



**State of Maine, Department of Environmental Protection**

**CENTRAL MAINE POWER COMPANY  
NEW ENGLAND CLEAN ENERGY CONNECT**

Application for Site Location of Development Act permit, and Natural Resources Protection Act permit for the New England Clean Energy Connect (“NECEC”) Project in 25 municipalities, 13 Townships or Plantations and 7 Counties from Beattie Township to Lewiston and Wiscasset to Windsor.

- 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

Trout Unlimited, Response to First Procedural Order, August 13, 2018

On August 8, 2018, the Maine Department of Environmental Protection (DEP) issued the First Procedural Order (Order) in this proceeding, requesting that intervenors: specify the statutory and regulatory criteria that they wish to address at the public hearing; the specific, significant, or contentious topics or subject matters under those criteria relating to the project they wish to address; and whether the Intervenor is generally in favor of, against, or neither for nor against the issuance of the requested permits.

Trout Unlimited (TU) is opposed to the project as proposed and provides the following responses:

**Relevant Statutory Review Criteria; Subject Matters TU wishes to address:**

Site Location of Development Law:

- Licensing Criteria. (38 MRS §484.)
  - **No adverse effect on the natural environment.** The developer has 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

municipality or in neighboring municipalities.

- CMP's project will adversely affect water quality, have impacts on fisheries habitat through multiple stream crossings with inadequate riparian buffers, impact scenic character, and have adverse effects on existing uses, including angling.
- Chapter 375 Standards.
  - **No Unreasonable Alteration of Natural Drainage Ways.**
    - CMP's project may have impacts on drainage ways and intermittent streams, including crossings of intermittent streams, particularly by construction and maintenance of stream crossings on temporary and permanent construction access roads.
  - **No Unreasonable Adverse Effect on Surface Water Quality.**
    - The NECEC will impact surface water quality directly through construction impacts and have indirect impacts because the inadequate proposed stream buffers may raise water temperatures, reducing habitat suitability for aquatic life, particularly brook trout and Atlantic salmon.
  - **Buffer Strips**
    - CMP's proposed buffer strips are inadequate to protect water quality and fish habitat.
  - **Preservation of Unusual Natural Areas**
    - The NCEC will have impacts to the Kennebec Gorge; impacts Atlantic salmon habitat; impacts to brook trout habitat; impacts to undeveloped habitat blocks; and impacts to Beginning with Habitat Focus Areas, including Attean Pond-Moose River and Cold Stream-West Forks.
  - **No Unreasonable Effect on Scenic Character**
    - The NECEC will involve the placement of a new permanent right of way and structures in a substantially undeveloped landscape with high scenic values. Although much of the concern to date has focused on the Kennebec River crossing—and this is appropriate—the project will also be visible from many other locations in Somerset County, a region that depends heavily on tourism.
  - **Protection of Wildlife and Fisheries**
    - CMP has not made adequate provisions to protect fisheries habitat. Particular concerns include: Adequacy of stream buffers; cumulative impacts of multiple stream crossing on habitat for brook trout and Atlantic salmon spawning and rearing; and the inadequacy of the NECEC's proposed mitigation for unavoidable impacts to fisheries resources.

#### Natural Resources Protection Act

- Licensing Criteria. (38 MRS §480-D. Standards)
  - **Existing uses.** The activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
    - As noted above, CMP's project will have substantial impacts on scenic, aesthetic and recreational uses, including angling.
  - **Harm to habitats; fisheries.** The activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or

endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

- See comments above.
- **Interfere with natural water flow.** The activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
  - The NECEC will include construction and maintenance of multiple temporary and permanent construction access roads. The stream crossings on these roads may impact fish passage and alter stream flows if they are not adequately sized and sited.
- **Lower Water Quality.** The activity will not violate any state water quality law, including those governing the classification of the State's waters.
  - See comments above.
- **Outstanding river segments.** If the proposed activity is a crossing of any outstanding river segment as identified in section 480-P, the applicant shall demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.
  - The Kennebec River and the Sheepscot River are designated as an “outstanding river segments” under 38 MRS §480-P. CMP has not adequately demonstrated that there is no reasonable alternative to the proposed crossing of the protected section of the Kennebec River.

#### Chapter 310—Wetlands and Waterbodies Protection

- General Standards.
  - **Avoidance and Minimal Alteration.**
    - CMP has not adequately demonstrated that some of the impacts of this project (for example, the Kennebec River crossing, multiple new stream crossings, impacts from crossing public lands) cannot be avoided. An alternative crossing of the Kennebec River at Indian Pond Dam that would avoid some of these impacts should be explored.
  - **Compensation.**
    - The NECEC’s proposed mitigation package does not address impacts to important resources including Atlantic salmon habitat and lacks specifics about key aspects of the mitigation for fisheries impacts. It attempts to count as mitigation funds and other commitments promised to the Western Mountains and Rivers Corporation, a private entity, for “the construction, operation, and staffing of a visitor center, maintenance of trails, maintenance costs associated with tourism infrastructure, and funding of educational and other programs to improve local tourism.” As currently structured, it is inadequate to compensate for impacts of the project.
  - **No Unreasonable Impact.**
    - As proposed, the NECEC does not meet this standard.

For future correspondence, please use me as the primary contact for Trout Unlimited

Jeff Reardon  
267 Scribner Hill Road  
Manchester, ME 04351  
(207) 430-8441  
[jreardon@tu.org](mailto:jreardon@tu.org)

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff R. Reardon", with a long horizontal flourish extending to the right.

Jeff Reardon