Beyer, Jim R

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Sent: Saturday, August 25, 2018 8:16 AM
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Cc: Ed Buzzell
Subject: EDWIN C.. BUZZELL RESPONSE TO FIRST PROCEDURAL ORDER

CENTRAL MAINE POWER COMPANY
Application for Site Location of Development Act permit and Natural Resources Protection Act permit for the New England Clean Energy Connect ("NECEC") from Québec-Maine Border to Lewiston and Related Network Upgrades
L-27625-26-A-N
L-27625-TB-B-N
L-27625-2C-C-N
L-27625-VP-D-N
L-27625-IW-E-N

EDWIN C.. BUZZELL RESPONSE TO FIRST PROCEDURAL ORDER August 27, 2018

On August 8, 2018, the Maine Department of Environmental Protection (Department) issued First Procedural Order (Order) in the above-captioned proceeding, requesting Intervenors to submit:

1. A specification of the statutory and regulatory criteria that they wish to address at the public hearing;
2. The specific, significant or contentious topics or subject matters under those criteria relating to the project that they wish to address; and
3. Whether the Intervenor is generally in favor of, or against a permit being issued for the proposed project, or neither for nor against the proposed project being permitted.

First Procedural Order at 7. The Order requested that Intervenors respond to the Department's request by August 27, 2018, and directed them to the list of statutory and regulatory criteria that the Department will be considering for this project in Appendix B of the Order.

In this Response, Edwin Buzzell will first address issues 1 and 2 using the statutory and regulatory criteria outlined in Appendix B. Edwin Buzzell will then address issue 3.

I. Statutory and Regulatory Criteria and Specific, Significant or Contentious Topics Relating to the Project Edwin Buzzell Plans to Address at the Hearing

Site Location of Development Law – 30 M.R.S. § 484. Applicable Licensing Criteria

* 30 M.R.S. § 484(3). No adverse effect on the natural environment.

o Edwin Buzzell believes that CMP has not "made adequate provision for fitting the development harmoniously into the existing natural environment and that the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipalit[ies along the transmission line] or in neighboring municipalities." For example, CMP's proposed project will likely have significant negative

impacts on existing white water rafting, hiking, hunting and fishing activities, especially on the scenic character of the Old Canada Scenic Byway and the Appalachian Trail.
* 30 M.R.S. § 484(3)(A).
o Edwin Buzzell believes that the Department should consider the effect of noise from the construction and operation of the proposed transmission line.
* 30 M.R.S. § 484(3)(H).
o Edwin Buzzell believes that CMP's proposed project may adversely impact significant vernal pool habitat. CMP's application indicates that there are at least 42 significant vernal pools and 23 potentially significant vernal pools wholly or partially located within the proposed action area.
* 30 M.R.S. § 484(5). Ground Water.
o Edwin Buzzell believes that CMP's proposed project may "pose an unreasonable risk that a discharge to a significant ground water aquifer will occur." CMP's application indicates that "potential sources of groundwater contamination will include fuel and hydraulic and lubrication oils used in the operation and maintenance of vehicles, as well as the application of herbicides to control vegetation." NECEC Site Location of Development Application at 15-1.
* 30 M.R.S. § 484(6). Infrastructure.
o Edwin Buzzell believes that CMP's proposed project may "have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services." For example, construction and maintenance workers will rely on municipal services such as hospitals, police, and fire departments and will put wear and tear on infrastructure such as roads and bridges with construction vehicles.
Chapter 375: NO ADVERSE ENVIRONMENTAL EFFECT STANDARDS OF THE SITE LOCATION OF DEVELOPMENT ACT
* 06-096 Ch. 375, § 2. No Unreasonable Alteration of Climate.
o Edwin Buzzell believes that CMP's proposed project may result in "unreasonable alteration of climate." CMP claims that the project is expected to reduce regional greenhouse gas emissions in Massachusetts but has not produced evidence that this proposed transmission line will not result in an overall increase in greenhouse gas emissions.
* 06-096 Ch. 375, § 3. No Unreasonable Alteration of Natural Drainage Ways.
o Edwin Buzzell believes that CMP's proposed project "will cause an unreasonable alteration of natural drainage ways" through improper drainage right-of way and drainage that may result in adverse impact to adjacent parcels of land. CMP's application indicates that their project will cross 115 streams, 263 wetlands, and impact 76.3 acres of mapped wetlands.
* 06-096 Ch. 375, § 4. No Unreasonable Effect on Runoff/Infiltration Relationships.
o Edwin Buzzell believes that CMP's proposed project may "cause unreasonable increases in stormwater runoff by decreasing the infiltrative capacity of the soils on . . . [the] site" which could "cause increased danger of flooding, the pollution of surface water bodies, and the depletion of groundwater resources." CMP's application indicates that their project will cross 115 streams, 263 wetlands, and impact 76.3 acres of mapped wetlands.
* 06-096 Ch. 375, §5. Erosion and Sedimentation Control.
o Edwin Buzzell believes that CMP's proposed project will not adequately control erosion and sedimentation to protect water quality and wildlife and fisheries habitat. CMP's application indicates that their project will cross 115 streams, 263 wetlands, and impact 76.3 acres of mapped wetlands.
* 06-096 Ch. 375, § 6. No Unreasonable Adverse Effect on Surface Water Quality.
o Edwin Buzzell believes that CMP's proposed project could cause the pollution of surface waters through both point and non-point sources of pollution. CMP's application indicates that their project will cross 115 streams, 263 wetlands, and impact 76.3 acres of mapped wetlands.
* 06-096 Ch. 375, § 7. No Unreasonable Adverse Effect on Ground Water Quality.
o Edwin Buzzell believes that CMP's proposed project will not adequately protect ground water resources which could risk the future health, safety, and welfare of the citizens of Maine due to a failure to maintain an adequate supply of safe drinking water.
* 06-096 Ch. 375, § 9. Buffer Strips.

o Edwin Buzzell believes that CMP's proposed project will not adequately utilize natural buffer strips to protect water quality, wildlife habitat, and visual impacts from the
proposed transmission line. At this time it does not appear that CMP's proposed buffers are sufficient to avoid these impacts.
* 06-096 Ch. 375, § 10. Control of Noise.
o Edwin Buzzell believes that CMP's proposed project will not adequately control excessive environmental noise from construction, operation, and maintenance of the proposed transmission line which could degrade the health and welfare of nearby neighbors. This is especially true for noise from the transmission lines themselves, especially during inclement weather.
* 06-096 Ch. 375, § 12. Preservation of Unusual Natural Areas.
o Edwin Buzzell believes that CMP's proposed project will harm numerous land and water areas that contain natural features of unusual geological, botanical, zoological, ecological, hydrological, other scientific, educational, scenic, or recreational significance. CMP's proposed project will impact at least 8 deer wintering areas (44.3 acres) and 12 inland waterfowl and wading bird habitats (22.7 acres). The project will cross and degrade the scenically and recreationally significant Kennebec Gorge. Application material indicates that the project area includes the following rare plants: wild leek, red-stemmed gentian, long-leaved bluet, and dry land sedge, and numerous natural and distinguished natural communities.
* 06-096 Ch. 375, § 14. No Unreasonable Effect on Scenic Character.
o Edwin Buzzell believes that CMP's proposed project will have an unreasonable effect on the scenic character along the proposed transmission line. For example, the line will cross the Appalachian Trail, the Old Canada Scenic Byway, the Kennebec Gorge, and many other important scenic sites.
* 06-096 Ch. 375, § 15. Protection of Wildlife and Fisheries.
o Edwin Buzzell believes that CMP's proposed project does not adequately protect wildlife and fisheries. NRCM believes that CMP's proposed project does not contain buffer strips of sufficient area to provide wildlife with travel corridors between areas of available habitat, will adversely affect wildlife and fisheries lifecycles, and will result in unreasonable disturbance of deer wintering areas, significant vernal pools, waterfowl and wading bird habitat, and species declared threatened or endangered.
Natural Resources Protection Act – 38 M.R.S. § 480-D. Applicable Licensing Criteria.
* 38 M.R.S. § 480-D(1). Existing uses.
o Edwin Buzzell believes that CMP's proposed project may unreasonably interfere with existing scenic, aesthetic, and recreational uses as indicated above.
* 38 M.R.S. § 480-D(2). Soil erosion.
o Edwin Buzzell believes that CMP's proposed project may cause unreasonable erosion of soil or sediment and may unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment
* 38 M.R.S. § 480-D(3). Harm to habitats; fisheries.
o Edwin Buzzell believes that CMP's proposed project may unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, and aquatic life. Edwin Buzzell also believes that CMP's proposed mitigation may diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed transmission line.
* 38 M.R.S. § 480-D(4). Interfere with natural water flow.
o Edwin Buzzell believes that CMP's proposed project may unreasonably interfere with the natural flow of surface or subsurface waters as discussed above.
* 38 M.R.S. § 480-D(5). Lower Water Quality.
o Edwin Buzzell believes that CMP's proposed project may cause violations of state water quality laws, including those governing the classification of the State's waters as discussed above.
* 38 M.R.S. § 480-D(8). Outstanding river segments.
o Edwin Buzzell believes that CMP has not demonstrated that no reasonable alternative to crossing outstanding river segments, such as the Kennebec Gorge, exists which would have less adverse effect upon the natural and recreational features of the river segment.
Chapter 310: WETLANDS AND WATER BODIES PROTECTION

* 06-096 Ch. 310, § 5. General Standards
o Edwin Buzzell believes that CMP has not adequately minimized the amount of wetland to be altered. Edwin Buzzell believes that CMP's proposal may result in an unreasonable impact because the project will cause a loss in wetland area, functions, and values, and CMP has not demonstrated that there is not a practicable alternative to the proposed project that would be less damaging to the environment.
Chapter 315: ASSESSING AND MITIGATING IMPACTS TO EXISTING SCENIC AND AESTHETIC USES
* 06-096 Ch. 315.
o Edwin Buzzell believes that CMP's proposed project is likely to unreasonably interfere with existing scenic and aesthetic uses, and thereby diminish the public enjoyment and appreciation of the qualities of a scenic resource, and that any potential impacts have not been adequately minimized.
Chapter 335: SIGNIFICANT WILDLIFE HABITAT
* 06-096 Ch. 335, § 3(A). Avoidance.
o Edwin Buzzell believes that CMP's proposed project is likely to have an unreasonable impact because it is likely to degrade significant wildlife habitat, disturb wildlife, and affect the continued use of significant wildlife habitat by wildlife and CMP has not demonstrated that there is not a practicable alternative to the project that would be less damaging to the environment.
* 06-096 Ch. 335, § 3(B). Minimal alteration.
o Edwin Buzzell believes that CMP has not minimized the alteration of habitat and disturbance of wildlife.
* 06-096 Ch. 335, § 3(C). No Unreasonable impact.
o Edwin Buzzell believes that one or more of the standards of the NRPA at 38 M.R.S. § 480-D will not be met and that therefore CMP's project will have an unreasonable impact on protected natural resources and wildlife.
* 06-096 Ch. 335, § 3(D). Compensation.
o Edwin Buzzell believes that CMP's compensation is inadequate to off-set lost habitat function.
Title, Right or Interest
* Edwin Buzzell believes that CMP does not have full right, title, and interest in the entire proposed corridor
*Edwin Buzzell does not believe that historic values are being considered.
II. Edwin Buzzell is opposed to a permit being issued for the proposed project
For the reasons identified in section I of this response, Edwin Buzzell is opposed to a permit being issued for the proposed project.
Respectfully submitted,

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04967