

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

MAINE WILDERNESS GUIDES
ORGANIZATION RESPONSE TO FIRST
PROCEDURAL ORDER

August 27, 2018

In response to the Maine Department of Environmental Protection's (DEP) First Procedural Order (Order) in the above-captioned proceeding, the Maine Wilderness Guides Organization (MWGO) states:

I. Statutory and Regulatory Criteria and Specific, Significant or Contentious Topics Relating to the Project MWGO 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.
 - MWGO 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 municipalities along the transmission line] or in neighboring municipalities." As examples, MWGO believes that CMP's proposed project will have significant negative impacts on existing wilderness guiding operations, the large unfragmented forests of the region, wildlife and wildlife habitat, fisheries and aquatic habitat, fishing, hunting, paddling, snowshoeing, dog sledding, cross country skiing, wildlife watching, white water rafting, and hiking, as well as on the scenic character of the undeveloped forests and the Appalachian Trail.
- 30 M.R.S. § 484(3)(A).
 - MWGO is concerned about the impact of noise from the construction and operation of the proposed transmission line.
- 30 M.R.S. § 484(3)(H).

- MWGO 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.
 - MWGO 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.

Chapter 375: NO ADVERSE ENVIRONMENTAL EFFECT STANDARDS OF THE SITE LOCATION OF DEVELOPMENT ACT

- 06-096 Ch. 375, § 3. No Unreasonable Alteration of Natural Drainage Ways.
 - MWGO 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.
 - MWGO 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.
 - MWGO 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.
 - MWGO 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, § 9. Buffer Strips.

- MWGO 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.
- 06-096 Ch. 375, § 10. Control of Noise.
 - MWGO 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 impact wildlife and wildlife habitat.
- 06-096 Ch. 375, § 12. Preservation of Unusual Natural Areas.
 - MWGO 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.
 - MWGO believes that CMP's proposed project will have an unreasonable adverse effect on the scenic character of the forest. For example, the line will be a permanent clearcut scar across remote forests, will be visible from hiking trails and it will cross the Appalachian Trail, the Kennebec Gorge, and many other important scenic sites.
- 06-096 Ch. 375, § 15. Protection of Wildlife and Fisheries.
 - MWGO believe that CMP's proposed project does not adequately protect wildlife and fisheries. It does not contain buffer strips of sufficient area to provide wildlife 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.
 - MWGO 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.
 - MWGO 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.
 - MWGO 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 corridors, and aquatic life.
- 38 M.R.S. § 480-D(4). Interfere with natural water flow.
 - MWGO 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.
 - MWGO 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.
 - MWGO 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
 - MWGO believes that CMP has not adequately minimized the amount of wetland to be altered. MWGO 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.
 - MWGO 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.
 - MWGO 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.
 - MWGO believes that CMP has not minimized the alteration of habitat and disturbance of wildlife.
- 06-096 Ch. 335, § 3(C). No Unreasonable impact.
 - MWGO 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.
 - MWGO believes that CMP's compensation is inadequate to off-set lost habitat function.

II. MWGO is opposed to a permit being issued for the proposed project

For the reasons identified above, the Maine Wilderness Guides Organization is opposed to a permit being issued for the proposed project.

Respectfully submitted,

Nick Leadley, President
Maine Wilderness Guides Organization