realm. The general numbers that have been
24 used to both describe the length and the terrain that
25 these three different projects propose as well as the

1 monetary figures, so I'm not trying to get this in as
2 proof positive of any one of these projects. I'm
3 simply using it as a comparison chart to solicit some
4 answers to some questions from your panel.

5 MR. MANAHAN: Well, I would just -- I would
6 just say it's not general knowledge what the length
7 of these corridors -- my understanding is you're
8 introducing this as -- in order to cross-examine Mr.
9 Dickinson in respect -- with respect to his rebuttal
10 testimony and to impeach him, I guess, with respect
11 to the length of these corridors. And so the fact
12 that this document contains the lengths of these
13 corridors, and I don't know whether this is accurate
14 and we haven't heard anyone who can testify that it's
15 accurate, and to these grounds be excluded, but I
16 have an objection.

17 MS. BENSINGER: I would recommend that with
18 Ms. Boepple's caveats the Presiding Officer admit it.

19 MS. MILLER: I'll allow it.

20 MS. BOEPPLE: Thank you. Have you had an
21 opportunity to take a look at this, Mr. Dickinson?

22 THORN DICKINSON: Yes, I have.

23 MS. BOEPPLE: Okay. So --

24 MR. MAHONEY: Can we just get a sense of
25 when -- what date these maps were because these

1 projects, particularly the Northern Pass project
2 changed over time, so I assume this is not as
3 initially proposed, but this is post site evaluation
4 committee hearing or --

5 MS. BOEPPLE: No.

6 MR. MAHONEY: -- pre-site evaluation
7 committee?

8 MS. BOEPPLE: Sure.

9 MR. BUXTON: Excuse me --

10 THE REPORTER: I'm sorry, could you identify
11 yourself, please?

12 MR. MAHONEY: Yes, I'm sorry. Sean Mahoney,
13 Conservation Law Foundation.

14 THE REPORTER: Thank you.

15 MR. BUXTON: Tony Buxton for the
16 International Energy Consumer Group. Could I be
17 heard, please? If this proceeding is to compare in
18 any way this project with other projects, we would
19 request that there be witnesses who are expert in
20 those projects to support the data which is suggested
21 because the analysis is completely worthless without
22 having the accurate data. Some of the parties in
23 this room, including us, have been in proceedings
24 where we've had that information and as the gentleman
25 from the Conservation Law Foundation points out the

1 information changed dramatically in the proceedings
2 pertaining to those particular projects. We need
3 accurate data. Thank you.

4 MS. BENSINGER: A couple of things. One, I
5 would ask that the spokesperson for each group be the
6 person making objections or asking questions
7 pertaining to objections. But I would recommend to
8 the Hearing Officer that the proposed exhibit be
9 admitted for the purposes of discussion and cross,
10 but obviously the lack of witnesses testifying to the
11 specifics would go to the weight it would be given.

12 MS. MILLER: So I'll allow it for that
13 purpose.

14 MS. BOEPPLE: Okay.

15 MS. MILLER: We do need to number this
16 exhibit, so I'll just throw that this will be Group 2
17 Cross 1.

18 MS. BOEPPLE: Thank you. Okay. So,
19 Mr. Dickinson, you've had an opportunity to look at
20 this and I'll go back to the question that I asked
21 originally before distributing the copies and that is
22 assuming that this information is accurate or roughly
23 correct the Northern Pass project was going to cost
24 approximately \$1.4 billion and it included a third of
25 the corridor buried. If you will take that as an

1 assumption and talk a little bit about comparing it
2 to your project, could you explain to me how it is
3 that a corridor that you are proposing that's a
4 little bit shorter but has no underground route is
5 going to be, I mean, obviously it's less expensive
6 but how it could be that proposing a similar length
7 in your corridor would put the project cost so high
8 that you couldn't do the project, which I believe is
9 what your rebuttal testimony said.

10 THORN DICKINSON: It is. And so we have a
11 valuator report that was completed as part of the
12 evaluation and the column that existed for all ranked
13 projects was available and that I had a column in it
14 that was the levelized dollar per megawatt hour
15 benefits associated with each of the different
16 proposals. So with that piece of information we can
17 then evaluate what it -- what the additional cost
18 would reflect to and our overall ranking. And so
19 we're, again, the evaluator report was after Northern
20 Pass had already been removed, so the subsequent
21 evaluator report had us ranked number one. If you
22 put the costs of underground in just the 53 mile
23 portion, our rank would drop from one -- first to
24 nineth.

25 MS. BOEPPLE: So assuming that's all correct

1 and I -- and I only make that statement because I
2 have not had an opportunity to really dig into that
3 report in your rebuttal, but I'm going to ask you
4 then how is it that the third project illustrated
5 here, which is estimated at a \$1.6 billion, which has
6 already been permitted, and the majority of that
7 route is buried not only underground but under the
8 water. How is it -- I'm still trying to understand
9 these numbers. I'm trying to understand how it is
10 that it's so expensive for CMP to do this in Maine,
11 but somehow Eversource could do it in New Hampshire
12 and the Clean Power Link could do it in Vermont.
13 That's what I'm asking --

14 MR. MANAHAN: Ms. Miller, I would object.
15 She's testifying. She's not asking a question. If
16 she could ask a question of the witness as opposed to
17 saying how she feels or what she would like to
18 understand that would be helpful.

19 MS. BOEPPLE: I'm grappling with
20 understanding the information. Do you have a -- can
21 you answer my question?

22 THORN DICKINSON: So the first thing is we
23 don't know what they bid. So publicly, the Vermont
24 project, the project in New Hampshire could have
25 publicly said any number that they had wished. In

1 addition, the capital cost isn't the only important
2 aspect of the project. Property taxes, operating
3 costs, different payments that were made to
4 communities in order to site the project all are
5 going to go into the overall cost. So just looking
6 at the capital related cost isn't an appropriate way
7 to consider the overall impact. You have to look at
8 the whole cash flow of the whole revenue requirement
9 from the project which includes much more than just
10 capital. And then secondly, the time associated with
11 these projects, so when -- when is the expected
12 in-service date for these projects. So if a project
13 is providing net benefit, the earlier those projects
14 provide net benefits, the higher the net present
15 value benefit will be and those -- all those factors
16 go into the overall evaluation.

17 MS. BOEPPLE: And it is correct that you
18 didn't do this evaluation when you submitted the
19 application for this project?

20 THORN DICKINSON: When you say this
21 evaluation, could you just --

22 MS. BOEPPLE: The evaluation that's part of
23 the rebuttal testimony that you filed just days
24 before these hearings began.

25 THORN DICKINSON: So the -- the specific

1 analysis where we measured the -- our estimated cost
2 from a full -- fully kind of engineered solution of
3 underground and then the recalculation obviously we
4 didn't have the evaluator's report at the time we bid
5 was done in my rebuttal testimony, that's correct.

6 MS. BOEPPLE: So at the time of the PUC
7 hearings when you testified that you didn't have
8 information about the cost that was correct?

9 THORN DICKINSON: Are you -- are you
10 pointing to me to a specific quote? I -- just to
11 make sure we have it right.

12 MS. BOEPPLE: Yes. And I believe it's in
13 NextEra's -- an exhibit that's part of NextEra's...
14 A portion of the transcript --

15 MS. BENSINGER: You'll have to point us to
16 what you're referring to.

17 MS. BOEPPLE: Well, there is a couple of
18 places where it's in the record. One is in the Group
19 2's exhibit, which was a transcript from the PUC
20 hearings. We cited part of that in our motion to
21 strike. And it's also an exhibit -- could you help
22 me out with the exhibit?

23 MS. TOURANGEAU: I believe it's NextEra,
24 Chris Russo Exhibit 1. That exhibit is labeled on
25 the table as the Maine PUC transcript from November

1 28, 2018. I believe, the first two pages are from
2 November 28, 2018.

3 MS. BENSINGER: Okay. We have it.

4 MS. TOURANGEAU: And the second two pages
5 are from January 9 of 2019.

6 THORN DICKINSON: So I think I have the -- I
7 have it in front of me if you wouldn't mind just
8 pointing me to the right place.

9 MS. BOEPPLE: I'm trying to find it in my
10 records. I think Ms. Tourangeau just pointed out --
11 oh, you've got the transcript in front of you or the
12 exhibit?

13 THORN DICKINSON: I do. I have it. Do you
14 want a page from it just to look at it?

15 MS. BOEPPLE: No, I'm sorry for not having
16 this in front of me.

17 MS. BENSINGER: So that is a NextEra
18 exhibit...

19 MS. MILLER: It's the first exhibit second
20 page and that's where Mr. Dickinson's testimony is.
21 Is that what you're referring to?

22 MS. BOEPPLE: Yes. Thank you.

23 THORN DICKINSON: So there is a -- I mean, I
24 could read you the question if that's helpful.

25 MS. BOEPPLE: What I'd like is your response

1 with respect to the question about the underground
2 and the underground pricing.

3 THORN DICKINSON: Right. So the question --
4 just so we're -- we're both speaking from the same
5 set of facts, they mention a memo, they said there --
6 and the question is whether there was similar memo or
7 effort, this was related to the underground portion
8 underneath the Kennebec River to consider
9 undergrounding the 57 miles of the greenfield
10 corridor and I said, no, there wasn't.

11 MS. BOEPPLE: Thank you. Further -- well,
12 I'll leave that for now. I don't have -- I'll pick
13 this up later.

14 THORN DICKINSON: Okay.

15 MS. BOEPPLE: So thank you for looking at
16 that. So going back to my earlier question about the
17 timing on your consideration of the pricing for what
18 it would cost to go underground, is it fair to say
19 that you engaged in the application process before
20 the DEP without that information as part of your
21 analysis?

22 THORN DICKINSON: The engineering analysis
23 we did for the rebuttal testimony was after the
24 application was made at the DEP.

25 MS. BOEPPLE: Thank you. I'd like to move

1 on and talk to you a little bit about a couple of
2 other things that came up. I believe, Mr. Dickinson,
3 you stated that this is when I interrupted you
4 earlier during Mr. Weingarten's questioning and I
5 apologize for interrupting you. I believe you stated
6 that this is a 40 year project; is that correct?

7 THORN DICKINSON: So the financial analysis
8 associated with the project is 40 years. You know, I
9 also said that the future of technology is uncertain
10 and the specific needs that this project is really
11 built for, I think, are uncertain whether 20 or 30 or
12 50 years from now there is going to be other
13 alternatives that are even better at delivering that
14 need and my point was that to assume that this is an
15 ever present permanent impact I think doesn't
16 represent how much technology changes and how many
17 different solutions we can have to deal with a real
18 crisis that -- and needs that in front of us.

19 MS. BOEPPLE: So you said we shouldn't think
20 about this as a permanent line; is that correct?

21 THORN DICKINSON: If at the end of 40 years
22 there is a belief amongst policy makers that a
23 continued operation of this line past the commercial
24 operation that we imagine the length we have there is
25 an opportunity I would imagine to extend it through

1 additional investments in the line.

2 MS. BOEPPLE: So is there a decommission
3 plan you've submitted as part of this application?

4 THORN DICKINSON: No, there is not a
5 specific plan.

6 MS. BOEPPLE: So you don't have a
7 restoration plan either, correct?

8 THORN DICKINSON: No, but my point is just
9 that the assumption that it is permanent and forever
10 is inaccurate.

11 MS. BOEPPLE: Well, that would be a little
12 like saying that any house that's built is assuming
13 that it's there permanently but it might fall down in
14 20 years.

15 THORN DICKINSON: I guess the way -- the way
16 that I think about it is this project this is for a
17 specific need and that need is, I believe, very
18 adequately addressed and demonstrated. If that need
19 no longer is met in the future there would be no
20 reason for the line to continue to be in operation.

21 MS. BOEPPLE: So if that were the case then
22 what you're testifying to today is that you'll take
23 those poles and lines down; is that correct?

24 THORN DICKINSON: I think -- yeah, assuming
25 the appropriate mechanism for how it's done and the

1 appropriate methodology, yes, of course.

2 MS. BOEPPLE: And you'll restore the
3 corridor?

4 THORN DICKINSON: I mean, again, the -- the
5 devils are in the details as far as restoring the
6 corridor. As we've talked about this is kind of a
7 mosaic of an area with a lot of different impacts
8 associated with it, so, I mean, I think it's
9 reasonable as a good neighbor and a good developer of
10 a project that if the project were to be determined
11 that it should be taken down that we work on making
12 sure just as thoughtfully I believe the project has
13 been proposed, we would thoughtfully restore to, you
14 know, have these same kind of conversations about
15 removal.

16 MS. BOEPPLE: And does that mean you would
17 also give up the easements that you have?

18 THORN DICKINSON: Can you define give up?

19 MS. BOEPPLE: Would you sell them to the
20 landowners? Would you relinquish them to a
21 conservation organization? Would you no longer use
22 them for transmission purposes?

23 THORN DICKINSON: I mean, to know what's
24 going to happen 50 years from now and to know what
25 challenges our region, our planet, you know, our

1 future children are going to face, how can you say
2 whether or not that this corridor won't be something
3 that ultimately will be really important for solving
4 future needs.

5 MS. BOEPPLE: Right. And but,
6 Mr. Dickinson, typically with utility corridors and
7 projects, if they have a useful life and that's
8 defined typically you would have a decommission plan
9 with them, isn't that fair to say?

10 THORN DICKINSON: No, I don't think that's
11 true in the case of transmission.

12 MS. BOEPPLE: Right. Because usually
13 they're built and they're never taken down, right?

14 THORN DICKINSON: No, I -- no, I don't agree
15 with that. I think, again, the assumption that
16 because for the last 100 years or 50 years a
17 transmission line was put in place and provided value
18 whether it was economic reliability, safety, all of
19 the things that we currently rely on, the 3,000 miles
20 of transmission throughout CMP's service territory
21 if -- if in the future those transmission lines
22 aren't continuing to provide value they will be
23 reevaluated to determine whether they should be. And
24 I think just to say that a transmission line in the
25 past may have existed for a longer period of time, I

1 don't think there is an accurate representation of
2 what the future may hold.

3 MS. BOEPPLE: So in your experience -- how
4 many years have you been in this industry?

5 THORN DICKINSON: 30 years.

6 MS. BOEPPLE: And in that time, have you
7 been involved in decommissioning a transmission line?

8 THORN DICKINSON: I mean, that's not my --
9 my specific skill set is not in the engineering and
10 permitting of specific transmission lines, but I can
11 think of a number of lines that had to be removed
12 because they were past their useful life.

13 MS. BOEPPLE: A transmission corridor is
14 what we're talking about.

15 THORN DICKINSON: Well, I mean, as an
16 example many of the parcels of land that are now
17 being conserved and provided as part of the
18 mitigation associated with this land were because
19 there were 100 years ago someone at Central Maine
20 Power that believed there is potential value in these
21 corridors and lands that might be needed for the
22 future and the future changed. And those lands no
23 longer were needed in the future and they've been now
24 provided and protected for the people of Maine and
25 for the region.

1 MS. BOEPPLE: And that's not the same thing
2 as building a transmission line in a corridor and
3 taking it down, is it?

4 THORN DICKINSON: No, I think it is. There
5 is a corridor that -- and land that was envisioned to
6 have a future use and I would imagine if you probably
7 interviewed -- could go back in time and interviewed
8 all those people, they'd say that land will
9 definitely be used for this use because they maybe
10 didn't have a broad enough understanding about how
11 the world changes.

12 MS. BOEPPLE: Do you have an example of
13 that?

14 THORN DICKINSON: Well, I mean, there are a
15 lot of parcels of land that were provided that
16 were -- many of them around the idea of additional
17 hydro development and so, but, I mean, there are, you
18 know, I don't have off the top of my head a huge
19 amount of those examples. But my main point is that
20 if this -- if this corridor and if this line
21 continues to provide value and the need that's been
22 identified, which is a critical need, that most of
23 the earth has realized is important that that project
24 will continue to provide value. And if not, then --
25 then the -- I don't see a future of that transmission

1 line in that corridor.

2 MS. BOEPPLE: I understand the point you're
3 making. Thank you. I won't belabor this further. I
4 would like to talk a little bit about another project
5 that CMP was engaged in. And if I could move to the
6 next slide, which is a little fuzzy and I apologize
7 for that. I assume you're familiar with the Maine
8 Power Reliability Project?

9 THORN DICKINSON: I am.

10 MS. BOEPPLE: Okay. And the reason I'm
11 going to ask some questions about this is I'm going
12 to show you some pictures of some transmission towers
13 and part of a line and ask if there are some
14 similarities between that is what is going to be
15 constructed here and there might not be, but I'd like
16 you to help educate us a little bit.

17 MR. MANAHAN: Could I just ask, are these in
18 the records somewhere or are these --

19 MS. BOEPPLE: They will be.

20 MR. MANAHAN: You're going to establish some
21 foundation through Mr. Dickinson?

22 MS. BOEPPLE: Yes. So could you tell me
23 what the goal of the Maine Power Reliability Project
24 was, Mr. Dickinson?

25 THORN DICKINSON: I was not the project

1 manager of that project, but in general the main
2 focus was reliability.

3 MS. BOEPPLE: Okay. And what does that mean
4 in utility terms?

5 THORN DICKINSON: It means making sure that
6 the lights stay on.

7 MS. BOEPPLE: Okay. And so this is actually
8 a photo of a segment of the project that was to
9 re-energize a 13.9 mile 115 kV transmission line
10 connecting the Riley Substation in Jay to the Rumford
11 IP Station in Rumford, does that sound -- I know you
12 weren't the project manager, but does that sound like
13 that was a component of the MPRP?

14 THORN DICKINSON: I mean, it -- really when
15 we're getting that specific I'd want to have a map.
16 I'd want to have somebody that --

17 MARK GOODWIN: Can I answer that for you?

18 THORN DICKINSON: Oh, okay.

19 MS. BOEPPLE: Okay. Great. Mr. Goodwin.

20 MARK GOODWIN: Yeah, I believe that's
21 Segment 39 of the MPRP project.

22 MS. BOEPPLE: Thank you. And were there
23 other areas of the state that had similar upgrades
24 and improvements?

25 MARK GOODWIN: Yes.

1 MS. BOEPPLE: And I'd like to show you a
2 few -- the next slide, please. The other way. There
3 we go. The next photos were all taken from the
4 website of a company called Irby, are you familiar
5 with that company?

6 MARK GOODWIN: I am.

7 MS. BOEPPLE: And did they do most of the
8 construction or some of the construction on the MPRP
9 project?

10 MARK GOODWIN: They did.

11 MS. BOEPPLE: So if they're using these
12 photographs on their website to illustrate their work
13 for utility work, would they probably be fairly
14 accurate if they say they're from the MPRP project?
15 Would that be probably correct?

16 MARK GOODWIN: I mean, I guess you could
17 speculate that it's correct.

18 MS. BOEPPLE: Okay. So does this look like
19 the kind of installation of towers that were
20 installed during the MPRP project?

21 THORN DICKINSON: I mean, again, to get into
22 the specifics, the H-frame structure and those
23 things, I think we'd really want the engineering
24 folks that worked on MPRP.

25 MS. BOEPPLE: Okay. I'm not looking to

1 validate whether or not those were the actual
2 structures that were put in, but do they look -- do
3 they look like the kind of structures that you would
4 install that might be called steel weathering poles?

5 THORN DICKINSON: I mean, that wouldn't
6 surprise me, no, and, again, this is a -- just to
7 point out if we're talking about particularly the DC
8 component of the project, this is not the structures
9 we're thinking about just to be clear. This is an
10 H-frame structure as opposed to a monopole.

11 MS. BOEPPLE: Okay. So these are not
12 examples of monopoles? These are -- these would be
13 an H-frame?

14 THORN DICKINSON: Yeah, I believe so,
15 although they're still in the process of being built.

16 MS. BOEPPLE: Okay. Could we have the next
17 slide, please? Does this look like a familiar area
18 as part of the MPRP project?

19 THORN DICKINSON: It wouldn't surprise me if
20 that was from there, yeah.

21 MS. BOEPPLE: Okay. And the kind of
22 structures that we're seeing here, what kind of
23 structures are those?

24 THORN DICKINSON: So on the left those would
25 be an H-frame structure, so obviously why it's called

1 an H-frame. And then they're -- they're single pole
2 structure, on the right.

3 MS. BOEPPLE: And are either of those
4 similar to the kind of structures we're going to
5 see -- we would see if this project is approved?

6 THORN DICKINSON: I mean, the panel later on
7 is -- does have engineering people on it that are
8 going to be -- I was an engineer at one time, but.

9 MS. BOEPPLE: Okay. So someone else can
10 respond to this a little bit better.

11 THORN DICKINSON: I think so, yeah.

12 MS. BOEPPLE: Okay. So could I move on to
13 the next slide? Then we'll skip over this one as
14 well. I'll just talk with the engineers about these.

15 THORN DICKINSON: Yeah, you can. I mean, We
16 talked about H-frames, a single pole and then these
17 would be more lattice structures, so.

18 MS. BOEPPLE: Okay. And the next slide,
19 please. And, again, these are lattice structures?

20 THORN DICKINSON: Yes.

21 MS. BOEPPLE: And these were all -- all of
22 these were put in as part of the MPRP as far as you
23 know, but you guys aren't the engineers.

24 THORN DICKINSON: Yeah, I'd prefer that
25 someone --

1 MS. BOEPPLE: Okay.

2 THORN DICKINSON: -- that was
3 well-acquainted with the MPRP.

4 MS. BOEPPLE: Okay. Is it fair to just say
5 that the MPRP as you've described before was to
6 improve the reliability in the State of Maine,
7 correct?

8 THORN DICKINSON: That's the main goal of
9 the project, right.

10 MS. BOEPPLE: Okay. Could I have the last
11 slide, please? Well, not that one. This one. So
12 are you familiar with the U.S. Energy Information
13 Administration?

14 THORN DICKINSON: At a very high level.

15 MS. BOEPPLE: Okay. Are you aware that they
16 did a report that was dated April 5, 2018 that showed
17 the average frequency --

18 MR. MANAHAN: Ms. Miller, I object to this
19 whole line of questions. This -- this hearing is
20 about DEP's approval criteria and Mr. Dickinson's
21 testimony and to be talking about a reliability
22 project when she has made no foundation for any of
23 these exhibits and has made no connect to
24 Mr. Dickinson's testimony, I object to this whole
25 line of questioning.

1 MS. BOEPPLE: It -- may I respond?

2 MS. BENSINGER: Yeah, if you could respond,
3 please.

4 MS. BOEPPLE: Yeah. So one of the things
5 that the Department is doing in a hearing is
6 assessing and evaluating the credibility of the
7 witnesses and the credibility of the testimony that's
8 being provided, so I think it's appropriate to
9 question and ask whether or not the information that
10 you are being given is valid and whether or not the
11 word that's being given by the witnesses is credible
12 and my questions are going to that.

13 MR. BUXTON: Madame, Tony Buxton for the
14 Industrial Energy Consumer Group, if I may. This
15 particular slide is from a study about the
16 distribution systems in the United States not the
17 transmission systems and this is an excellent example
18 of the failure to properly identify what's being used
19 in cross-examination, so we join in CMP's objection.

20 MR. MANAHAN: But, frankly, just to respond
21 to what Ms. Boepple said, this isn't addressed at
22 Mr. Dickinson's credibility. There is no -- I see --
23 she has made no connection to Mr. Dickinson's
24 testimony. She's just throwing this out there in
25 order to get it out and so I object to it.

1 MS. BENSINGER: On this slide, I would
2 recommend that the Presiding Officer not allow it and
3 not allow questions about it because as Mr. Manahan
4 pointed out this was not addressed in the witnesses
5 testimony and it does not seem to address the
6 statutory criteria.

7 MS. MILLER: So I'm not going to allow it
8 in. I would like to stick with what's in his
9 testimony and the criteria, the DEP criteria. Thank
10 you.

11 MS. BOEPPLE: Okay. Thank you. So just to
12 wrap up --

13 MR. MANAHAN: Are we going to get copies of
14 those other exhibits? Are they going to be admitted
15 into the record and we just saw them and they're
16 gone?

17 MS. BOEPPLE: Well, since nobody was able to
18 talk in great depth about the components of the MPRP
19 on this panel, I thought I would try and discuss it
20 with your next panel, so I'd like to reserve trying
21 to admit those until then.

22 MR. MANAHAN: Well, I object to using
23 exhibits, not marking them as exhibits, not admitting
24 them into the record, not establishing a foundation
25 and just sort of hoping they'll fly. I object to

1 this whole line of questioning.

2 MS. BOEPPLE: If I could just respond to
3 that. So typically you would also use exhibits for
4 illustration purposes, which is exactly what I was
5 using those photographs for. And I was asking
6 Mr. Dickinson and the panel if these were
7 illustrations of towers that might be constructed as
8 part of this project, so it doesn't necessarily have
9 to come in as evidence.

10 MR. MANAHAN: Ms. Boepple never asked a
11 question. She's tried to ask the question but then
12 she withdrew them apparently after making certain
13 statements, but they're not in the record --

14 MS. BENSINGER: I would recommend that
15 they -- they have not been offered to be admitted, so
16 they're not admitted at this time. If she -- if you
17 do offer them to be admitted, I think Ms. Boepple
18 will have to establish more clearly where they came
19 from.

20 MS. BOEPPLE: Understood. Thank you. Could
21 the time keeper let me know how much of my 85 minutes
22 I have left?

23 MS. KIRKLAND: You have 39 minutes and 45
24 seconds.

25 MS. BOEPPLE: Okay. I'd like to reserve the

1 rest of my time then. Thank you.

2 MS. MILLER: Thank you. So we'll move on to
3 Group 3.

4 MR. REID: Susanne, I just have one quick
5 question of this panel. And this exhibit I think
6 we've marked it as Group 2-10 Exhibit 1 for
7 cross-examination. And I'm not asking you to certify
8 the accuracy of the information in that document, but
9 if any of you now that you've had a chance to review
10 it see anything that's inaccurate or misleading in
11 the information contained in that document, I'd like
12 you to tell us.

13 THORN DICKINSON: I mean, they're generally
14 like in the ballpark of what I would expect to see.
15 Generally, what I would like to do is go back and
16 take a look at, you know, what I know to be true and
17 verify it, but I think in a general perspective.

18 MR. BUXTON: If I may. Tony Buxton from the
19 Industrial Energy Consumer Group. The Commissioner
20 did not ask the rest of us, but I would assert that
21 some of the information is clearly incorrect, for
22 example, the total cost of Northern Pass is clearly
23 incorrect.

24 MS. MILLER: Okay. Let's get started with
25 Group 3. Thank you.

1 MR. BOROWSKI: Good morning. My name is
2 Benji Borowski, counsel to the Industrial Energy
3 Consumer Group. And just for clarification, it is
4 Industrial not International for the record. And I'm
5 representing Group 3 up here.

6 I have some questions for you, Mr. Goodwin.
7 How much money is CMP proposing to compensate for
8 impacts to Jack pine stands?

9 MARK GOODWIN: I believe that number is \$1.2
10 million.

11 MR. BOROWSKI: And why did CMP propose that
12 compensation amount?

13 MARK GOODWIN: Well, CMP initiated some rare
14 plant and unique natural community surveys and
15 identified a bunch of rare plants and some unique
16 natural communities. One of the habitats was Jack
17 pine forest. That was identified, I believe, it's in
18 Bradstreet Township. And we met and had some
19 consultation with Maine Natural Areas Program and
20 they indicated that if the impact was unavoidable
21 that it merited compensation at an 8 to 1 ratio and
22 the compensation area included a 250 foot zone around
23 the -- around the impact.

24 MR. BOROWSKI: Thank you. And it is clear
25 to CMP that it was required to compensate for those

1 impacts?

2 MARK GOODWIN: At the time that the
3 compensation was calculated, CMP believed that the
4 dollar amount -- well, that compensation was required
5 based on the information that we knew at the time.
6 Maine Natural Areas Program has not been out to look
7 at the site to verify the quality of the site or give
8 it an appropriate rank. Subsequent to that, we
9 have -- we since through some evaluation of stand
10 data provided by the Weyerhaeuser, hopefully I
11 pronounced that right, Weyerhaeuser Company, we
12 noticed in the GIS data they were identified as pine
13 plantations, which suggests that they were, in fact,
14 planted. So we requested some additional information
15 from Weyerhaeuser Company and, in fact, it came back
16 that the stand data adjacent to these areas indicated
17 that it was containerized plantings of Jack pine in
18 the mid-'80s. So we've alerted MNAP of that fact and
19 we're waiting for them -- a response from them in
20 terms of what -- what that means from the standpoint
21 of the quality of the habitat and the compensation
22 that is ultimately needed or not needed, but the
23 current proposal is to compensate \$1.2 million.

24 MR. BOROWSKI: Thank you for that
25 clarification. Now, Mr. Dickinson, I have a few

1 questions for you. Mr. Dickinson, didn't CMP submit
2 various proposals to the Massachusetts RFP including
3 combinations with solar and wind?

4 THORN DICKINSON: Yes, we did.

5 MR. BOROWSKI: Did one proposal jointly made
6 with NextEra include new solar and wind facilities
7 being constructed in Maine near the Canadian terminus
8 of the NECEC project?

9 THORN DICKINSON: Yes. And it included also
10 battery technology and further investments further
11 down the corridor.

12 MR. BOROWSKI: Would that proposal, the
13 NextEra proposal --

14 MS. BOEPPLE: Objection. This line of
15 questioning is not going to the hearing topics.

16 MS. MILLER: Do you want to respond to that?

17 MR. BOROWSKI: Sure. Depending on how
18 expansive your view is of an alternative it goes to
19 alternatives. Moreover, it goes to the credibility
20 of NextEra's testimony about undergrounding.

21 MS. MILLER: I'm going to go ahead and allow
22 it.

23 MR. BOROWSKI: Thank you.

24 MS. TOURANGEAU: I'm going to go ahead and
25 object then. This is Joanna Tourangeau on behalf of

1 NextEra that the -- Chris Russo will be testifying on
2 direct and if you wish to challenge his credibility
3 you can ask him those questions. It's inappropriate
4 to challenge his credibility as the basis for the
5 relevance of your questioning -- line of questioning
6 when you're questioning CMP's witnesses.

7 MR. BOROWSKI: It's my understanding that
8 Mr. Russo works for a consulatancy, but Mr. Dickinson
9 submitted proposals on behalf of CMP. One of those
10 proposals was jointly made with NextEra, so he has
11 direct knowledge of the questions -- of the answers
12 to the questions I'm asking.

13 MS. TOURANGEAU: Except for those proposals
14 were to the Massachusetts PUC not to the DEP.

15 MR. BOROWSKI: Exactly, but they would have
16 had impacts in Maine in the same area where this
17 project is.

18 MS. TOURANGEAU: But it's not relevant to
19 the alternatives analysis. The only relevance would
20 be to credibility and then you would have to ask
21 Mr. Russo directly.

22 MS. BENSINGER: I would recommend that the
23 Presiding Officer allow it.

24 MR. BOROWSKI: Thank you. So would the
25 NextEra proposal have required a transmission line to

1 Lewiston?

2 THORN DICKINSON: Yeah, it would have
3 essentially used the same corridor that we had
4 proposed as part of NECEC.

5 MR. BOROWSKI: Would that transmission line
6 have been buried?

7 THORN DICKINSON: No. It was an overhead
8 transmission facility as proposed.

9 MR. BOROWSKI: Did NextEra ask CMP to
10 propose a buried line to Lewiston as an alternative?

11 THORN DICKINSON: They did not.

12 MS. TOURANGEAU: Again, I'm going to object
13 as to relevance.

14 MR. BOROWSKI: Same answer.

15 MS. BENSINGER: I would, again, recommend
16 that it be allowed.

17 MR. BOROWSKI: Thank you. Do you think that
18 the NextEra proposal would have created a larger or
19 smaller environmental footprint than the NECEC
20 project given that NextEra's proposal included both
21 generation facilities and transmission facilities in
22 Maine?

23 THORN DICKINSON: Definitely a larger
24 footprint in Maine, yes.

25 MR. BOROWSKI: Did CMP have any say in which

1 of its submissions to the Massachusetts RFP won?

2 THORN DICKINSON: No. None.

3 MR. BOROWSKI: Thank you. That's all.

4 MS. MILLER: Thank you. Group 4 is next. I
5 want to note we have about 25 minutes until we need
6 to break, so we can split that testimony up. We're
7 going to continue to do cross -- I mean, sorry.
8 We're going to split that cross-examination up.
9 We're going to have to continue cross-examination
10 into the afternoon. As you know, we have time blocks
11 for each of the parties, so it does shift some of the
12 scheduling back, but it doesn't mean that we're not
13 going to all fit it in with the general time frame
14 for the Applicant panel.

15 MR. BOROWSKI: May I ask for a time check on
16 how much I have left?

17 MS. KIRKLAND: Let's see, you've used 3
18 minutes and 26 seconds.

19 MR. BOROWSKI: Thank you.

20 MS. MILLER: So Group 4.

21 MR. PUBLICOVER: David Publicover for Group
22 4 and I will be crossing Mr. Goodwin and Mr. Mirabile
23 and then Jeff Reardon will be crossing Miss Johnston.

24 MR. MANAHAN: Could I just ask, we were --
25 the instructions at the prehearing conferences were

1 to cross-examine by panel absent some unique special
2 circumstances, so I would object to Mr. Publicover's
3 effort to try to break up this panel. They're
4 available as a panel for one questioner as per the
5 instructions of the Presiding Officer.

6 MS. BENSINGER: Well, certainly we said it
7 was okay for different questioners to focus on
8 different witnesses and that could be within a panel,
9 but I would agree with you that if a witness on the
10 panel feels unable to answer the question or feels
11 that another member of the panel would be better able
12 to answer the question that would be allowed.

13 MR. PUBLICOVER: All right. And my
14 questions are primarily for Mr. Goodwin unless
15 otherwise noted. Throughout CMP's presentations and
16 in your summary of the project, you noted how the new
17 corridor has been routed through a gap in the
18 landscape between higher value areas as shown on the
19 project overview map. If I were to -- if someone
20 were to look at an aerial photo say on Google Earth
21 of the broad region, would they be able to identify
22 any gap in land -- in the actual physical landscape?

23 MARK GOODWIN: I don't know what gap
24 you're -- what kind -- what do you mean by gap?

25 MR. PUBLICOVER: Well, that is a term that

1 has been used in CMP's presentations on the project
2 and Mr. Bradley has used that term in presentations
3 on the project.

4 MARK GOODWIN: If you're referring to
5 changes to topography and siting the line to make it
6 less visible using intervening vegetation and
7 topography then I would say yes. I mean, that's one
8 of the considerations.

9 MR. PUBLICOVER: Well, I'll ask Mr. Mirabile
10 that question. Do you -- do you recall using the
11 term gap in the landscape between higher value areas
12 for the routing of the corridor?

13 GERRY MIRABILE: I was making reference when
14 I said that to an exhibit that roughly gathered into
15 two clusters some of the highest profile areas --

16 MR. PUBLICOVER: I think that's --

17 GERRY MIRABILE: -- and identified that
18 there was a gap between those two clusters between
19 the Canadian border at Beattie Township and Section
20 222.

21 MR. PUBLICOVER: But if one looked at a high
22 level aerial photo, would they be able to identify
23 that gap in the physical landscape?

24 GERRY MIRABILE: The clusters were a mapping
25 exercise not something that was on the ground, so I

1 don't believe that there would be a visible gap with
2 respect to those clusters of high value recreation
3 and visual areas. You would see gaps for land uses
4 including forestry.

5 MR. PUBLICOVER: Okay. Thank you.

6 Mr. Goodwin the Application's Section 7.3.1, which
7 discusses cover types and wildlife habitat includes a
8 specific discussion of early successional habitat.
9 Given that the State Wildlife Action Plan considers
10 mature forest to be very limited in Maine, why is
11 there no corresponding discussion of mature forest
12 habitat?

13 MARK GOODWIN: I suppose there is no
14 discussion of mature forest habitat because we're
15 going through relatively smaller amounts of that
16 because of the existing land uses.

17 MR. PUBLICOVER: All right. Application
18 Section 7.4.1.1, which is habitat conversion states,
19 and I quote, habitat conversion is most pronounced in
20 those areas where the proposed transmission line
21 corridor traverses mature forest stands, end quote.
22 Did you conduct any analysis of how much mature
23 forest habitat would be lost to mature corridor
24 clearing?

25 MARK GOODWIN: We generally just calculated

1 impact of forest clearing, but we didn't evaluate,
2 you know, the age, you know, the class, ages of those
3 trees.

4 MR. PUBLICOVER: Mr. Mirabile, can you
5 define the term umbrella species?

6 GERRY MIRABILE: Umbrella species in what
7 context? Where does that term come from?

8 MR. PUBLICOVER: It's a wildlife habitat
9 management term. Have you heard the term?

10 GERRY MIRABILE: I'm not sure I've heard it.

11 MR. PUBLICOVER: All right. I'll ask
12 Mr. Goodwin. Can you define the term umbrella
13 species?

14 MARK GOODWIN: No. I'm not really aware of
15 the exact definition of that term. I am aware of the
16 term.

17 MR. PUBLICOVER: All right. If I told you
18 that the definition of umbrella species was a species
19 which if its habitat needs are met means that
20 multiple other species will also have their habitat
21 needs met. Would you agree with that definition?

22 MARK GOODWIN: I would.

23 MR. PUBLICOVER: All right. Are you aware
24 that American marten is considered -- widely
25 considered to be an umbrella species for a mature

1 forest habitat in the state?

2 MARK GOODWIN: I am.

3 MR. PUBLICOVER: All right. Does Section 7
4 of the application include the word marten anywhere
5 in it?

6 MARK GOODWIN: It does not.

7 MR. PUBLICOVER: Does your testimony include
8 the word marten anywhere in it?

9 MARK GOODWIN: I don't believe so.

10 MR. PUBLICOVER: Mr. Mirabile, does your
11 testimony include the word marten anywhere in it?

12 GERRY MIRABILE: I don't believe it does.

13 MR. PUBLICOVER: All right. Thank you.
14 Section -- the same section on Habitat Conversion
15 also states, and I quote, habitat conversion along
16 transmission line corridors results in a loss of
17 habitat types which in turn may adversely impact
18 species that are reliant on the original habitat
19 types. Conversely, such alteration provides benefits
20 to several species, end quote. The rest of this
21 paragraph discusses the habitat benefits of
22 transmission line corridors. Where is the
23 corresponding discussion of which species may be
24 adversely affected? This is for Mr. Goodwin.

25 MARK GOODWIN: Can you just repeat the

1 question?

2 MR. PUBLICOVER: Yes. The section talks
3 about habitat conversion and it says it may adversely
4 impact some species reliant on the original habitat
5 types and that such alteration also benefits several
6 species. And then the rest of this paragraph talks
7 about which species benefit and I'm asking where in
8 the application is the discussion of which species
9 may be adversely affected by habitat conversion.

10 MARK GOODWIN: I'd have to have the
11 application right in front of me to fully answer
12 that. You know, the application doesn't necessarily
13 go into detail on every single species that would be
14 impacted by the project. The standards don't require
15 you to list every single species that could
16 potentially be impacted by the project.

17 MR. PUBLICOVER: Right. Where is there any
18 general discussion on other than a statement that
19 some species may be adversely affected? Does the
20 application contain any discussion of these adverse
21 effects of habitat conversion?

22 LAUREN JOHNSTON: Want me to answer that?

23 MARK GOODWIN: Yeah.

24 LAUREN JOHNSTON: We talk about adverse
25 effects in the context of rare, threatened and

1 endangered species and also significant wildlife
2 habitat.

3 MR. PUBLICOVER: All right. This is for
4 Mr. Mirabile. In your pre-filed testimony on Page 13
5 you state the NECEC project, and I'm quoting, the
6 NECEC project will create a swath of permanently
7 maintained scrub/shrub habitat in an area with the
8 scarcity of such habitat, end quote. Where is the
9 evidence in the application to support the contention
10 that this habitat is scarce in the region?

11 GERRY MIRABILE: I don't know if there is
12 specific evidence in the application. I think the
13 point of that statement in the pre-filed was that
14 it's a habitat type that is maintained on a permanent
15 basis in this type of land use.

16 MR. PUBLICOVER: But you specifically state
17 it is scarce and I'm asking where is the support for
18 that statement?

19 GERRY MIRABILE: Right. And I think that
20 the reason it was stated that way was because it is a
21 early successional type of land cover that is present
22 in forestry operations between clearcuts and the next
23 harvest, but it's transitional and not on a permanent
24 basis and so from that information we conclude that
25 it's relatively scarce.

1 MR. PUBLICOVER: All right. This is also
2 for Mr. Mirabile. You also state on Page 13,
3 inclusion of scrub/shrub habitat within the larger
4 landscape while will advantage some plant and animal
5 species or others will not adversely impact overall
6 habitat and species diversity and may improve it,
7 closed quote. Where is the evidence in the
8 application to support the idea that clearing of this
9 new corridor will result in an improvement in
10 wildlife habitat in the region?

11 GERRY MIRABILE: Can you point me to where
12 on Page 13?

13 MS. MILLER: It's the very last sentence and
14 goes on to Page 14.

15 GERRY MIRABILE: Right. The -- we contend
16 that when we remove trees we don't remove habitat, we
17 convert habitat from forested to something other than
18 forested to scrub/shrub and so it's not a loss of
19 habitat, it's a conversion of habitat. And the idea
20 that it may improve diversity is based upon the
21 ecological principle that in many cases at the edge
22 of habitats where there is an ecotone or a transition
23 from one habitat to another there is actually greater
24 diversity of species than there would be in more of
25 the monoculture such as a spruce/fir forest.

1 MR. PUBLICOVER: All right. And this is for
2 Mr. Goodwin. On Page 17 of your pre-filed testimony
3 you quote an EPA website on the benefits of
4 integrated vegetation management in transmission line
5 corridors and in includes the statement, and I quote,
6 these transmission landscapes in turn reduce wildlife
7 habitat fragmentation and allow species to be
8 geographically diverse remaining in areas from which
9 they might otherwise be excluded, end quote. Is the
10 region of the new corridor an area from which
11 wildlife species might otherwise be excluded if the
12 corridor is not constructed?

13 MARK GOODWIN: I don't think so.

14 MR. PUBLICOVER: All right. And I am going
15 to show you a copy of the screenshot of that EPA
16 website that you quote and I have 20 copies. What do
17 I do with them?

18 MS. BENSINGER: If you would give one to
19 each and some to us.

20 MR. PUBLICOVER: All right. And I'm going
21 to ask you to read the highlighted sentence which
22 directly precedes the material you have quoted. Can
23 you read that highlighted sentence?

24 MARK GOODWIN: As wildlife habitats in the
25 United States are lost to development these right of

1 ways become increasingly important.

2 MR. PUBLICOVER: All right. Is the region
3 of the new corridor an area where wildlife habitats
4 are being lost to development?

5 MARK GOODWIN: I am sure there are some
6 habitats that are being lost to development. There
7 is some development going on up there.

8 MR. PUBLICOVER: In the region of the new
9 corridor? Can you give me an example?

10 MARK GOODWIN: Sure. I'm sure there are
11 camp lots that are developed and so on and so forth.

12 MR. PUBLICOVER: All right. Why did you
13 omit that sentence when you quoted this material?

14 MARK GOODWIN: Why did I omit it?

15 MR. PUBLICOVER: Yes.

16 MARK GOODWIN: I don't have any reason for
17 why it was omitted.

18 MR. PUBLICOVER: Now, when this entire
19 paragraph is considered in context when it talks
20 about wildlife habitat being lost to development and
21 wildlife species that would otherwise be excluded,
22 isn't it apparent that this paragraph is primarily
23 talking about the benefits of wildlife habitat,
24 benefits of transmission line corridors in more
25 developed landscapes where habitat is being lost to

1 development and natural habitat is becoming
2 increasingly limited?

3 MARK GOODWIN: I don't think you can
4 restrict your review to one paragraph of the entire
5 content that is on the EPA website on this topic.
6 For example, the website also says that IBM is not
7 restricted to only developed areas. The fact sheet
8 says that I -- excuse me, hold on one second. The
9 fact sheet identifies a variety of areas that IBM is
10 helpful on including wildlife refuges, parks and
11 forests, so you can't, you know, you're asking me if
12 I cherry picked from the EPA website. I'm using this
13 information only to demonstrate that IBM methodology
14 is helpful in minimizing impact to habitat
15 fragmentation and softening edge effects.

16 MR. PUBLICOVER: Isn't it true that in this
17 dominantly undeveloped landscape that it is the
18 clearing of the corridor that will cause the loss of
19 native habitat?

20 MARK GOODWIN: Can you repeat that again,
21 please?

22 MR. PUBLICOVER: Isn't it true that in this
23 dominantly undeveloped landscape that it is the
24 clearing of the new corridor that will cause the loss
25 of native forest habitat?

1 MARK GOODWIN: Forest habitat will be lost
2 through the construction of the project.

3 MS. BENSINGER: Excuse me, Mr. Publicover,
4 are you going to offer this as an exhibit?

5 MR. PUBLICOVER: I can if necessary. It's a
6 reference cited in his testimony, so I assumed it was
7 already part of the record.

8 MR. MANAHAN: I mean, we would object to it
9 not being introduced. I mean, he's used it and so I
10 would request it.

11 MS. BENSINGER: Are there any objections?

12 MR. PUBLICOVER: That's fine.

13 MS. BENSINGER: Okay. So this will be...

14 MS. MILLER: Group 4 Cross 1.

15 MS. BENSINGER: Group 4 Cross 1. Thank you.

16 MR. PUBLICOVER: All right. Mr. Goodwin, in
17 your rebuttal testimony to Janet McMahon on Page 4
18 you state, and I quote, in the context of landscape
19 scale resiliency in 1880 Somerset County was only 60
20 percent forested. The region has not always had the
21 same large unfragmented forest she describes, end
22 quote. Would you agree that in 1880 the non-forested
23 area was mostly agricultural land?

24 MARK GOODWIN: I don't know that it was
25 mostly or not.

1 MR. PUBLICOVER: Well, what else could it
2 be?

3 MARK GOODWIN: I can assume that a
4 significant amount of it was probably in agriculture.

5 MR. PUBLICOVER: Okay. And would you agree
6 that this agricultural land was dominantly located in
7 the more heavily settled southern part of the county,
8 the area that is now organized towns?

9 MARK GOODWIN: That could be.

10 MR. PUBLICOVER: All right. So how is the
11 fact that the southern part of the county saw
12 extensive agricultural clearing relevant to the
13 landscape through which the corridor would pass,
14 which is most likely remained and continuously
15 forested?

16 MARK GOODWIN: Um...

17 MR. PUBLICOVER: At least between -- oh, at
18 least between the Canadian border and Route 201.

19 MARK GOODWIN: I mean, my rebuttal testimony
20 is specific to the entire county. It didn't consider
21 the southern versus the northern part of Somerset
22 County.

23 MR. PUBLICOVER: Okay. All right.
24 Continuing with Mr. Goodwin. Application Section
25 7.4.1.2 on habitat fragmentation states application,

1 and I quote, some bird species within the NECEC
2 project area that may be sensitive to forest
3 fragmentation are the long distance neotropical
4 migrants that rely on forest interior habitats, but
5 plentiful suitable habitat is available near the
6 NECEC project area for these interior forest species.
7 Then in your rebuttal testimony on Page 9 you state,
8 and I quote, the fact is that a significant portion
9 of Segment 1 is not interior foresting, i.e., free
10 from the influence of edge effects due to the
11 existing widespread logging and resulting
12 fragmentation in this area. These two statements
13 appear to contradict each other. Would you care to
14 explain that?

15 MARK GOODWIN: Sure. It depends on the
16 land, you know, the landscape scale that you're
17 looking at. If you look at what others have defined
18 as the western Maine mountains, you know, we're
19 talking I think what was quoted in Janet McMahon's --
20 one of her publications, 5 million acres of forest
21 and that's what my rebuttal testimony is referring to
22 not necessarily, you know, within 3 miles of the
23 project area just to throw a number out there.

24 MR. PUBLICOVER: Did you actually conduct
25 any analysis to document the extent of interior

1 forest habitat in the vicinity of the new corridor
2 and how much would be lost to the clearing of the
3 corridor and associated edge effects?

4 MARK GOODWIN: No.

5 MR. PUBLICOVER: All right. Now, in your
6 response to a question from Mr. Weingarten, and I'm
7 paraphrasing here, I believe you said interior forest
8 as forested has not been impacted by logging, is that
9 what you said?

10 MARK GOODWIN: I think what I said was
11 intact interior forest is what I would consider a
12 forest that's been -- that's free of human
13 disturbances.

14 MR. PUBLICOVER: So you would essentially
15 consider it primarily wilderness, is that how you're
16 defining interior forests?

17 MARK GOODWIN: I'm defining it as a forest
18 that lacks human disturbance.

19 MR. PUBLICOVER: Okay. Is it your
20 contention that timber management is incapable of
21 maintaining areas of interior forest?

22 MARK GOODWIN: I am not a forester, so I
23 don't know the answer to that.

24 MR. PUBLICOVER: All right. So where is the
25 factual evidence to support your statement that

1 habitat for interior forest species is plentiful in
2 the region as stated in the applications?

3 MARK GOODWIN: That statement was just
4 specific, again, to the overall size of the western
5 mountain region and nothing else.

6 MR. PUBLICOVER: Okay. So the fact that
7 there is parts of Bigelow Preserve or ecological
8 reserve means that there is plenty of interior forest
9 in the region?

10 MARK GOODWIN: You know, I guess what I
11 would say is testimony provided by Janet McMahon
12 indicates that there is, you know, it's one of the --
13 and hopefully I won't misspeak here, but it's one of
14 the biggest globally intact forest habitats.

15 MR. PUBLICOVER: All right. Now, this
16 section, the application section on habitat
17 fragmentation also states, and I don't have the page
18 reference, but it's a fairly short section, 53.5
19 miles of new right of way which as discussed
20 previously is located in an intensively managed
21 timber production area and therefore not likely to
22 significantly alter existing fragmentation. And,
23 again, basically you're saying that because there is
24 already fragmentation from timber harvesting the
25 corridor timber is similar to that impact; is that

1 correct?

2 MARK GOODWIN: The corridor is going to
3 create a soft fragmentation impact.

4 MR. PUBLICOVER: Okay. Now, one of the
5 references you cited in the application, which was
6 the Willyard, et al, 2004 reference states the effect
7 of transmission line right of ways could be more
8 severe than some other types of edges because rights
9 of way cover long distances and are more permanent
10 than edges resulting from more temporary openings
11 such as clearcuts. So, again, is it your contention
12 that the new corridor is just another big clearcut?

13 MARK GOODWIN: You know, to compare it to a
14 forestry clearcut is probably not exactly accurate.
15 It's a transmission line right of way that is managed
16 in early successional vegetated state. Clearcuts
17 are, you know, when they regenerate they're going to
18 be in -- as far as that mosaic of forest types in
19 that area they're going to be in different stages of
20 growth.

21 MS. MILLER: Mr. Publicover, are you close
22 to a wrapping up point and we'll start back up again?

23 MR. PUBLICOVER: I am about halfway through.

24 MS. MILLER: Okay. Can -- can you -- is
25 there a stopping point and you can start back up

1 after lunch?

2 MR. PUBLICOVER: Yeah. Three more
3 questions?

4 MS. MILLER: Yup.

5 MR. PUBLICOVER: Okay. All right. Is it
6 your belief that most of the harvesting in the
7 vicinity of the new corridor consists of
8 clearcutting?

9 MARK GOODWIN: No.

10 MR. PUBLICOVER: Do you have any idea of how
11 much -- what percentage of harvesting in the state
12 consists of clearcutting?

13 MARK GOODWIN: Maine Forest Service data
14 indicates that between 2015 and 2017 the clearcutting
15 was approximately 6 1/2 percent.

16 MR. PUBLICOVER: Okay. All right. So where
17 is the evidence in the application to support the
18 conclusion that the fragmenting impacts of the new
19 corridor are no different than timber harvesting?
20 That statement is made, but where is the supporting
21 evidence?

22 MARK GOODWIN: Where is the statement made?

23 MR. PUBLICOVER: In -- I believe you said
24 and quoted in the application 53.5 miles of new right
25 of way, which is discussed previously, is located in

1 an intensively managed timber production area and
2 therefore not likely to significantly alter
3 fragmentation. That's in Section 7.4.1. -- whatever
4 the habitat fragmentation section of the application
5 is. So I'm asking you where is the evidence to
6 support that statement in the application?

7 MARK GOODWIN: I think if you go into Google
8 Earth and you look at aerial imagery and you use the
9 application that allows you to look back in time
10 you're going to see a constantly shifting pattern of
11 forestry activities throughout that area and it's
12 very clear that the transmission line goes through
13 these areas that are already being impacted.

14 MR. PUBLICOVER: One follow-up question.
15 Have you looked at Google Earth imagery of the
16 Northeast Kingdom of Vermont?

17 MARK GOODWIN: No, sir.

18 MR. PUBLICOVER: Are you aware there is a
19 transmission line corridor that runs through --
20 north/south through that area in land that was for a
21 long time commercial timberland?

22 MARK GOODWIN: I am not aware of any
23 transmission line development in Vermont.

24 MR. PUBLICOVER: All right. So you're not
25 aware that there is a large transmission line running

1 north/south through the Northeast Kingdom of Vermont?

2 MARK GOODWIN: It wouldn't surprise me if
3 there was, but I -- I don't have any knowledge of
4 transmission lines in the State of Vermont generally.

5 MR. PUBLICOVER: Okay. So you haven't
6 looked at the Google Earth imagery and seen that the
7 transmission line corridor appears distinctly
8 different than the harvesting patterns?

9 MARK GOODWIN: I'm -- I'm not arguing that
10 the -- that the transmission line corridor is going
11 to look different than harvesting patterns. That's
12 not the point of my testimony.

13 MR. PUBLICOVER: All right. I can break
14 there.

15 MS. MILLER: Okay. Thank you. I appreciate
16 your flexibility. So we'll break for lunch. We'll
17 start promptly at 1 o'clock and we'll start back up
18 with Mr. Publicover.

19 (Luncheon break.)

20 MS. MILLER: Okay. We're going to go ahead
21 and get started now. I think we're finally ready and
22 we'll turn the cross-examination back to Mr.
23 Publicover. Thank you.

24 MR. PUBLICOVER: All right. Before we move
25 on, Mr. Goodwin, I just want to clarify one answer

1 you gave earlier, which I think you answered
2 correctly, but I just want to make sure people
3 understand it when I asked how much of harvesting in
4 the state consisted of clearcutting and you said 6.5
5 percent and I just want to make sure that that's --
6 of all of the acres that were harvested over that
7 period 6.5 percent of those acres were harvested by
8 clearcutting.

9 MARK GOODWIN: I may have slightly misspoke
10 on that.

11 MR. PUBLICOVER: No, I think you answered it
12 correctly.

13 MARK GOODWIN: The -- the percentage is
14 specific to Franklin and Somerset Counties.

15 MR. PUBLICOVER: Okay. That's fine. It's
16 approximately what I have too. I just wanted to make
17 sure you're not talking about 6.5 percent of the
18 state was clearcut during that time.

19 MARK GOODWIN: No, 6.5 percent was the
20 average approximately for Franklin and Somerset
21 Counties between 2015 and 2017.

22 MR. PUBLICOVER: 6.5 percent of harvested
23 acres were harvested by clearcutting?

24 MARK GOODWIN: Yes.

25 MR. PUBLICOVER: Okay. All right. Moving

1 on. Application 7.4.1.3 discusses edge effects and
2 the Willyard, et al, 2004 reference that's cited in
3 the application states fragmentation produced by
4 right of ways is likely to have a negative impact on
5 the greatest number of species as a result of edge
6 effects. Given their potential significance, how do
7 you justify the fact that the application includes
8 only a single brief paragraph, a mere seven lines, on
9 the negative consequence of edge effects?

10 MARK GOODWIN: I don't believe the standard
11 specifically requires the Applicant to fully assess
12 what the edge effects would be. And in addition, the
13 edge effects are somewhat muted by the fact that you
14 have a transition of, you know, lower growing
15 vegetation in the wire zone which is the area that's,
16 well, approximately 54 feet centered underneath the
17 wires and as you move to the edges of the corridor
18 you get taller scrub/shrub vegetation, so it's the --
19 the edge effect isn't as extreme in that scenario as
20 it would be if you were mowing the entire width of
21 the right of way to the ground.

22 MR. PUBLICOVER: All right. That's not what
23 I asked, but we'll move on. Does this section of the
24 application contain any discussion of which species
25 might be adversely affected by the large increase in

1 permanent edge and subsequent loss of interior forest
2 habitat?

3 MARK GOODWIN: I don't recall exactly, but I
4 don't believe it goes into detail on specific species
5 and the impacts of that edge effect on those
6 species.

7 MR. PUBLICOVER: All right.

8 GERRY MIRABILE: Can I add to that,
9 Mr. Publicover?

10 MR. PUBLICOVER: Sure.

11 GERRY MIRABILE: We consulted closely
12 through the application process with Inland Fisheries
13 and Wildlife and they identified for us the species
14 that they were most concerned about and those were
15 the species we focused on. They also did not
16 identify edge effect as a concern.

17 MR. PUBLICOVER: All right. The last
18 paragraph of this Section 7.4.1.3 is almost identical
19 to the last paragraph of the previous section 7.4.1.2
20 and concludes this transmission line segment is
21 therefore not likely to significantly alter or
22 increase the existing edge effect. Given the lack of
23 analysis and the extremely limited discussion of edge
24 effects, where is the factual basis in the
25 application to support this statement? This is for

1 Mr. Goodwin.

2 MARK GOODWIN: I'm going to defer that to
3 Gerry.

4 GERRY MIRABILE: Would you ask the question
5 again, please?

6 MR. PUBLICOVER: Yes. The last paragraph of
7 Section 7.4.1.3 concludes this transmission line
8 segment is therefore not likely to significantly
9 alter or increase the existing edge effect. Given
10 the extremely limited discussion of edge effects,
11 where is the factual basis in the application to
12 support this statement?

13 GERRY MIRABILE: I believe that statement
14 was based on the idea that the edge effect as it
15 exists currently based upon forestry practices would
16 simply would be, you know, an extension of the edge
17 effects created by forestry practices.

18 MR. PUBLICOVER: All right. Now,
19 Mr. Goodwin, I'd like to turn your attention to the
20 screen. This is Page 18 of your rebuttal testimony
21 and the second paragraph. You estimate the amount of
22 edge created by clearcutting in Somerset and Franklin
23 Counties over a three year period; is that correct?

24 MARK GOODWIN: It's not an estimate. It's a
25 number that is derived from a Maine Forest Service

1 report.

2 MR. PUBLICOVER: Yeah. No, but you derived
3 the estimate of how much edge is created?

4 MARK GOODWIN: I did, yes. Yup.

5 MR. PUBLICOVER: All right. And you
6 estimated that the 27,368 acres of clearcuts over
7 this period created 3,836 miles of edge, correct?

8 MARK GOODWIN: That's correct.

9 MR. PUBLICOVER: All right. And you base
10 this on the amount of edge one would get from 27,368
11 one acre circles, correct?

12 MARK GOODWIN: That's correct.

13 MR. PUBLICOVER: All right. The clearcuts
14 aren't one acre size. By your own testimony, the
15 average clearcut over that time is 30 acres. Why did
16 you base your edge calculation on one acre?

17 MARK GOODWIN: Just a minute. Let me reread
18 this, please.

19 MR. PUBLICOVER: Okay.

20 MARK GOODWIN: I think I used the one acre
21 because I was trying to, you know, use a standard
22 number. The clearcuts that are reported in the
23 Forest Service documents that I was referring to they
24 have, you know, they report on varying sizes of
25 clearcuts and I -- I don't quite recall if it tells

1 you -- I don't believe it tells you what each size
2 clearcut was. It just gives you, for instance, how
3 many clearcuts were 30 acres or more, how many
4 clearcuts were 75 acres or more and then it gives you
5 the total acreage. So I had to basically start from
6 a base assumption of one acre because the information
7 that's in those reports doesn't give me the exact
8 acreage of every single clearcut.

9 MR. PUBLICOVER: But why did you use one
10 acre rather than the average clearcut size of 30
11 acres?

12 MARK GOODWIN: I just didn't.

13 MR. PUBLICOVER: All right. Did you
14 calculate the amount of edge that would result from
15 using 30 acre circular clearcuts instead of one acre?

16 MARK GOODWIN: I did not.

17 MR. PUBLICOVER: All right. Well, I did the
18 math and the amount of edge resulting from assuming
19 30 acres --

20 MR. MANAHAN: I object to the questioner
21 testifying. He can ask it as a question as opposed
22 to what his math calculation was.

23 MR. PUBLICOVER: All right. If I told you
24 that the amount of edge resulting from assuming 30
25 acre circular clearcuts is only about 18 percent of

1 what you have estimated, would you question that?

2 MARK GOODWIN: I have no idea -- excuse me.
3 I have no reason to doubt you.

4 MR. PUBLICOVER: All right. So doesn't
5 using one acre clearcuts seriously and erroneously
6 overstate the amount of edge that resulted from
7 clearcutting?

8 MARK GOODWIN: I'm sure it's not, you know,
9 again, I didn't use the exact acreages and perhaps I
10 should have used the 30 acres as a baseline. And I'm
11 sure that number is -- is going to be smaller than
12 the number that I used.

13 MR. PUBLICOVER: All right. Thank you. I
14 believe in your rebuttal testimony but also in the
15 summary of your testimony you listed various
16 fragmenting features that exist in this region from
17 highways to the railroad and various other places.
18 Do you seriously believe that the fragmenting impact
19 of the new corridor is equivalent to that created by
20 streams and skid trails?

21 MARK GOODWIN: They're different types of
22 fragmentation. I wouldn't say they're the same.

23 MR. PUBLICOVER: All right. Now, Section
24 7.4.1 of the application notes the transmission line
25 corridor may affect species movement and dispersal.

1 Among other sources, let's use comprehensive land use
2 plan also makes the point that transmission line
3 corridors may affect species movement and dispersal.
4 Where in the application do you discuss the impact
5 that the new corridor may have on species movement
6 for which species may be adversely affected?

7 MARK GOODWIN: I don't recall if we
8 discussed exactly species movement across the
9 corridor. You know, the quote of it may -- may cause
10 those effects. You know, our application and
11 supplemental materials that have been submitted
12 support CMP's efforts to manage a right of way in a
13 manner that allows that connectivity to be
14 significantly retained.

15 MR. PUBLICOVER: Is there more?

16 MARK GOODWIN: Yeah, I was going to say, you
17 know, clearly, you know, if -- if someone built a
18 transmission line corridor and, you know, mowed it to
19 the ground and maintained it in a mowed state then,
20 yeah, maybe it would have significant impacts, but
21 that's not what CMP is doing or proposing to do.

22 MR. PUBLICOVER: All right. Can you please
23 pull up Exhibit CMP 3-I? It's in -- it's an exhibit
24 from Goodwin's rebuttal testimony.

25 MS. MILLER: Are you referring to 3-I in the

1 direct testimony?

2 MS. BENSINGER: Rebuttal.

3 MR. PUBLICOVER: Rebuttal.

4 MS. MILLER: That is direct?

5 MR. PUBLICOVER: It is. It's from his
6 pre-filed testimony.

7 MS. MILLER: Pre-filed?

8 MS. BENSINGER: Pre-filed direct.

9 MR. PUBLICOVER: Direct. Okay.

10 MR. BEYER: Which exhibit?

11 MR. PUBLICOVER: So this would be under
12 Goodwin's Direct 3-I. All right. So this shows the
13 typical vegetation management within the stream
14 buffers, correct?

15 MARK GOODWIN: No, that's -- that's a
16 typical for the -- typical right of way conditions
17 throughout the right of way.

18 MR. PUBLICOVER: I believe when it's
19 referenced in your direct testimony, if I can... All
20 right. It's on Page 21 of your direct testimony.

21 MARK GOODWIN: Yup. I see it.

22 MR. PUBLICOVER: Okay. And it says within
23 that portion of the stream buffer that is within the
24 wire zone all vegetation over 10 feet in height
25 whether capable or non-capable will be cut back to

1 ground level, Exhibit CMP 3-I. So you're referring
2 to this exhibit in a discussion of vegetation
3 management in the stream buffers.

4 MARK GOODWIN: Yes, but it's also relevant
5 to other portions of the corridor.

6 MR. PUBLICOVER: Okay. But it is relevant
7 to the stream buffers, correct?

8 MARK GOODWIN: It is.

9 MR. PUBLICOVER: All right. So outside the
10 wire zone capable species will be removed, correct?

11 MARK GOODWIN: That's correct.

12 MR. PUBLICOVER: And when you say capable
13 species you mean trees, correct?

14 MARK GOODWIN: Any species that's capable
15 for -- generally trees, yes, but any -- any species
16 that's capable of growing to heights tall enough that
17 could enter the conductor safety zone.

18 MR. PUBLICOVER: All right. So even outside
19 the wire zone vegetation will be maintained in an
20 early successional condition as compared to the
21 adjacent forest, correct?

22 MARK GOODWIN: That's correct.

23 MR. PUBLICOVER: So how does this maintain
24 connectivity for species such as marten that require
25 minimum levels of more mature forest vegetation and

1 avoid areas of early successional vegetation?

2 MARK GOODWIN: You're asking me how it
3 maintains their preferred habitat? I think I've
4 already answered that question. In other ways it's
5 not, you know, when you clear the right of way and
6 return it to an early successional vegetative state
7 it's clearly not the preferred habitat of the marten.
8 You know, IF&W did not indicate to CMP during their
9 project review that marten was a significant concern.
10 Actually, I don't even believe they ever really
11 brought it up as a potential issue. And, you know,
12 our efforts were focused on protecting the endangered
13 species that were a concern to IF&W. Do you have
14 anything to add to that, Gerry?

15 GERRY MIRABILE: No.

16 MR. PUBLICOVER: Okay. But so you admit
17 that this will not maintain connectivity for marten
18 or other species that avoid early successional
19 habitat?

20 MARK GOODWIN: I understand that marten
21 typically avoid early successional habitat. I don't
22 think it precludes them from crossing that habitat to
23 get to other portions of the forest.

24 MR. PUBLICOVER: All right.

25 MARK GOODWIN: On the other side.

1 MR. PUBLICOVER: Are you familiar with the
2 work of Dan Harrison and Payton and others that
3 were -- or Payer that were cited in my testimony
4 describing how marten will avoid areas such as this?

5 MARK GOODWIN: No, sir, I'm not.

6 MR. PUBLICOVER: Now, you state in your
7 pre-filed testimony, Page 17 or your direct
8 testimony, CMP's vegetation management practices
9 establish areas of dense shrubby vegetation and
10 taller vegetation where topographic conditions allow,
11 e.g., steep ravines, thereby providing a vegetation
12 bridge for wildlife movement across the NECEC
13 corridor. Are these areas of taller vegetation
14 discussed anywhere in the application?

15 MARK GOODWIN: I believe they are discussed
16 in the vegetation management plan and possibly the
17 vegetation clearing plan.

18 MR. PUBLICOVER: Is there any information in
19 the record that documents the location and extent of
20 these areas where taller vegetation will be
21 maintained?

22 MARK GOODWIN: There is not. The -- these
23 areas during construction will be evaluated by the
24 construction superintendent forester and they'll make
25 a determination whether or not the condition is --

1 would allow for taller vegetation to remain in those
2 areas. A similar practice was executed that way on
3 the Maine Power Reliability Program.

4 MR. PUBLICOVER: But so in terms of whether
5 there is any information in the record as to where
6 they will be the answer is no.?

7 MARK GOODWIN: That's correct.

8 MR. PUBLICOVER: All right. And so it could
9 be there won't be any, correct?

10 MARK GOODWIN: That's possible.

11 MR. PUBLICOVER: All right. Now, many
12 references including some that have been included in
13 CMP materials note the importance of coarse, woody
14 debris retained in early successional areas as refuge
15 or bridges that enhance the ability of small animals
16 particularly amphibians to move through these areas.
17 How would coarse, woody debris be maintained in the
18 corridor given that all trees will be removed?

19 MARK GOODWIN: I think what that's referring
20 to is the early successional woody vegetation that
21 grows to heights at which they determine the need to
22 be removed for management of -- well, protecting the
23 conductors for safety and reliability reasons.

24 MR. PUBLICOVER: Okay. But you're not going
25 to have any 12 inch diameter rotten logs in the

1 corridor?

2 MARK GOODWIN: No. No, sir.

3 MR. PUBLICOVER: Okay. Now, in your
4 rebuttal testimony on Page 18 you state the maximum
5 width of the right of way on Segment 1 will be 150
6 feet, likely far less than the significant widths
7 created by clearcuts of 30 acres or more. And you
8 used this to support your contention that the impact
9 on species movement of the corridor will be no more
10 significant than the impact of clearcuts, correct?

11 MARK GOODWIN: I'm sorry. I'm just flipping
12 to that page. Can you ask the question again,
13 please?

14 MR. PUBLICOVER: Okay. You see the quote --
15 you're comparing the maximum width of the right of
16 way of 150 feet?

17 MARK GOODWIN: Yes, sir.

18 MR. PUBLICOVER: You say it's likely far
19 less than the significant widths created by clearcuts
20 30 acres or more and you use this to support your
21 conclusion that the impact on species movement of the
22 corridor will be no more significant than the impact
23 of clearcuts, correct? It's easier for them to go
24 across the corridor than it is for them to go across
25 a wider clearcut, is that your point?

1 MARK GOODWIN: That's not what my testimony
2 says.

3 MR. PUBLICOVER: Okay. Well, what is the
4 point of that statement?

5 MARK GOODWIN: The point -- if I could, I'll
6 read it. If wildlife continue to thrive and remain
7 connected in a region that routinely has new edge
8 created at significant widths and distances over a
9 very large area by the forestry industry then it is
10 reasonable to conclude that wildlife connectivity
11 will not be unreasonably impacted by 150 foot wide
12 vegetated right of way.

13 MR. PUBLICOVER: Okay. Animals that require
14 continuous forest cover can go around clearcuts,
15 can't they?

16 MARK GOODWIN: Yes.

17 MR. PUBLICOVER: All right. Thank you.
18 That's all I have.

19 MS. MILLER: Thank you. Did Group 4 --

20 MR. PUBLICOVER: And, yes, now Mr. Reardon
21 will take over.

22 MR. REARDON: Good afternoon. My name is
23 Jeff Reardon. I work for Trout Unlimited. And my
24 questions are primarily for Ms. Johnston, but I'm
25 comfortable with anybody on the panel answering if

1 that's appropriate. I want to go back to the idea
2 that streams are a fragmenting feature on the
3 landscape. For fisheries, do streams serve as
4 corridors of connectivity or as fragmenting features?

5 LAUREN JOHNSTON: I would say they serve as
6 both.

7 MR. REARDON: How do streams fragment
8 aquatic habitat?

9 LAUREN JOHNSTON: They don't -- it wouldn't
10 fragment aquatic habitat, it would be terrestrial
11 habitat.

12 MR. REARDON: Okay. So my question said for
13 fisheries.

14 LAUREN JOHNSTON: Okay. All right. I
15 understand.

16 MR. REARDON: Okay. So you agree they're
17 features for connectivity?

18 LAUREN JOHNSTON: Correct.

19 MR. REARDON: What about for wetland
20 dependent species like turtles, salamanders, frogs?

21 LAUREN JOHNSTON: I would say so.

22 MR. REARDON: Small mammals? Beaver, otter,
23 mink, marten?

24 LAUREN JOHNSTON: I would say so.

25 MR. REARDON: Large mammals like deer and

1 moose that tend to be associated with riparian
2 systems particularly in winter?

3 LAUREN JOHNSTON: Yes.

4 MR. REARDON: Thank you. I want to -- this
5 figure -- it wasn't my intention, but the figure is
6 still up on the screen. This does represent what we
7 would see in the buffer within the, quote, widened
8 100 foot riparian buffers, that's approximately what
9 we would expect for the vegetation there?

10 LAUREN JOHNSTON: Yes.

11 MR. REARDON: So the maximum height of the
12 non-capable vegetation within the roughly 45 foot
13 wide corridor, how high would that grow?

14 LAUREN REARDON: That would be allowed to
15 grow up to 10 feet before cut stage.

16 MR. REARDON: How much shade would 10 foot
17 high vegetation provide in mid-summer?

18 MARK GOODWIN: I'm going to make a
19 correction here. The -- in the wire zone, the woody
20 vegetation over 10 feet in height would be removed on
21 a four year cycle. Outside the wire zone only the
22 capable woody vegetation is removed. If during
23 vegetation management review of a particular area or
24 during that cycle if they see capable species out
25 there that are approaching the conductor safety zone

1 then they might remove them. So it would not be
2 uncommon for there to be shrubs outside of the wire
3 zone that exceed 10 feet in height.

4 MR. REARDON: Okay. Exceed 10 feet in
5 height by how much?

6 MARK GOODWIN: Probably 15 to 20 feet maybe.

7 MR. REARDON: 15 to 10 feet total or 10 plus
8 15 to 20?

9 MARK GOODWIN: Probably 15 to 20 total.

10 MR. REARDON: And that would be within the
11 wire zone?

12 MARK GOODWIN: No, sir. That would be
13 outside of the wire zone.

14 MR. REARDON: Okay. So what would be the
15 maximum height within the wire zone?

16 MARK GOODWIN: 10 feet.

17 MR. REARDON: Which is the same as what Ms.
18 Johnston said, isn't it?

19 MARK GOODWIN: I believe Ms. Johnston was
20 discussing outside the wire zone.

21 MR. REARDON: My question referred to within
22 the wire zone, but okay. So maximum height of 10
23 feet within the wire zone and 15 to 20 feet in the --
24 outside the wire zone. Within the wire zone, how
25 much shade on say an 80 foot wide stream would that

1 10 foot high vegetation provide?

2 LAUREN JOHNSTON: I can't say for sure. It
3 depends on -- it depends on the conditions of the --
4 of that particular stream.

5 MR. REARDON: Okay. At high noon in August.

6 LAUREN JOHNSTON: I would say it probably
7 receives direct sunlight.

8 MR. REARDON: Thank you. Will any canopy
9 trees be allowed to remain -- remain anywhere within
10 the widened 100 foot wide riparian buffers?

11 LAUREN JOHNSTON: No. Well, canopy trees,
12 any capable species would not be allowed to remain
13 within the --

14 MR. REARDON: Right. So no vegetation over
15 approximately 20 feet?

16 LAUREN JOHNSTON: Correct.

17 MR. REARDON: And maybe a few get a little
18 bit higher than that before they get cut? On the
19 four year rotation, I'm just --

20 LAUREN JOHNSTON: It depends if it's a
21 capable species or not capable species.

22 MR. REARDON: Thank you. Are you familiar
23 with the Maine Department of Environmental
24 Fisheries -- sorry, Maine DIF&W's forest management
25 recommendations for brook trout? This was an

1 attachment to my rebuttal testimony and I believe it
2 was an attachment to at least one of the CMP's
3 witnesses testimony as well.

4 LAUREN JOHNSTON: I am familiar with IF&W's
5 performance standards for riparian buffers, which
6 they provided in some of the consultation that we've
7 had with them.

8 MR. REARDON: Can you put up it's Attachment
9 2, I believe, to my rebuttal testimony. It's about a
10 three page document.

11 MS. BENSINGER: So that would be Group 4
12 Reardon rebuttal.

13 MS. MILLER: Mr. Reardon, just to clarify, I
14 think I have that -- is that the forest management
15 for brook trout?

16 MR. REARDON: Yes.

17 MS. MILLER: Okay. That's -- I have that
18 listed as Exhibit -- Group 4 Exhibit 20. Rebuttal.

19 MR. REARDON: Thank you. I'm sorry.

20 MR. BEYER: You want rebuttal testimony,
21 Jeff?

22 MR. REARDON: Yeah, it was rebuttal
23 testimony, I believe. Group 4. And the attachment
24 at the very end after the...

25 MR. BEYER: Yeah. Do you know what page?

1 MR. REARDON: I don't know if I can find it.

2 MS. ELY: It's the last two pages.

3 MR. BEYER: It's the last one?

4 MS. ELY: The last two pages.

5 MR. REARDON: I believe it's the last two
6 pages. Thank you. And actually the -- this
7 document, are you familiar with that?

8 LAUREN JOHNSTON: I don't believe I read
9 that one in detail.

10 MR. REARDON: Okay. This is on the
11 Department's website. It's advice that they've been
12 giving to foresters and folks like me for at least a
13 decade that I know of. Could you please scroll to
14 the last paragraph on the last page of that, second
15 page of that? So I'm just going to quote here that,
16 MDIFW, this is their document, also recommends
17 limiting the harvest of trees and alteration of under
18 vegetation within 100 feet of streams and their
19 associated fringe and floodplain wetlands to maintain
20 an intact and stable stand of trees characterized by
21 heavy crown closure at least 60 to 70 percent and
22 resistant to wind-throw. In some situations a wider
23 buffer should be considered where severe site
24 conditions, steep slopes, vulnerable soils, poor
25 drainage, increase risk to soil and stand stability,

1 any harvest within the riparian management zone
2 should be selected with a goal of maintaining
3 relatively uniform crown closure. Within the widened
4 100 foot riparian buffers will we be approaching 60
5 to 70 percent canopy closure?

6 LAUREN JOHNSTON: Likely not.

7 MR. REARDON: Likely not or absolutely not?
8 You said earlier there were no canopy trees in there.

9 LAUREN JOHNSTON: It would not.

10 MR. REARDON: Thank you.

11 LAUREN JOHNSTON: These recommendations I
12 would note are for forestry practices and they're --
13 which is not compatible with a transmission line
14 project. IF&W provided us -- provided CMP with
15 performance standards specific to riparian buffer
16 management related to transmission line construction.

17 MR. REARDON: Do you believe that ecological
18 impacts of a transmission corridor on brook trout
19 with the same riparian conditions are different from
20 the ecological impacts of a clearcut which would go
21 right to the stream bank?

22 LAUREN JOHNSTON: Can you ask the question
23 again?

24 MR. REARDON: Do you believe the ecological
25 impacts of no canopy closure as recommended by IF&W

1 from a clearcut next to a stream bank are different
2 from the ecological impacts of the exact same
3 condition resulting from a power line corridor?

4 LAUREN JOHNSTON: I believe the way that we
5 manage riparian buffer areas is different than a
6 clearcut would be managed.

7 MR. REARDON: Would a clearcut regrow
8 eventually?

9 LAUREN JOHNSTON: Yes, it would.

10 MR. REARDON: Legally for a clearcut in
11 Maine could I clear right to the stream bank?

12 LAUREN JOHNSTON: I don't believe so.

13 MR. REARDON: Thank you. In your rebuttal
14 testimony on Page 12 you state that within CMP's
15 project right of way, this is your rebuttal testimony
16 to me, quote, moderate-sized woody debris will be
17 contributed to streams from dense riparian zone,
18 herbaceous and woody non-capable vegetation. Is
19 that -- did I quote that accurately?

20 LAUREN JOHNSTON: Yes, I would say that's
21 probably accurate.

22 MR. REARDON: Can you estimate what would be
23 the maximum length of woody debris generated within
24 the CMP right of way, not -- not within the
25 herbaceous zone, can we stipulate that there is no

1 woody -- woody debris generated in the herbaceous
2 zone? Or would you agree that there is no woody
3 debris being generated by the herbaceous zone?

4 LAUREN JOHNSTON: Well, what I say in my
5 testimony is there is a dense riparian zone with
6 herbaceous and woody non-capable vegetation.

7 MR. REARDON: Okay. What would the maximum
8 length of woody vegetation be that we could expect to
9 be recruited into the stream because that's where my
10 question is going from within your riparian buffer?

11 LAUREN JOHNSTON: I -- I can't say for sure,
12 but it would be consistent with the heights that CMP
13 would allow the growth to -- the vegetation to grow
14 to.

15 MR. REARDON: So no longer than
16 approximately 15 to 20 feet?

17 LAUREN JOHNSTON: That would be probably --
18 probably accurate.

19 MR. REARDON: And what would you expect
20 maximum diameters to be of the woody vegetation
21 before it got cut?

22 LAUREN JOHNSTON: It would be -- vary
23 depending on species and depending on what the
24 non-capable vegetation we're talking about is.

25 MR. REARDON: Would there be anything larger

1 than anything about 4 inches, do you suspect?

2 LAUREN JOHNSTON: Probably not.

3 MR. REARDON: Are you aware of the functions
4 that large, woody debris serves in fisheries in terms
5 of its provision of in-stream cover?

6 LAUREN JOHNSTON: I am.

7 MR. REARDON: Do you believe that if what
8 the woody debris being recruited from your riparian
9 zones is no longer than 20 feet and no bigger around
10 than 4 inches it's going to serve those functions?

11 LAUREN JOHNSTON: I can't say for sure.
12 This is not particularly my area of expertise.

13 MR. REARDON: Okay. Anybody else on the
14 panel is welcome to answer.

15 MARK GOODWIN: It's obviously not going to
16 serve to the same level of function as woody inputs
17 from a forested situation, but it's still going to
18 potentially provide some cover just from, you know,
19 smaller pieces, you know, leaning over the stream
20 channel or that sort of input.

21 MR. REARDON: So if a -- again, the question
22 here is what falls into the stream channel and then
23 becomes incorporated as in-stream habitat. If a 4
24 inch diameter 20 foot long piece of wood falls into a
25 stream in Maine and suffers the rain event that we

1 had last night, where does it end up? Does it --
2 does it remain in the stream channel or does it move
3 down the stream to larger streams?

4 MARK GOODWIN: It could remain in the stream
5 channel or it could move down stream. I'll note that
6 we proposed originally a woody debris addition
7 component to our compensation plan and IF&W
8 specifically told us that it would have no value and
9 they, you know, they thought that, you know,
10 culvert -- the culvert replacements and the
11 contribution had more value and I can, you know, my
12 personal opinion that is they didn't feel that, you
13 know, over this course of 150 foot right of way
14 crossing it was significant enough impact to merit
15 woody additions.

16 MR. REARDON: Thank you. There are two
17 studies that both Mr. Goodwin and Ms. Johnston cite
18 fairly extensively in their pre-filed and their
19 rebuttal testimony. One of those is a paper that I
20 confess I couldn't find. I did find the abstract of
21 it. It's the N.C. Gleason 2008 paper. I do have the
22 abstract. I have some questions related to that.
23 This was attached to my -- my testimony, but I -- I
24 do have copies of this if that's easier than trying
25 to bring it up on the screen.

1 MR. BEYER: Is it rebuttal, Mr. Reardon, or
2 was it direct?

3 MR. REARDON: This was actually attached to
4 my -- yeah, I'm sorry, this was attached to my
5 rebuttal testimony.

6 MR. BEYER: Scroll down.

7 MR. REARDON: And I'll tell you it was
8 included -- it's quite short. It was included in my
9 rebuttal testimony about a page-and-half in if I
10 remember correctly.

11 MS. BENSINGER: We can just bring it up, but
12 you can give it to them.

13 MR. BEYER: No, I think it's at the end.

14 MS. PEASLEE: At the end?

15 MR. BEYER: Yup.

16 MR. REARDON: Let's see. There is a quote
17 from Goodwin on Page 2 of my testimony.

18 MS. PEASLEE: In the rebuttal?

19 MR. REARDON: Yup. So the quote says a
20 study by N.C. Gleason on the impacts of power line
21 rights of way on forest and stream habitat despite
22 the open canopy condition, water temperatures were
23 slightly lower than in off right of way areas and
24 that more of the water quality parameters -- sorry,
25 none of the water quality parameters were

1 significantly different between the on right of way
2 and off right of way study areas. The Gleason study
3 also found no correlation between percent canopy
4 cover and mean percentage of fines and no significant
5 difference in the Benthic Index of Biotic Integrity
6 scores between on right of way and off right of way
7 areas. I refer you to the abstract I just handed
8 you. What did Gleason find regarding percent
9 cover -- canopy cover in right of way stream segments
10 versus upstream segments? What was the difference?

11 MARK GOODWIN: I think it would be pretty
12 obvious to everybody that in the right of way itself
13 there is less -- less canopy cover.

14 MR. REARDON: Did Gleason conclude in his
15 abstract that, quote, overall the elements show a
16 decrease from ideal salmonid habitat conditions?

17 LAUREN JOHNSTON: Gleason did conclude that
18 there -- that there is a decrease from ideal habitat
19 conditions, however, the standard is -- is for us to
20 show that there is it not an adverse impact to this
21 habitat.

22 MR. REARDON: Did Gleason -- thank you. Did
23 the Gleason study study new right of ways or old
24 ones?

25 LAUREN JOHNSTON: The study was on old right

1 of ways, right of ways that had been re-established
2 for 30 to 50 years.

3 MR. REARDON: Okay. So we can conclude from
4 Gleason's study that even after 30 to 50 years right
5 of ways will still show, quote, a decreased -- a
6 decrease from ideal salmonid habitat conditions.

7 LAUREN JOHNSTON: A decrease from ideal,
8 yes.

9 MR. REARDON: Thank you. You also cite a
10 study by Peterson.

11 MS. ELY: Excuse me, Mr. Reardon, do we want
12 to add this as an exhibit now or? The one we handed
13 out?

14 MR. REARDON: We can, yes. The abstract.

15 MS. ELY: Can we add it as Group 4 Cross
16 Exhibit 2?

17 MS. MILLER: Any objection?

18 MS. ELY: Thank you.

19 MR. REARDON: And the second handout that I
20 have is the full Peterson study.

21 MS. BENSINGER: Excuse me, Mr. Reardon, is
22 this new or was it in the record already?

23 MR. REARDON: This was in the record
24 already.

25 MS. BENSINGER: Okay.

1 MR. REARDON: This was attached to my
2 rebuttal testimony, but just so people had hard
3 copies in front of them. And this was a quote, I
4 believe, from Goodwin's --

5 MS. MILLER: Mr. Reardon, I'm sorry --

6 MR. REARDON: I'm sorry.

7 MS. MILLER: -- so we're -- just so we're
8 clear, where in the record...

9 MR. REARDON: This is, sorry, Attachment 1
10 to my rebuttal testimony that was dated March 18.

11 MS. MILLER: Thank you.

12 MR. REARDON: Filed on the 25th. Sorry. So
13 you're -- the quote, and this was in Goodwin's direct
14 testimony incorporated into Ms. Johnston's testimony
15 and there was similar discussion in rebuttal
16 testimony. A.M. Peterson had reported that removal
17 of tree canopy on new transmission line corridors
18 increases stream insulation during the short-term,
19 but within two years the areas were bordered by dense
20 shrubs and emergent vegetation and water temperatures
21 were not significantly higher than upstream forested
22 regions. Similarly, Peterson found the stream
23 reaches in electric transmission right of ways were
24 exposed to more light and denser stream bank
25 vegetation were deeper and narrower and a greater

1 area composed of pools. Peterson's study found that
2 trout were more abundant in stream reaches within
3 right of ways. What did Peterson find regarding mean
4 shade in the right of ways versus outside of right of
5 ways?

6 LAUREN JOHNSTON: Well, the -- the mean
7 shade in -- in right of ways would be less than
8 outside of right of ways.

9 MR. REARDON: Was it 31.5 percent in the
10 right of way and 83 percent in forested areas
11 upstream?

12 LAUREN JOHNSTON: I --

13 MR. REARDON: I'd refer you to Table 2 of
14 the study you cited.

15 LAUREN JOHNSTON: That sounds right.

16 MR. REARDON: Of the various physical
17 attributes of the 15 headwater trout streams that
18 were analyzed in this study for how many of the
19 habitat variables was there a significant difference
20 between on right of way and off right of way
21 conditions?

22 LAUREN JOHNSTON: Can you ask the question
23 again?

24 MR. REARDON: Looking at Table 2 in the --
25 in the study. Of the I believe it's 14 mean physical

1 attributes of 15 headwater trout streams in New
2 York's -- New York 1989, of all of those physical
3 attributes for how many was there a significant
4 difference between physical habitat within the right
5 of way and physical habitat in forested areas
6 upstream of the right of way for how many of the 14?

7 LAUREN JOHNSTON: Um...

8 MR. REARDON: I'm sorry, it's 12. There are
9 12 total not 14. I was miscounting.

10 LAUREN JOHNSTON: I mean, I don't see the
11 response readily available.

12 MR. REARDON: Well, I can ask them one at a
13 time. Looking at Table 2 --

14 LAUREN JOHNSTON: Yup.

15 MR. REARDON: -- was the mean velocity
16 different between the forested and above the right of
17 way or, sorry, between the right of way and forested
18 segment?

19 LAUREN JOHNSTON: I would say that's pretty
20 negligible.

21 MR. REARDON: Was the mean width
22 significantly different?

23 LAUREN JOHNSTON: Also pretty negligible.

24 MR. REARDON: At what P level was the
25 difference in terms of the -- it was 3.6 in the

1 forested reaches and 2.8 in the right of way
2 reaches --

3 LAUREN JOHNSTON: Right.

4 MR. REARDON: -- and I believe the P value
5 was .04.

6 LAUREN JOHNSTON: Okay.

7 MR. REARDON: So would that be significantly
8 different?

9 LAUREN JOHNSTON: I -- yeah.

10 MR. REARDON: By normally accepted
11 scientific standards --

12 LAUREN JOHNSTON: Yeah.

13 MR. REARDON: -- P 5 percent? Mean depth
14 was 9.5 in forested reaches, 12.1 in the right of
15 way, was that a significant difference?

16 LAUREN JOHNSTON: The P value is .02.

17 MR. REARDON: So that's a yes?

18 LAUREN JOHNSTON: Yes.

19 MR. REARDON: Area of pools, 25.7 and forest
20 38.3 P .02?

21 LAUREN JOHNSTON: Yup.

22 MR. REARDON: Substrate size, .8, .82, P
23 .8?

24 LAUREN JOHNSTON: Yeah.

25 MR. REARDON: Are you sure?

1 LAUREN JOHNSTON: I mean, I am agreeing with
2 the numbers that you're reading off here.

3 MR. REARDON: But that would be not a
4 significant difference, right, for substrate size?

5 LAUREN JOHNSTON: I don't believe so.

6 MR. REARDON: Okay. Mean riffle fines were
7 not a significant difference, correct? It was --

8 LAUREN JOHNSTON: No.

9 MR. REARDON: They were very close to each
10 other at --

11 LAUREN JOHNSTON: Right.

12 MR. REARDON: -- P .09? Mean shade was
13 significant, we just talked about that. Bank cover
14 was not significantly different.

15 LAUREN JOHNSTON: Right.

16 MR. REARDON: But -- and banks, shrubs and
17 grass, which were 4.6 percent of stream bank
18 vegetation of the forested reach and 91.8 percent in
19 the right of way? P .01, is that significant?

20 LAUREN JOHNSTON: .01, no.

21 MR. REARDON: It -- it would be.

22 LAUREN JOHNSTON: It would be? Oh, okay.

23 MR. REARDON: There was a 99 percent chance
24 that it's a significant --

25 LAUREN JOHNSTON: Right.

1 MR. REARDON: One was -- just to be clear,
2 one was 4.6 percent of vegetation was in shrubs and
3 grass and the other one was 91.8 percent of
4 vegetation was in shrubs and grass.

5 LAUREN JOHNSTON: Okay. I'm following you.
6 Yes.

7 MR. REARDON: Okay. So in sum, of the
8 physical habitat parameters that were investigated in
9 this study, 8 of the 12 that were investigated were
10 different inside the right of way than in forested
11 reaches nearby, correct?

12 LAUREN JOHNSTON: Correct.

13 MR. REARDON: So the right of way has a
14 fairly significant impact on physical habitat in the
15 stream?

16 LAUREN JOHNSTON: For 8 of the 12 it has an
17 impact.

18 MR. REARDON: Yes. Thank you.

19 LAUREN JOHNSTON: Significant impact.

20 MR. REARDON: Okay. Turning to Table 3,
21 which looks at the fisheries information and you
22 correctly stated that there was a -- an increase in
23 the number of trout in the right of way compared to
24 the forested reach, but there was also a significant
25 difference -- is it correct there was also a

1 significant difference in both the number and biomass
2 of all fish including trout and the non-trout?

3 LAUREN JOHNSTON: Did you ask -- was that a
4 question?

5 MR. REARDON: Yes. Looking at Table 3.

6 LAUREN JOHNSTON: Okay.

7 MR. REARDON: You -- you stated, and I
8 agree, that there was a significant difference in the
9 number of trout per stream reach, 30.8 in the right
10 of way and 18.9 in the forested reach. Was there
11 also a significant difference in the number of all
12 fish per reach, not just trout but also non-trout
13 species?

14 LAUREN JOHNSTON: Yes.

15 MR. REARDON: And was that difference larger
16 or smaller than the increase in the number of trout?

17 LAUREN JOHNSTON: Larger.

18 MR. REARDON: So would you conclude that
19 species that are competitors with trout were doing
20 better in the right of way, overall fish biomass
21 increase, but the increase was larger for trout
22 competitors than for trout?

23 LAUREN JOHNSTON: I am not sure that I can
24 draw that conclusion. Gerry, do you want to add?

25 GERRY MIRABILE: Certainly. Well, based

1 upon the P values it appears that it -- that it
2 doesn't support your statement because the P value is
3 slightly smaller for the number of trout per reach,
4 which means there is a higher probability of the
5 significance of the difference than it is for the
6 number of fish per reach.

7 MR. REARDON: But they were both physically
8 significant, right?

9 GERRY MIRABILE: I'm just comparing the P
10 values.

11 MR. REARDON: But they were both
12 statistically significant, correct?

13 GERRY MIRABILE: They appear to be.

14 MR. REARDON: And the number of trout was
15 statistically significant, but the mass of trout, the
16 grams of trout was not; is that correct?

17 GERRY MIRABILE: Well, based on the P value
18 it's not as -- it's not as likely.

19 MR. REARDON: And --

20 GERRY MIRABILE: That's all we can say.

21 MR. REARDON: And both the number of all
22 fish and the mass of all fish, number and grams, they
23 were both statistically significant, correct?

24 GERRY MIRABILE: Yes.

25 MR. REARDON: And the increase in trout was

1 from 18 to 30 in the one finding that was
2 statistically significant and the increase in
3 non-trout was from 62.8 to a 118.5, is that a larger
4 difference?

5 GERRY MIRABILE: That is a larger absolute
6 difference.

7 MR. REARDON: Is it also a larger relative
8 difference?

9 GERRY MIRABILE: Based upon the P value, I
10 don't believe so.

11 MR. REARDON: What about based on the
12 number, which nearly doubles in one case?

13 GERRY MIRABILE: Absolute difference, yes.

14 MR. REARDON: Thank you. Can you bring up
15 CMP Exhibit 3-F? I believe this was attached to
16 Mr. Goodwin's rebuttal testimony. Um, no, I'm sorry,
17 the one above it. Gold Brook and Mountain Brook
18 pictures. There we go. There are two pages of that.
19 I can't remember.

20 MS. PEASLEE: Leave it there?

21 MR. REARDON: No. Yeah, those are blank, so
22 just, yeah, just the page with the pic in it. Thank
23 you. So you're -- actually, this -- the quote here
24 is from Ms. Johnston's rebuttal testimony, but either
25 Ms. Johnston or Ms. Goodwin -- Mr. Goodwin can

1 answer. Your rebuttal testimony notes that the
2 taller structure CMP has proposed at Gold Brook to
3 allow full height vegetation within the 250 foot
4 riparian buffer management zone, quote, will also
5 protect brook trout and other cold water fishery
6 species by avoiding and minimizing secondary impacts,
7 tree clearing within riparian buffer. Can you
8 explain how brook trout will benefit from the intact
9 buffers in that zone?

10 LAUREN JOHNSTON: Well, the avoidance of
11 clearing maintains an ideal brook trout habitat.

12 MR. REARDON: Thank you. That suggests that
13 the clearing has an impact on brook trout habitat;
14 does it not?

15 LAUREN JOHNSTON: There is no question that
16 clearly has an impact on brook trout habitat. The
17 question is whether tree clearing has an adverse
18 impact on brook trout habitat.

19 MR. REARDON: Okay. I just have a couple
20 more questions. So this is -- and I apologize, I
21 thought about how to do this. There are some tables
22 that are in the January 30 compensation plan and what
23 I've done is printed just the tables that I want to
24 refer to questions from that 500 page document so
25 we're not flipping back and forth plus or minus 30

1 pages, so can I hand these out? And we can either
2 label these as a separate exhibit or they are all
3 direct from the -- however -- but either way is okay
4 with us.

5 MS. MILLER: I think to be helpful, let's go
6 ahead and label it as an exhibit and we'll call this
7 Group 4 Cross 3, I believe.

8 MR. REARDON: So just so you understand what
9 this -- what this was, Exhibit I-9 of the
10 compensation plan was, I believe, the Power report,
11 which summarized functions and values and lots of
12 data and maps for all of the various compensation
13 parcels. And the question here is related to both
14 direct testimony and rebuttal testimony, my direct
15 testimony of the assessment of the fisheries habitat
16 values on these parcels. And so what I'd like to do
17 there are six parcels front and back of each page.
18 These are in the order they appear in the report.

19 MS. ELY: Jeff. Sorry. Sue. I wasn't able
20 to hand out copies to everybody and so as you're
21 going, if you could just say the names so that -- oh,
22 thank you.

23 MR. REARDON: Yes, I can say the names of
24 the parcels.

25 MS. ELY: Yeah, thank you.

1 MR. REARDON: Sorry. So the first table is
2 Table 2.1, summary of functions and values of the
3 109.77 Little Jimmie/Harwood parcel. Can -- I guess,
4 Ms. Johnston, can you read what the assessment of the
5 function and values for fish and shellfish habitat
6 were?

7 LAUREN JOHNSTON: I can read this but the
8 Little Jimmie Pond tract was not proposed for
9 compensation for --

10 MR. REARDON: Okay. So there are -- there
11 are no cold water fisheries values there?

12 LAUREN JOHNSTON: No, we did not propose it
13 as part of the compensation plan.

14 MR. REARDON: Okay. Did you propose a
15 Flagstaff Lake plan tract for cold water fisheries
16 habitat benefits?

17 LAUREN JOHNSTON: No, the three -- the three
18 parcels that we proposed for cold water fisheries
19 habitat compensation are the Grand Falls tract, the
20 Lower Enchanted tract and the basin tract. Those are
21 the three last parcels in the document you handed
22 out.

23 MR. REARDON: Okay. So not the Pooler Pond
24 tract?

25 LAUREN JOHNSTON: No.

1 MR. REARDON: Could you read anyway since
2 this was not proposed more mitigation what the
3 summary of functions and values for fish and
4 shellfish Pooler Pond tract was?

5 LAUREN JOHNSTON: Well, we're proposing that
6 parcel for wetland impact offset.

7 MR. REARDON: I just want to know what the
8 assessment of the fish and shellfish habitat value of
9 it was.

10 MR. MANAHAN: I would -- I would object to
11 this question because we just established it was
12 irrelevant to the compensation plan that was
13 proposed.

14 MR. REARDON: Okay. I would like to reserve
15 the right to come back to this because I think there
16 is a foundation for it, but I'll -- I'll move on.

17 Can you read from the Grand Falls tract,
18 which was proposed for cold water fisheries habitat
19 benefits, correct?

20 LAUREN JOHNSTON: Sure. I can read that.

21 MR. REARDON: What does that read?

22 LAUREN JOHNSTON: As observed during field
23 surveys, the Dead River at Grand Falls is popular for
24 brook trout and landlocked salmon fishing. In 2017,
25 the segment of the Dead River crossing T3 R4 BK BKP

1 WKR where the Lower Enchanted tract is located was
2 stocked with approximately 15,550 8 to 14 inch
3 landlocked salmon and brook trout to support the
4 fish -- the fishery for the recreational angler.
5 Fresh water muscles were observed along the muddy
6 shorelines of the Dead River upstream of Grand Falls.

7 MR. REARDON: Okay. Is there any
8 information there about wild fisheries in that
9 section of the Dead River?

10 LAUREN JOHNSTON: In this excerpt that I
11 just read, no.

12 MR. REARDON: Yes. Elsewhere in that
13 report?

14 LAUREN JOHNSTON: I can't say for sure.

15 MR. REARDON: Would it surprise you that if
16 I searched for the words brook trout habitat these
17 tables were the only place it showed up?

18 LAUREN JOHNSTON: It would not surprise me.

19 MR. REARDON: Thank you. Can we agree that
20 the summaries are largely the same just to save time
21 for the Lower Enchanted tract, in fact, fairly close
22 to verbatim and for the basin tract?

23 LAUREN JOHNSTON: Yes, they are. They're
24 adjacent to each other.

25 MR. REARDON: Right. Thank you. So it's

1 the same -- same river reach with a fishery supported
2 by stock brook trout and stock landlocked salmon?

3 LAUREN JOHNSTON: Correct.

4 MR. REARDON: And those are proposed as
5 mitigation for impacts to wild brook trout at
6 headwater streams.

7 LAUREN JOHNSTON: They're proposed for if --
8 they're partially proposed for impact to indirect
9 impacts to cold water fisheries habitat.

10 MR. REARDON: Of the I think it's just over
11 12 miles -- of stream miles that you protect and cite
12 as protecting for benefits for impacts to brook trout
13 how many of those miles are in those sections of the
14 Dead River?

15 LAUREN JOHNSTON: Can you repeat the
16 question?

17 MR. REARDON: Your testimony, which I
18 believe -- actually, I believe it was Mr. Goodwin's
19 testimony, but it was repeated in your rebuttal said
20 that I believe it's 12.08, but it is just over 12
21 miles of stream habitat that are protected on the
22 compensation parcels and of those I believe
23 approximately 8, I think it's 7.7, are on the tracts
24 we just talked about where it's supported by a
25 stocked fishery; is that correct?

1 LAUREN JOHNSTON: So the 12 miles that we
2 cite does not overlap with the frontage that you
3 quote for the -- on the Dead River.

4 MR. REARDON: So it's 12 miles of streams
5 other than the Dead River?

6 LAUREN JOHNSTON: Yes. I believe -- I
7 believe so.

8 MR. REARDON: Okay. I'm -- I -- sorry, give
9 me a second, please. Okay. In Mr. Goodwin's
10 testimony, and I'm sorry, I do not have a page
11 reference, but the statement is CMP will preserve,
12 colon, 12.02 linear miles of cold water fishery
13 habitat including 7.9 miles of habitat and frontage
14 along the Dead River. So my approximately 12 total
15 and 8 on the Dead River is --

16 LAUREN JOHNSTON: Yes.

17 MR. REARDON: -- proposed?

18 LAUREN JOHNSTON: Yes.

19 MR. REARDON: Thank you. And that's all I
20 have.

21 MS. MILLER: Thank you. April, do we have a
22 remaining time for Group 4?

23 MS. KIRKLAND: 42 minutes 41 seconds
24 remaining.

25 MS. MILLER: Yes, Ms. Ely.

1 MS. ELY: I just have a couple of follow-up
2 questions for Mr. Dickinson. Earlier in your
3 questioning with Attorney Boepple there was a
4 question about the 40 year life and I just wanted to
5 clarify a couple of your answers. I was unclear on
6 your answer how often CMP decommissions these lines
7 and I want to just get an answer. In your experience
8 have you ever seen the decommissioning of a
9 transmission line where the poles were taken out of
10 the ground in an existing transmission line within
11 CMP's territory?

12 THORN DICKINSON: My expectation is that
13 intuitively I would say yes, but I think the panel
14 later on with some of the engineering folks that do
15 this on a day-to-day perspective and manage the
16 existing right of ways of CMP would be better to
17 answer that.

18 MS. ELY: Right. But you've given an
19 unclear answer, so I just to want clarify it. So
20 have you or have you not?

21 THORN DICKINSON: I've had -- over lunch we
22 were even talking about the idea of the number of
23 lines that we knew were decommissioned, so it's hard
24 for me to -- I would have expected there would be
25 lines that would be decommissioned. During lunch

1 I -- we had conversation about some of those that
2 were there. I think the panel that is best able to
3 address that is the engineers and I think they
4 probably have a few examples of where that's
5 happened.

6 MS. ELY: I still don't have a good answer.
7 So --

8 MR. MANAHAN: I would object to this.
9 Mr. Dickinson has answered her question to the best
10 of his ability already two or three times and to
11 continue to badger the witness, I think, is unfair
12 and inappropriate.

13 MS. ELY: I'm not badgering. I'm trying to
14 understand, are you saying that you have -- you have
15 examples of lines that have been decommissioned or
16 that you heard them over lunch?

17 THORN DICKINSON: Yeah. During lunch often
18 you talk about how the morning went and there were a
19 couple of engineers, one of which will be on the
20 panel in the afternoon, I don't remember exactly
21 which lines he said were decommissioned. My general
22 sense in my experience in my 30 years is that lines
23 sometimes get decommissioned and the poles get taken
24 down and the wires get rolled up.

25 MS. ELY: But in your -- what I'm trying to

1 get at is in your experience have you ever worked on
2 a project where you decommissioned a line?

3 THORN DICKINSON: I've never been a
4 transmission engineer that was responsible for
5 decommissioning a transmission line, so I would be
6 the wrong person to ask that question.

7 MS. ELY: Okay. In your experience
8 designing projects -- in your 30 years of designing
9 and building projects you're -- you're project
10 development, correct? You work in project
11 development?

12 THORN DICKINSON: Yeah. So I've been, I
13 don't remember exactly, maybe six years, I've had a
14 lot of different jobs within the company, but the
15 last six years.

16 MS. ELY: Okay. And in your experience
17 developing these projects when you develop a 40 year
18 project is the expectation that at 40 years it will
19 be folded up and taken out of the ground and
20 decommissioned?

21 THORN DICKINSON: Well, I can tell you when
22 we -- so one of the key aspects of developing a
23 project like this is to try to build a financial
24 model that demonstrates that your expected revenues
25 are going to be able to offset the costs associated

1 with the project. So if in the development of that
2 model for us to evaluate the bid price that we wanted
3 to submit we assumed no incremental value past year
4 40, so in my mind that is representative of the fact
5 that we believe this is a 40 year life. Now, at the
6 end of 40 years if there are still needs that this
7 project is meeting in New England whether they're
8 environmental or operational or economic, I would
9 imagine that there would be a conversation with
10 stakeholders around whether that project should
11 continue. If not, then I don't see a reason why
12 those -- that project isn't decommissioned at that
13 point.

14 MS. ELY: Okay. No further questions.

15 MS. MILLER: Thank you. So we'll go ahead
16 on to group -- I have Group 6 next.

17 MS. MEADER: Good afternoon.

18 LAUREN JOHNSTON: Good afternoon.

19 MS. MEADER: Bear with me. My notes are a
20 bit like a working forest at this point because... I
21 am Amanda Meader with The Nature Conservancy and I am
22 working with -- in partnership with Sean Mahoney with
23 The Conservation Law Foundation and so as a team
24 effort we have a patchwork here of questions to move
25 through. I will be addressing my questions primarily

1 to Mr. Mirabile, Mr. Goodwin and Ms. Johnson --
2 Johnston and Mr. Mahoney will be addressing his
3 questions primarily to Mr. Dickinson. Okay.

4 LAUREN JOHNSTON: Okay.

5 MS. MEADER: I'll start with Mr. Mirabile.
6 On Page 12 of your pre-filed testimony you state,
7 quote, a wide variety of wildlife utilizes
8 transmission line corridors. I wonder, can you tell
9 me, are there any species that avoid transmission
10 line corridors?

11 GERRY MIRABILE: Well, starting with aquatic
12 species if they're aquatic and the corridor is
13 land-based --

14 MS. MEADER: We've got that. Thank you so
15 much.

16 GERRY MIRABILE: Great. And, in general, I
17 would say about naming specific species, species that
18 are typically found, you know, either are required
19 forested habitat or cover because that's not
20 available on transmission corridors will avoid
21 transmission line corridors.

22 MS. MEADER: Thank you. I wonder if you
23 could speak a little bit about which species are
24 advantaged by new edge scrub/shrub. And certainly if
25 you feel somebody else on the panel -- certainly.

1 That's fine.

2 GERRY MIRABILE: Yeah.

3 MS. MEADER: I could elaborate if that --

4 GERRY MIRABILE: No, I understand the
5 question. I think that we were -- we have not
6 specifically evaluated which species would be
7 advantaged by veg habitat or scrub/shrub.

8 MS. MEADER: Okay. And I think we heard
9 testimony today that they're the more common species,
10 the species that haven't been designated as species
11 of special concern or great need, so your -- your
12 bear and your moose and your blue jays just for
13 example that -- those more common species that can
14 move easily through that type of habitat.

15 MR. MANAHAN: I would object to the
16 questioning basically supplying an answer apparently
17 that you're looking for. I object to not asking it
18 as a question.

19 MS. MILLER: Yeah, I would agree with that,
20 please.

21 MS. MEADER: Yeah, sure. I had a comma and
22 six more words with a question mark. I apologize, so
23 sorry. I'll try to rephrase that. And I guess what
24 we're just trying to look for is whether you've given
25 any thought to those species of greatest -- greatest

1 conservation need?

2 GERRY MIRABILE: The -- the species we
3 focused on are the species identified in comments
4 from the Maine Department of Inland Fisheries and
5 Wildlife that they identified as potentially impacted
6 by the project.

7 MS. MEADER: Thank you. Let's see, now I
8 bounce to Mr. Goodwin with my second question. So
9 you mentioned in testimony earlier today that there
10 are many fragmenting features in the region and I
11 wonder if you can speak specifically to what
12 fragmenting features currently exists between routes
13 201 and Route 27?

14 MARK GOODWIN: Without a map in front of me,
15 I don't know that I could accurately do that.

16 MS. MEADER: Okay. Sure. Fair enough.

17 MARK GOODWIN: Although, I would say
18 obviously, you know, your logging roads and forest
19 products industry and infrastructure.

20 MS. MEADER: Sure. Sure. Would you agree
21 that the only -- within that area that I just
22 referenced that there are -- I think we had testimony
23 from earlier today and, I apologize, I don't know who
24 mentioned it, but there is a railroad within that
25 area that's approximately 25 feet wide?

1 MARK GOODWIN: The railroad is slightly
2 north of the project alignment.

3 MS. MEADER: Okay. All right. And is it
4 true that the only wide fragmenting feature in that
5 area is the Spencer Road?

6 MARK GOODWIN: That's probably accurate.

7 MS. MEADER: Okay. Thank you. Bouncing
8 back to Mr. Mirabile. In CMP's application materials
9 in your pre-filed testimony you do not address the
10 potential impacts of the proposed corridor on species
11 migration in response to climate and I wonder if you
12 could talk about how CMP is accounting for and
13 addressing these impacts?

14 GERRY MIRABILE: I don't believe species
15 migration in response to climate change is an
16 approval criteria.

17 MS. MEADER: Okay. Well, as we'll discuss
18 Friday, which will feel like a lifetime from now --
19 let me pause. I'm going to come back at that in a
20 different question, okay, because I don't -- we have
21 enough to go through that we don't need to quibble,
22 so.

23 Mr. Goodwin, on Page 17 of your pre-filed
24 testimony, you refer to, quote,
25 environmentally-friendly manual, mechanical and

1 chemical treatment on a four year schedule. Can you
2 talk to me a little bit about what that means and
3 when you might use one method as opposed to another?

4 MARK GOODWIN: Well, typically during the --
5 and I take it we're talking about the management?

6 MS. MEADER: Correct.

7 MARK GOODWIN: Okay. Typically during
8 vegetation management practices there is very little
9 in the way of mechanical clearing. It's usually in a
10 manual, you know, clearing within the riparian
11 buffers and herbicide -- foliar herbicide application
12 outside of those buffers.

13 MS. MEADER: Okay. And is -- can you
14 describe for us what sort of guidance or best
15 management practices or standards you have to follow
16 in determining when to use the -- the methods that
17 are least destructive to habitat? Is there no
18 playbook on let's just spray chemicals versus let's
19 manually clear? I just -- we're just trying to
20 understand where your guidance comes from there.

21 MARK GOODWIN: Gerry might be better to
22 answer this.

23 MS. MEADER: Sure. Yup.

24 GERRY MIRABILE: Could you restate the
25 question, please?

1 MS. MEADER: Sure. So looking at the
2 environmentally-friendly manual, mechanical and
3 chemical treatments that will be employed on a four
4 year schedule to maintain that, we're just trying to
5 understand how -- what the decision calculus is in
6 terms of which method you choose.

7 GERRY MIRABILE: Okay. So as Mark
8 mentioned, primarily within the -- within the
9 riparian buffers it would be mechanical only. And
10 I'd say primarily outside of the buffers it would be
11 by use of herbicides, which -- and you had asked
12 about the practices, so they are hand pressurized
13 backpack mounted applied, not broadcast, but applied
14 to individual specimens and species that have been
15 determined to be at risk of growing into the
16 conductor safety zone.

17 MS. MEADER: Okay. Thank you. And just one
18 follow-up on that piece, what monitoring is done, I
19 mean, when that actual field work is being done
20 presumably by third-party contractors, who is
21 monitoring that those best practices are being
22 followed; in other words, there is not just, you
23 know, a widespread broadcasting?

24 GERRY MIRABILE: The crews are overseen by a
25 person who is licensed, a licensed applicator. One

1 other thing I'll note is that we have voluntarily
2 applied the aerial spray limitations, which is for
3 aerial spraying in Maine you cannot spray when the
4 wind speed is above 15 miles an hour, we have applied
5 that to ground spraying with the express purpose of
6 eliminating or absolutely minimizing off-target
7 drift.

8 MS. MEADER: Thank you. I'll stick with you
9 if it's appropriate. I want to switch gears to CMP's
10 compensation plan. On Page 48 of your January 2019
11 revised compensation plan and also on Pages 12
12 through 13 of Exhibit 10-1, and I'm sorry to make you
13 dig, of your revised site plan application you
14 propose creating eight deer travel corridors in the
15 Segment 1 deer wintering area under the overhead
16 wires. In those travel corridors you state that tree
17 heights under the wires would, quote, generally range
18 from 25 to 35 feet and that the corridors would total
19 a little more than a half a mile, about approximately
20 3,279 linear feet. And I just wonder if you could
21 provide, you or any of your team members, provide
22 more detail on how these travel corridors are going
23 to be created and maintained.

24 GERRY MIRABILE: Okay. The travel corridors
25 will be essentially selectively cut from the existing

1 forest to the extent that it's wooded and some of
2 that area is not wooded currently. And if you think
3 about the conductor sag there is an imaginary line
4 beneath the conductor that defines the conductor
5 safety zone and trees will be allowed to grow more or
6 less on a curve consistent with the conductor safety
7 zone and they'll be allowed to grow as tall as they
8 can grow without intruding upon that or when the --
9 when the maintenance crew comes through if they
10 anticipate that individual trees would grow into that
11 conductor safety zone before the next four year
12 maintenance cycle those trees would be cut. The
13 reason it's limited to 35 feet is that they need to
14 be cut from the ground so they're not being topped
15 and there is no way of accurately estimating once it
16 gets above about that height exactly how close those
17 trees are relative to the conductor safety zone. And
18 so it would be, you know, if the structures are here
19 and here it would look something like this in profile
20 up to a height of 35 feet at which point no more
21 trees would remain between them and the structures.

22 MS. MEADER: Okay. Thank you. I just want
23 to take a moment and make sure I -- I had
24 subquestions, but I think you may have answered them.
25 So just during the initial clearing for the corridor

1 would any trees less than the 25 to 35 feet tall in
2 that deer wintering travel corridor, would any of
3 those be retained or it's all going to be cleared?

4 GERRY MIRABILE: They would absolutely be
5 retained and, you know, so that they wouldn't have to
6 grow up from the ground level we would retain as many
7 of those as we could, however, we would require, you
8 know, travel path between the structures and lay down
9 areas around structures.

10 MS. MEADER: Okay. And I know you're not a
11 forester, but I would say to the extent you do have
12 to cut down trees above that height, any sense for
13 how long it would take those new growths to reach
14 that height after the corridor is cleared?

15 GERRY MIRABILE: It depends upon what is
16 there in growth in a height that we can retain at the
17 time of initial construction so that if we -- if
18 we're starting with tall trees that are already
19 within the conductor safety zone, we would have to
20 take them down to the ground and any seedlings and
21 saplings that were already present would, you know,
22 start to grow up from that point. If the trees in a
23 particular area are at a height that they can be
24 retained, you know, something bigger than seedlings
25 or saplings then, you know, right away there would be

1 some viable travel corridors. It really depends on
2 the age, class and the species of the trees within
3 each of 10 or 8 to be maintained deer travel
4 corridors.

5 MS. MEADER: Thank you. And how will CMP
6 provide evidence of or how will the state verify that
7 these travel corridors are being maintained as
8 intended?

9 GERRY MIRABILE: Well, IF&W, Inland
10 Fisheries and Wildlife has asked us to notify them
11 and that they would like to be present during the
12 creation and maintenance of these and so we can get
13 some feedback on that, but we'll have verification by
14 way of their oversight.

15 MS. MEADER: Okay. Nope. Great. Thank
16 you. That's helpful. Just one more piece circling
17 back to the corridors, the deer travel corridors,
18 corridors would total a little more than a
19 half-a-mile, so about approximately 3,279 linear
20 feet, over what -- I'm not sure if this will make
21 sense, but over what overall distance end to end?

22 GERRY MIRABILE: Right. The deer travel
23 corridors will actually total about 1.1 miles rather
24 than -- if you look at the total length within the
25 overlap between the travel -- between the corridor

1 and the deer wintering area, the map deer wintering
2 area is 1.1 miles and that includes the areas on the
3 east and west side of the termination stations that
4 are now and will continue to function as deer travel
5 corridors. And what percentage, do we know that?

6 LAUREN JOHNSTON: I don't know off the top
7 of my head.

8 MS. MEADER: Okay. I think that was
9 sufficiently helpful.

10 GERRY MIRABILE: Okay.

11 MS. MEADER: Sticking with Mr. Mirabile, has
12 CMP considered adding wildlife travel corridors in
13 other portions is of Segment 1?

14 GERRY MIRABILE: It has not been suggested
15 that other travel corridors are necessary by Inland
16 Fisheries and Wildlife.

17 MS. MEADER: Okay. All right. Would that
18 be something that CMP would be open to considering?

19 GERRY MIRABILE: We would have to take that
20 back and talk it over.

21 MS. MEADER: Thank you. Mr. Mirabile, did
22 CMP consider co-locating the corridor with the
23 Spencer Road?

24 GERRY MIRABILE: Has CMP considered that?

25 MR. MEADER: Yes.

1 GERRY MIRABILE: I think that it was
2 considered early on, you know, as a, you know,
3 potential option and there are significant
4 constraints and reasons why that's not optimal.

5 MS. MEADER: Could you explain a few of
6 those for us?

7 GERRY MIRABILE: I'm not sure I'm the best
8 person to explain them. I'd defer to the real estate
9 folks.

10 MS. MEADER: Ah, okay. That's a telling
11 answer thank you, Mr. Mirabile. Let's talk about
12 tapering. Did -- and I know you're not in the
13 context of scenic concerns because that's not what
14 The Nature Conservancy's focus is, but in terms of
15 habitat fragmentation did CMP consider vegetative
16 tapering as a strategy to reduce habitat
17 fragmentation?

18 GERRY MIRABILE: Well, the -- the deer
19 travel corridors in the Upper Kennebec deer wintering
20 area are in effect tapering.

21 MS. MEADER: So the --

22 GERRY MIRABILE: So it's just that it's
23 longitudinal instead of cross-section.

24 MS. MEADER: So beyond deer corridors then
25 CMP didn't consider tapering to mitigate habitat

1 fragmentation for other species?

2 GERRY MIRABILE: Habitat fragmentation was
3 not identified as a concern by IF&W. It was never
4 suggested that we consider those.

5 MS. MEADER: Mr. Mirabile, on Page 30 of
6 your pre-filed direct testimony there is a section
7 which discusses other mitigation measures. Two that
8 are mentioned, one, vegetation tapering at Coburn
9 Mountain and Gold Brook, which is done for visual
10 impact and at an incremental cost of \$22,200 a year.
11 You also reference maintenance of deer winter travel
12 corridors in the Upper Kennebec in deer wintering
13 areas at an incremental cost of \$9,400 a year. And,
14 again, I think we just would like to understand going
15 back to that question about coverage, end to end
16 coverage, those two mitigation measures do have a
17 sense for what the scope of coverage is there; in
18 other words, what are you getting for your money?

19 GERRY MIRABILE: When you say coverage, what
20 do you mean?

21 MS. MEADER: Geographic distance.

22 GERRY MIRABILE: Coburn Mountain is 2.2
23 miles for tapering and Gold Brook is 20 percent of
24 that, so what would that be? I think...

25 MS. MEADER: We can...

1 GERRY MIRABILE: Yeah, a little bit less.

2 MS. MEADER: And then, again, the
3 maintenance of the deer winter travel corridor was
4 about you said 1.1?

5 GERRY MIRABILE: 1.1 total.

6 MS. MEADER: 1.1, yup. Thank you. This is
7 where we really get into our patch work of community
8 effort here. Bear with me. Okay. Mr. Goodwin, in
9 your testimony today you stated that you would
10 recommend mitigation for habitat fragmentation
11 impacts, what would you recommend specifically?

12 MARK GOODWIN: I think you're -- I think
13 you're referring to the question that I was posed
14 regarding if there was a project that didn't have,
15 you know, early successional vegetation as a
16 long-term management strategy what would the
17 mitigation, you know, what would you recommend and I
18 would say I would recommend managing it at an early
19 successional vegetative state.

20 MS. MEADER: Okay. Mr. Goodwin, again. On
21 Page 19 of your pre-filed rebuttal testimony you
22 state, quote, there is no basis for the TMC's staff
23 request for between 40,000 and 100,000 acres of
24 preservation lands, end quote. Did CMP at any time
25 weigh the costs and benefits of providing additional

1 compensation for habitat fragmentation and have you
2 taken into in consideration the cost of working
3 forest conservation easements versus the cost of fee
4 acquisition? And I can break that up if you want.

5 MARK GOODWIN: Can you ask that again?

6 MS. MEADER: Certainly.

7 MARK GOODWIN: I'm just trying to determine
8 whether I am the right person to answer it.

9 MS. MEADER: Sure. Certainly. So on Page
10 19 of your pre-filed rebuttal testimony you said
11 there is no basis for TNC staff requesting between
12 40,000 and 100,000 acres of preservation lands.

13 MARK GOODWIN: Okay.

14 MS. MEADER: Okay. And so the first
15 question is did CMP at any time weigh the costs and
16 benefits of providing additional compensation for
17 habitat fragmentation?

18 MARK GOODWIN: I don't think so. Gerry,
19 would you say that's accurate? Yeah.

20 MS. MEADER: Because --

21 MARK GOODWIN: Because -- well, for one
22 there is the -- in the regulatory guidance there is
23 no established mechanism for like an in lieu fee or
24 something like that to offset habitat fragmentation.
25 It's specific to wetlands and significant wildlife

1 habitats.

2 MS. MEADER: Okay.

3 LAUREN JOHNSTON: So the compensation plan
4 first satisfies the requirements under NRPA and then
5 the compensation plan also includes elements of
6 agency requests for impacts that they felt that there
7 was more mitigation required.

8 MS. MEADER: Thank you. And the second
9 portion of that question, Mr. Goodwin, was whether
10 CMP took into consideration the cost of working
11 forest conservation easements versus the cost of fee
12 acquisitions for preservation lands.

13 MARK GOODWIN: I don't believe so.

14 MS. MEADER: Okay. Thank you.

15 Ms. Johnston, a question for you.

16 LAUREN JOHNSTON: Sure.

17 MS. MEADER: Thank you. This is a long one,
18 but it pertains to culverts. So on Page 11 of your
19 pre-filed rebuttal testimony regarding CMP's proposed
20 \$200,000 contribution for replacement of undersized
21 culverts you state, quote, the significance of this
22 commitment is the amount of cold water fisheries
23 habitat connectivity that can be achieved not the
24 number of culverts whose replacement it will fund.
25 It continues, for example, if two or three culvert

1 replacement projects reconnect a larger area of
2 viable cold water fisheries habitat than 20 smaller
3 projects then it may be better to choose the smaller
4 quantity of qualitatively greater culvert
5 replacements, end quote. So if The Nature
6 Conservancy could rank the top 20 to 30 culvert
7 replacement projects in the region based on mileage
8 of habitat opened by each project, would CMP be open
9 to providing the level of funding necessary to
10 complete those specific projects?

11 LAUREN JOHNSTON: Yeah, I can't -- I can't
12 respond to that, but Gerry may be able to add to
13 that.

14 GERRY MIRABILE: I think it's important to
15 understand the basis for the 20 to 35 culvert
16 estimate and that is that I reached out to a
17 contractor who does a lot of work for us, a civil
18 contractor, and just to get an idea of the order of
19 magnitude of how much it might cost to replace
20 culverts and, you know, his first question was, well,
21 what size are the culverts and where are they. And I
22 can tell him roughly where they are, you know,
23 Oxford, I mean, you know, Somerset and Franklin
24 Counties, but we had to make some assumptions about
25 the size of culverts and I came up with some things

1 off the top that were not site specific. They were
2 just broad guidelines and I think I was estimating a
3 20 inch culvert. That's a small culvert. And, you
4 know, he was throwing out some size categories and he
5 said he was talking 4 foot culverts and I remember
6 and then he said, how long are they? And I said, you
7 know, what's typical and he said, 16 to 20 feet if
8 it's just a woods road and what's typical materials
9 and I think he mentioned HDPE or corrugated metal and
10 so that's how the estimate was made and we weren't
11 holding him to it. It wasn't a formal proposal. It
12 was just a, you know, rough estimate based upon what
13 I gave him for information. And the 20 to 35 is
14 based upon how many could be funded, you know,
15 whatever the math works out to be for that amount of
16 money I think that was the estimate he gave per
17 culvert. In part because it was looked at as a job
18 where it wouldn't just be one culvert, it would be
19 multiple culverts and so there is some economy of
20 scale in terms of materials and labor and
21 mobilization.

22 MS. MEADER: Thank you. I appreciate your
23 candor. Would you agree that what I hear you saying
24 is that for all of the expertise that you folks have
25 perhaps properly sizing and siting culverts in a way

1 that allows you to properly estimate the cost isn't
2 perhaps your team's absolute strongest point?

3 GERRY MIRABILE: Well, there are standards
4 for culverts that, you know, the state has, 1.2 size
5 full bank width, you know, and really the only reason
6 to estimate them like that was because at this point
7 in the program developing we haven't identified where
8 they would be, you know, what -- where the culverts
9 are that need replacements and that comes later so
10 there had to be assumptions built into the cost
11 estimate.

12 MS. MEADER: So then would you agree that
13 there is potentially some flexibility in that cost
14 estimate if scientists can show that there is greater
15 sort of habitat support that can be provided with --
16 with more detailed accurate sizing?

17 GERRY MIRABILE: So the proposal before the
18 Department is what it is at the moment.

19 MS. MEADER: It sure is. I believe that
20 brings me to Mr. Mahoney with the Conservation Law
21 Foundation, so thank you folks.

22 MS. MILLER: Thank you.

23 MR. MAHONEY: Sean Mahoney with the
24 Conservation Law Foundation and I have question for
25 Mr. Dickinson. Good afternoon.

1 THORN DICKINSON: Afternoon.

2 MR. MAHONEY: So let's just start with
3 transmission line and removal.

4 MS. MILLER: Can you speak up a little bit?

5 MR. MAHONEY: Sure. I'm sorry. How is
6 that?

7 THE REPORTER: Better. Thank you.

8 MR. MAHONEY: Okay. There is no
9 decommissioning fund being proposed by CMP for this
10 line, correct?

11 THORN DICKINSON: That is correct.

12 MR. MAHONEY: The second question, the Maine
13 Power Connect was another response to the Mass RFP;
14 is that correct?

15 THORN DICKINSON: That's correct.

16 MR. MAHONEY: And you were responsible for
17 that proposal as well?

18 THORN DICKINSON: I was.

19 MR. MAHONEY: And that project was a
20 proposed mix of wind, solar and battery storage,
21 correct?

22 THORN DICKINSON: That's correct.

23 MR. MAHONEY: And that was in partnership
24 with NextEra and EDP Renewables?

25 THORN DICKINSON: Ah, EDF actually.

1 MR. MAHONEY: EDF Renewables. Thanks. And
2 that project -- that project would have used the same
3 transmission route as this Clean Energy Connect
4 project, right?

5 THORN DICKINSON: Exactly.

6 MR. MAHONEY: And what else would that
7 project have included?

8 THORN DICKINSON: It would have included the
9 necessary amount of acreage in order to produce the
10 amount of wind, solar and battery technology to
11 deliver on the -- on that project in Maine.

12 MR. MAHONEY: And those sites were proposed
13 in Quebec and western Maine; is that correct?

14 THORN DICKINSON: Mostly in western Maine.
15 EDF did propose a few wind farm sites that were just
16 over the border in Quebec.

17 MR. MAHONEY: Okay. And would those
18 projects also have required generator lead lines to
19 connect to the transmission lines?

20 THORN DICKINSON: Yes, they would have.

21 MR. MAHONEY: Okay. And that project --
22 would that -- do you know what -- can you share what
23 the ranking of that project was in comparison to
24 other projects?

25 THORN DICKINSON: We actually don't know.

1 We -- and obviously we were equally excited about all
2 our bids and it was not selected and because of the
3 way the information was redacted in the evaluator
4 report you only could tell if you won or if you
5 didn't.

6 MR. MAHONEY: Okay. Thank you. Was the
7 project for the same amount of energy?

8 THORN DICKINSON: No. No. It -- a little
9 bit less -- less capacity, but significantly less
10 energy because the capacity factor of wind and solar.

11 MR. MAHONEY: Okay. So how much energy
12 would that have been delivered?

13 THORN DICKINSON: You're asking me to
14 remember. Right off the top of my head, I apologize,
15 I don't remember.

16 MR. MAHONEY: Okay. In your rebuttal
17 testimony, Mr. Dickinson, you started on Page 3
18 talking about the standard of practicable for
19 purposes of this proceeding and you correctly quote
20 the DEP regulation concerning available and feasible,
21 concerning cost, existing technology and logistics,
22 but then you go on to talk about the consideration of
23 undergrounding the line, right?

24 THORN DICKINSON: Correct.

25 MR. MAHONEY: And on Page 13 you stated that

1 total cost to underground 54 miles would be \$767.9
2 million?

3 THORN DICKINSON: Correct.

4 MR. MAHONEY: Okay. Now, in your
5 consideration of that at that point was with respect
6 to whether or not the project would be one that would
7 qualify it in -- with respect to Massachusetts'
8 evaluation of the project, correct?

9 THORN DICKINSON: That's correct. We did
10 the capital analysis in order to determine
11 essentially what the impact would be on the ranking
12 in the Massachusetts RFP process.

13 MR. MAHONEY: And so that evaluation is
14 based on a business evaluation, correct?

15 THORN DICKINSON: Yeah. Economic I would
16 call it, yeah.

17 MR. MAHONEY: But it's not based on the DEP
18 regulation of what is practicable for purposes of
19 determining alternatives, correct?

20 THORN DICKINSON: Well, the -- the need --

21 MR. MAHONEY: Well, yes or no. I mean, it
22 wasn't based on the DEP regulation, correct?

23 MR. MANAHAN: Well, I object to requiring a
24 yes or no answer. Mr. Dickinson is entitled to
25 answer the question fully, so I would object to

1 limiting him.

2 MR. MAHONEY: Okay. If we start with yes
3 and then we can answer it more fully, that's okay.
4 Or no.

5 THORN DICKINSON: Sure. My instinct is to
6 say that it was addressing the DEP guidelines because
7 the -- in order for the project need as defined to be
8 successful for the project to actually be
9 constructed, we had -- the project had to be --
10 receive the cost recovery. In order to get cost
11 recovery it would have had to win the RFP, so in my
12 mind those things are connected. And if we had
13 considered an underground portion as I -- both I -- I
14 testified here and others is that our belief was the
15 project would not move forward.

16 MR. MAHONEY: Because it would have -- you
17 wouldn't have been able to bid enough that would have
18 allowed you to successfully obtain it and make the
19 amount of money you needed to make in order for the
20 company to take the risk of the project?

21 THORN DICKINSON: That's correct.

22 MR. MAHONEY: Okay. So -- so forgive me,
23 I'm going to do some math and you don't have to
24 necessarily agree with it.

25 THORN DICKINSON: Okay.

1 MR. MAHONEY: If I think about 767.9 million
2 for 54 miles, and you can double-check me on this,
3 you're faster at this, if I were to do a per mile
4 cost of undergrounding, I would get roughly 14 1/2
5 million per mile, if I'm using 54. And if I were to
6 spread that out over 40 years to have an annual cost
7 per mile, I would roughly get about 350,000.

8 THORN DICKINSON: 350?

9 MR. MAHONEY: Thousand per year per mile.

10 THORN DICKINSON: I understand your math.

11 MR. MAHONEY: Okay. Do you want to check
12 it?

13 THORN DICKINSON: Well, no., I mean...

14 MR. MAHONEY: I'm trying -- I'm trying to
15 get a number so that I can do an apples to apples
16 comparison.

17 THORN DICKINSON: So the -- well, there -- I
18 can address questions that come to my mind as you
19 walk through. I can follow your logic all the way to
20 the end.

21 MR. MAHONEY: Sure. Let me -- let me give
22 you my logic --

23 THORN DICKINSON: Okay.

24 MR. MAHONEY: -- or let me tie this and
25 you'll understand why I want to try and do apples to

1 apples.

2 THORN DICKINSON: Okay.

3 MR. MAHONEY: So we're just talking on this
4 matter, which is talking about the cost to do the
5 tapering at Coburn and Johnson and in the DWA area.
6 And as I understood it the cost of that tapering in
7 Coburn and Johnson is 22,000 a year for 2.2 miles.
8 So if I were to do a per mile cost associated with
9 tapering that's roughly 10,000, this is for operation
10 and maintenance, \$10,000 per year per mile of that
11 tapering. And I think that's roughly the same as it
12 was for the DWA area, which I think was in total just
13 over a little -- just over a mile and I think your
14 testimony or Mr. Mirabile's testimony on Page 30 was
15 that it was about 9,500 a year, so we're roughly at
16 10 per year. So I'd like to do a comparison --

17 THORN DICKINSON: Sure.

18 MR. MAHONEY: -- with respect to the
19 undergrounding which people have talked about as a
20 way to mitigate -- as a way to avoid and/or minimize
21 the impacts here. So getting back to the math that I
22 started earlier, and I am an English major, so I
23 appreciate it won't be close or may not be close, but
24 at 700 -- roughly 768 million for the 54 miles, I
25 think it's roughly 14 1/2 million per mile and then

1 if I were just to divide 14 1/2 by 40 I get 350,000.

2 THORN DICKINSON: So the -- the -- when you
3 look at capital costs it isn't just -- you can't just
4 spread the cost over a period of time and say that's
5 the annual cost.

6 MR. MAHONEY: Right.

7 THORN DICKINSON: There is a number of
8 factors that go into the kind of cost recovery for
9 capital costing. They include -- you're going to
10 have operations and maintenance relative to the size
11 of the investment, you're going to have property
12 taxes associated with that investment, you're going
13 to have return of -- through depreciation a
14 depreciation expense, you're going to have a return
15 of investment and federal income taxes. Generally,
16 if you wanted a back of the envelope kind of a
17 number, you're generally looking at about 15 percent
18 of the capital cost annually associated with the
19 cost. So I'm probably always guided not to do math
20 while I'm being cross-examined, but the end -- you
21 said the per mile you had a 14 --

22 MR. MAHONEY: Right. I'm just using your
23 number. I'm happy to use -- but your number in the
24 rebuttal was that the total for the funds used during
25 construction -- I'm sorry, the total for the project

1 would be 767.9 and that was on Page 13.

2 THORN DICKINSON: Right.

3 MR. MAHONEY: I'm just -- if it's a
4 different number...

5 THORN DICKINSON: Well, no, it sounds right,
6 I just don't want to do too many -- too much math.
7 So assuming 14.5 million per mile and a 15
8 percent what's called a fixed charge rate, which is
9 a -- it kind of calculates all of these pieces. It's
10 about 42.2 million per year per mile. So 2.2 million
11 per year per mile associated with it.

12 MR. MAHONEY: So not 350 but \$2.2 million.

13 THORN DICKINSON: Yeah. That's what I
14 was -- I was trying to get out the point that a
15 capital doesn't -- you can't just spread it out, you
16 have all these other expenses and when you look at it
17 on an annual basis, again, a back of the envelope
18 estimate is about, you know, a 15 percent charge --
19 carrying charge per year.

20 MR. MAHONEY: Okay. And my -- so let's work
21 on 2.2 million.

22 THORN DICKINSON: Okay.

23 MR. MAHONEY: So 2.2 million per mile on
24 undergrounding --

25 THORN DICKINSON: Per year. Just -- sorry.

1 MR. MAHONEY: Per year. Per year. As
2 opposed -- and then -- and there was testimony
3 earlier today that undergrounding has its own
4 impacts, has to be clearing and space for that as
5 well, there is certainly construction impacts. But
6 on the tapering side of things that's seen as a way
7 to both mitigate for visual impacts, which as I
8 understand it for the Coburn/Johnson, I don't want to
9 get into visual, it's just that's my understanding of
10 that purpose, but for the DWA that is for habitat and
11 habitat fragmentation issues with respect to deer
12 wintering yards. So my question to you would be why
13 wouldn't 7,000 -- I'm sorry, 10,000 per mile for
14 tapering be considered a reasonable cost for purposes
15 of minimizing the impact associated with habitat
16 fragmentation?

17 THORN DICKINSON: Yeah. I guess for me
18 that's not an area -- looking at what the -- the
19 mitigation is versus the impact wouldn't be in my
20 area of testimony. I mean, clearly, the 2 -- \$10,000
21 per mile per year is cheaper than \$2.2 million per
22 mile per year.

23 MR. MAHONEY: Right. Right. So it would be
24 about 25 percent if you did the entire 54 miles, that
25 would be 540,000 per year for tapering if you did the

1 entire 54 miles, correct?

2 THORN DICKINSON: Assuming that that was a
3 doable exercise and there weren't issues associated
4 with tapering that distance --

5 MR. MAHONEY: Right.

6 THORN DICKINSON: -- then I think the math
7 is correct.

8 MR. MAHONEY: And -- and so when -- when
9 you're considering reasonable, what do you -- what
10 are you comparing that reasonable to? And I -- not
11 just -- well, we didn't think that would get us the
12 bid, what -- what -- so there is clearly a return on
13 this investment for CMP if this transmission line
14 were to go forward, correct?

15 THORN DICKINSON: Yeah, correct.

16 MR. MAHONEY: And so the cost that you're
17 incurring in the construction and the operations and
18 maintenance are -- are being compared with the return
19 on the investment you're making in order to determine
20 whether or not it's reasonable or is a good use of
21 resources for CMP/Avangrid, correct?

22 THORN DICKINSON: Yeah. I mean, just to --
23 just to be clear, we have both with Massachusetts
24 Electric Distribution Company and with Hydro-Quebec
25 as a long-term user of the transmission line committed

1 to a four year fixed revenue, so the -- anything that
2 happens on the project related to it is a risk that
3 we incur not only between the time the project was
4 originally to -- to now and from now until
5 construction and then as the project continues to be
6 operated. So within that context in this type of a
7 evaluation on a bid you're looking at the revenue,
8 making sure that that's certain and then you're
9 comparing that against all your operating expenses
10 and cost, the construction and all of the risks that
11 could happen over -- over the life of the project.
12 So just to make sure that we're all kind of looking
13 at the issue the -- the same way. And then within
14 that we're -- we're, you know, obviously trying to do
15 a number of things and I think as I say in my
16 rebuttal testimony it's not just about cost, you
17 know, cost was a significant part of the Mass EDC
18 requirement, they talked a lot about cost, they
19 talked about cost containment, not -- cost overruns
20 not being passed on to Massachusetts EDC customers,
21 but also we had to make sure that we minimized
22 impacts and that we had to make sure that we can
23 maintain the quality and the safety of the project,
24 so all those things are balancing factors in the way
25 that we sited the line, the way that we mitigated

1 impacts associated with it, the design we ultimately
2 picked and then as the conversations have continued
3 to move forward how we mitigate those impacts.

4 MR. MAHONEY: But you would agree with me
5 that if you tapered the entire 54 miles of Segment 1
6 that that would minimize and mitigate impacts that
7 aren't currently minimized or mitigated under the --
8 under the proposal that's before the Department at
9 this point; is that correct?

10 GERRY MIRABILE: Well, Mr. Mahoney, I think
11 the -- there are impacts to the project and, you
12 know, if you look at the avoidance of impacts and
13 then the minimization and the mitigation of
14 unavoidable impacts, we've gone through that -- that
15 process throughout the planning and the design and
16 the impacts that remain that we're compensating for
17 and mitigating for, you know, we haven't been -- it
18 hasn't been suggested that additional, you know, by
19 the agency certainly that additional mitigation is
20 appropriate or necessary because we've done as much
21 as we have as documents in the compensation plan to
22 mitigate for those impacts.

23 MR. MAHONEY: Right. But the purpose of
24 this proceeding is to determine whether or not that's
25 good enough or if more needs to be done, correct?

1 GERRY MIRABILE: That's...

2 MR. MAHONEY: Is that your -- is that your
3 understanding of why we're all here for the week?

4 GERRY MIRABILE: I think it's to gather more
5 information on the topics designated by the Presiding
6 Officer.

7 MR. MAHONEY: I understand. And whether or
8 not it's reasonable or cost-effective, you would
9 agree that if the entire 54 miles were tapered in the
10 same way that it's proposed to taper in the Coburn
11 Mountain area that that would minimize and mitigate
12 the impacts that are currently associated with the
13 project as currently proposed?

14 GERRY MIRABILE: I would defer to the
15 visual, you know, experts to learn more about on that
16 issue and the question is whether the tapering is
17 necessary in other areas to, you know, for wildlife
18 purpose and, you know, we haven't -- we haven't
19 reached that conclusion.

20 MR. MAHONEY: Okay. And from a -- and,
21 Mr. Dickinson, from a project management perspective
22 determining the reasonability of it goes to both --
23 goes to whether it is a cost-effective project for
24 the company, correct?

25 THORN DICKINSON: That's correct.

1 MR. MAHONEY: And that has to be balanced
2 based on your income and the cost, correct?

3 THORN DICKINSON: Yeah. It has to do -- as
4 I said, I think it has to -- it's a balance between
5 all of the factors making sure that it's a -- it's
6 safe, that we -- efficient, quality, that we minimize
7 the impacts and the cost, so I think all of these
8 things go into those -- those decisions.

9 MR. MAHONEY: And what is the annual impact
10 that anticipates -- annual income that's anticipated
11 from the project should it be approved in its current
12 state?

13 THORN DICKINSON: I am not 100 percent that
14 that is a public number that's available. I think
15 there is various analyst reports out there that may
16 have indicated that, but as far as what -- what the
17 net income was I don't -- I don't think that's
18 public.

19 MR. MAHONEY: Okay. That's all I have.
20 Thank you very much.

21 MS. MILLER: Thank you. Okay. We'll go
22 through -- we have Group 7 and 8 and after that we'll
23 take a short break. So we'll start with Group 7.

24 Okay. We'll go ahead and just take a quick
25 5 minute break right now.

1 (Break.)

2 MS. MILLER: Okay. Let's think about
3 getting ready to get started again. Before we do, I
4 just want to make a quick announcement and make sure
5 everyone is aware when your microphone is on or off.
6 There are a lot of people watching today
7 live-streaming and there are a lot of side
8 conversations that might be heard, so I just want to
9 remind everyone, and that includes our table, to
10 press the button and make sure the blue light is off
11 when you're not intending to be speaking to be heard
12 by the public.

13 With that, we'll go ahead and restart and
14 we've got Group 7 cross-examination.

15 MR. SMITH: Good afternoon. Ben Smith on
16 behalf of Western Mountains and Rivers, Group 7. Mr.
17 Mirabile, I actually brought that from your
18 application materials to the desk hoping that I could
19 maybe ask you some questions during your examination.

20 GERRY MIRABILE: Sure.

21 MR. SMITH: So the first area of questioning
22 I had is a follow-up to some questions of
23 Mr. Weingarten and Mr. Publicover. I heard
24 characterizations during questions by them that the
25 area basically the new segments that are comprising

1 the knew corridor 53 miles are a large intact forest
2 block or are a part of a large intact forest block
3 and then I heard, I think, a question of where is the
4 evidence to support the area of the project that has
5 been intensely harvested. So I brought before you
6 your application from August 13 and I have a question
7 with regard to Attachment C. And in particular, I am
8 looking at essentially the natural resource maps for
9 Segment 1 and I'm going to start on Page 9 of that
10 document if you can reference it.

11 GERRY MIRABILE: So do you mean Map 9?

12 MR. SMITH: No, actually I flagged it off
13 before. It's part of Segment 1 and it would be -- I
14 think the first segment you depicted under Attachment
15 C and it would be the tenth page in or nineth page
16 in, 9 out of 417.

17 GERRY MIRABILE: Okay.

18 MR. SMITH: Okay. So are you on the right
19 page at this part?

20 GERRY MIRABILE: It's Beattie Township and
21 Merrill Strip Township?

22 MR. SMITH: Yes, sir.

23 GERRY MIRABILE: Yes.

24 MR. SMITH: All right. So is there anything
25 on that photo or on that depiction that would look

1 like it's part of a large intact forest block?

2 GERRY MIRABILE: There are some very
3 prominent strip cuts that -- and some skid trails and
4 then there are smaller patches of what appear to be
5 forest.

6 MR. SMITH: Anything else?

7 GERRY MIRABILE: Roads. Two roads. 400
8 Road and then another road that peels off from that
9 that's not labeled.

10 MR. SMITH: And the difference between roads
11 versus the strip cutting you're talking about is one
12 of those a hard development versus a soft
13 development?

14 GERRY MIRABILE: I would characterize roads
15 as a hard development.

16 MR. SMITH: Okay. So you have both hard and
17 soft developments in this location?

18 GERRY MIRABILE: Yes.

19 MR. SMITH: If you were to compare a totally
20 vegetated area of this map to the area that is
21 comprised by the clearcut, the hardscape of the road
22 versus a world where it would just be the
23 transmission line going through there, which one
24 would comprise a greater area of cleared land?

25 GERRY MIRABILE: Well, that would take some

1 mapping exercise to calculate that to quantify it
2 specifically. I think roughly at this scale it
3 appears that there might be equal between the two.

4 MR. SMITH: Okay. Let's go to the next page
5 it you can, please. Page 10 of 417. Does this slide
6 depict anything that would be considered a part of a
7 large intact forest block?

8 GERRY MIRABILE: It appears to be laced with
9 strip cuts, roads, skid trails.

10 MR. SMITH: Okay. Same roads that we were
11 talking about before?

12 GERRY MIRABILE: One of the same roads, 400
13 Road and another road that is not -- is not labeled
14 or identified.

15 MR. SMITH: Okay. Let's go two slides down
16 to Page 12. I'll ask you the same question.
17 Anything here that would depict an area that would be
18 part of a large intact forest block?

19 GERALD MIRABILE: I would not characterize
20 it that way.

21 MR. SMITH: Why not?

22 GERRY MIRABILE: Because large areas are
23 either recently stripped based upon parallel lines --
24 I mean, recently a strip cut based on parallel lines
25 or appear to have been cleared of trees.

1 MR. SMITH: So in other words, the areas
2 that we're talking about here are actually not just
3 simply strip cut, they're clearcut?

4 GERRY MIRABILE: It appears to be a clearcut
5 from the photograph.

6 MR. SMITH: And are there roads on there as
7 well?

8 GERRY MIRABILE: Yes, there are.

9 MR. SMITH: What roads?

10 GERRY MIRABILE: Lowell Town Road and 400
11 Road.

12 MR. SMITH: And if you were to compare
13 essentially going back to the question I had earlier
14 on slide 9, a world where it would just be the
15 transmission line going through here versus a world
16 where you have these hard developments and you have
17 these heavily forested areas, which one would
18 actually occupy a greater amount of space?

19 GERRY MIRABILE: I would expect in this case
20 it would be the strip cuts and clearcuts just based
21 upon the visual.

22 MR. SMITH: Okay. Let's go to Page 13. If
23 I asked you the same question I asked you before with
24 regard to this would it be the same?

25 GERRY MIRABILE: Yes, it would be the same.

1 MR. SMITH: And let's go to the next page.
2 Would it be the same with regard to this map?

3 GERRY MIRABILE: Yes, it would be the same.

4 MR. SMITH: And I've already -- I'm not
5 going to go through the 417 pages right now, I think
6 we'd be here for a very long time. But would you say
7 that generally the sort of representations that we've
8 been going through are similar in nature to the
9 various depictions you would see for entire Segments
10 1 and 2 for the 54 mile?

11 GERRY MIRABILE: Well, as Mr. Goodwin noted,
12 it's a mosaic. It's a patch work and so, you know,
13 we could find maps in here that were not and maps
14 that are, but I think these are -- these might be
15 considered typical.

16 MR. SMITH: Okay. I'd like to just briefly
17 address the concept of undergrounding, which was
18 raised by a couple -- a couple different people. Are
19 there people on the panel that have a pretty good
20 amount of familiarity with undergrounding that's
21 required from an engineering standpoint? I see
22 people nodding, is that a yes?

23 THORN DICKINSON: Well, I just -- there is
24 testimony that will be in -- that is in rebuttal
25 testimony from engineers that have much more

1 experience.

2 MR. SMITH: Okay. Well, maybe I can --
3 maybe if I get into it and if I get too deep you can
4 tell me if I should defer to a different panel.

5 THORN DICKINSON: Fair enough.

6 MR. SMITH: So, I guess, is there -- I
7 guess, generally, explain to me what would be
8 required to go through this sort of 54 mile area?
9 What would have to be cleared for the -- for the area
10 from a vegetation standpoint? What would have to be
11 done in order to essentially allow for an
12 undergrounding of this line?

13 GERRY MIRABILE: So I'm going to qualify
14 this response by saying that there are others here
15 who know more and if I -- if I misspeak anything I
16 want to allow them to correct me, but my
17 understanding of undergrounding is that it would
18 require a clearing of something like 75 feet width
19 for the vegetation to be maintained similar to how
20 it's maintained for a transmission line corridor. In
21 other words, non-capable vegetation and no large
22 trees and that has to do with the idea that large
23 trees which typically have a root span that extends
24 at least as far as the drip line extract water from
25 the soil and affect the thermal rating of the

1 transmission line and its capacity as a result. So
2 that it -- it wouldn't just be the width of the -- of
3 the transmission line buried itself, it would have to
4 be cleared out 75 feet. The actual excavation,
5 depending upon the method, I understand it would be
6 something like 12 feet at the top for a trench of 12
7 feet that would taper down maybe 5 feet at the bottom
8 and then there would also be depending upon the
9 method there would be junction boxes at some
10 intervals, so that it would be just the burial of the
11 line, there would be significant, you know, on ground
12 impacts would be maintained in that condition.

13 MR. SMITH: Okay. Is it fair to say that
14 even if the project were to be underground or even if
15 it was feasible or even if it was economical that
16 there is no way it could be done without there being
17 a visual impact?

18 GERRY MIRABILE: There would be a visual
19 impact.

20 MR. SMITH: And a 75 foot would have to be
21 cleared and maintained for whatever duration of the
22 line?

23 GERRY MIRABILE: That's my understanding.

24 MS. TOURANGEAU: This is Joanna Tourangeau
25 for NextEra. I'm going to object that this is beyond

1 the scope of anyone's direct or rebuttal testimony on
2 this panel.

3 MR. SMITH: It came up in the scope of
4 cross. I can -- I can move on. Is anyone on the --
5 on the panel aware of what the biggest threat is to
6 Maine's brook trout population?

7 GERRY MIRABILE: I would -- I would state,
8 you know, my personal belief is that climate change
9 is a significant threat to brook trout populations.

10 MR. SMITH: Are you aware that the Maine IFW
11 actually says that currently the greatest threat to
12 Maine's brook trout population is the unauthorized
13 introduction of competing fish species?

14 MS. BOEPPLE: Objection. This sounds like
15 testimony coming from the questioner.

16 MR. SMITH: I asked if they were aware. I
17 can bring it up with a different witness later, but.

18 MS. BENSINGER: What is -- I am not sure
19 that this is in response to the direct testimony that
20 this is -- is a subject on which they testified.

21 MR. SMITH: There were -- there were
22 questions earlier today about the adequacy of
23 buffering and the threat that that would have on the
24 salmonid population. This is to address that issue.

25 MS. MILLER: I'll allow it.

1 MR. SMITH: If you know.

2 GERRY MIRABILE: Could you restate the
3 question?

4 MR. SMITH: The question was are you aware
5 that the IFW states that currently the greatest
6 threat to Maine's brook trout population is the
7 unauthorized introduction of competing fish species?

8 GERRY MIRABILE: I was not aware of that.

9 MR. SMITH: No further questions. Thank
10 you.

11 MS. MILLER: Okay. We'll call up Group 8.

12 MS. TOURANGEAU: Good afternoon. I'm Joanna
13 Tourangeau on behalf of NextEra also known as Group
14 8. I have a few follow-up questions on the topics
15 raised by IECG earlier. Did the NextEra/CMP proposal
16 include a HDVC transmission line?

17 THORN DICKINSON: No, it was a high voltage
18 AC alternating current line.

19 MS. TOURANGEAU: Thank you. Did the
20 NextEra/CMP proposal include in the bigger footprint
21 that they mentioned Maine wind and solar generation?

22 THORN DICKINSON: Could you repeat that
23 again?

24 MS. TOURANGEAU: Did the NextEra and CMP
25 proposal that was described earlier today as having a

1 bigger footprint include Maine wind and solar
2 renewable generation?

3 THORN DICKINSON: Yes, it did.

4 MS. TOURANGEAU: Thank you. Does the
5 current proposal include Maine renewable generation
6 of wind and solar?

7 THORN DICKINSON: It does not.

8 MS. TOURANGEAU: Did NextEra and CMP submit
9 any applications to the Department or to the LUPC
10 requiring an alternatives analysis?

11 THORN DICKINSON: We did not.

12 MS. TOURANGEAU: Thank you. So staying with
13 you, sorry, Mr. Dickinson.

14 THORN DICKINSON: That's okay.

15 MS. TOURANGEAU: Now, going to your rebuttal
16 testimony and starting on -- around where you were on
17 Page 3 where you indicate that projects have to
18 include a mechanism for cost recovery.

19 THORN DICKINSON: Correct.

20 MS. TOURANGEAU: So you bid a fixed price
21 cost project with Hydro-Quebec into the 2017
22 Massachusetts RFP?

23 THORN DICKINSON: Correct.

24 MS. TOURANGEAU: Because they encouraged
25 bidders to propose a fixed price.

1 THORN DICKINSON: They --

2 MS. TOURANGEAU: In part.

3 THORN DICKINSON: Yeah, in part to put
4 forward, as I said before, a number of factors that
5 we believe were important to make our project as
6 competitive as possible.

7 MS. TOURANGEAU: Gotcha. And your fixed
8 cost bid, and I'm sorry, I don't understand these
9 terms, I'm just an environmental attorney, so I'm
10 looking for you to elaborate on the utility process
11 for me a little bit. The fixed cost bid include a
12 transmission cost containment such as provisions that
13 eliminate or minimize rate payer exposure to
14 transmission cost risk. That's what you said on Page
15 6 of your rebuttal testimony.

16 THORN DICKINSON: Yeah. Correct.

17 MS. TOURANGEAU: Okay. And so any
18 additional project costs like undergrounding or
19 additional tapering will not be borne by ratepayers
20 or anyone other than CMP or its affiliates that end
21 up owning the line?

22 THORN DICKINSON: That's correct. And just
23 to be clear because -- just so that there -- the
24 record is clear of what we're talking about is
25 Massachusetts ratepayers, so under no circumstance

1 under any situation would -- would Maine cost to the
2 ratepayers be affected, but the Massachusetts also
3 wouldn't because it's a fixed price bid.

4 MS. TOURANGEAU: So no one other than CMP or
5 its affiliates that owns the transmission line?

6 THORN DICKINSON: Correct.

7 MS. TOURANGEAU: Right. Can you read to me
8 I think it was on Page 1 or 2 of your rebuttal
9 testimony your description of the project purpose?
10 I'm sorry, it's on Page 3, your first full paragraph
11 which begins, as I stated in my pre-filed direct
12 testimony.

13 THORN DICKINSON: Okay. Yeah, as I stated
14 in my pre-filed direct testimony the overall purpose
15 of NECEC is to deliver up to 1,200 megawatts of
16 renewable generated electricity from Quebec to ISO
17 New England electric grid at the lowest cost for
18 ratepayers.

19 MS. TOURANGEAU: Right. So as we've
20 discussed earlier, the project purpose cost to
21 ratepayers would not be impacted by the
22 undergrounding or the increased tapering; is that
23 correct?

24 THORN DICKINSON: So the -- just to be
25 clear, the --

1 MS. TOURANGEAU: Is that correct?

2 THORN DICKINSON: No, it's not correct.

3 MS. TOURANGEAU: So the cost would go to
4 ratepayers?

5 THORN DICKINSON: NO. Let me -- let me
6 explain what I mean.

7 MS. TOURANGEAU: Okay.

8 THORN DICKINSON: So our -- our bid, what we
9 actually evaluated and bid had to assume a number of
10 risks associated with it. So we had to think about,
11 okay, what is it going to cost us to build this, you
12 know, contingencies associated with the project, that
13 process of determining that we needed to make a
14 decision on what we thought the lowest cost was to
15 ratepayers, so in this context that's what we're
16 really talking about. Now, once you put a bid in,
17 once you commit to it in a RFP and once we have
18 negotiated and signed an agreement your point is
19 correct that any additional changes beyond what was
20 already established in our original bid, any of those
21 changes beyond would be borne not by ratepayers but
22 us, but anything that -- any assumptions that were
23 included in our bid that would be borne by customers
24 in Massachusetts.

25 MS. TOURANGEAU: Right. So the -- as the

1 cost is contemplated in your project purpose, that
2 being lowest cost to ratepayers, that would not be
3 impacted by those changes that we've been talking
4 about of undergrounding or tapering?

5 THORN DICKINSON: Any -- any changes plus or
6 minus. Now, once the bid is in and fixed that has no
7 effect on the remuneration of the money that received
8 from Massachusetts customers.

9 MS. TOURANGEAU: Great. I think I'm set on
10 that. Does your application, and I know folks are
11 going to ask about the financial assurance component,
12 but does your application include the financial
13 assurance necessary for decommissioning and removal
14 of a line upon expiring after its 40 year life?

15 THORN DICKINSON: Yeah. No, there are -- as
16 stated before, there is not a decommissioning fund --

17 MS. TOURANGEAU: Right.

18 THORN DICKINSON: -- or assurances.

19 MS. TOURANGEAU: For any financial
20 assurances related --

21 THORN DICKINSON: That's correct.

22 MS. TOURANGEAU: -- to this project?

23 THORN DICKINSON: That's correct.

24 MS. TOURANGEAU: So we have to assume that
25 there is no cost coverage for that.

1 MR. MANAHAN: I would object to this line of
2 questioning. It's not relevant to the hearing
3 topics. There is four hearing topics here and I
4 don't see how decommissioning is relevant to these
5 hearing topics.

6 MS. TOURANGEAU: I think the door was opened
7 when he was specifying that the project had only
8 be -- could only be --

9 MR. MANAHAN: Well, you'll have to --

10 MS. TOURANGEAU: -- around for 40 years.

11 MR. MANAHAN: You'll have to -- Ms.
12 Tourangeau has to explain how the door was opened
13 because it's not a hearing topic.

14 MS. BENSINGER: I would recommend to the
15 Presiding Officer that the question be allowed
16 because the Applicant's witnesses testified that it
17 was not a permanent impact, so it went to the nature
18 of the impacts line of questioning.

19 MS. MILLER: And I would agree. I'll go
20 ahead and allow it in.

21 MS. TOURANGEAU: Thank you. I think you've
22 asked -- you've answered it already.

23 THORN DICKINSON: Okay.

24 MS. TOURANGEAU: Thank you. Did you look at
25 tapering all of Segment 1?

1 THORN DICKINSON: No.

2 MS. TOURANGEAU: Okay. Thank you. These
3 questions are for Burns and McDonnell. And I'm not
4 certain if they apply to you folks or not, but if you
5 can be helpful that's wonderful. Your work on this
6 project included assessing the impacts associated
7 with the transmission of power?

8 MARK GOODWIN: The impacts of the?

9 MS. TOURANGEAU: Impacts to the environment.
10 Why we're here.

11 MARK GOODWIN: From construction of the
12 facilities, yes.

13 MS. TOURANGEAU: Mmm Hmm. Construction and
14 operation you're looking at kind of how to mitigate
15 the -- mitigate, avoid, compensate for those impacts?

16 MARK GOODWIN: For construction of the
17 project, yes.

18 MS. TOURANGEAU: Okay. Not for operation?

19 MARK GOODWIN: Just -- just the construction
20 best management practices, avoidance and minimization
21 measures that are included in the description of
22 maintenance requirements for the project.

23 LAUREN JOHNSTON: There was a vegetation
24 maintenance --

25 MS. TOURANGEAU: Right.

1 LAUREN JOHNSTON: -- component to that -- to
2 our application material.

3 MS. TOURANGEAU: Which was kind of an
4 ongoing item that would be applicable at the
5 post-construction phase?

6 LAUREN JOHNSTON: Correct.

7 MS. TOURANGEAU: Right. Did your work
8 assessing how to avoid, mitigate and compensate
9 include looking at alternatives like undergrounding
10 or tapering?

11 MARK GOODWIN: Initially, no. And Burns and
12 McDonnell wasn't involved with the evaluation of
13 undergrounding.

14 MS. TOURANGEAU: Okay. Have you done that
15 work for other projects?

16 MARK GOODWIN: Evaluation of --

17 MS. TOURANGEAU: Undergrounding.

18 MARK GOODWIN: -- undergrounding and
19 tapering --

20 MS. TOURANGEAU: Mmm Hmm.

21 MARK GOODWIN: -- for other projects?

22 MS. TOURANGEAU: So Burns and McDonnell as
23 an entity hasn't done that for any other project?

24 MARK GOODWIN: I can't -- I mean, we're a
25 company of almost 7,000 employees, I can't really

1 speak to the entire company's experience on that.

2 MS. TOURANGEAU: Okay. But you -- you
3 haven't done any of that analysis for the
4 alternatives analysis for this project?

5 MARK GOODWIN: Not for undergrounding.

6 MS. TOURANGEAU: Okay. Are you aware of the
7 five outstanding river segments that have been
8 discussed earlier today?

9 LAUREN JOHNSTON: Yes.

10 MS. TOURANGEAU: And the use of Spencer
11 Road?

12 LAUREN JOHNSTON: Yes, we're aware of that.

13 MS. TOURANGEAU: And the shoulder passage I
14 think it is over Coburn Mountain associated with the
15 project?

16 LAUREN JOHNSTON: Yes.

17 MS. TOURANGEAU: Does it -- did you or
18 anyone else on the project look at undergrounding to
19 address the impacts associated with those portions of
20 the project other than, as we all know, the crossing
21 of the Upper Kennebec?

22 LAUREN JOHNSTON: I don't know that Burns
23 and McDonnell are the right people to answer that
24 question.

25 MS. TOURANGEAU: Okay. Thanks.

1 Mr. Dickinson, can you or Mr. Mirabile answer that
2 question?

3 THORN DICKINSON: Yeah, we did not consider
4 it.

5 MS. TOURANGEAU: Okay. Thank you. That's
6 all my questions.

7 MS. MILLER: Thank you.

8 MR. MANAHAN: Ms. Miller, this is Matt
9 Manahan. I have a -- just a couple redirect
10 questions for before the next panel.

11 MS. MILLER: We're going to do the
12 Department's questions first and then we'll do
13 redirect.

14 MR. MANAHAN: Thank you.

15 MR. BEYER: Mr. Dickinson, in your testimony
16 you specified that data delivery was one factor that
17 the Massachusetts RFP considered. Would burying the
18 line take longer to construct than on overhead
19 installation?

20 THORN DICKINSON: Yeah, I think all else
21 being equal, I think it would be a longer project,
22 yes.

23 MR. BEYER: How much?

24 THORN DICKINSON: I think I would -- it --
25 I -- I would leave it to the engineers to tell me a

1 little bit more about that, so.

2 MR. BEYER: Okay.

3 THORN DICKINSON: It's a more complicated
4 process, so.

5 MR. BEYER: Why did you choose HVDC
6 technology?

7 THORN DICKINSON: So for the Hydro-Quebec
8 bid, Quebec is what we'd say non-synchronized with
9 the rest of the U.S. grid around it and really around
10 the other components and what that means is that if
11 you were to line up the alternating current to the
12 typical sign wave --

13 MR. BEYER: Yup.

14 THORN DICKINSON: -- they wouldn't match-up,
15 so you can't connect two alternating current system
16 where those two sign waves aren't aligned. As a
17 result, you need essentially a clutch sort of between
18 these two regions and a direct current system
19 provides that clutch. By converting from alternating
20 current in Quebec to direct current and then from
21 direct current back to alternating current you have
22 that clutch that exists. Now, as soon as you make
23 that commitment, the -- the DC line -- the HVDC line
24 actually is much more efficient in delivering
25 energy -- probably about twice as efficient at

1 delivering energy over long distances. So once
2 you -- once you have an engineering requirement of
3 creating a conversion from AC to DC from DC back to
4 AC, the best thing you can do is to try to broaden
5 out that -- that spread between the converters and
6 that's why the converter station 50 or so miles into
7 Quebec and then into Lewiston is the -- why that --
8 the length of that was there.

9 MR. BEYER: Okay. In Mr. Russo's pre-filed
10 testimony, he discusses that the HVDC technology is
11 subject to faults. And I'm a fish guy by training,
12 so would undergrounding the line eliminate some of
13 those risk of faults?

14 THORN DICKINSON: Again, I'll leave it to
15 the engineers that really study this more. There are
16 some operational issues actually with an
17 undergrounding -- undergrounding line and it has to
18 do with the ability to locate a fault and an ability
19 to clear it once you -- once you have located at the
20 time the fault. I think it's better to leave it to
21 them, but, you know, the -- we believe that an
22 overhead transmission line whether it was alternating
23 current or direct current can be operated efficiently
24 and effectively.

25 MR. BEYER: Okay. In the areas where the

1 project is co-located, would it be possible to locate
2 the conductors existing structures or is that not --
3 ISO New England wouldn't let you do that?

4 THORN DICKINSON: I hate to keep punting to
5 my -- my engineering friends, but I think they're
6 going to be better able to answer that. There is --
7 there -- you know, one of the limits associated with
8 this size of this line, the 1,200 megawatts, is
9 what's called a single loss of supply condition for
10 the ISO, so they don't want any individual line or
11 any individual generator that's more than 1,200
12 megawatts to have the probability of dropping off,
13 so.

14 MR. BEYER: Okay.

15 THORN DICKINSON: To your point is the more
16 you put at risk more than one element of a
17 transmission line, so if you had at a 1,200 megawatt
18 plus another line that maybe could handle another 4
19 or 500 megawatts my -- my guess would be that that
20 would create a real major reliability issue for the
21 ISO. You need to be able to demonstrate that a
22 separate line of 1,200 megawatts is a -- has a single
23 point of failure.

24 MR. BEYER: So if I understand you correctly
25 what you're saying is if something happened to that

1 one structure with two lines on it, now all of a
2 sudden you're out 1,600 megawatts?

3 THORN DICKINSON: Correct. Correct.

4 MR. BEYER: Okay.

5 THORN DICKINSON: And just so -- why that's
6 important is the whole market around the ISO pays
7 generators that has the ability to react
8 instantaneously to outages like that. So they --
9 they need to make sure that they're not over paying,
10 so having 1,200 megawatts that has the ability to
11 react within a certain period of time makes sense,
12 but they believe that the risk of anything more than
13 that that is too significant.

14 MR. BEYER: Okay. Mr. Mirabile,
15 construction around the streams that contain Roaring
16 Brook Mayfly and spring -- Northern Spring
17 Salamander, during construction I understand
18 ultimately there will be full height, full canopy
19 height, how much of that will you need to cut in
20 order to construct the line?

21 GERRY MIRABILE: I would need to consult
22 with the access plan on the natural resource maps in
23 those particular areas to know for certain because
24 how much we'd need to cut depends upon how we would
25 access the corridor. So if we're coming into the

1 corridor from off corridor in several locations --

2 MR. BEYER: Yup.

3 GERRY MIRABILE: -- that would reduce --
4 potentially reduce the need for clearance within the
5 corridor and, you know, we can quantify that more
6 specifically by consulting the natural resource maps.

7 MR. BEYER: But you don't -- my -- you don't
8 have to clear the whole --

9 MR. BEYER: Not at all. I mean, I would
10 think it would be a travel corridor of something like
11 12 to 16 feet or to, you know, for the equipment
12 required to install the structures and -- and then
13 lay down areas around the structure installation
14 locations to, you know, actually put the pieces
15 together for the structures to erect them.

16 MARK GOODWIN: I don't know if it will -- if
17 it will be that easy to view on the screen there, but
18 Exhibit CMP-3-F would give you a good depiction of
19 what areas need to be cleared.

20 MR. BEYER: Pre-file or rebuttal?

21 MARK GOODWIN: It's pre-file.

22 MS. PEASLEE: What was the number on it?

23 MR. BEYER: 3-F.

24 MARK GOODWIN: Yes.

25 MR. BEYER: Okay. So from the looks of this

1 map, you've got structure 3,006-634 and 3,006-635 and
2 access roads -- no access road in between them, so
3 that space in between them will you have to cut any
4 of that vegetation to construct the line or will
5 they -- they just leave the -- anything shorter than
6 35 feet?

7 GERRY MIRABILE: So this is an area of
8 taller structures to allow full height vegetation.

9 MR. BEYER: Right.

10 GERRY MIRABILE: And so I don't believe we
11 would need to cut anything between those two
12 structures.

13 MR. BEYER: Thank you. Mr. Goodwin, you
14 spent a fair amount of time discussing MPRP and the
15 permitting of that project and the construction of
16 that project. Was there any new right of way
17 associated with that project?

18 MARK GOODWIN: There was on Segment 15, I
19 believe that was in Litchfield, and it wasn't -- it
20 wasn't a really large section of right of way. I
21 think several miles.

22 MR. BEYER: Okay.

23 MARK GOODWIN: Litchfield and West Gardiner.

24 MR. BEYER: Okay.

25 MARK GOODWIN: Possibly a little bit of

1 Monmouth, but I'm not entirely sure.

2 MR. BEYER: But certainly not 53 miles?

3 MARK GOODWIN: No, sir.

4 MR. BEYER: Thank you. One last question
5 for Mr. Dickinson. Just so I'm clear, so if the
6 project were to increase for some -- whatever reason,
7 the cost of the project was to increase, that's not
8 passed on to ratepayers either in Maine or in
9 Massachusetts; is that correct?

10 THORN DICKINSON: That's correct.

11 MR. BEYER: Okay. Thank you. That's all I
12 have.

13 MR. REID: I've got a question, I think
14 probably best for Mr. Dickinson. In response to
15 Mr. Mahoney's questions, he talked a little bit about
16 the idea of carrying costs and I think you mentioned
17 operations and maintenance and property taxes and
18 depreciation. Could you break those three factors
19 out and compare how those are affected by burying the
20 line as opposed to your current proposal?

21 THORN DICKINSON: Sure. The -- let me start
22 by saying I think a carrying charge is a quick and
23 easy way to try to move from a capital cost to an
24 annual cost related to a project and the philosophy
25 of a percentage as you look across the whole

1 portfolio of projects and you say on average what
2 percent on an annual basis is my O&M of capital
3 costs, what percentage is administrative and general
4 of my capital cost, depreciation and property taxes and
5 so forth. So you -- it's a quick way of saying on
6 average for every dollar of capital I spend there is
7 a certain percentage that I can assume I can scale
8 for O&M. Now, the -- to do an actual -- we didn't
9 use a fixed charge rate in order to build out our
10 financial model for bidding into the Massachusetts
11 EDC, we did what you would say more like a bottom up
12 kind of approach where we actually looked at what we
13 thought the O&M expenses were going to be, what we
14 thought the property taxes were going to be, those
15 kind of things went into our bid. But when we're
16 looking at changes in capital like we are here,
17 again, a shortcut I would call it way or a simple
18 back of the envelope way is to -- to recognize that
19 many things move on a linear basis with capital and
20 so I would generally expect that O&M would increase
21 by capital, property taxes would increase by -- by
22 capital, A&G -- administration and general costs
23 definitely would because that's an allocation across
24 all of the businesses and then all of your return and
25 depreciation would also scale. I think maybe the one

1 area might be O&M that you might want to really dive
2 into a little bit more and study that a little bit
3 and I think all of the other factors are linear.

4 MR. REID: Obviously there is a significant
5 up front cost associated with burying and maybe some
6 additional time in construction, are there benefits
7 to you as the owner and operator for the line once
8 you get past those from having a buried line as
9 opposed to above ground?

10 THORN DICKINSON: You know, I -- my instinct
11 is to allow the engineers that really did the
12 analysis here in rebuttal testimony to speak more to
13 it, but, again, one of the -- one of the issues that
14 when we looked at a longer amount of undergrounding
15 for rebuttal testimony was the ability to reclose
16 when there is a fault. If you have a -- an
17 overhead -- an overhead line and you have a fault you
18 have a very high probability of knowing where that
19 fault is and from that you can make a determination
20 on how quickly you can reclose that line and make
21 sure it's back into operation. With an underground
22 line, particularly a segmented line it's very -- it's
23 much more difficult to understand whether it was in
24 overhead or underground portion and then on what
25 side. So I -- off the top of my head, I'm not coming

1 up with a lot of benefits of undergrounding.
2 Obviously you do eliminate one probability, which is,
3 you know, lightening strikes that could happen
4 directly to an overhead line, but we have protection
5 for that. But I think without trying to punt too
6 much to the other panel, I think it would be good for
7 them to answer the question.

8 MR. REID: Thank you.

9 MR. STEBBINS: I do have a question and this
10 may be for the engineers. What is the typical impact
11 area associated with just a pole placement?

12 MARK GOODWIN: It depends on the -- on the
13 structure type and it depends on the type of impact
14 you're asking about. For permanent fill impacts it's
15 typically 40 square feet. For the larger structures
16 it can go up to 180 square feet. And then the
17 temporary impact areas, I don't know the numbers off
18 the top of my head, but, you know, you're probably
19 for the -- for the monopole HVDC structures you're
20 talking on the order of a few thousand square feet
21 and that, again, that can vary depending on the type
22 of structure that's used.

23 MR. STEBBINS: Okay. I guess my follow-up
24 question would be depending on the type of structure
25 that you put in, were those additional impacts

1 considered during your total amount of wetland
2 impact, which I think was 4.1 acres off the top of my
3 head that you guys mentioned earlier today?

4 MARK GOODWIN: The -- so the permanent
5 wetland fill for transmission line structures on the
6 project is .15 acres. The remainder of that is
7 associated with substation development. So the
8 overall footprint for permanent fill for permanent
9 fill for transmission line structures is incredibly
10 low. You know, and to answer your question, you
11 know, the -- you know, the structures are almost 100
12 feet tall. They span close to 1,000 feet, maybe over
13 a thousand feet in places. Those span lengths
14 minimize the number of structures that are placed in
15 the ground and allow us to go over wetlands rather
16 than be in them to the extent that we can do that.

17 MR. STEBBINS: Okay. Thank you.

18 MARK GOODWIN: You're welcome.

19 MS. MILLER: Peggy. I mean, Ms. Bensinger.

20 MS. BENSINGER: I have a couple questions.
21 If you were to underground a portion of the line, you
22 said you would do vegetation management for a 75 foot
23 wide strip?

24 GERRY MIRABILE: (Indicating yes.)

25 MS. BENSINGER: And what would that

1 vegetation management look like? You talked about
2 the roots being the concern. What kind of vegetation
3 would be allowed to grow over an underground line?

4 GERRY MIRABILE: I'll let the engineers
5 correct me if this is not fully accurate, but my
6 understanding is it would be very much like we have
7 in a typical scrub/shrub habitat, not large trees,
8 not, you know, deeply routed trees with a huge spread
9 but scrub/shrub habitat with limited localized roots.

10 MS. BENSINGER: And where the ground --
11 where you are doing the horizontal directional drill
12 under the Kennebec, how far away from the banks of
13 the Kennebec is the point on each side where the line
14 goes underground?

15 GERRY MIRABILE: Yup. There are different
16 ways of measuring that because there is a section --
17 well, there are termination stations where it
18 transitions from overhead to underground and then
19 there is a stretch of trenched rather than horizontal
20 directional drill between the termination station and
21 where it transitions to horizontal directional drill.
22 I don't have those exact numbers. I -- it's in
23 the -- I think it's in the few hundred feet between
24 the termination station and where it transitions to
25 horizontal directional drill, in part because of the

1 drilling angle, you know, you have to get to a
2 certain depth before you go to drilling.

3 MS. BENSINGER: So you think it's a few
4 hundred feet from the edge of the river to the point
5 where it goes into the trench?

6 GERRY MIRABILE: No. So I'm going to say
7 1,140 or 1,160 feet of undisturbed tree growth on the
8 west side and 1,450 undisturbed tree growth on the
9 east side. Beyond each of those points there will be
10 a segment where it would be maintained in scrub/shrub
11 because it would be trenched rather than drilled.
12 Does that answer the question?

13 MS. BENSINGER: Mmm Hmm.

14 MS. MILLER: Any other questions? Okay.
15 We'll go ahead briefly for redirect.

16 MR. MANAHAN: I just have two quick
17 questions. The first one is for Mr. Goodwin. We
18 heard this morning, Mr. Goodwin, from Mr. Publicover
19 and I think some other questions having to do with
20 pine marten and fragmentation issues and some -- in
21 those questions some concerns were raised about the
22 adequacy of the compensation plan. My question for
23 you is what did the Department of Inland Fisheries
24 and Wildlife say with respect to fragmentation issues
25 and what concerns did they raise about that with --

1 with respect to the compensation plan proposed?

2 MARK GOODWIN: Obviously there was
3 discussion about significant vernal pool habitat,
4 which we have adequately addressed through siting
5 minimization measures and the compensation. Beyond
6 that, the discussion was limited to deer wintering
7 areas, specifically the Upper Kennebec deer wintering
8 area, you know, in terms of that habitat type
9 requiring compensation.

10 MR. MANAHAN: So they didn't raise
11 fragmentation as a concern?

12 MARK GOODWIN: Generally speaking, habitat
13 fragmentation wasn't a big concern for IF&W other
14 than for generally mostly deer wintering area.

15 MR. MANAHAN: Okay. The next question is
16 for Ms. Johnston and that is a similar question with
17 regard to Mr. Reardon's questions having to do with
18 cold water fisheries and brook trout. Did IF&W
19 express concern with the compensation plan? Were
20 they ultimately satisfied with the compensation plan
21 and how it addressed cold water fisheries?

22 LAUREN JOHNSTON: They were ultimately
23 satisfied with the compensation plan and the proposed
24 expanded buffers that -- that we provided in our most
25 recent compensation plan in January of 2019.

1 MR. MANAHAN: Thank you. No further
2 questions.

3 MS. MILLER: So we'll go forward with the
4 schedule. What we'll do now is have Witness Panel
5 Number 2 come on up. So we'll have a five minute
6 transition.

7 (Break.)

8 MS. MILLER: Okay. I'm going to go ahead
9 and call this to order. So right now we're going to
10 be listening to the direct testimony from Witness
11 Panel 2 for the Applicant and they ended a half an
12 hour early on their Witness Panel 1 and requested
13 that extra half hour be for their Witness Panel 2, so
14 they have 60 minutes.

15 MS. BENSINGER: If you need it.

16 BRIAN BERUBE: Good afternoon. My name is
17 Brian Berube and I am the manager of real estate
18 services for Avangrid testifying on behalf of Central
19 Maine Power for the New England Clean Energy Connect
20 Project. I am here to present my testimony on the
21 three alternatives that CMP analyzed when designing
22 the project. The three routes are the preferred
23 project route, Alternative 1 and Alternative 2.

24 Alternative 1 will have a greater
25 environmental impact and is not a practicable

1 alternative because it requires a new Appalachian
2 Trail crossing whereas the preferred crosses the ATL
3 location with existing transmission line assets. It
4 requires acquisition of conservation lands whereas
5 the preferred route does not. It requires 93 miles
6 of new corridor, whereas the preferred route requires
7 only about 54. It requires more landowner
8 acquisitions. For these reasons, Alternative 1 would
9 have a greater environmental impact and is not
10 practicably -- not a practicable alternative to the
11 preferred project route.

12 Alternative 2 would also have a greater
13 impact -- greater environmental impact. It is not a
14 practicable alternative because it requires a new
15 Appalachian Trail crossing whereas the preferred
16 route crosses the ATL location with existing
17 transmission line assets. It requires the
18 acquisition of land in the Bigelow Preserve and from
19 the Penobscot Indian Nation. It contains more
20 wetland and stream crossings and it requires more
21 landowner acquisitions. For these reasons,
22 Alternative 2 would have a greater environmental
23 impact and is not a practicable alternative to the
24 preferred project group.

25 Based on the results of the alternatives

1 analysis it is my opinion that there are no
2 alternatives that would lessen the project's impact
3 on the environment or the risks it would engender to
4 the public health or safety without unreasonably
5 increasing its costs, a less environmentally damaging
6 practicable alternative for the project which meets
7 the project purpose not does exist.

8 Thank you for your consideration.

9 AMY SEGAL: Hello. My name is Amy Segal.
10 I'm a Maine licensed landscape architect with
11 Terrance J. DeWan Associates located in Yarmouth,
12 Maine. I have worked for the firm for about 26 years
13 with a majority of my work focused on Visual Impact
14 Assessments or VIA for mostly in Maine. Our firm
15 works with conservation organizations, energy
16 developers, utility companies and state and federal
17 agencies to evaluate potential visual impacts on a
18 range of proposed projects. Our firm is one of the
19 three firms and the only one in Maine that is
20 pre-qualified to perform pier reviews of visual
21 assessments for the Maine DEP. Over the past four
22 decades our firm has worked on over 100 VIAs
23 throughout the northeast, on-shore and off-shore
24 wind, transmission lines, aquaculture facilities,
25 bridges, tar plants, landfills and so on. Our

1 evaluations include field work, preparing
2 photosimulation and viewshed mapping, visual impact
3 analysis, recommending mitigation measures and
4 offering testimony before agencies such as yourself.

5 We have worked for CMP before specifically
6 on the Maine Power Reliability Program or MPRP, as
7 was said before, that was reviewed and approved by
8 DEP in 2010. I, with our firm's project manager for
9 the New England Clean Energy Connect Project, am
10 primarily responsible for research and field work and
11 overseeing the production of mapping and
12 photosimulation and the prime author of the
13 assessment. Our presentation today will summarize
14 the criteria methodology used in preparing the VIA
15 for the project and concludes a review of the
16 proposed mitigation measures as illustrated through
17 photosimulation.

18 This summary will support our conclusion
19 that the project will not unreasonably interfere with
20 existing scenic and aesthetic uses and does not
21 diminish the public enjoyment appreciation of the
22 quality of the scenic resources and any potential
23 impacts have been minimized and also that the
24 activity will not have an unreasonable impact on the
25 visual quality of the protected natural resources as

1 viewed from scenic resource.

2 Mr. DeWan will now introduce himself and
3 review the criteria methodology reviewed in the VIA.

4 TERRY DEWAN: Thank you, Amy. My name is
5 Terry DeWan. I am a licensed Landscape Architect in
6 the State of Maine and I have 40 years of experience
7 working with visual impact assessment throughout the
8 State of Maine. I've appeared before this board on
9 several occasions over the past years and we're going
10 to be talking today about the methodology that we've
11 used to reach our conclusions. For the last
12 year-and-a-half I've been working with Amy and CMP to
13 satisfy some of the comments that we heard during
14 some of the peer review process to make sure that it
15 met the criteria of the state. We prepared the VIA
16 for the New England Clean Energy Connect using
17 standard Visual Impact Assessment methodologies that
18 we have used over the years and we've refined our
19 methodology as we've gone along following the
20 standards described in the Natural Resources
21 Protection Act, Chapter 315 regulations as well as
22 those in the Site Law Chapter 375, the regulations
23 for scenic character.

24 Under NRPA, the DEP is to consider whether
25 or not an activity will not unreasonably interfere

1 with existing scenic aesthetic recreational or
2 navigational uses. So what is unreasonable adverse
3 visual impact? That seems to be the crux of the
4 issue here before us today. Every time we make a
5 change to the landscape no matter what we do there is
6 an impact. Every time it can be seen, well, that can
7 be considered to be seen as a visual impact because
8 you can see it. It's visually apparent. But if the
9 change is perceived to have an objectionable level of
10 contrast, and by contrast we mean contrast in color,
11 form, line, character, scale and so forth and may be
12 considered to be adverse, but then the real question
13 is where is the line that makes it unreasonable? So
14 Chapter 315 supplies us an answer. They defined an
15 unreasonable adverse visual impact as, quote, those
16 that are expected to unreasonably interfere with the
17 general public's visual enjoyment and appreciation of
18 a scenic resource. And, of course, I'll define what
19 a scenic resource is because it is already defined
20 under statute. Or it impacts -- or impacts that are
21 unreasonably -- or otherwise unreasonably impair the
22 character or quality of such a place. Chapter 315
23 requires that an applicant demonstrate that the
24 proposed design does not unreasonably interfere with
25 the existing scenic and aesthetic uses and thereby

1 diminishes the public enjoyment and appreciation of
2 the qualities of scenic resources and that any
3 potential impacts have been minimized. More broadly
4 under 375 the applicant must demonstrate that the
5 project will not have an unreasonable adverse effect
6 on the scenic character of the surrounding area.

7 We've talked a bit today about the effects
8 on outstanding river segments and we did consider the
9 criteria applicable to the crossing of the firebelt
10 and river segments, which Amy will discuss in a
11 moment. We also, as you know, will be talking
12 tomorrow about the effects on the LUPC, P-RR
13 subdistrict.

14 So we followed DEP's methodology as we have
15 done over the years and these are -- and I won't read
16 all of those, but these are the points of the
17 methodology that we've looked at in developing our
18 VIA. We worked very closely with Mr. Beyer and
19 others at DEP to determine the extent of the study
20 area and we have a slide that talks a little bit more
21 about that in a moment. We identified approximately
22 360 scenic resources as defined by Chapter 315
23 throughout the entire course of the project area. We
24 provided computerized viewshed analyses and you can
25 see some examples of that in a moment. Our field

1 staff spent over 90 days in the field looking at it
2 from all different sorts of aspects and photographing
3 it. Back in the office, we did extensive assessment
4 of project visibility to determine where the project
5 would be visible, how much it would be visible and
6 then the degree of contrast that it may have with the
7 surrounding landscape. We then prepared 53
8 photosimulations, which some of which you can see in
9 the back of the room here, to show the extent of the
10 visibility within the study area. We also then wrote
11 the Visual Impact Assessment and you see the volumes
12 of it right here. And perhaps more importantly, we
13 worked very closely with Central Maine Power Company
14 throughout the process and their engineers to
15 recommend and evaluate mitigation measures where we
16 felt it would be necessary.

17 You've heard us talk about the five areas
18 that the project was divided into, the five segments.
19 Segment 1 is the 53.5 miles that seems to be the
20 focus of attention here. This is the new corridor
21 from Canada to The Forks. This is a corridor, as you
22 know, will be 150 feet in width. The transmission
23 line will be supported by self-weathering steel
24 monopoles and not the gray lattice work structures
25 that you see very often pictured in the media. On

1 occasion, a single monopole will also be joined by
2 another pole side by side at an angle point. These
3 are dark brown in color so that's what we mean by
4 self-weathering steel. Segment 2 is a 22 mile
5 segment where it starts the co-located segment from
6 The Forks down to Wyman Hydro. This is where the --
7 the project will be -- the corridor width increased
8 in width by 75 feet. Segment 3 is 70 miles of
9 co-located corridor down to the Larrabee Station in
10 Lewiston. Segment 4 is the rebuilt section bringing
11 the -- bringing the line to the Thicket Road
12 Substation in Pownal and 16 miles. And lastly, is
13 Segment 5 which connects the Coopers Mills Substation
14 in Windsor to the Maine Yankee Substation.

15 So what constitutes the study area? You
16 know, how do you decide, you know, where to extend
17 your viewshed analyses and studies to? In this
18 particular case, we went three miles on either side
19 of the center line of the corridor generally.
20 However, because of the nature of the topography, the
21 fact that there are a considerable amount of hills
22 and mountains surrounding it, we decided to go out 5
23 miles on either side as can you see in the next
24 slide. There we go.

25 Another important concept to consider is

1 that of distance zones and, again, we'll reference
2 the Visual Impact Assessment methodology that's
3 contained in Chapter 315, but it's an important
4 consideration in determining the visibility and
5 potential visual impact in looking at a VIA. This is
6 an example of a project in Anson. This is a project
7 showing that the foreground, which is a half a mile
8 from the observer. Details in this situation are
9 pretty apparent. You can count the number of lines
10 in the conductors. You can see the texture on the --
11 on the structures and so forth.

12 The next area in the distance zone continuum
13 is the mid-ground and that goes from the edge of the
14 foreground roughly a half a mile out to 3 miles. And
15 this particular illustration, which is on Route 201
16 looking towards Coburn Mountain, the project was
17 located about 2 miles from the observer. This -- and
18 this -- in the mid-ground patterns and lines are most
19 noticeable in the landscape. And lastly, the
20 background. Again, the whole continuum of distance
21 zones is anything beyond 3 miles. And this
22 particular location, which we're on top of Bald
23 Mountain on the Appalachian Trail. If you look very
24 carefully you can see both the existing and the
25 proposed corridor as Amy is pointing out. It's

1 sometimes very difficult to see and that very often
2 it's almost impossible to see once you get to that
3 level of viewing distance.

4 So finally, we've used the term scenic
5 resources and these, as I said, are defined by
6 Chapter 15 as, quote, public natural resources and
7 public lands usually visited by the general public in
8 part for the purpose of enjoying their visual
9 quality. We've identified, as I said, over 360
10 places that are considered to be scenic resources and
11 we have summarized them on 22 pages in Attachment F
12 of our testimony.

13 Just to go through some of them, National
14 Natural Landmarks are the first category of scenic
15 resources and, again, I won't go through all of the
16 ones we've identified, but such as Number 5 Bog and a
17 Jack pine stand. We have found that there are some
18 state and national wildlife refuges, such as the Fahi
19 Pond in Embden; there are of course state and
20 federally designated trails such as the Appalachian
21 Trail; properties on or are eligible for inclusion in
22 the National Register of Historic Places such as the
23 Arnold Trail; national and state parks such as the
24 Androscoggin Riverlands State Park; municipal parks
25 and open spaces such as the Pleasant Ridge swim area

1 on Wyman Lake and back to the dam; publicly owned
2 land, visited in part for the use, observation and
3 enjoyment and appreciation of natural or manmade
4 visual qualities and for these we use examples like
5 the state land up on top of Coburn Mountain or
6 certainly the Route 201 Scenic Byway; and lastly,
7 public resources in general such as Moxie Pond or the
8 Kennebec River and, as I said, we have a very
9 complete listing of those resources that we've
10 evaluated.

11 So that's an overview or methodology of what
12 we've been through to develop the VIA and how we've
13 been guided by the visual assessment procedures
14 outlined in Chapter 315. I'll now turn it back over
15 to Amy who will discuss how we apply this methodology
16 and show you a series of photosimulation that have
17 been taken to mitigate potential adverse individual
18 impact to scenic resources.

19 AMY SEGAL: Okay. So the next couple of
20 slides show how we applied the methodology. This
21 first slide is of a viewshed analysis and excerpt.
22 We do have the project here, the green line coming
23 through here in Segment 1. And these black dashed
24 lines represent the 3 and 5 mile study area extending
25 out from there. The areas in purple show where there

1 is theoretical project visibility. And of course
2 based on our research and that viewshed analysis that
3 we're using as a tool we develop our field plan and
4 then document existing conditions from both locations
5 that are justified according to professional
6 standards. As Terry mentioned, we completed over 90
7 personal days of field work. We take those
8 photographs, we bring them back to our office, we use
9 our model that was supplied by the project engineers
10 and we merge them.

11 In this diagram -- oops. In this diagram
12 you can see that we have this green line representing
13 the foreground trees, the red line represents the
14 project area that is located behind those trees,
15 therefore, these trees will screen the project from
16 this viewpoint. So this is the type of analysis we
17 did for the resources.

18 We prepared, as Terry mentioned, over 50
19 photosimulations for the project. Those photo
20 simulations showed, you know, we intentionally did a
21 diversity of viewing distances in the foreground,
22 mid-ground and background, also looked at viewpoint
23 types such as ponds, mountains, road crossings and
24 then looked at the surrounding land use and
25 documented that. Based on those sort of simulations

1 we used the Appendix A from Chapter 315 to evaluate
2 the visual impacts for each one of these
3 photosimulations. This is an excerpt. Then we also
4 did this again for the leaf-off or snow cover
5 photosimulation that were done for 10 different
6 locations. As Terry mentioned, we then -- this is a
7 listing of the visual mitigation recommendations that
8 the project is involving. So you've already heard
9 Thorn -- Mr. Dickinson speak about the overall
10 project siting. You've heard about the HDD under the
11 Kennebec River. The rest of these we will illustrate
12 with our photosimulations.

13 All right. So we have this next part of the
14 show here is we have the groups of photosimulations.
15 We have, you know, a collection from Segments 1 and 2
16 including the Appalachian Trail; we have Route 201,
17 outstanding river segments; and then at the end we
18 have road crossings from Segments 3, 4 and 5. So I
19 think we'll have time to get through all of it, so
20 I'll just do a time check when we get there.

21 Okay. So this first diagram is a blow-up of
22 that project map from before. We will be looking at
23 photosimulations from Beattie Pond here, Rock Pond,
24 Parlin Pond, Coburn Mountain, Cold Stream -- yeah,
25 Cold Stream and Moxie Stream and Moxie Pond.

1 Okay. The first one, Beattie Pond. So
2 the -- here is the Canadian border. The project is
3 the green line moving through here. Beattie Pond on
4 the border between Beattie and Lowelltown Township.
5 Beattie Pond is a 25 acre waterbody. It's a remote
6 pond or a class -- management Class 6. It therefore
7 has a half mile buffer around it. Again, this is the
8 project going through here. This pond there. There
9 is a camp here on the southern area on the shoreline.
10 And there is an access -- gated access road that
11 comes in through here.

12 The viewpoint that we used is from the
13 northeast corner of the pond up here because -- and
14 we chose that location because it would have the
15 greatest amount of potential visibility. This is a
16 panoramic view looking in that direction. And here
17 is a view focused in on the project. This is
18 existing conditions. This is the initial
19 photosimulation that was submitted in September of
20 2017. You can see the double poled angle structure
21 that would be visible above the tree line here and
22 what they call the Smart Mountain would be back
23 behind there. So in working with the engineers and
24 recognizing the visibility of those structures, we
25 went back and worked with them in January 2019,

1 submitted this revision, which the tip of the
2 structure is just barely visible over the tree tops
3 there. The structure was reduced in height of about
4 39 feet.

5 Moving on to Rock Pond. This is about a 145
6 acre pond in T5 R6. Again, the project is here in
7 the green line. There is the pond. We, again, found
8 the place on the pond that would have the most
9 potential project visibility. This is based on
10 viewshed analysis and also based on our field work.
11 So we selected this -- selected this location in the
12 southeastern corner. The project towards the north.
13 This is a panoramic view looking to the northwest and
14 to the north towards Three Slide Mountain,
15 Tumbledown, Greenlaw and Number 5 and 6 Mountains.

16 Just -- I'm making one more comment about
17 Rock Pond. So Rock Pond is assigned a significant
18 rating for its scenic qualities. And just to back up
19 a little bit with that there is over 1,500 grade
20 ponds in the unorganized territory in Maine and the
21 Maine Wildlands Lake Assessment has assigned scenic
22 resource quality ratings as either a significant or
23 outstanding for 280 of those grade ponds. So, again,
24 Rock Pond is rated significant for scenic resources.
25 Obviously it was, you know, a scenic resource we

1 needed to look at.

2 The pond has a carry-in boat launch on the
3 north end, a handful of campsites on the north end
4 and two camps on the eastern side of the pond. This
5 view, again, is from the eastern corner looking
6 towards the northwest. Here is a photosimulation
7 depicting the full height vegetation around Gold
8 Brook up towards the notch in here and through here.
9 And as you heard earlier from the first panel in
10 working with IF&W the monopoles on either side of
11 Gold Brook needed to be taller to accommodate a full
12 height vegetation. Upon reviewing this change with
13 the team, we recommended the use of tapered
14 vegetation management techniques for the visible
15 corridor remaining in the notch. So this was the
16 portion up in through here. Because as your eye
17 travels down the notch and over even though it's kind
18 of lumpy, we felt that that would be noticeable. So
19 the technique minimizes the visual impact when viewed
20 from Rock Pond. So I'm going to kind of pan back and
21 forth here a couple of times so you can see the
22 difference. So this photosimulation reflects the
23 tapered vegetation management within that corridor.

24 All right. Now, we're going to show you a
25 cross-section of this tapered vegetation management

1 to understand this a little bit more. So -- so you
2 have this monopole structure here and you have trees
3 and vegetation that remain that are approximately 15
4 feet in height. As you move out toward the edge of
5 the corridor trees will get taller, approximately 35
6 feet in height.

7 Okay. So now we're going to look towards
8 the north. There is existing conditions. This is
9 proposed conditions. The corridor clearing itself
10 won't be visible. The change in vegetation will be
11 slightly visible. The structures as we've talked
12 about numerous times are going to be the
13 self-weathering steel, so they are dark brown. They
14 will blend with the wooded backdrop. This is a
15 location where we also recommended an additional set
16 of mitigation which was to us use non-secular
17 conductors along this section so that the conductors
18 connecting between the connectors would be less
19 visible. And to describe what non-secular conductors
20 are they're basically pretreated in a way that
21 reduces the potential reflectivity from the sunlight
22 and we felt that in this instance where the viewer is
23 south of the project and looking to the north that
24 sunlight coming up over head would reflect off the
25 conductors, so we felt that this was a good location

1 to recommend that.

2 Okay. Moving on to Coburn Mountain in Upper
3 Enchanted Township. The green rectangle there is the
4 portion that's owned by the state. This is the ridge
5 of Coburn Mountain right through -- going through
6 here. The project is the green line here. Route 201
7 is the purpose line. Also, I just want to reference
8 quickly too this graphic that was our rebuttal
9 graphic that accompanies our rebuttal testimony. We
10 can answer questions to that a little bit later, but
11 that describes in more detail what portion of that
12 green line would actually be visible.

13 Okay. So, again, this the viewpoint from
14 the summit of Coburn Mountain. This is a photograph
15 looking southwest towards Johnson Mountain and the
16 valley here with the logging roads and clearcuts and
17 strip cuts and this grade and the management through
18 there. Here is the structure and solar panels at the
19 top. This photograph is taken from the observation
20 tower, which is approximately 20 feet above grade
21 looking -- if you kind of look down on the structures
22 here. In this photograph to the lower right is
23 looking off to the northwest towards Grace Pond.

24 So focusing in on the view towards the most
25 visible portion of the project from the summit of

1 Coburn Mountain. This is the existing conditions
2 view looking towards the east. The closest portion
3 of the project right here we've got one mile away.
4 The furthest portion of the project is back in
5 through here. And this area is, you know, into the 5
6 miles and beyond so it's really in the background for
7 viewing distance and is not very noticeable. And now
8 we're just sort of panning a little bit more to the
9 south. This is existing conditions. You can see the
10 patchwork of the commercial forest operations here
11 and logging roads. This is the initial
12 photosimulation that we submitted. Obviously the
13 corridor is 150 foot wide and would be more
14 noticeable with snow cover. Structures are minimally
15 visible, again, because of their dark brown color.
16 And working with CMP and our engineers we looked at
17 the possibility of doing tapered vegetation
18 management here as well and this would be a 2.2 mile
19 stretch of tapered vegetation management from that
20 closest location, which is about a mile away to this
21 which is just about 3 miles away. So we felt this
22 minimized visibility of the corridor quite a bit. It
23 makes the corridor look very similar to the existing
24 logging roads that are cutting through there.

25 All right. Moving on to Parlin Pond in

1 Parlin Pond Township. This pond is rated significant
2 for its scenic resources. It's approximately a 580
3 acre pond. You can see Route 201 along the west side
4 of it. Okay. Oh, yeah, just to point out, so the
5 viewpoint on that northern portion of the pond
6 looking to the south you'll see towards Coburn the
7 cabins and sort of development on the west side
8 primarily are looking -- are oriented towards the
9 east towards Parlin Mountain.

10 Okay. So this is a view from the north
11 looking towards Coburn Mountain. This is a winter
12 view and that's the project here in this area there.
13 It's approximately 2.7 miles away from that -- from
14 our viewpoint location. And the main mitigation
15 strategies utilized here was to place -- take care
16 and place that line in a location where, you know,
17 the line will actually mimic the profile of the
18 mountain and it wouldn't be significantly visible.
19 In fact, there is just a small area of potential
20 corridor clearing that you would see. The structures
21 generally will blend and at this distance the
22 structure would not be very distinguishable. Here is
23 a summer photosimulation in a similar location.
24 Again, you can somewhat see a change in the
25 vegetation. The structures up there is about 2.7

1 miles away from the viewers.

2 And now we're going to move towards Cold
3 Stream, Cold Stream forest parcel. Cold Stream is a
4 scenic river as designated in the Maine River Study.
5 Primarily one of the reasons why it's designated as a
6 scenic river is because of Cold Stream Falls, which
7 is 2.1 miles upstream from this location. The
8 project will not be visible from Cold Stream Falls.
9 All right. Let me go back here one more time. So
10 here is the project here in the bright green. Those
11 white dots represent the proposed structures. This
12 is Capital Road coming off Route 201 here. Capital
13 Road through here. This is the previous alignment of
14 Capital Road there. The Cold Stream forest parcels
15 are sort of on either side here. There is a gap
16 where the roads and the project will be located. The
17 orange dot represent ITS 87. This is a photograph
18 from the ITS 87 bridge looking back towards Capital
19 Road, so the logging road there and the culvert. You
20 know, Capital Road is a significant logging road, a
21 two lane logging road.

22 This is a photosimulation showing the
23 proposed change with the project. Obviously the most
24 significant visual change will be the corridor or the
25 clearing for the corridor. So the conductors

1 themselves will be overhead and somewhat filtered
2 through the branches of the vegetation between the
3 viewer and the corridor. The structures are set back
4 pretty significantly from here, so you can't
5 necessarily see them in the same viewscape. This is
6 a one lane, you know, this is the -- the ITS bridge
7 is a narrow bridge. It's sort of a momentary view
8 that you would have as you were crossing through
9 here. I'll also just point out the rip rap on either
10 side kind of shows the old alignment for Capital
11 Road.

12 Okay. I'll move on to Moxie Stream. This
13 is also a designated scenic river in the Maine River
14 Study. Again, primarily because of the Moxie Falls,
15 which is located 1.7 miles downstream of the project.
16 The project will not be visible from Moxie Falls.
17 You can see that -- here is the project here and
18 Moxie Stream comes through there. The viewpoint is
19 looking towards the west.

20 Okay. So this viewpoint location is near
21 where the Fish Pond Road is. There used to be a
22 bridge over the Moxie Stream that's no longer there.
23 There is just a little bit of rip rap on both sides
24 of the road now, but you can sort of drive right down
25 to this location and view it. This -- the way the

1 project has been sited is crossing Moxie Stream.
2 It's in sort of a bend in the river. As you can see,
3 you can't really see in that bend too well so this is
4 kind of as you're moving through here it's sited well
5 to minimize views from say a kayaker or somebody
6 running it in the spring. This is the proposed
7 change. Obviously, again, the biggest change would
8 be the clearing. There will be the riparian --
9 preserve riparian buffer vegetation along here.
10 There is also in this location will be a supplemental
11 buffer planting in here. We're showing the
12 conductors here. You can see the shield wires with
13 the marker balls. Right now, we're not definitely --
14 we haven't definitely heard whether or not the marker
15 balls will be required. I know the Army Corps is
16 still looking at it. It's our understanding the FAA
17 won't require it, but we're still in the process, so
18 to be conservative we've shown those marker balls.

19 Okay. Moving on to Moxie Pond. So this is
20 obviously a much bigger waterbody. It's over 2,200
21 acres. It's rated as outstanding for its scenic
22 resources. It also has quite a bit of development on
23 the western shoreline and there is a road --
24 Troutdale Road runs the length of the western
25 frontage. There is an existing transmission line.

1 This is the beginning of the co-located section. So
2 the existing transmission line runs along the entire
3 length of the 7 miles of the pond and the proposal
4 would widen it by 75 feet on the western side. So
5 the vegetation between the existing transmission
6 lines and the pond and the existing transmission
7 lines and the camps, again, won't change.

8 Okay. So we -- we took photographs from
9 numerous locations on the pond. We did
10 photosimulations from the north end near the boat
11 launch and we chose this one to show today in
12 particular because the existing corridor is the most
13 visible one in this location, so we felt the proposed
14 corridor would be the most visible in this location.
15 It's kind of a worst case for Moxie Pond. This was
16 the initial photosimulation that we submitted in
17 September of 2017. I'll just to go back and forth
18 here. So you can see there are some structures on
19 either side. They're self-weathering so they
20 generally blend with the backdrop, but you have a
21 longer span of conductors that were visible. So this
22 is another instance where we worked with the
23 engineers and said, you know, let's kind of figure
24 out a way to kind of reduce the height of the
25 structure, reduce the conductors and reduce the

1 amount that you would see from here. So on average,
2 where Mr. Mirabile was saying that the average
3 structures are 94 feet and a section along Moxie Pond
4 because they reduced the structures, they reduced the
5 ruling spans the average height is closer to 70 feet.

6 Okay. Now, I'm going to move on to the
7 Appalachian Trail. Okay. So -- okay. Here is the
8 project. It's a co-located section with the blue
9 line moving through here. This is Moxie Pond. This
10 is the Appalachian Trail. It's the red line going
11 through here. This is our 5 mile limit on either
12 side, so there is approximately 14 miles of the
13 Appalachian Trail within that 5 mile span on either
14 side. This is Pleasant Pond Mountain summit here.
15 This is Bald Mountain summit. And this is the area
16 where the AT crosses the existing transition corridor
17 three times in and around Troutdale Road.

18 Okay. This aerial diagram shows the AT as a
19 white line and moving down from Pleasant Pond
20 Mountain down towards Joe's Hole, the southern end of
21 Moxie Pond, and where it crosses the project. So
22 this is the existing corridor, which is kind of a
23 lighter blue and then the expanded corridor on the
24 western side of that. So you can see these points
25 here existing, the first time you cross it here and

1 then down the Troutdale Road. So the distance -- the
2 hiking time if you were to go from Pleasant Pond
3 Mountain down to this crossing it's around three,
4 three-and-a-half hours or so and then takes, you
5 know, a few minutes to get down to the road and then
6 you continue on and we'll get the next aerial when we
7 get there. I just want to give people a sense of,
8 you know, hiking time to get down there.

9 Okay. So this is Pleasant Pond Mountain.
10 This is a panoramic view looking towards the project
11 area. Mosquito Mountain in the center with Moxie
12 Pond going the length there. Focusing on the area
13 that's closest to the project. This is existing
14 conditions. This is proposed. It's very hard to see
15 the difference. From this distance at approximately
16 3 miles it's very hard to perceive the project. You
17 won't see the clearing per se, but you may see tips
18 of structures. So this is a blowup, four times
19 zoomed of the area right there, so you can see double
20 pole angled structure that would be visible --
21 slightly visible at this distance of over 3 miles.

22 So coming down from the summit of Pleasant
23 Pond Mountain, again, hiking about three-and-a-half
24 hours or so you get down to this first crossing of
25 the existing corridor, so this first view is looking

1 to the east. So looking in both directions here,
2 this is looking back towards Joe's Hole and the
3 existing conditions there. And you hike a few
4 minutes, maybe takes 5, 10 minutes to get down to
5 Troutdale Road. And this is the section where the
6 Appalachian Trail is co-located with Troutdale Road.
7 It takes about, I'd say about 60 seconds or so or no
8 it's about -- well, no, you can see it now for about
9 50 seconds or so, you know, I'll say a minute as
10 you're walking down through here, the expanded
11 corridor would extend that visibility time probably
12 about 16 seconds. So you're on Troutdale Road,
13 you're taking northbound underneath the corridor,
14 underneath the existing 150 foot and then the
15 expanded 75. We also did it in the winter. This
16 photosimulation shows the proposed roadside plantings
17 that were -- that we've suggested. We show them in
18 photosimulation just to give you a sense that, you
19 know, it's not going to block the view of the
20 structures, but it will minimize the view of the
21 clearing.

22 Okay. So you were -- we were just down here
23 down in Joe's Hole, we've -- the northbound hiker
24 will then continue on Troutdale Road, will cross over
25 Baker Stream and continue on until they get to this

1 next crossing here. So the whole hike from that
2 first time you encounter the existing transmission
3 line to this third encounter would be about a 20
4 minutes, half an hour. From here it takes another
5 three, three-and-a-half hours to hike to the summit
6 of Bald Mountain. Along this stretch you're not
7 seeing the project. Again, this is that transmission
8 line crossing. That is the third crossing in both
9 directions. This is the panoramic from the summit of
10 Bald Mountain. And this is a view from Bald
11 Mountain. You're looking towards Mosquito Mountain
12 there and Moxie Pond. So in the existing conditions
13 you can see the corridor -- existing corridor sort of
14 intermittently along that section. This is a
15 photosimulation. I'll just go back and forth a
16 little bit. You can see the change slightly in
17 corridor. Here is another view did in the winter.
18 You can see the existing conditions. This is the
19 most visible portion. This is just about under 5
20 miles away. You can see that little bit of the
21 corridor there where the proposed corridor that will
22 be slightly expanded, but not highly noticeable. It
23 certainly wouldn't, you know, highly affect the hiker
24 experience when you're on Bald Mountain or wouldn't
25 interfere with the experience.

1 Okay. Now, we're going to move on to Route
2 201, the Old Canada Road National Scenic Byway. This
3 is a map of a portion of the byway, most of it. So
4 the Canadian border is up here, so the byway from the
5 Canadian border down here towards Madison is that
6 purple line running through here. The project,
7 again, is the green line here and then the blue line
8 is the co-located segment all the way down through
9 there.

10 All right. So there are 49 miles of the
11 byway within the study area, however, the project may
12 only be visible from five locations. The first
13 potential view for southbound travelers is the Attean
14 View Rest Area, a pull-off above Route 201
15 overlooking the Moose River Valley. From this
16 location you can see this big pan here, there is
17 interpretive panels, rest area, et cetera, or
18 bathroom. The project would be over 7 miles -- well,
19 the project is 5 miles away, but this ridge right
20 here blocks the closest 2 miles, so the project would
21 be visible -- portions of the project would be over 7
22 miles away and that would be sort of in that valley
23 basically would not be noticeable to, you know, an
24 average viewer looking at that wide pan and the
25 pattern of the clearing would look similar to the

1 other patterns that are out there.

2 Okay. So as you're moving southbound you're
3 going to travel about 6 miles or so from that rest
4 area to the stretch of the Parlin Pond. Now, you're
5 not stopping here, but from this stretch there is a
6 field on the west side of Route 201, this is Parlin
7 Pond here, and through this segment here you'd
8 have -- the southbound viewer would have about 15
9 seconds of view -- filtered view as you move through
10 here. And so the next series of photograph are sort
11 of replicating the southbound strip moving through
12 here.

13 So when you first -- you can see here this
14 is the Coburn ridge. I'm going to start just to
15 orient you, so then the Coburn ridge opens up as you
16 get into that clearing, so you can see the homes here
17 and some vegetation along the edges. This is -- the
18 project area is in that notch right there, so it's
19 not visible on this whole stretch. It's in this
20 notch over here. So you can see in these photographs
21 as we move through here that that portion where the
22 project is located is filtered through vegetation
23 sort of in the foreground area. We stopped here and
24 we took this photograph and decided to do the
25 photosimulation from here because it would be a

1 location where you would have the most potential
2 visibility. Terry showed this image earlier, so I'll
3 just flip back and forth. Winter view. So you'd
4 have a structure visible here about 2 miles away. A
5 little bit of the corridor clearing in the winter
6 would be noticeable. In the summer you wouldn't
7 notice that.

8 Okay. Now, we're going to drive another 6
9 miles to where the project will cross Route 201 in
10 Johnson Mountain Township at a 90 degree angle.
11 Again, 90 degree angles are the best because they
12 reduce the amount of time that a traveler would be
13 within the corridor and just remove this and I'll go
14 back to that photo in a minute. So this is a
15 photosimulation that we took from the intersection of
16 Judd Road and Route 201 looking at the crossing here
17 in green. And just to kind of put this in context
18 that this -- the crossing is located about 1,300 feet
19 south of Judd Road, about 2,000 feet north of Capital
20 Road, obviously the commercial logging road, and then
21 about 3/4 of a mile north of Jackman town line where
22 it intersects with 201. So it's very intentional
23 that it's located in an area that has a commercial
24 logging activity.

25 Okay. All right. I just want to go back to

1 this photograph. In the same location but looking
2 northbound, we'll look at the southbound view, but
3 looking northbound, you know, there is evidence of
4 commercial forestry, so it's is not -- this is not
5 the most highly scenic portion of Route 201. This is
6 an area where commercial forest operations are
7 evident.

8 Okay. So this is a view looking southbound
9 in the area and obviously in the summer. So as
10 you're driving through here, we picked this view
11 because this would be sort of the longer stretch of
12 potential visibility of the project. You'll see a
13 top of a structure here and you'll see the conductors
14 over the road. So this would be about 80 seconds as
15 you kind of come around the bend and are traveling
16 southbound you'd see this and mainly you're seeing
17 the conductors. Now, obviously you're seeing it in
18 context with the distribution line that travels the
19 entirety of the byway. Going northbound, you see it
20 for a little bit less time for like 30 seconds
21 traveling sort of 50 miles per hour in that area.

22 Okay. So now you've crossed in Johnson
23 Mountain Township and now you're going to travel
24 another 30 miles, which takes say 40 minutes to
25 drive, you don't see the project at all in that 40

1 miles. Then you get to where the project will cross.
2 Here is the 201 here and this is the byway -- I'm
3 sorry, this is the byway here. This is the project
4 is the green line. So this is it where it's going to
5 be co-located with the existing transmission line.
6 This is Wyman Dam here.

7 Okay. So as you're driving through here
8 obviously you're slowing down to come to the village.
9 There is a bend in the road here, so your duration of
10 view is pretty short because you're kind of turning,
11 you're doing this and you're turning and you're
12 underneath the line before you know it. Same thing
13 going in this direction, you're kind of driving this
14 way, you're sort of looking at this opening and
15 wondering what's going on with this dam here and then
16 you're driving through and you're under it, so it's a
17 very short duration of exposure. This is the
18 existing conditions. Proposed conditions. Okay.
19 I'll just go back. This is, you know, you're in the
20 corridor for 2, 3 seconds at the most, so you'd have
21 to look real quick on both sides to see that.

22 All right. So that's the one that -- the
23 fifth place of potential visibility here is in
24 Bingham. So this would be only for northbound people
25 on the byway. You can see the existing transmission

1 corridor. This is the river here. There is a
2 section where this is just the road right next to the
3 river. So it's about 45 seconds for someone going
4 northbound, but they're going to see the existing
5 corridor structure and they'll see the expanded
6 corridor and the full structure. So, you know,
7 it's -- if it takes -- it's a 78 mile long byway and
8 say that takes you a couple hours to drive, you know,
9 our segment is 49 miles, so maybe that's an hour, you
10 know, totaled up going northbound you're going to see
11 it for maybe a total of 80 seconds. Going southbound
12 it's like, you know, a minute-and-a-half, so in
13 context it's a very small amount of time that someone
14 would actually see it. And just also to note that in
15 the village just south of the crossing in Moscow
16 there is two existing transmission lines that are
17 crossing the byway right there as well, so, you know,
18 that's consolidated impacts in locations where there
19 already is some.

20 All right. So now we're going to transition
21 into the outstanding river segments. The first one
22 here is Carrabassett River in Anson. You can see,
23 again, it's going to be co-located with the existing
24 structure that's crossing the river now. There is
25 agricultural and some wooded areas on either side of

1 the river. There is the existing conditions.
2 Proposed conditions. Again, there will be 100 foot
3 riparian vegetation preserved on either side of the
4 river.

5 Moving to the Sandy River here in
6 Farmington. Existing conditions. Just to note,
7 again, agricultural land use on either side.
8 Existing. Proposed. This is a good image to show
9 how the proposed structures will be set back further
10 than the existing structures, so obviously they're
11 taller than these, but in perspective they don't seem
12 that much taller. They don't dominate the landscape
13 or anything like that.

14 Okay. So moving towards the West Branch of
15 the Sheepscot River. This is Route Segment 5. This
16 is in Windsor. This is an area where you have
17 existing transmission lines going through here. This
18 is the existing conditions and this is proposed, so
19 this is a 345 structure that's being built. Again,
20 there would be preserved vegetation along here and
21 also in this area we supplemented with some
22 additional plantings.

23 This is a little bit out of order, but this
24 is the Lower Kennebec River below the dam. So here
25 is the dam, the substation and quite a few white dots

1 showing all of the existing structures. The project
2 will come through at that crossing that we just saw
3 in Moscow, come through here and then cross over to
4 Pleasant Ridge Plantation. So that's the view
5 looking across now. You can see this is a great
6 access for fishing. That access will not be removed.
7 And just sort of showing this in context with the dam
8 and facilities.

9 Okay. Time check. I think we're okay.

10 MS. KIRKLAND: 11 minutes and 19 seconds.

11 AMY SEGAL: For the total or?

12 MS. KIRKLAND: Left.

13 AMY SEGAL: Okay. So I need to leave 5
14 minutes for Peggy, right? Okay. So I'll just go
15 through these quick. So this is Route 2/Route 8 in
16 Anson. The existing conditions. Proposed
17 conditions. This is Route 2 here in Farmington.
18 Again, you can see the agricultural land uses on
19 either side. Existing conditions. Proposed
20 conditions. This is the Androscoggin Riverland State
21 Park, so there is two components of the park. The
22 biggest portion of the park is on the west side of
23 the river -- Androscoggin River. On the east side in
24 Leeds is the smaller portion of the state park.
25 There is an existing access road that goes through

1 here, so we took photosimulations from that location.
2 Like I said, the transmission line was here prior to
3 it becoming a state park. Here is existing
4 conditions here to 115 and that's proposed for the
5 structures on that side.

6 Looking at Segment 4. This one is from
7 Riverside Drive in Auburn looking across the river.
8 So this is in the rebuild section -- rebuild segment
9 on Segment 4 where you have these two existing
10 three-poled wooden structures, which will be replaced
11 by two monopole structures of self-weathering steel
12 and as an example from the Segment 5 in Wiscasset,
13 it's got sort of existing conditions and proposed
14 conditions with the 345 line. So that is -- that's
15 the -- all of the photosimulations.

16 So just to kind of recap here those
17 photosimulations were meant to really show all the
18 mitigation measures that we had been working with the
19 engineers and the team on, so we've got the overall
20 sitings that we've mentioned, HD under the river, use
21 of self-weathering steel, very effective,
22 re-engineering to reduce structure height such as at
23 Moxie Pond, non-secular conductors at Rock Pond, the
24 tapered vegetation management that we've been
25 speaking about a lot today as viewed from Coburn

1 Mountain on Johnson Mountain and then as viewed from
2 Tumbledown Mountain as viewed from Rock Pond. We've
3 already talked about preserving the habitat and so
4 that's it.

5 PEGGY DWYER: All right. Hello. My name is
6 Peggy Dwyer and I work for a company called Dirigo
7 Partners, LTD, which provides real estate services to
8 CMP. In my role as -- as a lead project -- I just
9 forgot my role. In my role as lead agent on such
10 projects I work on route development, analysis and
11 mapping. I serve as a liaison between abutting
12 landowners and CMP as the landowners' primary point
13 of contact with the company all the way from initial
14 project development through wrap-up at project
15 completion. My testimony concerns whether the
16 project will adversely affect or unreasonably
17 interfere with existing recreational or navigational
18 uses and I am going to testify that it will not.

19 I have been an active member of The Forks
20 area river running community since 1988. I am an
21 experienced white water guide, kayaker and wilderness
22 trip leader. I continue to lead trips on Maine's
23 navigable rivers as a private boater focusing most of
24 my time on the Kennebec River from the Harris Station
25 Hydroelectric facility on Indian Pond to Caratunk.

1 My life partner was a forester whose area of
2 responsibility included the project area from West
3 Forks to the Canadian border. Together, we spent
4 countless hours enjoying and exploring this region's
5 woods and waters, so I became well-accustomed to all
6 of the sites, sounds and smells of active forest
7 management on an industrial scale. Those impacts
8 never dampened my enthusiasm for hunting, fishing,
9 and foraging, hiking, biking, skiing, dog sledding,
10 and snowmobiling, birding, and boating in those
11 areas. This project will not unreasonably interfere
12 with those recreational uses either. I know this
13 region. I worked, played and got married on the
14 Kennebec River. I have as strong and emotional claim
15 to the Upper Kennebec region as many of the people
16 you will hear from this week. Unlike some of them, I
17 make no additional claim to my view for our woods.

18 Members of the public afforded free access
19 to much of Maine routinely exercise a subject choice
20 to recreate in one location or another. Objectively,
21 this project creates no impediments to any existing
22 recreational activities. In fact, the project was
23 carefully sited in collaboration with the neighboring
24 landowners so as to avoid interference with existing
25 uses. A new transmission line starts with a straight

1 line from point A to point B. Every angle point you
2 see on that project map represents a thoughtful,
3 proactive effort to minimize an impact at the
4 planning stage to move away from a waterbody, road or
5 viewshed here or tuck the line behind screening
6 topography there. Those efforts minimized impacts in
7 significant ways. Because the project will be under
8 ground at the Upper Kennebec River crossing it will
9 have no impact to the Gorge whatsoever. The only
10 impact the project presents to any recreational users
11 will be visual and as was presented in the testimony
12 of expert witnesses DeWan and Segal that impact does
13 not seem unreasonable. Access and opportunity
14 outside the corridor are unchanged as a result of
15 this project.

16 Within CMP's corridor recreational
17 opportunities will be expanded with a possibility of
18 new licensed trails all the way up. I ask you to
19 look at the example of CMP's existing transmission
20 line corridors, which are widely utilized for all
21 kinds of recreational activities and provide the
22 backbone of statewide interconnected trail systems
23 invaluable to Maine's outdoor enthusiasts. Far from
24 suppressing recreational activities, CMP's corridors
25 are recreational reserves. My conclusion is that

1 this project will not adversely affect nor
2 unreasonably interfere with any existing recreational
3 or navigational uses. Thank you.

4 MS. MILLER: Thank you. Anyone else on the
5 panel need to say anything? I think you have about
6 four minutes left.

7 PEGGY DWYER: Wow. How did we do that?

8 MS. MILLER: Thank you.

9 TERRY DEWAN: This is a point, there is a
10 dot on the floor right there, when you look at the
11 photosimulations it's important to be able to stand
12 at that very viewpoint just to get a sense of how big
13 the image is relative to real life. It's always a
14 question, you know, how far back should the screen --
15 from the screen should I be in order to approximate
16 what it really is going to look like. Roughly it's
17 about 1 1/2 times the width of the image and you can
18 use that same rule of thumb when you're looking at
19 the simulations on the walls here.

20 MS. MILLER: Thank you. So now we will
21 start on cross-examination. I have the times
22 available for each of the groups that are left over
23 and this time we're going to go in the opposite order
24 we went before so we would start with Group 8 and for
25 Group 8, I've got 9 minutes and 22 seconds.

1 MS. TOURANGEAU: Good afternoon, again. And
2 I am still Joanna Tourangeau for Group 8, NextEra. I
3 have just a couple questions primarily, I believe,
4 for you, Mr. Berube. Am I saying your last name
5 correctly?

6 BRIAN BERUBE: Yup, that's correct.

7 MS. TOURANGEAU: Thank you. You assess the
8 environmental impacts associated with the project in
9 your alternatives analysis?

10 BRIAN BERUBE: Correct.

11 MS. TOURANGEAU: Did your assessment of the
12 alternatives include looking at the undergrounding
13 alternative?

14 BRIAN BERUBE: Can you be more specific?

15 MS. TOURANGEAU: Did you look at
16 undergrounding as an alternative to any portion of
17 the project at all?

18 BRIAN BERUBE: To any specific portion or?

19 MS. TOURANGEAU: Any at all, did you look at
20 it?

21 BRIAN BERUBE: Yes.

22 MS. TOURANGEAU: Is that discussed in your
23 alternatives analysis?

24 BRIAN BERUBE: No.

25 MS. TOURANGEAU: Okay. How did you look at

1 it then? Can you -- is it discussed in your direct
2 or rebuttal testimony?

3 BRIAN BERUBE: I do not have rebuttal
4 testimony.

5 MS. TOURANGEAU: You're right. Sorry.

6 BRIAN BERUBE: Yup. And as far as my direct
7 testimony there is three ways to look at
8 alternatives, if you will. There is a macro level
9 and a micro level and from the real estate
10 perspective my alternatives analysis testimony
11 considered the macro level alternatives. As far as
12 the undergrounding alternative, that was not done by
13 myself.

14 MS. TOURANGEAU: Is there someone else that
15 that was done by on the alternatives analysis?

16 BRIAN BERUBE: It was not done by myself nor
17 anybody on this panel.

18 MS. TOURANGEAU: Okay. Thank you. What was
19 the project purpose that you used in coming to the
20 conclusion that there were no available alternatives
21 under NRPA or SLODA available to the Applicant that
22 would have less environmental impact?

23 BRIAN BERUBE: Yup. The project purposes is
24 as stated by Mr. Dickinson.

25 MS. TOURANGEAU: Great. Thank you.

1 BRIAN BERUBE: You're welcome.

2 MS. MILLER: Thank you. So next we have
3 Group 7 and Group 7 has one minute.

4 MR. SMITH: No questions. Thank you.

5 MS. MILLER: Okay. Thank you very much.
6 Group 6. You've got 6 minute 48 seconds.

7 MR. WOOD: Thank you. Rob Wood with Group
8 6. Mr. Berube, can you speak to the cost of
9 acquiring conservation easements as opposed to the
10 costs of fee acquisition for parcels in this region?
11 And this is a follow-up on a question we had asked to
12 the earlier panel and they had said perhaps this
13 second panel could speak to that.

14 BRIAN BERUBE: Could you clarify what you
15 mean by cost?

16 MR. WOOD: Sure. So on a per acre basis if
17 you were to purchase land in fee and hold a title to
18 it, how would that cost -- what would the cost be on
19 a per acre basis compared to the cost of the
20 acquiring an easement for a working forest on the
21 same acreage?

22 BRIAN BERUBE: Could you, I guess, more
23 clearly define cost as far as land, labor, there is
24 lots of components to cost.

25 MR. WOOD: So the land. The land only.

1 BRIAN BERUBE: Specific to the acquisition
2 cost, if you will, of conservation lands, I cannot
3 speak to that in relation to the value of those lands
4 acquired for the project.

5 MR. WOOD: Can you speak in general terms?

6 BRIAN BERUBE: General terms?

7 MR. WOOD: To the cost of conservation -- so
8 the cost of an acre in conservation easement versus
9 fee acquisition in this general region.

10 BRIAN BERUBE: I guess in general terms you
11 can assume them to be similar.

12 MR. WOOD: Okay. And then to the panel as a
13 whole, when you're looking at scenic and recreational
14 impacts and mitigating those impacts, do you ever
15 look for synergies between the mitigation measures
16 for scenic and visual impacts and for ecological
17 impacts, so can you -- if you could address both
18 scenic and ecological impacts, say habitat
19 fragmentation simultaneously, do you look at that?

20 AMY SEGAL: Right. I guess an example would
21 be at Gold Brook where we were, you know, looking at
22 the visual impact from Rock Pond and knowing that
23 IF&W was working with CMP to do this full height
24 vegetation for habitat reasons, obviously there is
25 benefits of preserving the vegetation there, so the

1 result was taller poles. So we were kind of looking
2 at the trade-offs with, you know, improving
3 preserving habitat and the visual impacts to that and
4 that's where we kind of stepped a little bit further
5 and asked and recommended to CMP that they move
6 towards the tapered vegetation management on the side
7 slope of Tumbledown Mountain.

8 TERRY DEWAN: You've probably heard the term
9 balancing quite a bit today. Every time you look at
10 an adjustment to the line that's been laid out by the
11 engineers it's not simply a matter of, well, let's
12 just move the poles over here or reduce the height,
13 you have to look at the whole spectrum of analyses.
14 If you say, well, if the poles got shorter therefore
15 closer together then you'd have to ask the question,
16 well, by moving them closer together what effects
17 does that have on things like vernal pools or
18 wetlands or various types of habitats, buffer zones
19 and so forth, so it's a real three dimensional
20 problem that involved a lot of consideration by a
21 whole plethora of experts to come up with a workable
22 solution.

23 MR. WOOD: Thank you. And just one more
24 follow-up. Are there other areas in Segment 1 where
25 vegetative tapering as described from the Coburn

1 Mountain photosimulation or a scene from the Coburn
2 Mountain photosimulation could be useful in
3 mitigating visual impacts?

4 AMY SEGAL: Well, there is numerous
5 locations when I went through the photosimulations
6 where the corridor clearing itself is not visible, so
7 tapered vegetation management in those areas wouldn't
8 necessarily change the level of visual impact if
9 that's what your question is. We didn't, you know,
10 are there any other areas along the corridor where
11 you would look to vegetative tapering potentially to
12 reduce visual impacts?

13 AMY SEGAL: The two occasions that we
14 proposed are the two that we recommended.

15 MR. WOOD: Okay.

16 TERRY DEWAN: It works best in this
17 particular case when you're looking right down the
18 line when you're trying to minimize or soften the
19 effect of that wide open expanse, in most locations
20 the line is screen running perpendicular to the
21 viewpoint and so tapering the vegetation is not going
22 to have the effect that it would as we saw from the
23 view at Coburn Mountain.

24 MR. WOOD: Okay. Thank you.

25 MS. MILLER: Thank you. So we're at 5

1 o'clock, we're going to try to wrap up at 5:30. And
2 next is Group 4. You have about 39 minute, so if --
3 it puts you just a little after 5:30, so we can wrap
4 up a few minutes later and let you finish if that's
5 okay with everybody to end by about 5:40. Is that
6 okay with the Intervenor groups? Is it okay with
7 everyone at this table? All right. Let's go ahead
8 and do that then.

9 MS. JOHNSON: I think I might have gotten
10 the short straw keeping people from dinner. So these
11 questions are for Ms. Segal --

12 THE REPORTER: I'm sorry, I don't know --

13 MS. JOHNSON: Sorry. My name is Cathy
14 Johnson and I'm representing the National Resources
15 Council of Maine, which is one of the Group 4
16 Intervenors. Ms. Segal, I assume that you are
17 familiar with Dr. James Palmer, who is the scenic
18 expert who DEP asked to do a peer review of this
19 Visual Impact Analysis, correct?

20 AMY SEGAL: Correct.

21 MS. JOHNSON: And you've had a chance to
22 review his two reports?

23 AMY SEGAL: Correct.

24 MS. JOHNSON: And in his second report, he
25 noted that, quote, the conclusion of CMP's survey of

1 Kennebec rafters is that views of power lines on
2 hillsides creates visual impacts that are among the
3 highest of any human activity or development, closed
4 quote. Do you recall that quote?

5 AMY SEGAL: Yes. And Mr. Palmer also noted
6 that this, quote, survey provided information to
7 assess visual impacts at other locations, closed
8 quote. He is referring to other locations other than
9 the Kennebec Gorge, which is where you did the
10 survey, correct?

11 AMY SEGAL: I'm sorry, what was the
12 question?

13 MS. JOHNSON: He is saying that the
14 information you got from the survey of the Kennebec
15 Gorge users is also valuable visual impact and other
16 areas, correct?

17 AMY SEGAL: Yes. Yeah, I'm sorry.

18 MS. JOHNSON: In particular, he noted that
19 the survey indicated that, and this is a quote, it
20 may not be necessary to see the transmission
21 structures or the cleared right of way for the scenic
22 quality to be degraded. In this survey, views of the
23 conductors and warning bells were sufficient to
24 degrade the scenic quality at the Kennebec River
25 crossing, closed quote. Do you recall that quote?

1 AMY SEGAL: Um... I recall it.

2 MS. JOHNSON: It's in his November report.
3 So you're asserting now that the CMP line will not
4 unreasonably impact scenic resources or scenic uses
5 of scenic resources; is that correct?

6 AMY SEGAL: Correct. With the mitigation
7 measures proposed.

8 MS. JOHNSON: Did you do any other surveys
9 other than the Kennebec Gorge survey?

10 AMY SEGAL: No, we had a consultation with
11 DEP and Mr. Palmer regarding user intercept surveys
12 and at the time it was recommended that we look at
13 doing one for the Upper Kennebec River for rafters.
14 There were a few other locations that were discussed
15 and none of the other ones resulted in the
16 requirement of having a survey done.

17 MS. JOHNSON: So you actually have no
18 evidence based on any surveys to support your
19 assertion that there are no unreasonable adverse
20 impacts on these other sites?

21 TERRY DEWAN: I don't think that would be a
22 fair characterization. As you know from our
23 testimony, we've made reference to other work that's
24 been done, for example, the Baskahegan study, granted
25 it's not a transmission project, but it is a

1 situation where people who use Baskahegan Lake in
2 Washington County were asked to comment upon their
3 experience and generally the visual environment and
4 it's in a lake that it had, I believe, 24 wind
5 turbines on it several years ago and the majority of
6 the people that commented said that it really did not
7 affect their enjoyment, the use of the lake at all.
8 Something else which had just come up recently --

9 MS. JOHNSON: I think that answers my
10 question. Thank you.

11 MR. MANAHAN: I would object to that cutting
12 the witness off. He was answering her question and
13 she -- he's entitled to answer the question and I
14 would request that he be allowed to finish his
15 answer.

16 MS. BENSINGER: Do you want to respond to
17 that?

18 MS. JOHNSON: No.

19 MS. BENSINGER: It sounded like you were
20 about to go on to -- you said something else that
21 comes -- has come up --

22 TERRY DEWAN: Yes.

23 MS. BENSINGER: Is that in response to her
24 question?

25 TERRY DEWAN: Yes, it is. It's another

1 source of information on the affect of infrastructure
2 on people's desire to use --

3 MS. BENSINGER: And that's in the record?

4 TERRY DEWAN: It is not in the record.

5 MS. JOHNSON: I would object to that.

6 MR. MANAHAN: Well, this is
7 cross-examination. He can answer a question with
8 something that's not in the record.

9 MS. BENSINGER: Okay. I would -- if it's
10 responsive to the question, I would recommend that it
11 be allowed.

12 TERRY DEWAN: We feel that it is. As you
13 know, the previous governor established a commission
14 to establish -- to look at the effect of wind energy
15 on the way people use recreation resources and in
16 December of last year a survey was conducted by a
17 well-known survey firm between December 5 and 12
18 looking at 536 panelists most of these people were
19 from out of state, sort of people who come to this
20 area for recreation asking -- they were asking a
21 number of questions and just to quote from the
22 report, 3 percent of the travelers surveyed
23 considered the views of alternative energy resource
24 infrastructure to be very important when selecting a
25 vacation destination, 3 percent. Among 12 items that

1 travelers might consider when selecting a vacation
2 destination views of alternative energy source
3 infrastructure was a consideration that rated the
4 least important. Now, granted, this doesn't address
5 the specific question about the fact that the same
6 transmission lines would have, but it does give an
7 indication of how the general public takes into
8 consideration views of infrastructure such as
9 transmission lines and making decisions about whether
10 or not to go to a place and enjoy the scenic
11 resources.

12 MS. JOHNSON: So it's true, is it not, that
13 the DEP suggested that you do other intercept --
14 visitor intercept surveys including adding Attean
15 Rest Area, you did not do such a survey, did you?

16 TERRY DEWAN: They did suggest two. We did
17 the one of the Upper Kennebec River. The --

18 MS. JOHNSON: Didn't they suggest two
19 others?

20 TERRY DEWAN: Can I finish, please? They
21 also suggested the Attean Rest Area might be one.
22 And, again, in consultation with Mr. Beyer and Dr.
23 Palmer we talked about the changes that might be
24 visible from that location. Knowing that, as Amy
25 said, the project is 5 miles away, but at 5 miles

1 it's hidden by a mountain and the closest point of
2 visibility is 7 miles and beyond that, you know, it's
3 hard to see where the project would be located and we
4 didn't feel that it would really produce significant
5 results in terms of answering the questions that may
6 be raised.

7 MS. JOHNSON: Okay. Well, let's go back to
8 the Baskahegan survey that you mentioned. In that
9 survey, and the this was a survey after the project
10 had been built, so those people who had chosen not to
11 come back to the place because now there's industrial
12 viewshed there you would not have -- the survey would
13 not have picked up those people?

14 TERRY DEWAN: There is no way of determining
15 the level of use that occurred prior to the survey
16 prior to the installation of the turbines. As part
17 of the report that was done, it was noted that none
18 of the people that were interviewed as part of the
19 survey commented that the general level of use over
20 the past couple of years seemed to have been on the
21 rise. Now, was that due to the turbines? Probably
22 not. Was it due to the price of gasoline? Perhaps.
23 Perhaps it was more due to the general state of the
24 economy. Don't know.

25 MS. JOHNSON: Or maybe it's due to the

1 quality of the fishing. Isn't it true that 70
2 percent of the people that were surveyed said that
3 fishing was the reason that they came to Baskahegan
4 Lake; isn't that correct?

5 TERRY DEWAN: Absolutely.

6 MS. JOHNSON: And only 4 percent of the
7 survey -- folks surveyed said that scenic character
8 was their primary activity of Baskahegan Lake; is
9 that correct?

10 TERRY DEWAN: That is a fishing crowd.

11 MS. JOHNSON: Yup. And you are certainly
12 aware, as you've -- Ms. Segal has just described that
13 this new 53 mile corridor includes a National Scenic
14 Byway, correct?

15 AMY SEGAL: Correct.

16 TERRY DEWAN: As you have just seen, yes.

17 MS. JOHNSON: And I assume that you're aware
18 this region of the state attracts many visitors
19 because of its undeveloped scenic character, correct?

20 TERRY DEWAN: Well, the scenic byway brings
21 people to an area for any number of reasons. The
22 scenic character is just one of those reasons.

23 MS. JOHNSON: Right. But they come for
24 the -- the scenic character is one of the main
25 reasons people drive the scenic byway, correct?

1 TERRY DEWAN: That is one of the reasons,
2 yes, as the name implies.

3 MS. JOHNSON: And this new corridor, the
4 transmission towers and the lines, would be visible
5 as you described earlier from sections of this
6 National Scenic Byway as well as from public lands
7 that connect -- or that have trails that connect in
8 the National Scenic Byway, correct?

9 AMY SEGAL: It's visible from the scenic
10 byway, yup.

11 MS. JOHNSON: Yup. And would you agree that
12 the percentage of people using the National Scenic
13 Byway who identified viewing scenery as their primary
14 activity is likely to be significantly higher than on
15 Baskahegan Lake where the overwhelming number of
16 people are there for fishing?

17 TERRY DEWAN: Well, certainly it's a much
18 different type of user group. I don't know if it's
19 fair to compare people that are driving versus people
20 who are in a boat.

21 MS. JOHNSON: But you don't have any
22 evidence to support that opinion?

23 TERRY DEWAN: It's -- it's an opinion on our
24 part, yes.

25 MS. JOHNSON: Because you didn't do any

1 intercept surveys of visitors along the scenic byway?

2 TERRY DEWAN: We did not.

3 MS. JOHNSON: And, in fact, in the survey
4 that you did do of the Kennebec River users, 74
5 percent said that viewing scenery was one of the
6 activities they planned for during their visit to the
7 Upper Kennebec River, correct?

8 TERRY DEWAN: That's correct.

9 MS. JOHNSON: Thank you. Now, your
10 visibility analysis used data from the land cover
11 from 1999-2001; is that correct?

12 AMY SEGAL: Yes, the data that we used for
13 vegetation land cover did. Again, it's just a tool
14 for theoretical visibility.

15 MS. JOHNSON: And DEP and the LUPC
16 questioned why you didn't use the more recent data;
17 isn't that right?

18 AMY SEGAL: They did question it, yup.

19 MS. JOHNSON: But you did not redo your
20 analysis using the more recent data, did you?

21 AMY SEGAL: So we -- obviously, when we look
22 at doing our viewshed analysis and we are looking at
23 the cover type that we're using, we did figure --
24 look into whether or not like Point Cloud and LiDAR
25 data was available and it was just coming online in

1 2017 and it was incomplete for our project area, so
2 we chose to use land cover mapping that was complete
3 for the whole project. And, again, it's just a tool
4 that we use, it's not the tool that we use to
5 determine whether this is potential visibility.

6 MS. JOHNSON: So instead of using more
7 recent data you actually argued in your testimony
8 that what you did was good enough because as you just
9 said the newer data was not available for the entire
10 study area, correct?

11 AMY SEGAL: It wasn't complete for the whole
12 study area, correct.

13 MS. JOHNSON: So is it your position that
14 for a project that is 145 miles long you would not
15 use updated scenic data unless it was available for
16 every single portion for the 145 miles?

17 AMY SEGAL: Well, I just need to make sure
18 it's clear that when we're using -- when we develop
19 the viewshed analysis that, you know we do a
20 considerable amount of research as well. We're
21 looking at Google Earth. We can see the cutting
22 patterns. We can look at Google Earth over time so
23 we can see how it's changed. We know even though our
24 viewshed analysis map says that there is no
25 visibility from a certain point and a high point, a

1 viewpoint and we know it -- because of experience
2 because of field work that there is visibility and
3 research, I mean, we do an extensive amount before we
4 go into the field. So, again, it's the amount of
5 research that we do educating ourselves on our field
6 area, our study area completely, you know, the whole
7 10 mile swath all the way down as well as, you know,
8 using the viewshed analysis as a tool, so it's a
9 combination of those two that helps us figure out
10 where we need to go and focus our efforts.

11 MS. JOHNSON: But you didn't answer my
12 question. My question was is it your position that
13 for a project that's 145 miles long you would not use
14 a updated data unless it was available for every
15 single portion of the line?

16 AMY SEGAL: It's the double negative in that
17 sentence. Generally we like to use the most updated
18 information, but for this project we felt that what
19 we were using was appropriate.

20 MS. JOHNSON: Well, one of the reasons that
21 Dr. Palmer was concerned about the fact that you did
22 not use the most recent data is because that data is
23 20 years old and does not include the effects of
24 recent harvesting, correct?

25 AMY SEGAL: Correct. But as I mentioned, we

1 did an extensive amount of research using Google
2 Earth, which is aerials from 2016, '17, '18, so they
3 were pretty accurate and pretty up-to-date for the
4 whole study area.

5 TERRY DEWAN: That's also one of the reasons
6 we do such extensive field work, you know, the
7 viewshed data that we do with computerized mapping
8 indicates areas where there is a probability that
9 we're going to see the project, but we don't take
10 that as gospel. We go out there and hike and we
11 kayak, we look at it to make sure that we know where
12 it's going to be visible from and to what extent the
13 project may be visible.

14 MS. JOHNSON: Dr. Palmer raises multiple
15 concerns about the visibility analysis noting that
16 the analysis understates the potential visibility by
17 50 percent, correct?

18 AMY SEGAL: Mr. Palmer's or Dr. Palmer's
19 criticism was particularly on the viewshed of the
20 mountain mapping, yes.

21 MS. JOHNSON: Yes, the mapping. Dr. Palmer
22 notes that the problems with the visibility analysis
23 all stem from the fact that you did not use the most
24 up-to-date data, correct? That is his conclusion in
25 his November report?

1 AMY SEGAL: That may have been his --

2 MS. JOHNSON: Correct?

3 AMY SEGAL: -- the way he was --

4 MS. JOHNSON: Is that his conclusion?

5 AMY SEGAL: -- disputing it, but --

6 MS. JOHNSON: That is his conclusion.

7 AMY SEGAL: That was his conclusion at the
8 time.

9 MS. JOHNSON: And you do understand that
10 it's the lack of up-to-date data that is of concern
11 to Dr. Palmer?

12 AMY SEGAL: Again, we've done an extensive
13 amount of research and analysis. It's, you know, Dr.
14 Palmer criticized the data that we used to do the
15 viewshed analysis maps, that's just a tool as we've
16 explained.

17 MS. JOHNSON: So turning to the AT for a
18 second, in your testimony you noted that the line
19 crosses the Appalachian Trail three times and that
20 that justified mitigation, I believe those are your
21 terms, justified mitigation; is that correct?

22 AMY SEGAL: I am not sure I --

23 MS. JOHNSON: It's on Page 33 of your
24 testimony.

25 AMY SEGAL: Okay.

1 MS. JOHNSON: Could we see Page 119 of this
2 report? Hmm... That's not it. I guess we'll have
3 to use the old tech way instead of the new tech way.
4 So this is where the Appalachian Trail -- where the
5 line crosses the Appalachian Trail, correct?

6 AMY SEGAL: Along Troutdale Road, yup.

7 MS. JOHNSON: Yup. One of the three places.

8 AMY SEGAL: Yup.

9 MS. JOHNSON: And this is the
10 photosimulation with the mitigation that you're
11 proposing?

12 AMY SEGAL: It's one of the forms of
13 mitigation of buffer planting plans, yup.

14 MS. JOHNSON: So in your opinion, does that
15 mitigate the scenic impact of this line?

16 AMY SEGAL: As I mentioned, it will buffer
17 the view towards the cleared corridor. It won't
18 screen the structures.

19 MS. JOHNSON: And you can even see right
20 through it through the corridor itself?

21 TERRY DEWAN: Keep in mind that this is a
22 wintertime view and that we suspect that it gets
23 relatively light views from hikers during the
24 wintertime. During the summertime the native
25 vegetation that you see there would be used as part

1 of the mitigation plantings would block most of the
2 slope on the opposite side of Joe's Pond there.

3 MS. JOHNSON: Okay. Why -- and why did you
4 not propose any mitigation for the other two
5 crossings of the AT?

6 AMY SEGAL: We -- so the two crossings of
7 the AT on either side of Troutdale Road, you know,
8 crossing, traversing through the existing corridor
9 now, it's 150 feet of -- they're kind of going
10 through scrub/shrub vegetation there now and -- and I
11 know that there is -- actually, I think there has
12 been some discussion of potential plantings at those
13 crossings. I don't know the specifics to that.

14 MS. JOHNSON: Is that in the record?

15 AMY SEGAL: It's not in the record now. I
16 think it's...

17 MS. JOHNSON: And you did not propose as
18 mitigation limiting the crossing to just one instead
19 of three?

20 AMY SEGAL: Well, I do know in working with
21 CMP and their team there has been ongoing discussions
22 with the various organizations, park service, and
23 MATC and others on --

24 MS. JOHNSON: But there is no evidence of
25 that in the record?

1 AMY SEGAL: Of the discussions? No. So
2 you're asking me if we -- we have looked at -- okay.
3 Our assignment was to look at the visual impacts of
4 the project as it crosses three times along --

5 MS. JOHNSON: And so when you --

6 AMY SEGAL: -- co-located with the existing.

7 MS. JOHNSON: And so when you thought about
8 mitigation you didn't think about things like, oh,
9 maybe we should avoid this crossing all together,
10 that was not one of the things you thought about when
11 you thought about mitigation?

12 AMY SEGAL: We were looking at the visual
13 impacts for the project as proposed.

14 MS. JOHNSON: As a result of your analysis
15 in the photosimulations that you showed us today, you
16 concluded in the application, quote, based on this
17 VIA review of the project in the range of potential
18 visual impacts, Segment 1, that's the 53 miles of new
19 corridor, will not unreasonably interfere with
20 existing scenic and aesthetic uses and will not
21 adversely affect scenic character in the surrounding
22 area, closed quote. That was your conclusion, your
23 testimony on that?

24 AMY SEGAL: Correct.

25 MS. JOHNSON: And at the time you made that

1 statement, Segment 1, the power line crossed the
2 Kennebec Gorge overhead at that time; is that
3 correct?

4 AMY SEGAL: That's correct.

5 MS. JOHNSON: And so your conclusion in the
6 application was that an overhead crossing at the
7 Kennebec River Gorge would not constitute an
8 unreasonable adverse impact on the existing scenic
9 and aesthetic uses and would not adversely affect the
10 scenic character of the Kennebec Gorge; is that
11 correct?

12 AMY SEGAL: That's correct. Provided that
13 the preserved forested buffers on both sides stayed
14 intact and you couldn't see any structures on either
15 side.

16 MS. JOHNSON: Given the overwhelming public
17 outcry and the results of CMP's own Kennebec River
18 rafters survey, CMP now proposes to put the line
19 under the river, correct?

20 AMY SEGAL: Correct, but I will add when we
21 did the user intercept survey even though there was
22 people who said that it would be a visual impact it
23 would decrease -- slightly decrease, you know, their
24 experience they overwhelmingly said they would still
25 come back, so it wasn't impacting their continued use

1 and enjoyment.

2 MS. JOHNSON: So given the overwhelming
3 public outcry and CMP's decision to put the line
4 under the river --

5 MR. MANAHAN: I would object to the
6 witness -- to the questionings -- the questioner's
7 characterization of the overwhelming public outcry.
8 She's -- she's putting evidence into the record that
9 isn't in the record right now by virtue of that
10 question and I think she needs to establish a
11 foundation for her statement there's an overwhelming
12 public outcry.

13 MS. BENSINGER: Do you want to respond to
14 that?

15 MS. JOHNSON: Well, the public hearings will
16 be tomorrow and on Thursday, but we certainly have
17 seen public -- overwhelming public concern expressed
18 in the comment records and in the public sphere.

19 MS. MILLER: Can you rephrase the question?

20 MS. JOHNSON: Okay. So given the fact that
21 CMP concluded that they should put the line under the
22 Kennebec River, their conclusion that the overhead
23 line would have -- would -- so your conclusion that
24 the overhead line would not have an unreasonable
25 adverse impact on the Kennebec River Gorge was

1 spectacularly wrong, wasn't it?

2 AMY SEGAL: Well, I would disagree with
3 that, I mean, when we -- when you think about the
4 impacts to the river and you think -- you need to
5 think of it in the full context of the experience, so
6 individuals who are going to raft the river are
7 driving along Indian Pond Road, along the existing
8 transmission line, they get up to Harris Dam where
9 they're prepping they're walking down the stairs and
10 putting in, it's a commercial, you know, they're
11 there because there is a water release -- scheduled
12 water release from a dam so all of that is very much
13 part of that experience. And then you go through the
14 rapid section and through that section you are not
15 going to see the project and you get to the sort of
16 flat water area and that's where the project would
17 have been visible, so it's 8 miles south of the dam
18 after you've gone through this experience, so, you
19 know, yes, that was our conclusion.

20 MS. JOHNSON: Every trip has to start and
21 end somewhere; isn't that right?

22 AMY SEGAL: Logically.

23 MS. JOHNSON: Yeah. So the fact that they
24 start at the dam doesn't mean that they don't care
25 about the scenic character. And, in fact, 74 percent

1 of the people in the Kennebec River survey were
2 concerned -- were -- cared greatly about the scenic
3 character of the region; isn't that right?

4 AMY SEGAL: Yes.

5 MS. JOHNSON: So given your track record on
6 deciding what's a significant adverse scenic impact,
7 isn't it entirely possible that your conclusion that
8 the CMP line would have no unreasonable adverse
9 scenic impact on Coburn Mountain, Number 5 Mountain,
10 Parlin Pond, Rock Pond, the Old Canada Road Scenic
11 Byway, Moxie Stream and other beloved undeveloped
12 scenic places along the proposed corridor could be
13 equally wrong?

14 AMY SEGAL: I would disagree and I've showed
15 the simulations and the mitigation measures that are
16 being employed to...

17 MS. JOHNSON: Thank you. I have no other
18 questions.

19 MS. MILLER: Did Group 4 have other
20 questions for the other witnesses?

21 MS. ELY: No, thank you.

22 MS. MILLER: Okay. I think we'll go ahead
23 and wrap up for the day. We're about 5 minutes early
24 if you can believe that. I appreciate all of you for
25 your participation, especially sticking to the time

1 limits that we had set.

2 So just in closing, I just want to thank you
3 all for your participation. We're going to
4 recommence here at 8 o'clock in the morning, same
5 location. And tomorrow is going to be the day where
6 at 10:30 we're going to switch over to the LUPC, the
7 Commission, and we'll also have the evening portion
8 of testimony, which will be in another location and
9 we'll remind of you that in the morning, so thank you
10 everybody. We'll see you tomorrow.

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13 (Hearing continued at 5:25 p.m.)

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C E R T I F I C A T E

I, Robin J. Dostie, a Court Reporter and
Notary Public within and for the State of Maine, do
hereby certify that the foregoing is a true and
accurate transcript of the proceedings as taken by me
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and I have signed:

_/s/ Robin J. Dostie_____

Court Reporter/Notary Public

My Commission Expires: February 6, 2026

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