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.

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TRANSCRIPT OF PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Intervenor group you represent.

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

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

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

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

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

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

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

Notice was also send to the parties as well

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

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

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

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

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

after Group 8 is finished.

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

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

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

(Witnesses affirm.)

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

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

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

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

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

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

MS. MILLER: Yes.

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

First, with respect to alternatives, the

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

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

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

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

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

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

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

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

new deer winter travel corridors.

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

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

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

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

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

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

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

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

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

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

MS. MILLER: Thank you.

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

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

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

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

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

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

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

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

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

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

MS. MILLER: Thank you. Group 2.

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

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

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

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

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

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

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

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

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

MS. MILLER: Thank you. Group 3.

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

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

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

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

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

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

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

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

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

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

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

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

discussion about the PUC's analysis.

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

MS. ELY: So I am still unclear.

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

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

On the scenic character and existing uses,

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

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

management.

MS. MILLER: Can we wrap this up?

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

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

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

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

MS. MILLER: Thank you. Group 5.

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

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

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

MS. MILLER: Thank you. Group 6.

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

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

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

MS. MILLER: Thank you. Group 7.

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

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

nature-based tourism.

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

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

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

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

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

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

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

MS. MILLER: Can you wrap this up?

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

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

MS. MILLER: Thank you. Group 8.

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

Under NRPA, as we all know, the question

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. BOEPPLE: Thank you.

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

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

(Break.)

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

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

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

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

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

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

THORN DICKINSON: Yes.

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

THORN DICKINSON: Okay.

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

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

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

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

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

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

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

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

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

MS. MILLER: Can you speak up a little bit

more, the transcriptionist needs to hear.

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

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

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

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

Next, I will summarize brook trout habitat.

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

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

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

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

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

fisheries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LAUREN JOHNSTON: Sure.

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

LAUREN JOHNSTON: Sure.

MS. BENSINGER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Break.)

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

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

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

VIDEOGRAPHER: Yup. I can... Yup.

MS. MILLER: We just need to make sure the

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

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

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

MARK GOODWIN: Yes.

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

MARK GOODWIN: That is correct.

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

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

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

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

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

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

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

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

20 years?

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

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

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

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

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

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

MARK GOODWIN: Can you repeat the question?

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

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

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

MR. WEINGARTEN: But say you can't.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MARK GOODWIN: Is that a question?

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

MARK GOODWIN: No, I don't.

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

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

MR. WEINGARTEN: Excuse me?

MS. MILLER: Please limit it to questions.

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

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

MARK GOODWIN: They're different impacts.

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

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

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

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

MR. WEINGARTEN: Okay. I'm sorry.

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

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

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

MR. WEINGARTEN: The existing.

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

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

MARK GOODWIN: I can't answer that question.

MS. MILLER: Can you restate the question so

it's a little more clear?

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

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

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

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

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

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

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

MARK GOODWIN: They are temporary, but it's

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

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

MARK GOODWIN: That's correct.

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

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

MS. MILLER: Yes.

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

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

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

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

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

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

MR. WEINGARTEN: Can I go on?

MS. MILLER: Yes, please.

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

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

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

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

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

that fragmentation effect.

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

MS. MILLER: Can you...

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

MARK GOODWIN: Yes.

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

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

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

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

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

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

MARK GOODWIN: That's correct.

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

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

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

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

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

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

MARK GOODWIN: Desirable?

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

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

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

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

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

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

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

MR. MANAHAN: Thank you.

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

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

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

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

MARK GOODWIN: Correct.

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

MARK GOODWIN: To compare the impact of --

MR. WEINGARTEN: Of the edge.

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

MR. WEINGARTEN: Yes. Yes.

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

MR. WEINGARTEN: And that would be a much

more viable comparison; would it not?

MARK GOODWIN: Viable in what sense?

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

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

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

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

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

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

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

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

LAUREN JOHNSTON: I don't understand your question.

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

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

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

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

MR. WEINGARTEN: Neither am I. I guess I

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

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

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

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

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

Township?

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

MR. WEINGARTEN: You have?

GERRY MIRABILE: Yes, we have.

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

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

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

MR. WEINGARTEN: Including --

MS. MILLER: Mr. --

MR. WEINGARTEN: Including unavoidable impacts?

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

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

MR. WEINGARTEN: Okay.

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

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

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

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

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

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

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

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

GERRY MIRABILE: Can you repeat the question, please?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. MILLER: Yes.

MR. WEINGARTEN: Okay. Thank you.

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

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

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

Good morning, Mr. Dickinson.

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

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

THORN DICKINSON: Thank you.

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

THORN DICKINSON: Yes.

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

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

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

THORN DICKINSON: From The Forks to the Quebec border.

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

THORN DICKINSON: Correct.

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

THORN DICKINSON: It's a working area that

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

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

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

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

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

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

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

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

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

MARK GOODWIN: Yes.

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

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

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

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

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

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

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

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

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

MARK GOODWIN: Yes.

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

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

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

MARK GOODWIN: Is that a question?

MS. BOEPPLE: I'll move on.

MARK GOODWIN: Okay.

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

THORN DICKINSON: Yes.

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

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

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

THORN DICKINSON: Yes.

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

THORN DICKINSON: Okay.

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

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

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

MS. BOEPPLE: Okay. Thank you.

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

MS. BOEPPLE: Correct.

THORN DICKINSON: I see now.

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

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

MS. BOEPPLE: Right. And is it your

testimony that that's why this project was selected?

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

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

THORN DICKINSON: Yes, I am.

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

THORN DICKINSON: That's correct.

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

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

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

MS. BOEPPLE: Yes, it is.

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

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

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

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

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

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

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

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

THORN DICKINSON: Yes, I am.

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

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

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

THORN DICKINSON: Great.

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

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

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

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

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

MS. BENSINGER: Can we do that now?

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

MS. BENSINGER: That's correct.

MR. MANAHAN: Thank you.

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

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

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

information.

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

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

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

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

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

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

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

MS. MILLER: I'll allow it.

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

THORN DICKINSON: Yes, I have.

MS. BOEPPLE: Okay. So --

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

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

MS. BOEPPLE: No.

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

MS. BOEPPLE: Sure.

MR. BUXTON: Excuse me --

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

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

THE REPORTER: Thank you.

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

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

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

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

MS. BOEPPLE: Okay.

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

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

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

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

MS. BOEPPLE: So assuming that's all correct

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

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

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

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

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

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

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

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

THORN DICKINSON: So the -- the specific

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

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

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

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

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

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

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

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

MS. BENSINGER: Okay. We have it.

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

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

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

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

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

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

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

MS. BOEPPLE: Yes. Thank you.

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

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

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

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

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

THORN DICKINSON: Okay.

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

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

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

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

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

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

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

additional investments in the line.

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

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

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

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

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

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

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

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

appropriate methodology, yes, of course.

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

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

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

THORN DICKINSON: Can you define give up?

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

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

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

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

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

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

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

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

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

THORN DICKINSON: 30 years.

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

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

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

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

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

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

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

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

line in that corridor.

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

THORN DICKINSON: I am.

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

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

MS. BOEPPLE: They will be.

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

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

THORN DICKINSON: I was not the project

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

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

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

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

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

MARK GOODWIN: Can I answer that for you?

THORN DICKINSON: Oh, okay.

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

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

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

MARK GOODWIN: Yes.

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

MARK GOODWIN: I am.

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

MARK GOODWIN: They did.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THORN DICKINSON: I think so, yeah.

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

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

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

THORN DICKINSON: Yes.

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

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

MS. BOEPPLE: Okay.

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

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

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

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

THORN DICKINSON: At a very high level.

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

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

MS. BOEPPLE: It -- may I respond?

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

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

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

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

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

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

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

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

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

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

this whole line of questioning.

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

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

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

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

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

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

rest of my time then. Thank you.

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

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

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

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

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

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

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

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

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

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

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

impacts?

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

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

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

THORN DICKINSON: Yes, we did.

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

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

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

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

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

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

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

MR. BOROWSKI: Thank you.

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

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

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

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

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

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

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

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

Lewiston?

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

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

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

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

THORN DICKINSON: They did not.

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

MR. BOROWSKI: Same answer.

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

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

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

MR. BOROWSKI: Did CMP have any say in which

of its submissions to the Massachusetts RFP won?

THORN DICKINSON: No. None.

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

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

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

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

MR. BOROWSKI: Thank you.

MS. MILLER: So Group 4.

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

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

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

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

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

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

MR. PUBLICOVER: Well, that is a term that

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

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

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

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

MR. PUBLICOVER: I think that's --

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

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

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

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

MR. PUBLICOVER: Okay. Thank you. Mr. Goodwin the Application's Section 7.3.1, which discusses cover types and wildlife habitat includes a specific discussion of early successional habitat. Given that the State Wildlife Action Plan considers mature forest to be very limited in Maine, why is there no corresponding discussion of mature forest habitat?

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

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

MARK GOODWIN: We generally just calculated

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

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

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

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

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

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

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

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

MARK GOODWIN: I would.

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

forest habitat in the state?

MARK GOODWIN: I am.

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

MARK GOODWIN: It does not.

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

MARK GOODWIN: I don't believe so.

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

GERRY MIRABILE: I don't believe it does.

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

MARK GOODWIN: Can you just repeat the

question?

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

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

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

LAUREN JOHNSTON: Want me to answer that?

MARK GOODWIN: Yeah.

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

endangered species and also significant wildlife habitat.

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

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

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

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

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

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

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

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

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

MARK GOODWIN: I don't think so.

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

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

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

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

ways become increasingly important.

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

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

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

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

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

MARK GOODWIN: Why did I omit it?

MR. PUBLICOVER: Yes.

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

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

development and natural habitat is becoming increasingly limited?

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

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

MARK GOODWIN: Can you repeat that again, please?

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

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

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

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

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

MS. BENSINGER: Are there any objections?

MR. PUBLICOVER: That's fine.

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

MS. MILLER: Group 4 Cross 1.

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

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

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

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

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

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

MARK GOODWIN: That could be.

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

MARK GOODWIN: Um...

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

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

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

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

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

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

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

MARK GOODWIN: No.

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

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

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

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

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

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

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

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

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

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

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

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

correct?

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

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

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

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

MR. PUBLICOVER: I am about halfway through.

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

after lunch?

MR. PUBLICOVER: Yeah. Three more questions?

MS. MILLER: Yup.

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

MARK GOODWIN: No.

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

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

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

MARK GOODWIN: Where is the statement made?

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

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

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

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

MARK GOODWIN: No, sir.

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

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

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

north/south through the Northeast Kingdom of Vermont?

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

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

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

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

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

(Luncheon break.)

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

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

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

MARK GOODWIN: I may have slightly misspoke on that.

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

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

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

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

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

MARK GOODWIN: Yes.

MR. PUBLICOVER: Okay. All right. Moving

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

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

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

permanent edge and subsequent loss of interior forest habitat?

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

MR. PUBLICOVER: All right.

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

MR. PUBLICOVER: Sure.

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

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

Mr. Goodwin.

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

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

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

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

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

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

report.

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

MARK GOODWIN: I did, yes. Yup.

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

MARK GOODWIN: That's correct.

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

MARK GOODWIN: That's correct.

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

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

MR. PUBLICOVER: Okay.

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

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

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

MARK GOODWIN: I just didn't.

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

MARK GOODWIN: I did not.

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

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

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

what you have estimated, would you question that?

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

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

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

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

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

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

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

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

MR. PUBLICOVER: Is there more?

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

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

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

direct testimony?

MS. BENSINGER: Rebuttal.

MR. PUBLICOVER: Rebuttal.

MS. MILLER: That is direct?

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

MS. MILLER: Pre-filed?

MS. BENSINGER: Pre-filed direct.

MR. PUBLICOVER: Direct. Okay.

MR. BEYER: Which exhibit?

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

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

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

MARK GOODWIN: Yup. I see it.

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

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

MARK GOODWIN: Yes, but it's also relevant to other portions of the corridor.

MR. PUBLICOVER: Okay. But it is relevant to the stream buffers, correct?

MARK GOODWIN: It is.

MR. PUBLICOVER: All right. So outside the wire zone capable species will be removed, correct?

MARK GOODWIN: That's correct.

MR. PUBLICOVER: And when you say capable species you mean trees, correct?

MARK GOODWIN: Any species that's capable for -- generally trees, yes, but any -- any species that's capable of growing to heights tall enough that could enter the conductor safety zone.

MR. PUBLICOVER: All right. So even outside the wire zone vegetation will be maintained in an early successional condition as compared to the adjacent forest, correct?

MARK GOODWIN: That's correct.

MR. PUBLICOVER: So how does this maintain connectivity for species such as marten that require minimum levels of more mature forest vegetation and

avoid areas of early successional vegetation?

MARK GOODWIN: You're asking me how it maintains their preferred habitat? I think I've already answered that question. In other ways it's not, you know, when you clear the right of way and return it to an early successional vegetative state it's clearly not the preferred habitat of the marten. You know, IF&W did not indicate to CMP during their project review that marten was a significant concern. Actually, I don't even believe they ever really brought it up as a potential issue. And, you know, our efforts were focused on protecting the endangered species that were a concern to IF&W. Do you have anything to add to that, Gerry?

GERRY MIRABILE: No.

MR. PUBLICOVER: Okay. But so you admit that this will not maintain connectivity for marten or other species that avoid early successional habitat?

MARK GOODWIN: I understand that marten typically avoid early successional habitat. I don't think it precludes them from crossing that habitat to get to other portions of the forest.

MR. PUBLICOVER: All right.

MARK GOODWIN: On the other side.

MR. PUBLICOVER: Are you familiar with the work of Dan Harrison and Payton and others that were -- or Payer that were cited in my testimony describing how marten will avoid areas such as this?

MARK GOODWIN: No, sir, I'm not.

MR. PUBLICOVER: Now, you state in your pre-filed testimony, Page 17 or your direct testimony, CMP's vegetation management practices establish areas of dense shrubby vegetation and taller vegetation where topographic conditions allow, e.g., steep ravines, thereby providing a vegetation bridge for wildlife movement across the NECEC corridor. Are these areas of taller vegetation discussed anywhere in the application?

MARK GOODWIN: I believe they are discussed in the vegetation management plan and possibly the vegetation clearing plan.

MR. PUBLICOVER: Is there any information in the record that documents the location and extent of these areas where taller vegetation will be maintained?

MARK GOODWIN: There is not. The -- these areas during construction will be evaluated by the construction superintendent forester and they'll make a determination whether or not the condition is --

would allow for taller vegetation to remain in those areas. A similar practice was executed that way on the Maine Power Reliability Program.

MR. PUBLICOVER: But so in terms of whether there is any information in the record as to where they will be the answer is no.?

MARK GOODWIN: That's correct.

MR. PUBLICOVER: All right. And so it could be there won't be any, correct?

MARK GOODWIN: That's possible.

MR. PUBLICOVER: All right. Now, many references including some that have been included in CMP materials note the importance of coarse, woody debris retained in early successional areas as refuge or bridges that enhance the ability of small animals particularly amphibians to move through these areas. How would coarse, woody debris be maintained in the corridor given that all trees will be removed?

MARK GOODWIN: I think what that's referring to is the early successional woody vegetation that grows to heights at which they determine the need to be removed for management of -- well, protecting the conductors for safety and reliability reasons.

MR. PUBLICOVER: Okay. But you're not going to have any 12 inch diameter rotten logs in the

corridor?

MARK GOODWIN: No. No, sir.

MR. PUBLICOVER: Okay. Now, in your rebuttal testimony on Page 18 you state the maximum width of the right of way on Segment 1 will be 150 feet, likely far less than the significant widths created by clearcuts of 30 acres or more. And you used this to support your contention that the impact on species movement of the corridor will be no more significant than the impact of clearcuts, correct?

MARK GOODWIN: I'm sorry. I'm just flipping to that page. Can you ask the question again, please?

MR. PUBLICOVER: Okay. You see the quote -- you're comparing the maximum width of the right of way of 150 feet?

MARK GOODWIN: Yes, sir.

MR. PUBLICOVER: You say it's likely far less than the significant widths created by clearcuts 30 acres or more and you use this to support your conclusion that the impact on species movement of the corridor will be no more significant than the impact of clearcuts, correct? It's easier for them to go across the corridor than it is for them to go across a wider clearcut, is that your point?

MARK GOODWIN: That's not what my testimony says.

MR. PUBLICOVER: Okay. Well, what is the point of that statement?

MARK GOODWIN: The point -- if I could, I'll read it. If wildlife continue to thrive and remain connected in a region that routinely has new edge created at significant widths and distances over a very large area by the forestry industry then it is reasonable to conclude that wildlife connectivity will not be unreasonably impacted by 150 foot wide vegetated right of way.

MR. PUBLICOVER: Okay. Animals that require continuous forest cover can go around clearcuts, can't they?

MARK GOODWIN: Yes.

MR. PUBLICOVER: All right. Thank you. That's all I have.

MS. MILLER: Thank you. Did Group 4 --

MR. PUBLICOVER: And, yes, now Mr. Reardon will take over.

MR. REARDON: Good afternoon. My name is Jeff Reardon. I work for Trout Unlimited. And my questions are primarily for Ms. Johnston, but I'm comfortable with anybody on the panel answering if

that's appropriate. I want to go back to the idea that streams are a fragmenting feature on the landscape. For fisheries, do streams serve as corridors of connectivity or as fragmenting features?

LAUREN JOHNSTON: I would say they serve as both.

MR. REARDON: How do streams fragment aquatic habitat?

LAUREN JOHNSTON: They don't -- it wouldn't fragment aquatic habitat, it would be terrestrial habitat.

MR. REARDON: Okay. So my question said for fisheries.

LAUREN JOHNSTON: Okay. All right. I understand.

MR. REARDON: Okay. So you agree they're features for connectivity?

LAUREN JOHNSTON: Correct.

MR. REARDON: What about for wetland dependent species like turtles, salamanders, frogs?

LAUREN JOHNSTON: I would say so.

MR. REARDON: Small mammals? Beaver, otter, mink, marten?

LAUREN JOHNSTON: I would say so.

MR. REARDON: Large mammals like deer and

moose that tend to be associated with riparian systems particularly in winter?

LAUREN JOHNSTON: Yes.

MR. REARDON: Thank you. I want to -- this figure -- it wasn't my intention, but the figure is still up on the screen. This does represent what we would see in the buffer within the, quote, widened 100 foot riparian buffers, that's approximately what we would expect for the vegetation there?

LAUREN JOHNSTON: Yes.

MR. REARDON: So the maximum height of the non-capable vegetation within the roughly 45 foot wide corridor, how high would that grow?

LAUREN REARDON: That would be allowed to grow up to 10 feet before cut stage.

MR. REARDON: How much shade would 10 foot high vegetation provide in mid-summer?

MARK GOODWIN: I'm going to make a correction here. The -- in the wire zone, the woody vegetation over 10 feet in height would be removed on a four year cycle. Outside the wire zone only the capable woody vegetation is removed. If during vegetation management review of a particular area or during that cycle if they see capable species out there that are approaching the conductor safety zone

then they might remove them. So it would not be uncommon for there to be shrubs outside of the wire zone that exceed 10 feet in height.

MR. REARDON: Okay. Exceed 10 feet in height by how much?

MARK GOODWIN: Probably 15 to 20 feet maybe.

MR. REARDON: 15 to 10 feet total or 10 plus 15 to 20?

MARK GOODWIN: Probably 15 to 20 total.

MR. REARDON: And that would be within the wire zone?

MARK GOODWIN: No, sir. That would be outside of the wire zone.

MR. REARDON: Okay. So what would be the maximum height within the wire zone?

MARK GOODWIN: 10 feet.

MR. REARDON: Which is the same as what Ms. Johnston said, isn't it?

MARK GOODWIN: I believe Ms. Johnston was discussing outside the wire zone.

MR. REARDON: My question referred to within the wire zone, but okay. So maximum height of 10 feet within the wire zone and 15 to 20 feet in the -- outside the wire zone. Within the wire zone, how much shade on say an 80 foot wide stream would that

10 foot high vegetation provide?

LAUREN JOHNSTON: I can't say for sure. It depends on -- it depends on the conditions of the -- of that particular stream.

MR. REARDON: Okay. At high noon in August.

LAUREN JOHNSTON: I would say it probably receives direct sunlight.

MR. REARDON: Thank you. Will any canopy trees be allowed to remain -- remain anywhere within the widened 100 foot wide riparian buffers?

LAUREN JOHNSTON: No. Well, canopy trees, any capable species would not be allowed to remain within the --

MR. REARDON: Right. So no vegetation over approximately 20 feet?

LAUREN JOHNSTON: Correct.

MR. REARDON: And maybe a few get a little bit higher than that before they get cut? On the four year rotation, I'm just --

LAUREN JOHNSTON: It depends if it's a capable species or not capable species.

MR. REARDON: Thank you. Are you familiar with the Maine Department of Environmental Fisheries -- sorry, Maine DIF&W's forest management recommendations for brook trout? This was an

attachment to my rebuttal testimony and I believe it was an attachment to at least one of the CMP's witnesses testimony as well.

LAUREN JOHNSTON: I am familiar with IF&W's performance standards for riparian buffers, which they provided in some of the consultation that we've had with them.

MR. REARDON: Can you put up it's Attachment 2, I believe, to my rebuttal testimony. It's about a three page document.

MS. BENSINGER: So that would be Group 4 Reardon rebuttal.

MS. MILLER: Mr. Reardon, just to clarify, I think I have that -- is that the forest management for brook trout?

MR. REARDON: Yes.

MS. MILLER: Okay. That's -- I have that listed as Exhibit -- Group 4 Exhibit 20. Rebuttal.

MR. REARDON: Thank you. I'm sorry.

MR. BEYER: You want rebuttal testimony, Jeff?

MR. REARDON: Yeah, it was rebuttal testimony, I believe. Group 4. And the attachment at the very end after the...

MR. BEYER: Yeah. Do you know what page?

MR. REARDON: I don't know if I can find it.
MS. ELY: It's the last two pages.
MR. BEYER: It's the last one?
MS. ELY: The last two pages.
MR. REARDON: I believe it's the last two pages. Thank you. And actually the -- this document, are you familiar with that?
LAUREN JOHNSTON: I don't believe I read that one in detail.
MR. REARDON: Okay. This is on the Department's website. It's advice that they've been giving to foresters and folks like me for at least a decade that I know of. Could you please scroll to the last paragraph on the last page of that, second page of that? So I'm just going to quote here that, MDIFW, this is their document, also recommends limiting the harvest of trees and alteration of under vegetation within 100 feet of streams and their associated fringe and floodplain wetlands to maintain an intact and stable stand of trees characterized by heavy crown closure at least 60 to 70 percent and resistant to wind-throw. In some situations a wider buffer should be considered where severe site conditions, steep slopes, vulnerable soils, poor drainage, increase risk to soil and stand stability,

any harvest within the riparian management zone should be selected with a goal of maintaining relatively uniform crown closure. Within the widened 100 foot riparian buffers will we be approaching 60 to 70 percent canopy closure?

LAUREN JOHNSTON: Likely not.

MR. REARDON: Likely not or absolutely not? You said earlier there were no canopy trees in there.

LAUREN JOHNSTON: It would not.

MR. REARDON: Thank you.

LAUREN JOHNSTON: These recommendations I would note are for forestry practices and they're -- which is not compatible with a transmission line project. IF&W provided us -- provided CMP with performance standards specific to riparian buffer management related to transmission line construction.

MR. REARDON: Do you believe that ecological impacts of a transmission corridor on brook trout with the same riparian conditions are different from the ecological impacts of a clearcut which would go right to the stream bank?

LAUREN JOHNSTON: Can you ask the question again?

MR. REARDON: Do you believe the ecological impacts of no canopy closure as recommended by IF&W

from a clearcut next to a stream bank are different from the ecological impacts of the exact same condition resulting from a power line corridor?

LAUREN JOHNSTON: I believe the way that we manage riparian buffer areas is different than a clearcut would be managed.

MR. REARDON: Would a clearcut regrow eventually?

LAUREN JOHNSTON: Yes, it would.

MR. REARDON: Legally for a clearcut in Maine could I clear right to the stream bank?

LAUREN JOHNSTON: I don't believe so.

MR. REARDON: Thank you. In your rebuttal testimony on Page 12 you state that within CMP's project right of way, this is your rebuttal testimony to me, quote, moderate-sized woody debris will be contributed to streams from dense riparian zone, herbaceous and woody non-capable vegetation. Is that -- did I quote that accurately?

LAUREN JOHNSTON: Yes, I would say that's probably accurate.

MR. REARDON: Can you estimate what would be the maximum length of woody debris generated within the CMP right of way, not -- not within the herbaceous zone, can we stipulate that there is no

woody -- woody debris generated in the herbaceous zone? Or would you agree that there is no woody debris being generated by the herbaceous zone?

LAUREN JOHNSTON: Well, what I say in my testimony is there is a dense riparian zone with herbaceous and woody non-capable vegetation.

MR. REARDON: Okay. What would the maximum length of woody vegetation be that we could expect to be recruited into the stream because that's where my question is going from within your riparian buffer?

LAUREN JOHNSTON: I -- I can't say for sure, but it would be consistent with the heights that CMP would allow the growth to -- the vegetation to grow to.

MR. REARDON: So no longer than approximately 15 to 20 feet?

LAUREN JOHNSTON: That would be probably -- probably accurate.

MR. REARDON: And what would you expect maximum diameters to be of the woody vegetation before it got cut?

LAUREN JOHNSTON: It would be -- vary depending on species and depending on what the non-capable vegetation we're talking about is.

MR. REARDON: Would there be anything larger

than anything about 4 inches, do you suspect?

LAUREN JOHNSTON: Probably not.

MR. REARDON: Are you aware of the functions that large, woody debris serves in fisheries in terms of its provision of in-stream cover?

LAUREN JOHNSTON: I am.

MR. REARDON: Do you believe that if what the woody debris being recruited from your riparian zones is no longer than 20 feet and no bigger around than 4 inches it's going to serve those functions?

LAUREN JOHNSTON: I can't say for sure. This is not particularly my area of expertise.

MR. REARDON: Okay. Anybody else on the panel is welcome to answer.

MARK GOODWIN: It's obviously not going to serve to the same level of function as woody inputs from a forested situation, but it's still going to potentially provide some cover just from, you know, smaller pieces, you know, leaning over the stream channel or that sort of input.

MR. REARDON: So if a -- again, the question here is what falls into the stream channel and then becomes incorporated as in-stream habitat. If a 4 inch diameter 20 foot long piece of wood falls into a stream in Maine and suffers the rain event that we

had last night, where does it end up? Does it -- does it remain in the stream channel or does it move down the stream to larger streams?

MARK GOODWIN: It could remain in the stream channel or it could move down stream. I'll note that we proposed originally a woody debris addition component to our compensation plan and IF&W specifically told us that it would have no value and they, you know, they thought that, you know, culvert -- the culvert replacements and the contribution had more value and I can, you know, my personal opinion that is they didn't feel that, you know, over this course of 150 foot right of way crossing it was significant enough impact to merit woody additions.

MR. REARDON: Thank you. There are two studies that both Mr. Goodwin and Ms. Johnston cite fairly extensively in their pre-filed and their rebuttal testimony. One of those is a paper that I confess I couldn't find. I did find the abstract of it. It's the N.C. Gleason 2008 paper. I do have the abstract. I have some questions related to that. This was attached to my -- my testimony, but I -- I do have copies of this if that's easier than trying to bring it up on the screen.

MR. BEYER: Is it rebuttal, Mr. Reardon, or was it direct?

MR. REARDON: This was actually attached to my -- yeah, I'm sorry, this was attached to my rebuttal testimony.

MR. BEYER: Scroll down.

MR. REARDON: And I'll tell you it was included -- it's quite short. It was included in my rebuttal testimony about a page-and-half in if I remember correctly.

MS. BENSINGER: We can just bring it up, but you can give it to them.

MR. BEYER: No, I think it's at the end.

MS. PEASLEE: At the end?

MR. BEYER: Yup.

MR. REARDON: Let's see. There is a quote from Goodwin on Page 2 of my testimony.

MS. PEASLEE: In the rebuttal?

MR. REARDON: Yup. So the quote says a study by N.C. Gleason on the impacts of power line rights of way on forest and stream habitat despite the open canopy condition, water temperatures were slightly lower than in off right of way areas and that more of the water quality parameters -- sorry, none of the water quality parameters were

significantly different between the on right of way and off right of way study areas. The Gleason study also found no correlation between percent canopy cover and mean percentage of fines and no significant difference in the Benthic Index of Biotic Integrity scores between on right of way and off right of way areas. I refer you to the abstract I just handed you. What did Gleason find regarding percent cover -- canopy cover in right of way stream segments versus upstream segments? What was the difference?

MARK GOODWIN: I think it would be pretty obvious to everybody that in the right of way itself there is less -- less canopy cover.

MR. REARDON: Did Gleason conclude in his abstract that, quote, overall the elements show a decrease from ideal salmonid habitat conditions?

LAUREN JOHNSTON: Gleason did conclude that there -- that there is a decrease from ideal habitat conditions, however, the standard is -- is for us to show that there is it not an adverse impact to this habitat.

MR. REARDON: Did Gleason -- thank you. Did the Gleason study study new right of ways or old ones?

LAUREN JOHNSTON: The study was on old right

of ways, right of ways that had been re-established for 30 to 50 years.

MR. REARDON: Okay. So we can conclude from Gleason's study that even after 30 to 50 years right of ways will still show, quote, a decreased -- a decrease from ideal salmonid habitat conditions.

LAUREN JOHNSTON: A decrease from ideal, yes.

MR. REARDON: Thank you. You also cite a study by Peterson.

MS. ELY: Excuse me, Mr. Reardon, do we want to add this as an exhibit now or? The one we handed out?

MR. REARDON: We can, yes. The abstract.

MS. ELY: Can we add it as Group 4 Cross Exhibit 2?

MS. MILLER: Any objection?

MS. ELY: Thank you.

MR. REARDON: And the second handout that I have is the full Peterson study.

MS. BENSINGER: Excuse me, Mr. Reardon, is this new or was it in the record already?

MR. REARDON: This was in the record already.

MS. BENSINGER: Okay.

MR. REARDON: This was attached to my rebuttal testimony, but just so people had hard copies in front of them. And this was a quote, I believe, from Goodwin's --

MS. MILLER: Mr. Reardon, I'm sorry --

MR. REARDON: I'm sorry.

MS. MILLER: -- so we're -- just so we're clear, where in the record...

MR. REARDON: This is, sorry, Attachment 1 to my rebuttal testimony that was dated March 18.

MS. MILLER: Thank you.

MR. REARDON: Filed on the 25th. Sorry. So you're -- the quote, and this was in Goodwin's direct testimony incorporated into Ms. Johnston's testimony and there was similar discussion in rebuttal testimony. A.M. Peterson had reported that removal of tree canopy on new transmission line corridors increases stream insulation during the short-term, but within two years the areas were bordered by dense shrubs and emergent vegetation and water temperatures were not significantly higher than upstream forested regions. Similarly, Peterson found the stream reaches in electric transmission right of ways were exposed to more light and denser stream bank vegetation were deeper and narrower and a greater

area composed of pools. Peterson's study found that trout were more abundant in stream reaches within right of ways. What did Peterson find regarding mean shade in the right of ways versus outside of right of ways?

LAUREN JOHNSTON: Well, the -- the mean shade in -- in right of ways would be less than outside of right of ways.

MR. REARDON: Was it 31.5 percent in the right of way and 83 percent in forested areas upstream?

LAUREN JOHNSTON: I --

MR. REARDON: I'd refer you to Table 2 of the study you cited.

LAUREN JOHNSTON: That sounds right.

MR. REARDON: Of the various physical attributes of the 15 headwater trout streams that were analyzed in this study for how many of the habitat variables was there a significant difference between on right of way and off right of way conditions?

LAUREN JOHNSTON: Can you ask the question again?

MR. REARDON: Looking at Table 2 in the -- in the study. Of the I believe it's 14 mean physical

attributes of 15 headwater trout streams in New York's -- New York 1989, of all of those physical attributes for how many was there a significant difference between physical habitat within the right of way and physical habitat in forested areas upstream of the right of way for how many of the 14?

LAUREN JOHNSTON: Um...

MR. REARDON: I'm sorry, it's 12. There are 12 total not 14. I was miscounting.

LAUREN JOHNSTON: I mean, I don't see the response readily available.

MR. REARDON: Well, I can ask them one at a time. Looking at Table 2 --

LAUREN JOHNSTON: Yup.

MR. REARDON: -- was the mean velocity different between the forested and above the right of way or, sorry, between the right of way and forested segment?

LAUREN JOHNSTON: I would say that's pretty negligible.

MR. REARDON: Was the mean width significantly different?

LAUREN JOHNSTON: Also pretty negligible.

MR. REARDON: At what P level was the difference in terms of the -- it was 3.6 in the

forested reaches and 2.8 in the right of way reaches --

LAUREN JOHNSTON: Right.

MR. REARDON: -- and I believe the P value was .04.

LAUREN JOHNSTON: Okay.

MR. REARDON: So would that be significantly different?

LAUREN JOHNSTON: I -- yeah.

MR. REARDON: By normally accepted scientific standards --

LAUREN JOHNSTON: Yeah.

MR. REARDON: -- P 5 percent? Mean depth was 9.5 in forested reaches, 12.1 in the right of way, was that a significant difference?

LAUREN JOHNSTON: The P value is .02.

MR. REARDON: So that's a yes?

LAUREN JOHNSTON: Yes.

MR. REARDON: Area of pools, 25.7 and forest 38.3 P .02?

LAUREN JOHNSTON: Yup.

MR. REARDON: Substrate size, .8, .82, P .8?

LAUREN JOHNSTON: Yeah.

MR. REARDON: Are you sure?

LAUREN JOHNSTON: I mean, I am agreeing with the numbers that you're reading off here.

MR. REARDON: But that would be not a significant difference, right, for substrate size?

LAUREN JOHNSTON: I don't believe so.

MR. REARDON: Okay. Mean riffle fines were not a significant difference, correct? It was --

LAUREN JOHNSTON: No.

MR. REARDON: They were very close to each other at --

LAUREN JOHNSTON: Right.

MR. REARDON: -- P .09? Mean shade was significant, we just talked about that. Bank cover was not significantly different.

LAUREN JOHNSTON: Right.

MR. REARDON: But -- and banks, shrubs and grass, which were 4.6 percent of stream bank vegetation of the forested reach and 91.8 percent in the right of way? P .01, is that significant?

LAUREN JOHNSTON: .01, no.

MR. REARDON: It -- it would be.

LAUREN JOHNSTON: It would be? Oh, okay.

MR. REARDON: There was a 99 percent chance that it's a significant --

LAUREN JOHNSTON: Right.

MR. REARDON: One was -- just to be clear, one was 4.6 percent of vegetation was in shrubs and grass and the other one was 91.8 percent of vegetation was in shrubs and grass.

LAUREN JOHNSTON: Okay. I'm following you. Yes.

MR. REARDON: Okay. So in sum, of the physical habitat parameters that were investigated in this study, 8 of the 12 that were investigated were different inside the right of way than in forested reaches nearby, correct?

LAUREN JOHNSTON: Correct.

MR. REARDON: So the right of way has a fairly significant impact on physical habitat in the stream?

LAUREN JOHNSTON: For 8 of the 12 it has an impact.

MR. REARDON: Yes. Thank you.

LAUREN JOHNSTON: Significant impact.

MR. REARDON: Okay. Turning to Table 3, which looks at the fisheries information and you correctly stated that there was a -- an increase in the number of trout in the right of way compared to the forested reach, but there was also a significant difference -- is it correct there was also a

significant difference in both the number and biomass of all fish including trout and the non-trout?

LAUREN JOHNSTON: Did you ask -- was that a question?

MR. REARDON: Yes. Looking at Table 3.

LAUREN JOHNSTON: Okay.

MR. REARDON: You -- you stated, and I agree, that there was a significant difference in the number of trout per stream reach, 30.8 in the right of way and 18.9 in the forested reach. Was there also a significant difference in the number of all fish per reach, not just trout but also non-trout species?

LAUREN JOHNSTON: Yes.

MR. REARDON: And was that difference larger or smaller than the increase in the number of trout?

LAUREN JOHNSTON: Larger.

MR. REARDON: So would you conclude that species that are competitors with trout were doing better in the right of way, overall fish biomass increase, but the increase was larger for trout competitors than for trout?

LAUREN JOHNSTON: I am not sure that I can draw that conclusion. Gerry, do you want to add?

GERRY MIRABILE: Certainly. Well, based

upon the P values it appears that it -- that it doesn't support your statement because the P value is slightly smaller for the number of trout per reach, which means there is a higher probability of the significance of the difference than it is for the number of fish per reach.

MR. REARDON: But they were both physically significant, right?

GERRY MIRABILE: I'm just comparing the P values.

MR. REARDON: But they were both statistically significant, correct?

GERRY MIRABILE: They appear to be.

MR. REARDON: And the number of trout was statistically significant, but the mass of trout, the grams of trout was not; is that correct?

GERRY MIRABILE: Well, based on the P value it's not as -- it's not as likely.

MR. REARDON: And --

GERRY MIRABILE: That's all we can say.

MR. REARDON: And both the number of all fish and the mass of all fish, number and grams, they were both statistically significant, correct?

GERRY MIRABILE: Yes.

MR. REARDON: And the increase in trout was

from 18 to 30 in the one finding that was statistically significant and the increase in non-trout was from 62.8 to a 118.5, is that a larger difference?

GERRY MIRABILE: That is a larger absolute difference.

MR. REARDON: Is it also a larger relative difference?

GERRY MIRABILE: Based upon the P value, I don't believe so.

MR. REARDON: What about based on the number, which nearly doubles in one case?

GERRY MIRABILE: Absolute difference, yes.

MR. REARDON: Thank you. Can you bring up CMP Exhibit 3-F? I believe this was attached to Mr. Goodwin's rebuttal testimony. Um, no, I'm sorry, the one above it. Gold Brook and Mountain Brook pictures. There we go. There are two pages of that. I can't remember.

MS. PEASLEE: Leave it there?

MR. REARDON: No. Yeah, those are blank, so just, yeah, just the page with the pic in it. Thank you. So you're -- actually, this -- the quote here is from Ms. Johnston's rebuttal testimony, but either Ms. Johnston or Ms. Goodwin -- Mr. Goodwin can

answer. Your rebuttal testimony notes that the taller structure CMP has proposed at Gold Brook to allow full height vegetation within the 250 foot riparian buffer management zone, quote, will also protect brook trout and other cold water fishery species by avoiding and minimizing secondary impacts, tree clearing within riparian buffer. Can you explain how brook trout will benefit from the intact buffers in that zone?

LAUREN JOHNSTON: Well, the avoidance of clearing maintains an ideal brook trout habitat.

MR. REARDON: Thank you. That suggests that the clearing has an impact on brook trout habitat; does it not?

LAUREN JOHNSTON: There is no question that clearly has an impact on brook trout habitat. The question is whether tree clearing has an adverse impact on brook trout habitat.

MR. REARDON: Okay. I just have a couple more questions. So this is -- and I apologize, I thought about how to do this. There are some tables that are in the January 30 compensation plan and what I've done is printed just the tables that I want to refer to questions from that 500 page document so we're not flipping back and forth plus or minus 30

pages, so can I hand these out? And we can either label these as a separate exhibit or they are all direct from the -- however -- but either way is okay with us.

MS. MILLER: I think to be helpful, let's go ahead and label it as an exhibit and we'll call this Group 4 Cross 3, I believe.

MR. REARDON: So just so you understand what this -- what this was, Exhibit I-9 of the compensation plan was, I believe, the Power report, which summarized functions and values and lots of data and maps for all of the various compensation parcels. And the question here is related to both direct testimony and rebuttal testimony, my direct testimony of the assessment of the fisheries habitat values on these parcels. And so what I'd like to do there are six parcels front and back of each page. These are in the order they appear in the report.

MS. ELY: Jeff. Sorry. Sue. I wasn't able to hand out copies to everybody and so as you're going, if you could just say the names so that -- oh, thank you.

MR. REARDON: Yes, I can say the names of the parcels.

MS. ELY: Yeah, thank you.

MR. REARDON: Sorry. So the first table is Table 2.1, summary of functions and values of the 109.77 Little Jimmie/Harwood parcel. Can -- I guess, Ms. Johnston, can you read what the assessment of the function and values for fish and shellfish habitat were?

LAUREN JOHNSTON: I can read this but the Little Jimmie Pond tract was not proposed for compensation for --

MR. REARDON: Okay. So there are -- there are no cold water fisheries values there?

LAUREN JOHNSTON: No, we did not propose it as part of the compensation plan.

MR. REARDON: Okay. Did you propose a Flagstaff Lake plan tract for cold water fisheries habitat benefits?

LAUREN JOHNSTON: No, the three -- the three parcels that we proposed for cold water fisheries habitat compensation are the Grand Falls tract, the Lower Enchanted tract and the basin tract. Those are the three last parcels in the document you handed out.

MR. REARDON: Okay. So not the Pooler Pond tract?

LAUREN JOHNSTON: No.

MR. REARDON: Could you read anyway since this was not proposed more mitigation what the summary of functions and values for fish and shellfish Pooler Pond tract was?

LAUREN JOHNSTON: Well, we're proposing that parcel for wetland impact offset.

MR. REARDON: I just want to know what the assessment of the fish and shellfish habitat value of it was.

MR. MANAHAN: I would -- I would object to this question because we just established it was irrelevant to the compensation plan that was proposed.

MR. REARDON: Okay. I would like to reserve the right to come back to this because I think there is a foundation for it, but I'll -- I'll move on.

Can you read from the Grand Falls tract, which was proposed for cold water fisheries habitat benefits, correct?

LAUREN JOHNSTON: Sure. I can read that.

MR. REARDON: What does that read?

LAUREN JOHNSTON: As observed during field surveys, the Dead River at Grand Falls is popular for brook trout and landlocked salmon fishing. In 2017, the segment of the Dead River crossing T3 R4 BK BKP

WKR where the Lower Enchanted tract is located was stocked with approximately 15,550 8 to 14 inch landlocked salmon and brook trout to support the fish -- the fishery for the recreational angler. Fresh water muscles were observed along the muddy shorelines of the Dead River upstream of Grand Falls.

MR. REARDON: Okay. Is there any information there about wild fisheries in that section of the Dead River?

LAUREN JOHNSTON: In this excerpt that I just read, no.

MR. REARDON: Yes. Elsewhere in that report?

LAUREN JOHNSTON: I can't say for sure.

MR. REARDON: Would it surprise you that if I searched for the words brook trout habitat these tables were the only place it showed up?

LAUREN JOHNSTON: It would not surprise me.

MR. REARDON: Thank you. Can we agree that the summaries are largely the same just to save time for the Lower Enchanted tract, in fact, fairly close to verbatim and for the basin tract?

LAUREN JOHNSTON: Yes, they are. They're adjacent to each other.

MR. REARDON: Right. Thank you. So it's

the same -- same river reach with a fishery supported by stock brook trout and stock landlocked salmon?

LAUREN JOHNSTON: Correct.

MR. REARDON: And those are proposed as mitigation for impacts to wild brook trout at headwater streams.

LAUREN JOHNSTON: They're proposed for if -- they're partially proposed for impact to indirect impacts to cold water fisheries habitat.

MR. REARDON: Of the I think it's just over 12 miles -- of stream miles that you protect and cite as protecting for benefits for impacts to brook trout how many of those miles are in those sections of the Dead River?

LAUREN JOHNSTON: Can you repeat the question?

MR. REARDON: Your testimony, which I believe -- actually, I believe it was Mr. Goodwin's testimony, but it was repeated in your rebuttal said that I believe it's 12.08, but it is just over 12 miles of stream habitat that are protected on the compensation parcels and of those I believe approximately 8, I think it's 7.7, are on the tracts we just talked about where it's supported by a stocked fishery; is that correct?

LAUREN JOHNSTON: So the 12 miles that we cite does not overlap with the frontage that you quote for the -- on the Dead River.

MR. REARDON: So it's 12 miles of streams other than the Dead River?

LAUREN JOHNSTON: Yes. I believe -- I believe so.

MR. REARDON: Okay. I'm -- I -- sorry, give me a second, please. Okay. In Mr. Goodwin's testimony, and I'm sorry, I do not have a page reference, but the statement is CMP will preserve, colon, 12.02 linear miles of cold water fishery habitat including 7.9 miles of habitat and frontage along the Dead River. So my approximately 12 total and 8 on the Dead River is --

LAUREN JOHNSTON: Yes.

MR. REARDON: -- proposed?

LAUREN JOHNSTON: Yes.

MR. REARDON: Thank you. And that's all I have.

MS. MILLER: Thank you. April, do we have a remaining time for Group 4?

MS. KIRKLAND: 42 minutes 41 seconds remaining.

MS. MILLER: Yes, Ms. Ely.

MS. ELY: I just have a couple of follow-up questions for Mr. Dickinson. Earlier in your questioning with Attorney Boepple there was a question about the 40 year life and I just wanted to clarify a couple of your answers. I was unclear on your answer how often CMP decommissions these lines and I want to just get an answer. In your experience have you ever seen the decommissioning of a transmission line where the poles were taken out of the ground in an existing transmission line within CMP's territory?

THORN DICKINSON: My expectation is that intuitively I would say yes, but I think the panel later on with some of the engineering folks that do this on a day-to-day perspective and manage the existing right of ways of CMP would be better to answer that.

MS. ELY: Right. But you've given an unclear answer, so I just to want clarify it. So have you or have you not?

THORN DICKINSON: I've had -- over lunch we were even talking about the idea of the number of lines that we knew were decommissioned, so it's hard for me to -- I would have expected there would be lines that would be decommissioned. During lunch

I -- we had conversation about some of those that were there. I think the panel that is best able to address that is the engineers and I think they probably have a few examples of where that's happened.

MS. ELY: I still don't have a good answer. So --

MR. MANAHAN: I would object to this. Mr. Dickinson has answered her question to the best of his ability already two or three times and to continue to badger the witness, I think, is unfair and inappropriate.

MS. ELY: I'm not badgering. I'm trying to understand, are you saying that you have -- you have examples of lines that have been decommissioned or that you heard them over lunch?

THORN DICKINSON: Yeah. During lunch often you talk about how the morning went and there were a couple of engineers, one of which will be on the panel in the afternoon, I don't remember exactly which lines he said were decommissioned. My general sense in my experience in my 30 years is that lines sometimes get decommissioned and the poles get taken down and the wires get rolled up.

MS. ELY: But in your -- what I'm trying to

get at is in your experience have you ever worked on a project where you decommissioned a line?

THORN DICKINSON: I've never been a transmission engineer that was responsible for decommissioning a transmission line, so I would be the wrong person to ask that question.

MS. ELY: Okay. In your experience designing projects -- in your 30 years of designing and building projects you're -- you're project development, correct? You work in project development?

THORN DICKINSON: Yeah. So I've been, I don't remember exactly, maybe six years, I've had a lot of different jobs within the company, but the last six years.

MS. ELY: Okay. And in your experience developing these projects when you develop a 40 year project is the expectation that at 40 years it will be folded up and taken out of the ground and decommissioned?

THORN DICKINSON: Well, I can tell you when we -- so one of the key aspects of developing a project like this is to try to build a financial model that demonstrates that your expected revenues are going to be able to offset the costs associated

with the project. So if in the development of that model for us to evaluate the bid price that we wanted to submit we assumed no incremental value past year 40, so in my mind that is representative of the fact that we believe this is a 40 year life. Now, at the end of 40 years if there are still needs that this project is meeting in New England whether they're environmental or operational or economic, I would imagine that there would be a conversation with stakeholders around whether that project should continue. If not, then I don't see a reason why those -- that project isn't decommissioned at that point.

MS. ELY: Okay. No further questions.

MS. MILLER: Thank you. So we'll go ahead on to group -- I have Group 6 next.

MS. MEADER: Good afternoon.

LAUREN JOHNSTON: Good afternoon.

MS. MEADER: Bear with me. My notes are a bit like a working forest at this point because... I am Amanda Meader with The Nature Conservancy and I am working with -- in partnership with Sean Mahoney with The Conservation Law Foundation and so as a team effort we have a patchwork here of questions to move through. I will be addressing my questions primarily

to Mr. Mirabile, Mr. Goodwin and Ms. Johnson -- Johnston and Mr. Mahoney will be addressing his questions primarily to Mr. Dickinson. Okay.

LAUREN JOHNSTON: Okay.

MS. MEADER: I'll start with Mr. Mirabile. On Page 12 of your pre-filed testimony you state, quote, a wide variety of wildlife utilizes transmission line corridors. I wonder, can you tell me, are there any species that avoid transmission line corridors?

GERRY MIRABILE: Well, starting with aquatic species if they're aquatic and the corridor is land-based --

MS. MEADER: We've got that. Thank you so much.

GERRY MIRABILE: Great. And, in general, I would say about naming specific species, species that are typically found, you know, either are required forested habitat or cover because that's not available on transmission corridors will avoid transmission line corridors.

MS. MEADER: Thank you. I wonder if you could speak a little bit about which species are advantaged by new edge scrub/shrub. And certainly if you feel somebody else on the panel -- certainly.

That's fine.

GERRY MIRABILE: Yeah.

MS. MEADER: I could elaborate if that --

GERRY MIRABILE: No, I understand the question. I think that we were -- we have not specifically evaluated which species would be advantaged by veg habitat or scrub/shrub.

MS. MEADER: Okay. And I think we heard testimony today that they're the more common species, the species that haven't been designated as species of special concern or great need, so your -- your bear and your moose and your blue jays just for example that -- those more common species that can move easily through that type of habitat.

MR. MANAHAN: I would object to the questioning basically supplying an answer apparently that you're looking for. I object to not asking it as a question.

MS. MILLER: Yeah, I would agree with that, please.

MS. MEADER: Yeah, sure. I had a comma and six more words with a question mark. I apologize, so sorry. I'll try to rephrase that. And I guess what we're just trying to look for is whether you've given any thought to those species of greatest -- greatest

conservation need?

GERRY MIRABILE: The -- the species we focused on are the species identified in comments from the Maine Department of Inland Fisheries and Wildlife that they identified as potentially impacted by the project.

MS. MEADER: Thank you. Let's see, now I bounce to Mr. Goodwin with my second question. So you mentioned in testimony earlier today that there are many fragmenting features in the region and I wonder if you can speak specifically to what fragmenting features currently exists between routes 201 and Route 27?

MARK GOODWIN: Without a map in front of me, I don't know that I could accurately do that.

MS. MEADER: Okay. Sure. Fair enough.

MARK GOODWIN: Although, I would say obviously, you know, your logging roads and forest products industry and infrastructure.

MS. MEADER: Sure. Sure. Would you agree that the only -- within that area that I just referenced that there are -- I think we had testimony from earlier today and, I apologize, I don't know who mentioned it, but there is a railroad within that area that's approximately 25 feet wide?

MARK GOODWIN: The railroad is slightly north of the project alignment.

MS. MEADER: Okay. All right. And is it true that the only wide fragmenting feature in that area is the Spencer Road?

MARK GOODWIN: That's probably accurate.

MS. MEADER: Okay. Thank you. Bouncing back to Mr. Mirabile. In CMP's application materials in your pre-filed testimony you do not address the potential impacts of the proposed corridor on species migration in response to climate and I wonder if you could talk about how CMP is accounting for and addressing these impacts?

GERRY MIRABILE: I don't believe species migration in response to climate change is an approval criteria.

MS. MEADER: Okay. Well, as we'll discuss Friday, which will feel like a lifetime from now -- let me pause. I'm going to come back at that in a different question, okay, because I don't -- we have enough to go through that we don't need to quibble, so.

Mr. Goodwin, on Page 17 of your pre-filed testimony, you refer to, quote, environmentally-friendly manual, mechanical and

chemical treatment on a four year schedule. Can you talk to me a little bit about what that means and when you might use one method as opposed to another?

MARK GOODWIN: Well, typically during the -- and I take it we're talking about the management?

MS. MEADER: Correct.

MARK GOODWIN: Okay. Typically during vegetation management practices there is very little in the way of mechanical clearing. It's usually in a manual, you know, clearing within the riparian buffers and herbicide -- foliar herbicide application outside of those buffers.

MS. MEADER: Okay. And is -- can you describe for us what sort of guidance or best management practices or standards you have to follow in determining when to use the -- the methods that are least destructive to habitat? Is there no playbook on let's just spray chemicals versus let's manually clear? I just -- we're just trying to understand where your guidance comes from there.

MARK GOODWIN: Gerry might be better to answer this.

MS. MEADER: Sure. Yup.

GERRY MIRABILE: Could you restate the question, please?

MS. MEADER: Sure. So looking at the environmentally-friendly manual, mechanical and chemical treatments that will be employed on a four year schedule to maintain that, we're just trying to understand how -- what the decision calculus is in terms of which method you choose.

GERRY MIRABILE: Okay. So as Mark mentioned, primarily within the -- within the riparian buffers it would be mechanical only. And I'd say primarily outside of the buffers it would be by use of herbicides, which -- and you had asked about the practices, so they are hand pressurized backpack mounted applied, not broadcast, but applied to individual specimens and species that have been determined to be at risk of growing into the conductor safety zone.

MS. MEADER: Okay. Thank you. And just one follow-up on that piece, what monitoring is done, I mean, when that actual field work is being done presumably by third-party contractors, who is monitoring that those best practices are being followed; in other words, there is not just, you know, a widespread broadcasting?

GERRY MIRABILE: The crews are overseen by a person who is licensed, a licensed applicator. One

other thing I'll note is that we have voluntarily applied the aerial spray limitations, which is for aerial spraying in Maine you cannot spray when the wind speed is above 15 miles an hour, we have applied that to ground spraying with the express purpose of eliminating or absolutely minimizing off-target drift.

MS. MEADER: Thank you. I'll stick with you if it's appropriate. I want to switch gears to CMP's compensation plan. On Page 48 of your January 2019 revised compensation plan and also on Pages 12 through 13 of Exhibit 10-1, and I'm sorry to make you dig, of your revised site plan application you propose creating eight deer travel corridors in the Segment 1 deer wintering area under the overhead wires. In those travel corridors you state that tree heights under the wires would, quote, generally range from 25 to 35 feet and that the corridors would total a little more than a half a mile, about approximately 3,279 linear feet. And I just wonder if you could provide, you or any of your team members, provide more detail on how these travel corridors are going to be created and maintained.

GERRY MIRABILE: Okay. The travel corridors will be essentially selectively cut from the existing

forest to the extent that it's wooded and some of that area is not wooded currently. And if you think about the conductor sag there is an imaginary line beneath the conductor that defines the conductor safety zone and trees will be allowed to grow more or less on a curve consistent with the conductor safety zone and they'll be allowed to grow as tall as they can grow without intruding upon that or when the -- when the maintenance crew comes through if they anticipate that individual trees would grow into that conductor safety zone before the next four year maintenance cycle those trees would be cut. The reason it's limited to 35 feet is that they need to be cut from the ground so they're not being topped and there is no way of accurately estimating once it gets above about that height exactly how close those trees are relative to the conductor safety zone. And so it would be, you know, if the structures are here and here it would look something like this in profile up to a height of 35 feet at which point no more trees would remain between them and the structures.

MS. MEADER: Okay. Thank you. I just want to take a moment and make sure I -- I had subquestions, but I think you may have answered them. So just during the initial clearing for the corridor

would any trees less than the 25 to 35 feet tall in that deer wintering travel corridor, would any of those be retained or it's all going to be cleared?

GERRY MIRABILE: They would absolutely be retained and, you know, so that they wouldn't have to grow up from the ground level we would retain as many of those as we could, however, we would require, you know, travel path between the structures and lay down areas around structures.

MS. MEADER: Okay. And I know you're not a forester, but I would say to the extent you do have to cut down trees above that height, any sense for how long it would take those new growths to reach that height after the corridor is cleared?

GERRY MIRABILE: It depends upon what is there in growth in a height that we can retain at the time of initial construction so that if we -- if we're starting with tall trees that are already within the conductor safety zone, we would have to take them down to the ground and any seedlings and saplings that were already present would, you know, start to grow up from that point. If the trees in a particular area are at a height that they can be retained, you know, something bigger than seedlings or saplings then, you know, right away there would be

some viable travel corridors. It really depends on the age, class and the species of the trees within each of 10 or 8 to be maintained deer travel corridors.

MS. MEADER: Thank you. And how will CMP provide evidence of or how will the state verify that these travel corridors are being maintained as intended?

GERRY MIRABILE: Well, IF&W, Inland Fisheries and Wildlife has asked us to notify them and that they would like to be present during the creation and maintenance of these and so we can get some feedback on that, but we'll have verification by way of their oversight.

MS. MEADER: Okay. Nope. Great. Thank you. That's helpful. Just one more piece circling back to the corridors, the deer travel corridors, corridors would total a little more than a half-a-mile, so about approximately 3,279 linear feet, over what -- I'm not sure if this will make sense, but over what overall distance end to end?

GERRY MIRABILE: Right. The deer travel corridors will actually total about 1.1 miles rather than -- if you look at the total length within the overlap between the travel -- between the corridor

and the deer wintering area, the map deer wintering area is 1.1 miles and that includes the areas on the east and west side of the termination stations that are now and will continue to function as deer travel corridors. And what percentage, do we know that?

LAUREN JOHNSTON: I don't know off the top of my head.

MS. MEADER: Okay. I think that was sufficiently helpful.

GERRY MIRABILE: Okay.

MS. MEADER: Sticking with Mr. Mirabile, has CMP considered adding wildlife travel corridors in other portions is of Segment 1?

GERRY MIRABILE: It has not been suggested that other travel corridors are necessary by Inland Fisheries and Wildlife.

MS. MEADER: Okay. All right. Would that be something that CMP would be open to considering?

GERRY MIRABILE: We would have to take that back and talk it over.

MS. MEADER: Thank you. Mr. Mirabile, did CMP consider co-locating the corridor with the Spencer Road?

GERRY MIRABILE: Has CMP considered that?

MR. MEADER: Yes.

GERRY MIRABILE: I think that it was considered early on, you know, as a, you know, potential option and there are significant constraints and reasons why that's not optimal.

MS. MEADER: Could you explain a few of those for us?

GERRY MIRABILE: I'm not sure I'm the best person to explain them. I'd defer to the real estate folks.

MS. MEADER: Ah, okay. That's a telling answer thank you, Mr. Mirabile. Let's talk about tapering. Did -- and I know you're not in the context of scenic concerns because that's not what The Nature Conservancy's focus is, but in terms of habitat fragmentation did CMP consider vegetative tapering as a strategy to reduce habitat fragmentation?

GERRY MIRABILE: Well, the -- the deer travel corridors in the Upper Kennebec deer wintering area are in effect tapering.

MS. MEADER: So the --

GERRY MIRABILE: So it's just that it's longitudinal instead of cross-section.

MS. MEADER: So beyond deer corridors then CMP didn't consider tapering to mitigate habitat

fragmentation for other species?

GERRY MIRABILE: Habitat fragmentation was not identified as a concern by IF&W. It was never suggested that we consider those.

MS. MEADER: Mr. Mirabile, on Page 30 of your pre-filed direct testimony there is a section which discusses other mitigation measures. Two that are mentioned, one, vegetation tapering at Coburn Mountain and Gold Brook, which is done for visual impact and at an incremental cost of $22,200 a year. You also reference maintenance of deer winter travel corridors in the Upper Kennebec in deer wintering areas at an incremental cost of $9,400 a year. And, again, I think we just would like to understand going back to that question about coverage, end to end coverage, those two mitigation measures do have a sense for what the scope of coverage is there; in other words, what are you getting for your money?

GERRY MIRABILE: When you say coverage, what do you mean?

MS. MEADER: Geographic distance.

GERRY MIRABILE: Coburn Mountain is 2.2 miles for tapering and Gold Brook is 20 percent of that, so what would that be? I think...

MS. MEADER: We can...

GERRY MIRABILE: Yeah, a little bit less.

MS. MEADER: And then, again, the maintenance of the deer winter travel corridor was about you said 1.1?

GERRY MIRABILE: 1.1 total.

MS. MEADER: 1.1, yup. Thank you. This is where we really get into our patch work of community effort here. Bear with me. Okay. Mr. Goodwin, in your testimony today you stated that you would recommend mitigation for habitat fragmentation impacts, what would you recommend specifically?

MARK GOODWIN: I think you're -- I think you're referring to the question that I was posed regarding if there was a project that didn't have, you know, early successional vegetation as a long-term management strategy what would the mitigation, you know, what would you recommend and I would say I would recommend managing it at an early successional vegetative state.

MS. MEADER: Okay. Mr. Goodwin, again. On Page 19 of your pre-filed rebuttal testimony you state, quote, there is no basis for the TMC's staff request for between 40,000 and 100,000 acres of preservation lands, end quote. Did CMP at any time weigh the costs and benefits of providing additional

compensation for habitat fragmentation and have you taken into in consideration the cost of working forest conservation easements versus the cost of fee acquisition? And I can break that up if you want.

MARK GOODWIN: Can you ask that again?

MS. MEADER: Certainly.

MARK GOODWIN: I'm just trying to determine whether I am the right person to answer it.

MS. MEADER: Sure. Certainly. So on Page 19 of your pre-filed rebuttal testimony you said there is no basis for TNC staff requesting between 40,000 and 100,000 acres of preservation lands.

MARK GOODWIN: Okay.

MS. MEADER: Okay. And so the first question is did CMP at any time weigh the costs and benefits of providing additional compensation for habitat fragmentation?

MARK GOODWIN: I don't think so. Gerry, would you say that's accurate? Yeah.

MS. MEADER: Because --

MARK GOODWIN: Because -- well, for one there is the -- in the regulatory guidance there is no established mechanism for like an in lieu fee or something like that to offset habitat fragmentation. It's specific to wetlands and significant wildlife

habitats.

MS. MEADER: Okay.

LAUREN JOHNSTON: So the compensation plan first satisfies the requirements under NRPA and then the compensation plan also includes elements of agency requests for impacts that they felt that there was more mitigation required.

MS. MEADER: Thank you. And the second portion of that question, Mr. Goodwin, was whether CMP took into consideration the cost of working forest conservation easements versus the cost of fee acquisitions for preservation lands.

MARK GOODWIN: I don't believe so.

MS. MEADER: Okay. Thank you. Ms. Johnston, a question for you.

LAUREN JOHNSTON: Sure.

MS. MEADER: Thank you. This is a long one, but it pertains to culverts. So on Page 11 of your pre-filed rebuttal testimony regarding CMP's proposed $200,000 contribution for replacement of undersized culverts you state, quote, the significance of this commitment is the amount of cold water fisheries habitat connectivity that can be achieved not the number of culverts whose replacement it will fund. It continues, for example, if two or three culvert

replacement projects reconnect a larger area of viable cold water fisheries habitat than 20 smaller projects then it may be better to choose the smaller quantity of qualitatively greater culvert replacements, end quote. So if The Nature Conservancy could rank the top 20 to 30 culvert replacement projects in the region based on mileage of habitat opened by each project, would CMP be open to providing the level of funding necessary to complete those specific projects?

LAUREN JOHNSTON: Yeah, I can't -- I can't respond to that, but Gerry may be able to add to that.

GERRY MIRABILE: I think it's important to understand the basis for the 20 to 35 culvert estimate and that is that I reached out to a contractor who does a lot of work for us, a civil contractor, and just to get an idea of the order of magnitude of how much it might cost to replace culverts and, you know, his first question was, well, what size are the culverts and where are they. And I can tell him roughly where they are, you know, Oxford, I mean, you know, Somerset and Franklin Counties, but we had to make some assumptions about the size of culverts and I came up with some things

off the top that were not site specific. They were just broad guidelines and I think I was estimating a 20 inch culvert. That's a small culvert. And, you know, he was throwing out some size categories and he said he was talking 4 foot culverts and I remember and then he said, how long are they? And I said, you know, what's typical and he said, 16 to 20 feet if it's just a woods road and what's typical materials and I think he mentioned HDPE or corrugated metal and so that's how the estimate was made and we weren't holding him to it. It wasn't a formal proposal. It was just a, you know, rough estimate based upon what I gave him for information. And the 20 to 35 is based upon how many could be funded, you know, whatever the math works out to be for that amount of money I think that was the estimate he gave per culvert. In part because it was looked at as a job where it wouldn't just be one culvert, it would be multiple culverts and so there is some economy of scale in terms of materials and labor and mobilization.

MS. MEADER: Thank you. I appreciate your candor. Would you agree that what I hear you saying is that for all of the expertise that you folks have perhaps properly sizing and siting culverts in a way

that allows you to properly estimate the cost isn't perhaps your team's absolute strongest point?

GERRY MIRABILE: Well, there are standards for culverts that, you know, the state has, 1.2 size full bank width, you know, and really the only reason to estimate them like that was because at this point in the program developing we haven't identified where they would be, you know, what -- where the culverts are that need replacements and that comes later so there had to be assumptions built into the cost estimate.

MS. MEADER: So then would you agree that there is potentially some flexibility in that cost estimate if scientists can show that there is greater sort of habitat support that can be provided with -- with more detailed accurate sizing?

GERRY MIRABILE: So the proposal before the Department is what it is at the moment.

MS. MEADER: It sure is. I believe that brings me to Mr. Mahoney with the Conservation Law Foundation, so thank you folks.

MS. MILLER: Thank you.

MR. MAHONEY: Sean Mahoney with the Conservation Law Foundation and I have question for Mr. Dickinson. Good afternoon.

THORN DICKINSON: Afternoon.

MR. MAHONEY: So let's just start with transmission line and removal.

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

MR. MAHONEY: Sure. I'm sorry. How is that?

THE REPORTER: Better. Thank you.

MR. MAHONEY: Okay. There is no decommissioning fund being proposed by CMP for this line, correct?

THORN DICKINSON: That is correct.

MR. MAHONEY: The second question, the Maine Power Connect was another response to the Mass RFP; is that correct?

THORN DICKINSON: That's correct.

MR. MAHONEY: And you were responsible for that proposal as well?

THORN DICKINSON: I was.

MR. MAHONEY: And that project was a proposed mix of wind, solar and battery storage, correct?

THORN DICKINSON: That's correct.

MR. MAHONEY: And that was in partnership with NextEra and EDP Renewables?

THORN DICKINSON: Ah, EDF actually.

MR. MAHONEY: EDF Renewables. Thanks. And that project -- that project would have used the same transmission route as this Clean Energy Connect project, right?

THORN DICKINSON: Exactly.

MR. MAHONEY: And what else would that project have included?

THORN DICKINSON: It would have included the necessary amount of acreage in order to produce the amount of wind, solar and battery technology to deliver on the -- on that project in Maine.

MR. MAHONEY: And those sites were proposed in Quebec and western Maine; is that correct?

THORN DICKINSON: Mostly in western Maine. EDF did propose a few wind farm sites that were just over the border in Quebec.

MR. MAHONEY: Okay. And would those projects also have required generator lead lines to connect to the transmission lines?

THORN DICKINSON: Yes, they would have.

MR. MAHONEY: Okay. And that project -- would that -- do you know what -- can you share what the ranking of that project was in comparison to other projects?

THORN DICKINSON: We actually don't know.

We -- and obviously we were equally excited about all our bids and it was not selected and because of the way the information was redacted in the evaluator report you only could tell if you won or if you didn't.

MR. MAHONEY: Okay. Thank you. Was the project for the same amount of energy?

THORN DICKINSON: No. No. It -- a little bit less -- less capacity, but significantly less energy because the capacity factor of wind and solar.

MR. MAHONEY: Okay. So how much energy would that have been delivered?

THORN DICKINSON: You're asking me to remember. Right off the top of my head, I apologize, I don't remember.

MR. MAHONEY: Okay. In your rebuttal testimony, Mr. Dickinson, you started on Page 3 talking about the standard of practicable for purposes of this proceeding and you correctly quote the DEP regulation concerning available and feasible, concerning cost, existing technology and logistics, but then you go on to talk about the consideration of undergrounding the line, right?

THORN DICKINSON: Correct.

MR. MAHONEY: And on Page 13 you stated that

total cost to underground 54 miles would be $767.9 million?

THORN DICKINSON: Correct.

MR. MAHONEY: Okay. Now, in your consideration of that at that point was with respect to whether or not the project would be one that would qualify it in -- with respect to Massachusetts' evaluation of the project, correct?

THORN DICKINSON: That's correct. We did the capital analysis in order to determine essentially what the impact would be on the ranking in the Massachusetts RFP process.

MR. MAHONEY: And so that evaluation is based on a business evaluation, correct?

THORN DICKINSON: Yeah. Economic I would call it, yeah.

MR. MAHONEY: But it's not based on the DEP regulation of what is practicable for purposes of determining alternatives, correct?

THORN DICKINSON: Well, the -- the need --

MR. MAHONEY: Well, yes or no. I mean, it wasn't based on the DEP regulation, correct?

MR. MANAHAN: Well, I object to requiring a yes or no answer. Mr. Dickinson is entitled to answer the question fully, so I would object to

limiting him.

MR. MAHONEY: Okay. If we start with yes and then we can answer it more fully, that's okay. Or no.

THORN DICKINSON: Sure. My instinct is to say that it was addressing the DEP guidelines because the -- in order for the project need as defined to be successful for the project to actually be constructed, we had -- the project had to be -- receive the cost recovery. In order to get cost recovery it would have had to win the RFP, so in my mind those things are connected. And if we had considered an underground portion as I -- both I -- I testified here and others is that our belief was the project would not move forward.

MR. MAHONEY: Because it would have -- you wouldn't have been able to bid enough that would have allowed you to successfully obtain it and make the amount of money you needed to make in order for the company to take the risk of the project?

THORN DICKINSON: That's correct.

MR. MAHONEY: Okay. So -- so forgive me, I'm going to do some math and you don't have to necessarily agree with it.

THORN DICKINSON: Okay.

MR. MAHONEY: If I think about 767.9 million for 54 miles, and you can double-check me on this, you're faster at this, if I were to do a per mile cost of undergrounding, I would get roughly 14 1/2 million per mile, if I'm using 54. And if I were to spread that out over 40 years to have an annual cost per mile, I would roughly get about 350,000.

THORN DICKINSON: 350?

MR. MAHONEY: Thousand per year per mile.

THORN DICKINSON: I understand your math.

MR. MAHONEY: Okay. Do you want to check it?

THORN DICKINSON: Well, no., I mean...

MR. MAHONEY: I'm trying -- I'm trying to get a number so that I can do an apples to apples comparison.

THORN DICKINSON: So the -- well, there -- I can address questions that come to my mind as you walk through. I can follow your logic all the way to the end.

MR. MAHONEY: Sure. Let me -- let me give you my logic --

THORN DICKINSON: Okay.

MR. MAHONEY: -- or let me tie this and you'll understand why I want to try and do apples to

apples.

THORN DICKINSON: Okay.

MR. MAHONEY: So we're just talking on this matter, which is talking about the cost to do the tapering at Coburn and Johnson and in the DWA area. And as I understood it the cost of that tapering in Coburn and Johnson is 22,000 a year for 2.2 miles. So if I were to do a per mile cost associated with tapering that's roughly 10,000, this is for operation and maintenance, $10,000 per year per mile of that tapering. And I think that's roughly the same as it was for the DWA area, which I think was in total just over a little -- just over a mile and I think your testimony or Mr. Mirabile's testimony on Page 30 was that it was about 9,500 a year, so we're roughly at 10 per year. So I'd like to do a comparison --

THORN DICKINSON: Sure.

MR. MAHONEY: -- with respect to the undergrounding which people have talked about as a way to mitigate -- as a way to avoid and/or minimize the impacts here. So getting back to the math that I started earlier, and I am an English major, so I appreciate it won't be close or may not be close, but at 700 -- roughly 768 million for the 54 miles, I think it's roughly 14 1/2 million per mile and then

if I were just to divide 14 1/2 by 40 I get 350,000.

THORN DICKINSON: So the -- the -- when you look at capital costs it isn't just -- you can't just spread the cost over a period of time and say that's the annual cost.

MR. MAHONEY: Right.

THORN DICKINSON: There is a number of factors that go into the kind of cost recovery for capital costing. They include -- you're going to have operations and maintenance relative to the size of the investment, you're going to have property taxes associated with that investment, you're going to have return of -- through depreciation a depreciation expense, you're going to have a return of investment and federal income taxes. Generally, if you wanted a back of the envelope kind of a number, you're generally looking at about 15 percent of the capital cost annually associated with the cost. So I'm probably always guided not to do math while I'm being cross-examined, but the end -- you said the per mile you had a 14 --

MR. MAHONEY: Right. I'm just using your number. I'm happy to use -- but your number in the rebuttal was that the total for the funds used during construction -- I'm sorry, the total for the project

would be 767.9 and that was on Page 13.

THORN DICKINSON: Right.

MR. MAHONEY: I'm just -- if it's a different number...

THORN DICKINSON: Well, no, it sounds right, I just don't want to do too many -- too much math. So assuming 14.5 million per mile and a 15 percent what's called a fixed charge rate, which is a -- it kind of calculates all of these pieces. It's about 42.2 million per year per mile. So 2.2 million per year per mile associated with it.

MR. MAHONEY: So not 350 but $2.2 million.

THORN DICKINSON: Yeah. That's what I was -- I was trying to get out the point that a capital doesn't -- you can't just spread it out, you have all these other expenses and when you look at it on an annual basis, again, a back of the envelope estimate is about, you know, a 15 percent charge -- carrying charge per year.

MR. MAHONEY: Okay. And my -- so let's work on 2.2 million.

THORN DICKINSON: Okay.

MR. MAHONEY: So 2.2 million per mile on undergrounding --

THORN DICKINSON: Per year. Just -- sorry.

MR. MAHONEY: Per year. Per year. As opposed -- and then -- and there was testimony earlier today that undergrounding has its own impacts, has to be clearing and space for that as well, there is certainly construction impacts. But on the tapering side of things that's seen as a way to both mitigate for visual impacts, which as I understand it for the Coburn/Johnson, I don't want to get into visual, it's just that's my understanding of that purpose, but for the DWA that is for habitat and habitat fragmentation issues with respect to deer wintering yards. So my question to you would be why wouldn't 7,000 -- I'm sorry, 10,000 per mile for tapering be considered a reasonable cost for purposes of minimizing the impact associated with habitat fragmentation?

THORN DICKINSON: Yeah. I guess for me that's not an area -- looking at what the -- the mitigation is versus the impact wouldn't be in my area of testimony. I mean, clearly, the 2 -- $10,000 per mile per year is cheaper than $2.2 million per mile per year.

MR. MAHONEY: Right. Right. So it would be about 25 percent if you did the entire 54 miles, that would be 540,000 per year for tapering if you did the

entire 54 miles, correct?

THORN DICKINSON: Assuming that that was a doable exercise and there weren't issues associated with tapering that distance --

MR. MAHONEY: Right.

THORN DICKINSON: -- then I think the math is correct.

MR. MAHONEY: And -- and so when -- when you're considering reasonable, what do you -- what are you comparing that reasonable to? And I -- not just -- well, we didn't think that would get us the bid, what -- what -- so there is clearly a return on this investment for CMP if this transmission line were to go forward, correct?

THORN DICKINSON: Yeah, correct.

MR. MAHONEY: And so the cost that you're incurring in the construction and the operations and maintenance are -- are being compared with the return on the investment you're making in order to determine whether or not it's reasonable or is a good use of resources for CMP/Avangrid, correct?

THORN DICKINSON: Yeah. I mean, just to -- just to be clear, we have both with Massachusetts Electric Distribution Company and with Hydro-Quebec as a long-term user of the transmission line comitted

to a four year fixed revenue, so the -- anything that happens on the project related to it is a risk that we incur not only between the time the project was originally to -- to now and from now until construction and then as the project continues to be operated. So within that context in this type of a evaluation on a bid you're looking at the revenue, making sure that that's certain and then you're comparing that against all your operating expenses and cost, the construction and all of the risks that could happen over -- over the life of the project. So just to make sure that we're all kind of looking at the issue the -- the same way. And then within that we're -- we're, you know, obviously trying to do a number of things and I think as I say in my rebuttal testimony it's not just about cost, you know, cost was a significant part of the Mass EDC requirement, they talked a lot about cost, they talked about cost containment, not -- cost overruns not being passed on to Massachusetts EDC customers, but also we had to make sure that we minimized impacts and that we had to make sure that we can maintain the quality and the safety of the project, so all those things are balancing factors in the way that we sited the line, the way that we mitigated

impacts associated with it, the design we ultimately picked and then as the conversations have continued to move forward how we mitigate those impacts.

MR. MAHONEY: But you would agree with me that if you tapered the entire 54 miles of Segment 1 that that would minimize and mitigate impacts that aren't currently minimized or mitigated under the -- under the proposal that's before the Department at this point; is that correct?

GERRY MIRABILE: Well, Mr. Mahoney, I think the -- there are impacts to the project and, you know, if you look at the avoidance of impacts and then the minimization and the mitigation of unavoidable impacts, we've gone through that -- that process throughout the planning and the design and the impacts that remain that we're compensating for and mitigating for, you know, we haven't been -- it hasn't been suggested that additional, you know, by the agency certainly that additional mitigation is appropriate or necessary because we've done as much as we have as documents in the compensation plan to mitigate for those impacts.

MR. MAHONEY: Right. But the purpose of this proceeding is to determine whether or not that's good enough or if more needs to be done, correct?

GERRY MIRABILE: That's...

MR. MAHONEY: Is that your -- is that your understanding of why we're all here for the week?

GERRY MIRABILE: I think it's to gather more information on the topics designated by the Presiding Officer.

MR. MAHONEY: I understand. And whether or not it's reasonable or cost-effective, you would agree that if the entire 54 miles were tapered in the same way that it's proposed to taper in the Coburn Mountain area that that would minimize and mitigate the impacts that are currently associated with the project as currently proposed?

GERRY MIRABILE: I would defer to the visual, you know, experts to learn more about on that issue and the question is whether the tapering is necessary in other areas to, you know, for wildlife purpose and, you know, we haven't -- we haven't reached that conclusion.

MR. MAHONEY: Okay. And from a -- and, Mr. Dickinson, from a project management perspective determining the reasonability of it goes to both -- goes to whether it is a cost-effective project for the company, correct?

THORN DICKINSON: That's correct.

MR. MAHONEY: And that has to be balanced based on your income and the cost, correct?

THORN DICKINSON: Yeah. It has to do -- as I said, I think it has to -- it's a balance between all of the factors making sure that it's a -- it's safe, that we -- efficient, quality, that we minimize the impacts and the cost, so I think all of these things go into those -- those decisions.

MR. MAHONEY: And what is the annual impact that anticipates -- annual income that's anticipated from the project should it be approved in its current state?

THORN DICKINSON: I am not 100 percent that that is a public number that's available. I think there is various analyst reports out there that may have indicated that, but as far as what -- what the net income was I don't -- I don't think that's public.

MR. MAHONEY: Okay. That's all I have. Thank you very much.

MS. MILLER: Thank you. Okay. We'll go through -- we have Group 7 and 8 and after that we'll take a short break. So we'll start with Group 7.

Okay. We'll go ahead and just take a quick 5 minute break right now.

(Break.)

MS. MILLER: Okay. Let's think about getting ready to get started again. Before we do, I just want to make a quick announcement and make sure everyone is aware when your microphone is on or off. There are a lot of people watching today live-streaming and there are a lot of side conversations that might be heard, so I just want to remind everyone, and that includes our table, to press the button and make sure the blue light is off when you're not intending to be speaking to be heard by the public.

With that, we'll go ahead and restart and we've got Group 7 cross-examination.

MR. SMITH: Good afternoon. Ben Smith on behalf of Western Mountains and Rivers, Group 7. Mr. Mirabile, I actually brought that from your application materials to the desk hoping that I could maybe ask you some questions during your examination.

GERRY MIRABILE: Sure.

MR. SMITH: So the first area of questioning I had is a follow-up to some questions of Mr. Weingarten and Mr. Publicover. I heard characterizations during questions by them that the area basically the new segments that are comprising

the knew corridor 53 miles are a large intact forest block or are a part of a large intact forest block and then I heard, I think, a question of where is the evidence to support the area of the project that has been intensely harvested. So I brought before you your application from August 13 and I have a question with regard to Attachment C. And in particular, I am looking at essentially the natural resource maps for Segment 1 and I'm going to start on Page 9 of that document if you can reference it.

GERRY MIRABILE: So do you mean Map 9?

MR. SMITH: No, actually I flagged it off before. It's part of Segment 1 and it would be -- I think the first segment you depicted under Attachment C and it would be the tenth page in or nineth page in, 9 out of 417.

GERRY MIRABILE: Okay.

MR. SMITH: Okay. So are you on the right page at this part?

GERRY MIRABILE: It's Beattie Township and Merrill Strip Township?

MR. SMITH: Yes, sir.

GERRY MIRABILE: Yes.

MR. SMITH: All right. So is there anything on that photo or on that depiction that would look

like it's part of a large intact forest block?

GERRY MIRABILE: There are some very prominent strip cuts that -- and some skid trails and then there are smaller patches of what appear to be forest.

MR. SMITH: Anything else?

GERRY MIRABILE: Roads. Two roads. 400 Road and then another road that peels off from that that's not labeled.

MR. SMITH: And the difference between roads versus the strip cutting you're talking about is one of those a hard development versus a soft development?

GERRY MIRABILE: I would characterize roads as a hard development.

MR. SMITH: Okay. So you have both hard and soft developments in this location?

GERRY MIRABILE: Yes.

MR. SMITH: If you were to compare a totally vegetated area of this map to the area that is comprised by the clearcut, the hardscape of the road versus a world where it would just be the transmission line going through there, which one would comprise a greater area of cleared land?

GERRY MIRABILE: Well, that would take some

mapping exercise to calculate that to quantify it specifically. I think roughly at this scale it appears that there might be equal between the two.

MR. SMITH: Okay. Let's go to the next page it you can, please. Page 10 of 417. Does this slide depict anything that would be considered a part of a large intact forest block?

GERRY MIRABILE: It appears to be laced with strip cuts, roads, skid trails.

MR. SMITH: Okay. Same roads that we were talking about before?

GERRY MIRABILE: One of the same roads, 400 Road and another road that is not -- is not labeled or identified.

MR. SMITH: Okay. Let's go two slides down to Page 12. I'll ask you the same question. Anything here that would depict an area that would be part of a large intact forest block?

GERALD MIRABILE: I would not characterize it that way.

MR. SMITH: Why not?

GERRY MIRABILE: Because large areas are either recently stripped based upon parallel lines -- I mean, recently a strip cut based on parallel lines or appear to have been cleared of trees.

MR. SMITH: So in other words, the areas that we're talking about here are actually not just simply strip cut, they're clearcut?

GERRY MIRABILE: It appears to be a clearcut from the photograph.

MR. SMITH: And are there roads on there as well?

GERRY MIRABILE: Yes, there are.

MR. SMITH: What roads?

GERRY MIRABILE: Lowell Town Road and 400 Road.

MR. SMITH: And if you were to compare essentially going back to the question I had earlier on slide 9, a world where it would just be the transmission line going through here versus a world where you have these hard developments and you have these heavily forested areas, which one would actually occupy a greater amount of space?

GERRY MIRABILE: I would expect in this case it would be the strip cuts and clearcuts just based upon the visual.

MR. SMITH: Okay. Let's go to Page 13. If I asked you the same question I asked you before with regard to this would it be the same?

GERRY MIRABILE: Yes, it would be the same.

MR. SMITH: And let's go to the next page. Would it be the same with regard to this map?

GERRY MIRABILE: Yes, it would be the same.

MR. SMITH: And I've already -- I'm not going to go through the 417 pages right now, I think we'd be here for a very long time. But would you say that generally the sort of representations that we've been going through are similar in nature to the various depictions you would see for entire Segments 1 and 2 for the 54 mile?

GERRY MIRABILE: Well, as Mr. Goodwin noted, it's a mosaic. It's a patch work and so, you know, we could find maps in here that were not and maps that are, but I think these are -- these might be considered typical.

MR. SMITH: Okay. I'd like to just briefly address the concept of undergrounding, which was raised by a couple -- a couple different people. Are there people on the panel that have a pretty good amount of familiarity with undergrounding that's required from an engineering standpoint? I see people nodding, is that a yes?

THORN DICKINSON: Well, I just -- there is testimony that will be in -- that is in rebuttal testimony from engineers that have much more

experience.

MR. SMITH: Okay. Well, maybe I can -- maybe if I get into it and if I get too deep you can tell me if I should defer to a different panel.

THORN DICKINSON: Fair enough.

MR. SMITH: So, I guess, is there -- I guess, generally, explain to me what would be required to go through this sort of 54 mile area? What would have to be cleared for the -- for the area from a vegetation standpoint? What would have to be done in order to essentially allow for an undergrounding of this line?

GERRY MIRABILE: So I'm going to qualify this response by saying that there are others here who know more and if I -- if I misspeak anything I want to allow them to correct me, but my understanding of undergrounding is that it would require a clearing of something like 75 feet width for the vegetation to be maintained similar to how it's maintained for a transmission line corridor. In other words, non-capable vegetation and no large trees and that has to do with the idea that large trees which typically have a root span that extends at least as far as the drip line extract water from the soil and affect the thermal rating of the

transmission line and its capacity as a result. So that it -- it wouldn't just be the width of the -- of the transmission line buried itself, it would have to be cleared out 75 feet. The actual excavation, depending upon the method, I understand it would be something like 12 feet at the top for a trench of 12 feet that would taper down maybe 5 feet at the bottom and then there would also be depending upon the method there would be junction boxes at some intervals, so that it wound be just the burial of the line, there would be significant, you know, on ground impacts would be maintained in that condition.

MR. SMITH: Okay. Is it fair to say that even if the project were to be underground or even if it was feasible or even if it was economical that there is no way it could be done without there being a visual impact?

GERRY MIRABILE: There would be a visual impact.

MR. SMITH: And a 75 foot would have to be cleared and maintained for whatever duration of the line?

GERRY MIRABILE: That's my understanding.

MS. TOURANGEAU: This is Joanna Tourangeau for NextEra. I'm going to object that this is beyond

the scope of anyone's direct or rebuttal testimony on this panel.

MR. SMITH: It came up in the scope of cross. I can -- I can move on. Is anyone on the -- on the panel aware of what the biggest threat is to Maine's brook trout population?

GERRY MIRABILE: I would -- I would state, you know, my personal belief is that climate change is a significant threat to brook trout populations.

MR. SMITH: Are you aware that the Maine IFW actually says that currently the greatest threat to Maine's brook trout population is the unauthorized introduction of competing fish species?

MS. BOEPPLE: Objection. This sounds like testimony coming from the questioner.

MR. SMITH: I asked if they were aware. I can bring it up with a different witness later, but.

MS. BENSINGER: What is -- I am not sure that this is in response to the direct testimony that this is -- is a subject on which they testified.

MR. SMITH: There were -- there were questions earlier today about the adequacy of buffering and the threat that that would have on the salmonid population. This is to address that issue.

MS. MILLER: I'll allow it.

MR. SMITH: If you know.

GERRY MIRABILE: Could you restate the question?

MR. SMITH: The question was are you aware that the IFW states that currently the greatest threat to Maine's brook trout population is the unauthorized introduction of competing fish species?

GERRY MIRABILE: I was not aware of that.

MR. SMITH: No further questions. Thank you.

MS. MILLER: Okay. We'll call up Group 8.

MS. TOURANGEAU: Good afternoon. I'm Joanna Tourangeau on behalf of NextEra also known as Group 8. I have a few follow-up questions on the topics raised by IECG earlier. Did the NextEra/CMP proposal include a HDVC transmission line?

THORN DICKINSON: No, it was a high voltage AC alternating current line.

MS. TOURANGEAU: Thank you. Did the NextEra/CMP proposal include in the bigger footprint that they mentioned Maine wind and solar generation?

THORN DICKINSON: Could you repeat that again?

MS. TOURANGEAU: Did the NextEra and CMP proposal that was described earlier today as having a

bigger footprint include Maine wind and solar renewable generation?

THORN DICKINSON: Yes, it did.

MS. TOURANGEAU: Thank you. Does the current proposal include Maine renewable generation of wind and solar?

THORN DICKINSON: It does not.

MS. TOURANGEAU: Did NextEra and CMP submit any applications to the Department or to the LUPC requiring an alternatives analysis?

THORN DICKINSON: We did not.

MS. TOURANGEAU: Thank you. So staying with you, sorry, Mr. Dickinson.

THORN DICKINSON: That's okay.

MS. TOURANGEAU: Now, going to your rebuttal testimony and starting on -- around where you were on Page 3 where you indicate that projects have to include a mechanism for cost recovery.

THORN DICKINSON: Correct.

MS. TOURANGEAU: So you bid a fixed price cost project with Hydro-Quebec into the 2017 Massachusetts RFP?

THORN DICKINSON: Correct.

MS. TOURANGEAU: Because they encouraged bidders to propose a fixed price.

THORN DICKINSON: They --

MS. TOURANGEAU: In part.

THORN DICKINSON: Yeah, in part to put forward, as I said before, a number of factors that we believe were important to make our project as competitive as possible.

MS. TOURANGEAU: Gotcha. And your fixed cost bid, and I'm sorry, I don't understand these terms, I'm just an environmental attorney, so I'm looking for you to elaborate on the utility process for me a little bit. The fixed cost bid include a transmission cost containment such as provisions that eliminate or minimize rate payer exposure to transmission cost risk. That's what you said on Page 6 of your rebuttal testimony.

THORN DICKINSON: Yeah. Correct.

MS. TOURANGEAU: Okay. And so any additional project costs like undergrounding or additional tapering will not be borne by ratepayers or anyone other than CMP or its affiliates that end up owning the line?

THORN DICKINSON: That's correct. And just to be clear because -- just so that there -- the record is clear of what we're talking about is Massachusetts ratepayers, so under no circumstance

under any situation would -- would Maine cost to the ratepayers be affected, but the Massachusetts also wouldn't because it's a fixed price bid.

MS. TOURANGEAU: So no one other than CMP or its affiliates that owns the transmission line?

THORN DICKINSON: Correct.

MS. TOURANGEAU: Right. Can you read to me I think it was on Page 1 or 2 of your rebuttal testimony your description of the project purpose? I'm sorry, it's on Page 3, your first full paragraph which begins, as I stated in my pre-filed direct testimony.

THORN DICKINSON: Okay. Yeah, as I stated in my pre-filed direct testimony the overall purpose of NECEC is to deliver up to 1,200 megawatts of renewable generated electricity from Quebec to ISO New England electric grid at the lowest cost for ratepayers.

MS. TOURANGEAU: Right. So as we've discussed earlier, the project purpose cost to ratepayers would not be impacted by the undergrounding or the increased tapering; is that correct?

THORN DICKINSON: So the -- just to be clear, the --

MS. TOURANGEAU: Is that correct?

THORN DICKINSON: No, it's not correct.

MS. TOURANGEAU: So the cost would go to ratepayers?

THORN DICKINSON: NO. Let me -- let me explain what I mean.

MS. TOURANGEAU: Okay.

THORN DICKINSON: So our -- our bid, what we actually evaluated and bid had to assume a number of risks associated with it. So we had to think about, okay, what is it going to cost us to build this, you know, contingencies associated with the project, that process of determining that we needed to make a decision on what we thought the lowest cost was to ratepayers, so in this context that's what we're really talking about. Now, once you put a bid in, once you commit to it in a RFP and once we have negotiated and signed an agreement your point is correct that any additional changes beyond what was already established in our original bid, any of those changes beyond would be borne not by ratepayers but us, but anything that -- any assumptions that were included in our bid that would be borne by customers in Massachusetts.

MS. TOURANGEAU: Right. So the -- as the

cost is contemplated in your project purpose, that being lowest cost to ratepayers, that would not be impacted by those changes that we've been talking about of undergrounding or tapering?

THORN DICKINSON: Any -- any changes plus or minus. Now, once the bid is in and fixed that has no effect on the remuneration of the money that received from Massachusetts customers.

MS. TOURANGEAU: Great. I think I'm set on that. Does your application, and I know folks are going to ask about the financial assurance component, but does your application include the financial assurance necessary for decommissioning and removal of a line upon expiring after its 40 year life?

THORN DICKINSON: Yeah. No, there are -- as stated before, there is not a decommissioning fund --

MS. TOURANGEAU: Right.

THORN DICKINSON: -- or assurances.

MS. TOURANGEAU: For any financial assurances related --

THORN DICKINSON: That's correct.

MS. TOURANGEAU: -- to this project?

THORN DICKINSON: That's correct.

MS. TOURANGEAU: So we have to assume that there is no cost coverage for that.

MR. MANAHAN: I would object to this line of questioning. It's not relevant to the hearing topics. There is four hearing topics here and I don't see how decommissioning is relevant to these hearing topics.

MS. TOURANGEAU: I think the door was opened when he was specifying that the project had only be -- could only be --

MR. MANAHAN: Well, you'll have to --

MS. TOURANGEAU: -- around for 40 years.

MR. MANAHAN: You'll have to -- Ms. Tourangeau has to explain how the door was opened because it's not a hearing topic.

MS. BENSINGER: I would recommend to the Presiding Officer that the question be allowed because the Applicant's witnesses testified that it was not a permanent impact, so it went to the nature of the impacts line of questioning.

MS. MILLER: And I would agree. I'll go ahead and allow it in.

MS. TOURANGEAU: Thank you. I think you've asked -- you've answered it already.

THORN DICKINSON: Okay.

MS. TOURANGEAU: Thank you. Did you look at tapering all of Segment 1?

THORN DICKINSON: No.

MS. TOURANGEAU: Okay. Thank you. These questions are for Burns and McDonnell. And I'm not certain if they apply to you folks or not, but if you can be helpful that's wonderful. Your work on this project included assessing the impacts associated with the transmission of power?

MARK GOODWIN: The impacts of the?

MS. TOURANGEAU: Impacts to the environment. Why we're here.

MARK GOODWIN: From construction of the facilities, yes.

MS. TOURANGEAU: Mmm Hmm. Construction and operation you're looking at kind of how to mitigate the -- mitigate, avoid, compensate for those impacts?

MARK GOODWIN: For construction of the project, yes.

MS. TOURANGEAU: Okay. Not for operation?

MARK GOODWIN: Just -- just the construction best management practices, avoidance and minimization measures that are included in the description of maintenance requirements for the project.

LAUREN JOHNSTON: There was a vegetation maintenance --

MS. TOURANGEAU: Right.

LAUREN JOHNSTON: -- component to that -- to our application material.

MS. TOURANGEAU: Which was kind of an ongoing item that would be applicable at the post-construction phase?

LAUREN JOHNSTON: Correct.

MS. TOURANGEAU: Right. Did your work assessing how to avoid, mitigate and compensate include looking at alternatives like undergrounding or tapering?

MARK GOODWIN: Initially, no. And Burns and McDonnell wasn't involved with the evaluation of undergrounding.

MS. TOURANGEAU: Okay. Have you done that work for other projects?

MARK GOODWIN: Evaluation of --

MS. TOURANGEAU: Undergrounding.

MARK GOODWIN: -- undergrounding and tapering --

MS. TOURANGEAU: Mmm Hmm.

MARK GOODWIN: -- for other projects?

MS. TOURANGEAU: So Burns and McDonnell as an entity hasn't done that for any other project?

MARK GOODWIN: I can't -- I mean, we're a company of almost 7,000 employees, I can't really

speak to the entire company's experience on that.

MS. TOURANGEAU: Okay. But you -- you haven't done any of that analysis for the alternatives analysis for this project?

MARK GOODWIN: Not for undergrounding.

MS. TOURANGEAU: Okay. Are you aware of the five outstanding river segments that have been discussed earlier today?

LAUREN JOHNSTON: Yes.

MS. TOURANGEAU: And the use of Spencer Road?

LAUREN JOHNSTON: Yes, we're aware of that.

MS. TOURANGEAU: And the shoulder passage I think it is over Coburn Mountain associated with the project?

LAUREN JOHNSTON: Yes.

MS. TOURANGEAU: Does it -- did you or anyone else on the project look at undergrounding to address the impacts associated with those portions of the project other than, as we all know, the crossing of the Upper Kennebec?

LAUREN JOHNSTON: I don't know that Burns and McDonnell are the right people to answer that question.

MS. TOURANGEAU: Okay. Thanks.

Mr. Dickinson, can you or Mr. Mirabile answer that question?

THORN DICKINSON: Yeah, we did not consider it.

MS. TOURANGEAU: Okay. Thank you. That's all my questions.

MS. MILLER: Thank you.

MR. MANAHAN: Ms. Miller, this is Matt Manahan. I have a -- just a couple redirect questions for before the next panel.

MS. MILLER: We're going to do the Department's questions first and then we'll do redirect.

MR. MANAHAN: Thank you.

MR. BEYER: Mr. Dickinson, in your testimony you specified that data delivery was one factor that the Massachusetts RFP considered. Would burying the line take longer to construct than on overhead installation?

THORN DICKINSON: Yeah, I think all else being equal, I think it would be a longer project, yes.

MR. BEYER: How much?

THORN DICKINSON: I think I would -- it -- I -- I would leave it to the engineers to tell me a

little bit more about that, so.

MR. BEYER: Okay.

THORN DICKINSON: It's a more complicated process, so.

MR. BEYER: Why did you choose HVDC technology?

THORN DICKINSON: So for the Hydro-Quebec bid, Quebec is what we'd say non-synchronized with the rest of the U.S. grid around it and really around the other components and what that means is that if you were to line up the alternating current to the typical sign wave --

MR. BEYER: Yup.

THORN DICKINSON: -- they wouldn't match-up, so you can't connect two alternating current system where those two sign waves aren't aligned. As a result, you need essentially a clutch sort of between these two regions and a direct current system provides that clutch. By converting from alternating current in Quebec to direct current and then from direct current back to alternating current you have that clutch that exists. Now, as soon as you make that commitment, the -- the DC line -- the HVDC line actually is much more efficient in delivering energy -- probably about twice as efficient at

delivering energy over long distances. So once you -- once you have an engineering requirement of creating a conversion from AC to DC from DC back to AC, the best thing you can do is to try to broaden out that -- that spread between the converters and that's why the converter station 50 or so miles into Quebec and then into Lewiston is the -- why that -- the length of that was there.

MR. BEYER: Okay. In Mr. Russo's pre-filed testimony, he discusses that the HVDC technology is subject to faults. And I'm a fish guy by training, so would undergrounding the line eliminate some of those risk of faults?

THORN DICKINSON: Again, I'll leave it to the engineers that really study this more. There are some operational issues actually with an undergrounding -- undergrounding line and it has to do with the ability to locate a fault and an ability to clear it once you -- once you have located at the time the fault. I think it's better to leave it to them, but, you know, the -- we believe that an overhead transmission line whether it was alternating current or direct current can be operated efficiently and effectively.

MR. BEYER: Okay. In the areas where the

project is co-located, would it be possible to locate the conductors existing structures or is that not -- ISO New England wouldn't let you do that?

THORN DICKINSON: I hate to keep punting to my -- my engineering friends, but I think they're going to be better able to answer that. There is -- there -- you know, one of the limits associated with this size of this line, the 1,200 megawatts, is what's called a single loss of supply condition for the ISO, so they don't want any individual line or any individual generator that's more than 1,200 megawatts to have the probability of dropping off, so.

MR. BEYER: Okay.

THORN DICKINSON: To your point is the more you put at risk more than one element of a transmission line, so if you had at a 1,200 megawatt plus another line that maybe could handle another 4 or 500 megawatts my -- my guess would be that that would create a real major reliability issue for the ISO. You need to be able to demonstrate that a separate line of 1,200 megawatts is a -- has a single point of failure.

MR. BEYER: So if I understand you correctly what you're saying is if something happened to that

one structure with two lines on it, now all of a sudden you're out 1,600 megawatts?

THORN DICKINSON: Correct. Correct.

MR. BEYER: Okay.

THORN DICKINSON: And just so -- why that's important is the whole market around the ISO pays generators that has the ability to react instantaneously to outages like that. So they -- they need to make sure that they're not over paying, so having 1,200 megawatts that has the ability to react within a certain period of time makes sense, but they believe that the risk of anything more than that that is too significant.

MR. BEYER: Okay. Mr. Mirabile, construction around the streams that contain Roaring Brook Mayfly and spring -- Northern Spring Salamander, during construction I understand ultimately there will be full height, full canopy height, how much of that will you need to cut in order to construct the line?

GERRY MIRABILE: I would need to consult with the access plan on the natural resource maps in those particular areas to know for certain because how much we'd need to cut depends upon how we would access the corridor. So if we're coming into the

corridor from off corridor in several locations --

MR. BEYER: Yup.

GERRY MIRABILE: -- that would reduce -- potentially reduce the need for clearance within the corridor and, you know, we can quantify that more specifically by consulting the natural resource maps.

MR. BEYER: But you don't -- my -- you don't have to clear the whole --

MR. BEYER: Not at all. I mean, I would think it would be a travel corridor of something like 12 to 16 feet or to, you know, for the equipment required to install the structures and -- and then lay down areas around the structure installation locations to, you know, actually put the pieces together for the structures to erect them.

MARK GOODWIN: I don't know if it will -- if it will be that easy to view on the screen there, but Exhibit CMP-3-F would give you a good depiction of what areas need to be cleared.

MR. BEYER: Pre-file or rebuttal?

MARK GOODWIN: It's pre-file.

MS. PEASLEE: What was the number on it?

MR. BEYER: 3-F.

MARK GOODWIN: Yes.

MR. BEYER: Okay. So from the looks of this

map, you've got structure 3,006-634 and 3,006-635 and access roads -- no access road in between them, so that space in between them will you have to cut any of that vegetation to construct the line or will they -- they just leave the -- anything shorter than 35 feet?

GERRY MIRABILE: So this is an area of taller structures to allow full height vegetation.

MR. BEYER: Right.

GERRY MIRABILE: And so I don't believe we would need to cut anything between those two structures.

MR. BEYER: Thank you. Mr. Goodwin, you spent a fair amount of time discussing MPRP and the permitting of that project and the construction of that project. Was there any new right of way associated with that project?

MARK GOODWIN: There was on Segment 15, I believe that was in Litchfield, and it wasn't -- it wasn't a really large section of right of way. I think several miles.

MR. BEYER: Okay.

MARK GOODWIN: Litchfield and West Gardiner.

MR. BEYER: Okay.

MARK GOODWIN: Possibly a little bit of

Monmouth, but I'm not entirely sure.

MR. BEYER: But certainly not 53 miles?

MARK GOODWIN: No, sir.

MR. BEYER: Thank you. One last question for Mr. Dickinson. Just so I'm clear, so if the project were to increase for some -- whatever reason, the cost of the project was to increase, that's not passed on to ratepayers either in Maine or in Massachusetts; is that correct?

THORN DICKINSON: That's correct.

MR. BEYER: Okay. Thank you. That's all I have.

MR. REID: I've got a question, I think probably best for Mr. Dickinson. In response to Mr. Mahoney's questions, he talked a little bit about the idea of carrying costs and I think you mentioned operations and maintenance and property taxes and depreciation. Could you break those three factors out and compare how those are affected by burying the line as opposed to your current proposal?

THORN DICKINSON: Sure. The -- let me start by saying I think a carrying charge is a quick and easy way to try to move from a capital cost to an annual cost related to a project and the philosophy of a percentage as you look across the whole

portfolio of projects and you say on average what percent on an annual basis is my O&M of capital costs, what percentage is administrative and general of my capital cost, depression and property taxes and so forth. So you -- it's a quick way of saying on average for every dollar of capital I spend there is a certain percentage that I can assume I can scale for O&M. Now, the -- to do an actual -- we didn't use a fixed charge rate in order to build out our financial model for bidding into the Massachusetts EDC, we did what you would say more like a bottom up kind of approach where we actually looked at what we thought the O&M expenses were going to be, what we thought the property taxes were going to be, those kind of things went into our bid. But when we're looking at changes in capital like we are here, again, a shortcut I would call it way or a simple back of the envelope way is to -- to recognize that many things move on a linear basis with capital and so I would generally expect that O&M would increase by capital, property taxes would increase by -- by capital, A&G -- administration and general costs definitely would because that's an allocation across all of the businesses and then all of your return and depreciation would also scale. I think maybe the one

area might be O&M that you might want to really dive into a little bit more and study that a little bit and I think all of the other factors are linear.

MR. REID: Obviously there is a significant up front cost associated with burying and maybe some additional time in construction, are there benefits to you as the owner and operator for the line once you get past those from having a buried line as opposed to above ground?

THORN DICKINSON: You know, I -- my instinct is to allow the engineers that really did the analysis here in rebuttal testimony to speak more to it, but, again, one of the -- one of the issues that when we looked at a longer amount of undergrounding for rebuttal testimony was the ability to reclose when there is a fault. If you have a -- an overhead -- an overhead line and you have a fault you have a very high probability of knowing where that fault is and from that you can make a determination on how quickly you can reclose that line and make sure it's back into operation. With an underground line, particularly a segmented line it's very -- it's much more difficult to understand whether it was in overhead or underground portion and then on what side. So I -- off the top of my head, I'm not coming

up with a lot of benefits of undergrounding. Obviously you do eliminate one probability, which is, you know, lightening strikes that could happen directly to an overhead line, but we have protection for that. But I think without trying to punt too much to the other panel, I think it would be good for them to answer the question.

MR. REID: Thank you.

MR. STEBBINs: I do have a question and this may be for the engineers. What is the typical impact area associated with just a pole placement?

MARK GOODWIN: It depends on the -- on the structure type and it depends on the type of impact you're asking about. For permanent fill impacts it's typically 40 square feet. For the larger structures it can go up to 180 square feet. And then the temporary impact areas, I don't know the numbers off the top of my head, but, you know, you're probably for the -- for the monopole HVDC structures you're talking on the order of a few thousand square feet and that, again, that can vary depending on the type of structure that's used.

MR. STEBBINS: Okay. I guess my follow-up question would be depending on the type of structure that you put in, were those additional impacts

considered during your total amount of wetland impact, which I think was 4.1 acres off the top of my head that you guys mentioned earlier today?

MARK GOODWIN: The -- so the permanent wetland fill for transmission line structures on the project is .15 acres. The remainder of that is associated with substation development. So the overall footprint for permanent fill for permanent fill for transmission line structures is incredibly low. You know, and to answer your question, you know, the -- you know, the structures are almost 100 feet tall. They span close to 1,000 feet, maybe over a thousand feet in places. Those span lengths minimize the number of structures that are placed in the ground and allow us to go over wetlands rather than be in them to the extent that we can do that.

MR. STEBBINS: Okay. Thank you.

MARK GOODWIN: You're welcome.

MS. MILLER: Peggy. I mean, Ms. Bensinger.

MS. BENSINGER: I have a couple questions. If you were to underground a portion of the line, you said you would do vegetation management for a 75 foot wide strip?

GERRY MIRABILE: (Indicating yes.)

MS. BENSINGER: And what would that

vegetation management look like? You talked about the roots being the concern. What kind of vegetation would be allowed to grow over an underground line?

GERRY MIRABILE: I'll let the engineers correct me if this is not fully accurate, but my understanding is it would be very much like we have in a typical scrub/shrub habitat, not large trees, not, you know, deeply routed trees with a huge spread but scrub/shrub habitat with limited localized roots.

MS. BENSINGER: And where the ground -- where you are doing the horizontal directional drill under the Kennebec, how far away from the banks of the Kennebec is the point on each side where the line goes underground?

GERRY MIRABILE: Yup. There are different ways of measuring that because there is a section -- well, there are termination stations where it transitions from overhead to underground and then there is a stretch of trenched rather than horizontal directional drill between the termination station and where it transitions to horizontal directional drill. I don't have those exact numbers. I -- it's in the -- I think it's in the few hundred feet between the termination station and where it transitions to horizontal directional drill, in part because of the

drilling angle, you know, you have to get to a certain depth before you go to drilling.

MS. BENSINGER: So you think it's a few hundred feet from the edge of the river to the point where it goes into the trench?

GERRY MIRABILE: No. So I'm going to say 1,140 or 1,160 feet of undisturbed tree growth on the west side and 1,450 undisturbed tree growth on the east side. Beyond each of those points there will be a segment where it would be maintained in scrub/shrub because it would be trenched rather than drilled. Does that answer the question?

MS. BENSINGER: Mmm Hmm.

MS. MILLER: Any other questions? Okay. We'll go ahead briefly for redirect.

MR. MANAHAN: I just have two quick questions. The first one is for Mr. Goodwin. We heard this morning, Mr. Goodwin, from Mr. Publicover and I think some other questions having to do with pine marten and fragmentation issues and some -- in those questions some concerns were raised about the adequacy of the compensation plan. My question for you is what did the Department of Inland Fisheries and Wildlife say with respect to fragmentation issues and what concerns did they raise about that with --

with respect to the compensation plan proposed?

MARK GOODWIN: Obviously there was discussion about significant vernal pool habitat, which we have adequately addressed through siting minimization measures and the compensation. Beyond that, the discussion was limited to deer wintering areas, specifically the Upper Kennebec deer wintering area, you know, in terms of that habitat type requiring compensation.

MR. MANAHAN: So they didn't raise fragmentation as a concern?

MARK GOODWIN: Generally speaking, habitat fragmentation wasn't a big concern for IF&W other than for generally mostly deer wintering area.

MR. MANAHAN: Okay. The next question is for Ms. Johnston and that is a similar question with regard to Mr. Reardon's questions having to do with cold water fisheries and brook trout. Did IF&W express concern with the compensation plan? Were they ultimately satisfied with the compensation plan and how it addressed cold water fisheries?

LAUREN JOHNSTON: They were ultimately satisfied with the compensation plan and the proposed expanded buffers that -- that we provided in our most recent compensation plan in January of 2019.

MR. MANAHAN: Thank you. No further questions.

MS. MILLER: So we'll go forward with the schedule. What we'll do now is have Witness Panel Number 2 come on up. So we'll have a five minute transition.

(Break.)

MS. MILLER: Okay. I'm going to go ahead and call this to order. So right now we're going to be listening to the direct testimony from Witness Panel 2 for the Applicant and they ended a half an hour early on their Witness Panel 1 and requested that extra half hour be for their Witness Panel 2, so they have 60 minutes.

MS. BENSINGER: If you need it.

BRIAN BERUBE: Good afternoon. My name is Brian Berube and I am the manager of real estate services for Avangrid testifying on behalf of Central Maine Power for the New England Clean Energy Connect Project. I am here to present my testimony on the three alternatives that CMP analyzed when designing the project. The three routes are the preferred project route, Alternative 1 and Alternative 2.

Alternative 1 will have a greater environmental impact and is not a practicable

alternative because it requires a new Appalachian Trail crossing whereas the preferred crosses the ATL location with existing transmission line assets. It requires acquisition of conservation lands whereas the preferred route does not. It requires 93 miles of new corridor, whereas the preferred route requires only about 54. It requires more landowner acquisitions. For these reasons, Alternative 1 would have a greater environmental impact and is not practicably -- not a practicable alternative to the preferred project route.

Alternative 2 would also have a greater impact -- greater environmental impact. It is not a practicable alternative because it requires a new Appalachian Trail crossing whereas the preferred route crosses the ATL location with existing transmission line assets. It requires the acquisition of land in the Bigelow Preserve and from the Penobscot Indian Nation. It contains more wetland and stream crossings and it requires more landowner acquisitions. For these reasons, Alternative 2 would have a greater environmental impact and is not a practicable alternative to the preferred project group.

Based on the results of the alternatives

analysis it is my opinion that there are no alternatives that would lessen the project's impact on the environment or the risks it would engender to the public health or safety without unreasonably increasing its costs, a less environmentally damaging practicable alternative for the project which meets the project purpose not does exist.

Thank you for your consideration.

AMY SEGAL: Hello. My name is Amy Segal. I'm a Maine licensed landscape architect with Terrance J. DeWan Associates located in Yarmouth, Maine. I have worked for the firm for about 26 years with a majority of my work focused on Visual Impact Assessments or VIA for mostly in Maine. Our firm works with conservation organizations, energy developers, utility companies and state and federal agencies to evaluate potential visual impacts on a range of proposed projects. Our firm is one of the three firms and the only one in Maine that is pre-qualified to perform pier reviews of visual assessments for the Maine DEP. Over the past four decades our firm has worked on over 100 VIAs throughout the northeast, on-shore and off-shore wind, transmission lines, aquaculture facilities, bridges, tar plants, landfills and so on. Our

evaluations include field work, preparing photosimulation and viewshed mapping, visual impact analysis, recommending mitigation measures and offering testimony before agencies such as yourself.

We have worked for CMP before specifically on the Maine Power Reliability Program or MPRP, as was said before, that was reviewed and approved by DEP in 2010. I, with our firm's project manager for the New England Clean Energy Connect Project, am primarily responsible for research and field work and overseeing the production of mapping and photosimulation and the prime author of the assessment. Our presentation today will summarize the criteria methodology used in preparing the VIA for the project and concludes a review of the proposed mitigation measures as illustrated through photosimulation.

This summary will support our conclusion that the project will not unreasonably interfere with existing scenic and aesthetic uses and does not diminish the public enjoyment appreciation of the quality of the scenic resources and any potential impacts have been minimized and also that the activity will not have an unreasonable impact on the visual quality of the protected natural resources as

viewed from scenic resource.

Mr. DeWan will now introduce himself and review the criteria methodology reviewed in the VIA.

TERRY DEWAN: Thank you, Amy. My name is Terry DeWan. I am a licensed Landscape Architect in the State of Maine and I have 40 years of experience working with visual impact assessment throughout the State of Maine. I've appeared before this board on several occasions over the past years and we're going to be talking today about the methodology that we've used to reach our conclusions. For the last year-and-a-half I've been working with Amy and CMP to satisfy some of the comments that we heard during some of the peer review process to make sure that it met the criteria of the state. We prepared the VIA for the New England Clean Energy Connect using standard Visual Impact Assessment methodologies that we have used over the years and we've refined our methodology as we've gone along following the standards described in the Natural Resources Protection Act, Chapter 315 regulations as well as those in the Site Law Chapter 375, the regulations for scenic character.

Under NRPA, the DEP is to consider whether or not an activity will not unreasonably interfere

with existing scenic aesthetic recreational or navigational uses. So what is unreasonable adverse visual impact? That seems to be the crux of the issue here before us today. Every time we make a change to the landscape no matter what we do there is an impact. Every time it can be seen, well, that can be considered to be seen as a visual impact because you can see it. It's visually apparent. But if the change is perceived to have an objectionable level of contrast, and by contrast we mean contrast in color, form, line, character, scale and so forth and may be considered to be adverse, but then the real question is where is the line that makes it unreasonable? So Chapter 315 supplies us an answer. They defined an unreasonable adverse visual impact as, quote, those that are expected to unreasonably interfere with the general public's visual enjoyment and appreciation of a scenic resource. And, of course, I'll define what a scenic resource is because it is already defined under statute. Or it impacts -- or impacts that are unreasonably -- or otherwise unreasonably impair the character or quality of such a place. Chapter 315 requires that an applicant demonstrate that the proposed design does not unreasonably interfere with the existing scenic and aesthetic uses and thereby

diminishes the public enjoyment and appreciation of the qualities of scenic resources and that any potential impacts have been minimized. More broadly under 375 the applicant must demonstrate that the project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

We've talked a bit today about the effects on outstanding river segments and we did consider the criteria applicable to the crossing of the firebelt and river segments, which Amy will discuss in a moment. We also, as you know, will be talking tomorrow about the effects on the LUPC, P-RR subdistrict.

So we followed DEP's methodology as we have done over the years and these are -- and I won't read all of those, but these are the points of the methodology that we've looked at in developing our VIA. We worked very closely with Mr. Beyer and others at DEP to determine the extent of the study area and we have a slide that talks a little bit more about that in a moment. We identified approximately 360 scenic resources as defined by Chapter 315 throughout the entire course of the project area. We provided computerized viewshed analyses and you can see some examples of that in a moment. Our field

staff spent over 90 days in the field looking at it from all different sorts of aspects and photographing it. Back in the office, we did extensive assessment of project visibility to determine where the project would be visible, how much it would be visible and then the degree of contrast that it may have with the surrounding landscape. We then prepared 53 photosimulations, which some of which you can see in the back of the room here, to show the extent of the visibility within the study area. We also then wrote the Visual Impact Assessment and you see the volumes of it right here. And perhaps more importantly, we worked very closely with Central Maine Power Company throughout the process and their engineers to recommend and evaluate mitigation measures where we felt it would be necessary.

You've heard us talk about the five areas that the project was divided into, the five segments. Segment 1 is the 53.5 miles that seems to be the focus of attention here. This is the new corridor from Canada to The Forks. This is a corridor, as you know, will be 150 feet in width. The transmission line will be supported by self-weathering steel monopoles and not the gray lattice work structures that you see very often pictured in the media. On

occasion, a single monopole will also be joined by another pole side by side at an angle point. These are dark brown in color so that's what we mean by self-weathering steel. Segment 2 is a 22 mile segment where it starts the co-located segment from The Forks down to Wyman Hydro. This is where the -- the project will be -- the corridor width increased in width by 75 feet. Segment 3 is 70 miles of co-located corridor down to the Larrabee Station in Lewiston. Segment 4 is the rebuilt section bringing the -- bringing the line to the Thicket Road Substation in Pownal and 16 miles. And lastly, is Segment 5 which connects the Coopers Mills Substation in Windsor to the Maine Yankee Substation.

So what constitutes the study area? You know, how do you decide, you know, where to extend your viewshed analyses and studies to? In this particular case, we went three miles on either side of the center line of the corridor generally. However, because of the nature of the topography, the fact that there are a considerable amount of hills and mountains surrounding it, we decided to go out 5 miles on either side as can you see in the next slide. There we go.

Another important concept to consider is

that of distance zones and, again, we'll reference the Visual Impact Assessment methodology that's contained in Chapter 315, but it's an important consideration in determining the visibility and potential visual impact in looking at a VIA. This is an example of a project in Anson. This is a project showing that the foreground, which is a half a mile from the observer. Details in this situation are pretty apparent. You can count the number of lines in the conductors. You can see the texture on the -- on the structures and so forth.

The next area in the distance zone continuum is the mid-ground and that goes from the edge of the foreground roughly a half a mile out to 3 miles. And this particular illustration, which is on Route 201 looking towards Coburn Mountain, the project was located about 2 miles from the observer. This -- and this -- in the mid-ground patterns and lines are most noticeable in the landscape. And lastly, the background. Again, the whole continuum of distance zones is anything beyond 3 miles. And this particular location, which we're on top of Bald Mountain on the Appalachian Trail. If you look very carefully you can see both the existing and the proposed corridor as Amy is pointing out. It's

sometimes very difficult to see and that very often it's almost impossible to see once you get to that level of viewing distance.

So finally, we've used the term scenic resources and these, as I said, are defined by Chapter 15 as, quote, public natural resources and public lands usually visited by the general public in part for the purpose of enjoying their visual quality. We've identified, as I said, over 360 places that are considered to be scenic resources and we have summarized them on 22 pages in Attachment F of our testimony.

Just to go through some of them, National Natural Landmarks are the first category of scenic resources and, again, I won't go through all of the ones we've identified, but such as Number 5 Bog and a Jack pine stand. We have found that there are some state and national wildlife refuges, such as the Fahi Pond in Embden; there are of course state and federally designated trails such as the Appalachian Trail; properties on or are eligible for inclusion in the National Register of Historic Places such as the Arnold Trail; national and state parks such as the Androscoggin Riverlands State Park; municipal parks and open spaces such as the Pleasant Ridge swim area

on Wyman Lake and back to the dam; publicly owned land, visited in part for the use, observation and enjoyment and appreciation of natural or manmade visual qualities and for these we use examples like the state land up on top of Coburn Mountain or certainly the Route 201 Scenic Byway; and lastly, public resources in general such as Moxie Pond or the Kennebec River and, as I said, we have a very complete listing of those resources that we've evaluated.

So that's an overview or methodology of what we've been through to develop the VIA and how we've been guided by the visual assessment procedures outlined in Chapter 315. I'll now turn it back over to Amy who will discuss how we apply this methodology and show you a series of photosimulation that have been taken to mitigate potential adverse individual impact to scenic resources.

AMY SEGAL: Okay. So the next couple of slides show how we applied the methodology. This first slide is of a viewshed analysis and excerpt. We do have the project here, the green line coming through here in Segment 1. And these black dashed lines represent the 3 and 5 mile study area extending out from there. The areas in purple show where there

is theoretical project visibility. And of course based on our research and that viewshed analysis that we're using as a tool we develop our field plan and then document existing conditions from both locations that are justified according to professional standards. As Terry mentioned, we completed over 90 personal days of field work. We take those photographs, we bring them back to our office, we use our model that was supplied by the project engineers and we merge them.

In this diagram -- oops. In this diagram you can see that we have this green line representing the foreground trees, the red line represents the project area that is located behind those trees, therefore, these trees will screen the project from this viewpoint. So this is the type of analysis we did for the resources.

We prepared, as Terry mentioned, over 50 photosimulations for the project. Those photo simulations showed, you know, we intentionally did a diversity of viewing distances in the foreground, mid-ground and background, also looked at viewpoint types such as ponds, mountains, road crossings and then looked at the surrounding land use and documented that. Based on those sort of simulations

we used the Appendix A from Chapter 315 to evaluate the visual impacts for each one of these photosimulations. This is an excerpt. Then we also did this again for the leaf-off or snow cover photosimulation that were done for 10 different locations. As Terry mentioned, we then -- this is a listing of the visual mitigation recommendations that the project is involving. So you've already heard Thorn -- Mr. Dickinson speak about the overall project siting. You've heard about the HDD under the Kennebec River. The rest of these we will illustrate with our photosimulations.

All right. So we have this next part of the show here is we have the groups of photosimulations. We have, you know, a collection from Segments 1 and 2 including the Appalachian Trail; we have Route 201, outstanding river segments; and then at the end we have road crossings from Segments 3, 4 and 5. So I think we'll have time to get through all of it, so I'll just do a time check when we get there.

Okay. So this first diagram is a blow-up of that project map from before. We will be looking at photosimulations from Beattie Pond here, Rock Pond, Parlin Pond, Coburn Mountain, Cold Stream -- yeah, Cold Stream and Moxie Stream and Moxie Pond.

Okay. The first one, Beattie Pond. So the -- here is the Canadian border. The project is the green line moving through here. Beattie Pond on the border between Beattie and Lowelltown Township. Beattie Pond is a 25 acre waterbody. It's a remote pond or a class -- management Class 6. It therefore has a half mile buffer around it. Again, this is the project going through here. This pond there. There is a camp here on the southern area on the shoreline. And there is an access -- gated access road that comes in through here.

The viewpoint that we used is from the northeast corner of the pond up here because -- and we chose that location because it would have the greatest amount of potential visibility. This is a panoramic view looking in that direction. And here is a view focused in on the project. This is existing conditions. This is the initial photosimulation that was submitted in September of 2017. You can see the double poled angle structure that would be visible above the tree line here and what they call the Smart Mountain would be back behind there. So in working with the engineers and recognizing the visibility of those structures, we went back and worked with them in January 2019,

submitted this revision, which the tip of the structure is just barely visible over the tree tops there. The structure was reduced in height of about 39 feet.

Moving on to Rock Pond. This is about a 145 acre pond in T5 R6. Again, the project is here in the green line. There is the pond. We, again, found the place on the pond that would have the most potential project visibility. Their is based on viewshed analysis and also based on our field work. So we selected this -- selected this location in the southeastern corner. The project towards the north. This is a panoramic view looking to the northwest and to the north towards Three Slide Mountain, Tumbledown, Greenlaw and Number 5 and 6 Mountains.

Just -- I'm making one more comment about Rock Pond. So Rock Pond is assigned a significant rating for its scenic qualities. And just to back up a little bit with that there is over 1,500 grade ponds in the unorganized territory in Maine and the Maine Wildlands Lake Assessment has assigned scenic resource quality ratings as either a significant or outstanding for 280 of those grade ponds. So, again, Rock Pond is rated significant for scenic resources. Obviously it was, you know, a scenic resource we

needed to look at.

The pond has a carry-in boat launch on the north end, a handful of campsites on the north end and two camps on the eastern side of the pond. This view, again, is from the eastern corner looking towards the northwest. Here is a photosimulation depicting the full height vegetation around Gold Brook up towards the notch in here and through here. And as you heard earlier from the first panel in working with IF&W the monopoles on either side of Gold Brook needed to be taller to accommodate a full height vegetation. Upon reviewing this change with the team, we recommended the use of tapered vegetation management techniques for the visible corridor remaining in the notch. So this was the portion up in through here. Because as your eye travels down the notch and over even though it's kind of lumpy, we felt that that would be noticeable. So the technique minimizes the visual impact when viewed from Rock Pond. So I'm going to kind of pan back and forth here a couple of times so you can see the difference. So this photosimulation reflects the tapered vegetation management within that corridor.

All right. Now, we're going to show you a cross-section of this tapered vegetation management

to understand this a little bit more. So -- so you have this monopole structure here and you have trees and vegetation that remain that are approximately 15 feet in height. As you move out toward the edge of the corridor trees will get taller, approximately 35 feet in height.

Okay. So now we're going to look towards the north. There is existing conditions. This is proposed conditions. The corridor clearing itself won't be visible. The change in vegetation will be slightly visible. The structures as we've talked about numerous times are going to be the self-weathering steel, so they are dark brown. They will blend with the wooded backdrop. This is a location where we also recommended an additional set of mitigation which was to us use non-secular conductors along this section so that the conductors connecting between the connectors would be less visible. And to describe what non-secular conductors are they're basically pretreated in a way that reduces the potential reflectivity from the sunlight and we felt that in this instance where the viewer is south of the project and looking to the north that sunlight coming up over head would reflect off the conductors, so we felt that this was a good location

to recommend that.

Okay. Moving on to Coburn Mountain in Upper Enchanted Township. The green rectangle there is the portion that's owned by the state. This is the ridge of Coburn Mountain right through -- going through here. The project is the green line here. Route 201 is the purpose line. Also, I just want to reference quickly too this graphic that was our rebuttal graphic that accompanies our rebuttal testimony. We can answer questions to that a little bit later, but that describes in more detail what portion of that green line would actually be visible.

Okay. So, again, this the viewpoint from the summit of Coburn Mountain. This is a photograph looking southwest towards Johnson Mountain and the valley here with the logging roads and clearcuts and strip cuts and this grade and the management through there. Here is the structure and solar panels at the top. This photograph is taken from the observation tower, which is approximately 20 feet above grade looking -- if you kind of look down on the structures here. In this photograph to the lower right is looking off to the northwest towards Grace Pond.

So focusing in on the view towards the most visible portion of the project from the summit of

Coburn Mountain. This is the existing conditions view looking towards the east. The closest portion of the project right here we've got one mile away. The furthest portion of the project is back in through here. And this area is, you know, into the 5 miles and beyond so it's really in the background for viewing distance and is not very noticeable. And now we're just sort of panning a little bit more to the south. This is existing conditions. You can see the patchwork of the commercial forest operations here and logging roads. This is the initial photosimulation that we submitted. Obviously the corridor is 150 foot wide and would be more noticeable with snow cover. Structures are minimally visible, again, because of their dark brown color. And working with CMP and our engineers we looked at the possibility of doing tapered vegetation management here as well and this would be a 2.2 mile stretch of tapered vegetation management from that closest location, which is about a mile away to this which is just about 3 miles away. So we felt this minimized visibility of the corridor quite a bit. It makes the corridor look very similar to the existing logging roads that are cutting through there.

All right. Moving on to Parlin Pond in

Parlin Pond Township. This pond is rated significant for its scenic resources. It's approximately a 580 acre pond. You can see Route 201 along the west side of it. Okay. Oh, yeah, just to point out, so the viewpoint on that northern portion of the pond looking to the south you'll see towards Coburn the cabins and sort of development on the west side primarily are looking -- are oriented towards the east towards Parlin Mountain.

Okay. So this is a view from the north looking towards Coburn Mountain. This is a winter view and that's the project here in this area there. It's approximately 2.7 miles away from that -- from our viewpoint location. And the main mitigation strategies utilized here was to place -- take care and place that line in a location where, you know, the line will actually mimic the profile of the mountain and it wouldn't be significantly visible. In fact, there is just a small area of potential corridor clearing that you would see. The structures generally will blend and at this distance the structure would not be very distinguishable. Here is a summer photosimulation in a similar location. Again, you can somewhat see a change in the vegetation. The structures up there is about 2.7

miles away from the viewers.

And now we're going to move towards Cold Stream, Cold Stream forest parcel. Cold Stream is a scenic river as designated in the Maine River Study. Primarily one of the reasons why it's designated as a scenic river is because of Cold Stream Falls, which is 2.1 miles upstream from this location. The project will not be visible from Cold Stream Falls. All right. Let me go back here one more time. So here is the project here in the bright green. Those white dots represent the proposed structures. This is Capital Road coming off Route 201 here. Capital Road through here. This is the previous alignment of Capital Road there. The Cold Stream forest parcels are sort of on either side here. There is a gap where the roads and the project will be located. The orange dot represent ITS 87. This is a photograph from the ITS 87 bridge looking back towards Capital Road, so the logging road there and the culvert. You know, Capital Road is a significant logging road, a two lane logging road.

This is a photosimulation showing the proposed change with the project. Obviously the most significant visual change will be the corridor or the clearing for the corridor. So the conductors

themselves will be overhead and somewhat filtered through the branches of the vegetation between the viewer and the corridor. The structures are set back pretty significantly from here, so you can't necessarily see them in the same viewscape. This is a one lane, you know, this is the -- the ITS bridge is a narrow bridge. It's sort of a momentary view that you would have as you were crossing through here. I'll also just point out the rip rap on either side kind of shows the old alignment for Capital Road.

Okay. I'll move on to Moxie Stream. This is also a designated scenic river in the Maine River Study. Again, primarily because of the Moxie Falls, which is located 1.7 miles downstream of the project. The project will not be visible from Moxie Falls. You can see that -- here is the project here and Moxie Stream comes through there. The viewpoint is locking towards the west.

Okay. So this viewpoint location is near where the Fish Pond Road is. There used to be a bridge over the Moxie Stream that's no longer there. There is just a little bit of rip rap on both sides of the road now, but you can sort of drive right down to this location and view it. This -- the way the

project has been sited is crossing Moxie Stream. It's in sort of a bend in the river. As you can see, you can't really see in that bend too well so this is kind of as you're moving through here it's sited well to minimize views from say a kayaker or somebody running it in the spring. This is the proposed change. Obviously, again, the biggest change would be the clearing. There will be the riparian -- preserve riparian buffer vegetation along here. There is also in this location will be a supplemental buffer planting in here. We're showing the conductors here. You can see the shield wires with the marker balls. Right now, we're not definitely -- we haven't definitely heard whether or not the marker balls will be required. I know the Army Corps is still looking at it. It's our understanding the FAA won't require it, but we're still in the process, so to be conservative we've shown those marker balls.

Okay. Moving on to Moxie Pond. So this is obviously a much bigger waterbody. It's over 2,200 acres. It's rated as outstanding for its scenic resources. It also has quite a bit of development on the western shoreline and there is a road -- Troutdale Road runs the length of the western frontage. There is an existing transmission line.

This is the beginning of the co-located section. So the existing transmission line runs along the entire length of the 7 miles of the pond and the proposal would widen it by 75 feet on the western side. So the vegetation between the existing transmission lines and the pond and the existing transmission lines and the camps, again, won't change.

Okay. So we -- we took photographs from numerous locations on the pond. We did photosimulations from the north end near the boat launch and we chose this one to show today in particular because the existing corridor is the most visible one in this location, so we felt the proposed corridor would be the most visible in this location. It's kind of a worst case for Moxie Pond. This was the initial photosimulation that we submitted in September of 2017. I'll just to go back and forth here. So you can see there are some structures on either side. They're self-weathering so they generally blend with the backdrop, but you have a longer span of conductors that were visible. So this is another instance where we worked with the engineers and said, you know, let's kind of figure out a way to kind of reduce the height of the structure, reduce the conductors and reduce the

amount that you would see from here. So on average, where Mr. Mirabile was saying that the average structures are 94 feet and a section along Moxie Pond because they reduced the structures, they reduced the ruling spans the average height is closer to 70 feet.

Okay. Now, I'm going to move on to the Appalachian Trail. Okay. So -- okay. Here is the project. It's a co-located section with the blue line moving through here. This is Moxie Pond. This is the Appalachian Trail. It's the red line going through here. This is our 5 mile limit on either side, so there is approximately 14 miles of the Appalachian Trail within that 5 mile span on either side. This is Pleasant Pond Mountain summit here. This is Bald Mountain summit. And this is the area where the AT crosses the existing transition corridor three times in and around Troutdale Road.

Okay. This aerial diagram shows the AT as a white line and moving down from Pleasant Pond Mountain down towards Joe's Hole, the southern end of Moxie Pond, and where it crosses the project. So this is the existing corridor, which is kind of a lighter blue and then the expanded corridor on the western side of that. So you can see these points here existing, the first time you cross it here and

then down the Troutdale Road. So the distance -- the hiking time if you were to go from Pleasant Pond Mountain down to this crossing it's around three, three-and-a-half hours or so and then takes, you know, a few minutes to get down to the road and then you continue on and we'll get the next aerial when we get there. I just want to give people a sense of, you know, hiking time to get down there.

Okay. So this is Pleasant Pond Mountain. This is a panoramic view looking towards the project area. Mosquito Mountain in the center with Moxie Pond going the length there. Focusing on the area that's closest to the project. This is existing conditions. This is proposed. It's very hard to see the difference. From this distance at approximately 3 miles it's very hard to perceive the project. You won't see the clearing per se, but you may see tips of structures. So this is a blowup, four times zoomed of the area right there, so you can see double pole angled structure that would be visible -- slightly visible at this distance of over 3 miles.

So coming down from the summit of Pleasant Pond Mountain, again, hiking about three-and-a-half hours or so you get down to this first crossing of the existing corridor, so this first view is looking

to the east. So looking in both directions here, this is looking back towards Joe's Hole and the existing conditions there. And you hike a few minutes, maybe takes 5, 10 minutes to get down to Troutdale Road. And this is the section where the Appalachian Trail is co-located with Troutdale Road. It takes about, I'd say about 60 seconds or so or no it's about -- well, no, you can see it now for about 50 seconds or so, you know, I'll say a minute as you're walking down through here, the expanded corridor would extend that visibility time probably about 16 seconds. So you're on Troutdale Road, you're taking northbound underneath the corridor, underneath the existing 150 foot and then the expanded 75. We also did it in the winter. This photosimulation shows the proposed roadside plantings that were -- that we've suggested. We show them in photosimulation just to give you a sense that, you know, it's not going to block the view of the structures, but it will minimize the view of the clearing.

Okay. So you were -- we were just down here down in Joe's Hole, we've -- the northbound hiker will then continue on Troutdale Road, will cross over Baker Stream and continue on until they get to this

next crossing here. So the whole hike from that first time you encounter the existing transmission line to this third encounter would be about a 20 minutes, half an hour. From here it takes another three, three-and-a-half hours to hike to the summit of Bald Mountain. Along this stretch you're not seeing the project. Again, this is that transmission line crossing. That is the third crossing in both directions. This is the panoramic from the summit of Bald Mountain. And this is a view from Bald Mountain. You're looking towards Mosquito Mountain there and Moxie Pond. So in the existing conditions you can see the corridor -- existing corridor sort of intermittently along that section. This is a photosimulation. I'll just go back and forth a little bit. You can see the change slightly in corridor. Here is another view did in the winter. You can see the existing conditions. This is the most visible portion. This is just about under 5 miles away. You can see that little bit of the corridor there where the proposed corridor that will be slightly expanded, but not highly noticeable. It certainly wouldn't, you know, highly affect the hiker experience when you're on Bald Mountain or wouldn't interfere with the experience.

Okay. Now, we're going to move on to Route 201, the Old Canada Road National Scenic Byway. This is a map of a portion of the byway, most of it. So the Canadian border is up here, so the byway from the Canadian border down here towards Madison is that purple line running through here. The project, again, is the green line here and then the blue line is the co-located segment all the way down through there.

All right. So there are 49 miles of the byway within the study area, however, the project may only be visible from five locations. The first potential view for southbound travelers is the Attean View Rest Area, a pull-off above Route 201 overlooking the Moose River Valley. From this location you can see this big pan here, there is interpretive panels, rest area, et cetera, or bathroom. The project would be over 7 miles -- well, the project is 5 miles away, but this ridge right here blocks the closest 2 miles, so the project would be visible -- portions of the project would be over 7 miles away and that would be sort of in that valley basically would not be noticeable to, you know, an average viewer looking at that wide pan and the pattern of the clearing would look similar to the

other patterns that are out there.

Okay. So as you're moving southbound you're going to travel about 6 miles or so from that rest area to the stretch of the Parlin Pond. Now, you're not stopping here, but from this stretch there is a field on the west side of Route 201, this is Parlin Pond here, and through this segment here you'd have -- the southbound viewer would have about 15 seconds of view -- filtered view as you move through here. And so the next series of photograph are sort of replicating the southbound strip moving through here.

So when you first -- you can see here this is the Coburn ridge. I'm going to start just to orient you, so then the Coburn ridge opens up as you get into that clearing, so you can see the homes here and some vegetation along the edges. This is -- the project area is in that notch right there, so it's not visible on this whole stretch. It's in this notch over here. So you can see in these photographs as we move through here that that portion where the project is located is filtered through vegetation sort of in the foreground area. We stopped here and we took this photograph and decided to do the photosimulation from here because it would be a

location where you would have the most potential visibility. Terry showed this image earlier, so I'll just flip back and forth. Winter view. So you'd have a structure visible here about 2 miles away. A little bit of the corridor clearing in the winter would be noticeable. In the summer you wouldn't notice that.

Okay. Now, we're going to drive another 6 miles to where the project will cross Route 201 in Johnson Mountain Township at a 90 degree angle. Again, 90 degree angles are the best because they reduce the amount of time that a traveler would be within the corridor and just remove this and I'll go back to that photo in a minute. So this is a photosimulation that we took from the intersection of Judd Road and Route 201 looking at the crossing here in green. And just to kind of put this in context that this -- the crossing is located about 1,300 feet south of Judd Road, about 2,000 feet north of Capital Road, obviously the commercial logging road, and then about 3/4 of a mile north of Jackman town line where it intersects with 201. So it's very intentional that it's located in an area that has a commercial locking activity.

Okay. All right. I just want to go back to

this photograph. In the same location but looking northbound, we'll look at the southbound view, but looking northbound, you know, there is evidence of commercial forestry, so it's is not -- this is not the most highly scenic portion of Route 201. This is an area where commercial forest operations are evident.

Okay. So this is a view looking southbound in the area and obviously in the summer. So as you're driving through here, we picked this view because this would be sort of the longer stretch of potential visibility of the project. You'll see a top of a structure here and you'll see the conductors over the road. So this would be about 80 seconds as you kind of come around the bend and are traveling southbound you'd see this and mainly you're seeing the conductors. Now, obviously you're seeing it in context with the distribution line that travels the entirety of the byway. Going northbound, you see it for a little bit less time for like 30 seconds traveling sort of 50 miles per hour in that area.

Okay. So now you've crossed in Johnson Mountain Township and now you're going to travel another 30 miles, which takes say 40 minutes to drive, you don't see the project at all in that 40

miles. Then you get to where the project will cross. Here is the 201 here and this is the byway -- I'm sorry, this is the byway here. This is the project is the green line. So this is it where it's going to be co-located with the existing transmission line. This is Wyman Dam here.

Okay. So as you're driving through here obviously you're slowing down to come to the village. There is a bend in the road here, so your duration of view is pretty short because you're kind of turning, you're doing this and you're turning and you're underneath the line before you know it. Same thing going in this direction, you're kind of driving this way, you're sort of looking at this opening and wondering what's going on with this dam here and then you're driving through and you're under it, so it's a very short duration of exposure. This is the existing conditions. Proposed conditions. Okay. I'll just go back. This is, you know, you're in the corridor for 2, 3 seconds at the most, so you'd have to look real quick on both sides to see that.

All right. So that's the one that -- the fifth place of potential visibility here is in Bingham. So this would be only for northbound people on the byway. You can see the existing transmission

corridor. This is the river here. There is a section where this is just the road right next to the river. So it's about 45 seconds for someone going northbound, but they're going to see the existing corridor structure and they'll see the expanded corridor and the full structure. So, you know, it's -- if it takes -- it's a 78 mile long byway and say that takes you a couple hours to drive, you know, our segment is 49 miles, so maybe that's an hour, you know, totaled up going northbound you're going to see it for maybe a total of 80 seconds. Going southbound it's like, you know, a minute-and-a-half, so in context it's a very small amount of time that someone would actually see it. And just also to note that in the village just south of the crossing in Moscow there is two existing transmission lines that are crossing the byway right there as well, so, you know, that's consolidated impacts in locations where there already is some.

All right. So now we're going to transition into the outstanding river segments. The first one here is Carrabassett River in Anson. You can see, again, it's going to be co-located with the existing structure that's crossing the river now. There is agricultural and some wooded areas on either side of

the river. There is the existing conditions. Proposed conditions. Again, there will be 100 foot riparian vegetation preserved on either side of the river.

Moving to the Sandy River here in Farmington. Existing conditions. Just to note, again, agricultural land use on either side. Existing. Proposed. This is a good image to show how the proposed structures will be set back further than the existing structures, so obviously they're taller than these, but in perspective they don't seem that much taller. They don't dominate the landscape or anything like that.

Okay. So moving towards the West Branch of the Sheepscot River. This is Route Segment 5. This is in Windsor. This is an area where you have existing transmission lines going through here. This is the existing conditions and this is proposed, so this is a 345 structure that's being built. Again, there would be preserved vegetation along here and also in this area we supplemented with some additional plantings.

This is a little bit out of order, but this is the Lower Kennebec River below the dam. So here is the dam, the substation and quite a few white dots

showing all of the existing structures. The project will come through at that crossing that we just saw in Moscow, come through here and then cross over to Pleasant Ridge Plantation. So that's the view looking across now. You can see this is a great access for fishing. That access will not be removed. And just sort of showing this in context with the dam and facilities.

Okay. Time check. I think we're okay.

MS. KIRKLAND: 11 minutes and 19 seconds.

AMY SEGAL: For the total or?

MS. KIRKLAND: Left.

AMY SEGAL: Okay. So I need to leave 5 minutes for Peggy, right? Okay. So I'll just go through these quick. So this is Route 2/Route 8 in Anson. The existing conditions. Proposed conditions. This is Route 2 here in Farmington. Again, you can see the agricultural land uses on either side. Existing conditions. Proposed conditions. This is the Androscoggin Riverland State Park, so there is two components of the park. The biggest portion of the park is on the west side of the river -- Androscoggin River. On the east side in Leeds is the smaller portion of the state park. There is an existing access road that goes through

here, so we took photosimulations from that location. Like I said, the transmission line was here prior to it becoming a state park. Here is existing conditions here to 115 and that's proposed for the structures on that side.

Looking at Segment 4. This one is from Riverside Drive in Auburn looking across the river. So this is in the rebuild section -- rebuild segment on Segment 4 where you have these two existing three-poled wooden structures, which will be replaced by two monopole structures of self-weathering steel and as an example from the Segment 5 in Wiscasset, it's got sort of existing conditions and proposed conditions with the 345 line. So that is -- that's the -- all of the photosimulations.

So just to kind of recap here those photosimulations were meant to really show all the mitigation measures that we had been working with the engineers and the team on, so we've got the overall sitings that we've mentioned, HD under the river, use of self-weathering steel, very effective, re-engineering to reduce structure height such as at Moxie Pond, non-secular conductors at Rock Pond, the tapered vegetation management that we've been speaking about a lot today as viewed from Coburn

Mountain on Johnson Mountain and then as viewed from Tumbledown Mountain as viewed from Rock Pond. We've already talked about preserving the habitat and so that's it.

PEGGY DWYER: All right. Hello. My name is Peggy Dwyer and I work for a company called Dirigo Partners, LTD, which provides real estate services to CMP. In my role as -- as a lead project -- I just forgot my role. In my role as lead agent on such projects I work on route development, analysis and mapping. I serve as a liaison between abutting landowners and CMP as the landowners' primary point of contact with the company all the way from initial project development through wrap-up at project completion. My testimony concerns whether the project will adversely affect or unreasonably interfere with existing recreational or navigational uses and I am going to testify that it will not.

I have been an active member of The Forks area river running community since 1988. I am an experienced white water guide, kayaker and wilderness trip leader. I continue to lead trips on Maine's navigable rivers as a private boater focusing most of my time on the Kennebec River from the Harris Station Hydroelectric facility on Indian Pond to Caratunk.

My life partner was a forester whose area of responsibility included the project area from West Forks to the Canadian border. Together, we spent countless hours enjoying and exploring this region's woods and waters, so I became well-accustomed to all of the sites, sounds and smells of active forest management on an industrial scale. Those impacts never dampened my enthusiasm for hunting, fishing, and foraging, hiking, biking, skiing, dog sledding, and snowmobiling, birding, and boating in those areas. This project will not unreasonably interfere with those recreational uses either. I know this region. I worked, played and got married on the Kennebec River. I have as strong and emotional claim to the Upper Kennebec region as many of the people you will hear from this week. Unlike some of them, I make no additional claim to my view for our woods.

Members of the public afforded free access to much of Maine routinely exercise a subject choice to recreate in one location or another. Objectively, this project creates no impediments to any existing recreational activities. In fact, the project was carefully sited in collaboration with the neighboring landowners so as to avoid interference with existing uses. A new transmission line starts with a straight

line from point A to point B. Every angle point you see on that project map represents a thoughtful, proactive effort to minimize an impact at the planning stage to move away from a waterbody, road or viewshed here or tuck the line behind screening topography there. Those efforts minimized impacts in significant ways. Because the project will be under ground at the Upper Kennebec River crossing it will have no impact to the Gorge whatsoever. The only impact the project presents to any recreational users will be visual and as was presented in the testimony of expert witnesses DeWan and Segal that impact does not seem unreasonable. Access and opportunity outside the corridor are unchanged as a result of this project.

Within CMP's corridor recreational opportunities will be expanded with a possibility of new licensed trails all the way up. I ask you to look at the example of CMP's existing transmission line corridors, which are widely utilized for all kinds of recreational activities and provide the backbone of statewide interconnected trail systems invaluable to Maine's outdoor enthusiasts. Far from suppressing recreational activities, CMP's corridors are recreational reserves. My conclusion is that

this project will not adversely affect nor unreasonably interfere with any existing recreational or navigational uses. Thank you.

MS. MILLER: Thank you. Anyone else on the panel need to say anything? I think you have about four minutes left.

PEGGY DWYER: Wow. How did we do that?

MS. MILLER: Thank you.

TERRY DEWAN: This is a point, there is a dot on the floor right there, when you look at the photosimulations it's important to be able to stand at that very viewpoint just to get a sense of how big the image is relative to real life. It's always a question, you know, how far back should the screen -- from the screen should I be in order to approximate what it really is going to look like. Roughly it's about 1 1/2 times the width of the image and you can use that same rule of thumb when you're looking at the simulations on the walls here.

MS. MILLER: Thank you. So now we will start on cross-examination. I have the times available for each of the groups that are left over and this time we're going to go in the opposite order we went before so we would start with Group 8 and for Group 8, I've got 9 minutes and 22 seconds.

MS. TOURANGEAU: Good afternoon, again. And I am still Joanna Tourangeau for Group 8, NextEra. I have just a couple questions primarily, I believe, for you, Mr. Berube. Am I saying your last name correctly?

BRIAN BERUBE: Yup, that's correct.

MS. TOURANGEAU: Thank you. You assess the environmental impacts associated with the project in your alternatives analysis?

BRIAN BERUBE: Correct.

MS. TOURANGEAU: Did your assessment of the alternatives include looking at the undergrounding alternative?

BRIAN BERUBE: Can you be more specific?

MS. TOURANGEAU: Did you look at undergrounding as an alternative to any portion of the project at all?

BRIAN BERUBE: To any specific portion or?

MS. TOURANGEAU: Any at all, did you look at it?

BRIAN BERUBE: Yes.

MS. TOURANGEAU: Is that discussed in your alternatives analysis?

BRIAN BERUBE: No.

MS. TOURANGEAU: Okay. How did you look at

it then? Can you -- is it discussed in your direct or rebuttal testimony?

BRIAN BERUBE: I do not have rebuttal testimony.

MS. TOURANGEAU: You're right. Sorry.

BRIAN BERUBE: Yup. And as far as my direct testimony there is three ways to look at alternatives, if you will. There is a macro level and a micro level and from the real estate perspective my alternatives analysis testimony considered the macro level alternatives. As far as the undergrounding alternative, that was not done by myself.

MS. TOURANGEAU: Is there someone else that that was done by on the alternatives analysis?

BRIAN BERUBE: It was not done by myself nor anybody on this panel.

MS. TOURANGEAU: Okay. Thank you. What was the project purpose that you used in coming to the conclusion that there were no available alternatives under NRPA or SLODA available to the Applicant that would have less environmental impact?

BRIAN BERUBE: Yup. The project purposes is as stated by Mr. Dickinson.

MS. TOURANGEAU: Great. Thank you.

BRIAN BERUBE: You're welcome.

MS. MILLER: Thank you. So next we have Group 7 and Group 7 has one minute.

MR. SMITH: No questions. Thank you.

MS. MILLER: Okay. Thank you very much. Group 6. You've got 6 minute 48 seconds.

MR. WOOD: Thank you. Rob Wood with Group 6. Mr. Berube, can you speak to the cost of acquiring conservation easements as opposed to the costs of fee acquisition for parcels in this region? And this is a follow-up on a question we had asked to the earlier panel and they had said perhaps this second panel could speak to that.

BRIAN BERUBE: Could you clarify what you mean by cost?

MR. WOOD: Sure. So on a per acre basis if you were to purchase land in fee and hold a title to it, how would that cost -- what would the cost be on a per acre basis compared to the cost of the acquiring an easement for a working forest on the same acreage?

BRIAN BERUBE: Could you, I guess, more clearly define cost as far as land, labor, there is lots of components to cost.

MR. WOOD: So the land. The land only.

BRIAN BERUBE: Specific to the acquisition cost, if you will, of conservation lands, I cannot speak to that in relation to the value of those lands acquired for the project.

MR. WOOD: Can you speak in general terms?

BRIAN BERUBE: General terms?

MR. WOOD: To the cost of conservation -- so the cost of an acre in conservation easement versus fee acquisition in this general region.

BRIAN BERUBE: I guess in general terms you can assume them to be similar.

MR. WOOD: Okay. And then to the panel as a whole, when you're looking at scenic and recreational impacts and mitigating those impacts, do you ever look for synergies between the mitigation measures for scenic and visual impacts and for ecological impacts, so can you -- if you could address both scenic and ecological impacts, say habitat fragmentation simultaneously, do you look at that?

AMY SEGAL: Right. I guess an example would be at Gold Brook where we were, you know, looking at the visual impact from Rock Pond and knowing that IF&W was working with CMP to do this full height vegetation for habitat reasons, obviously there is benefits of preserving the vegetation there, so the

result was taller poles. So we were kind of looking at the trade-offs with, you know, improving preserving habitat and the visual impacts to that and that's where we kind of stepped a little bit further and asked and recommended to CMP that they move towards the tapered vegetation management on the side slope of Tumbledown Mountain.

TERRY DEWAN: You've probably heard the term balancing quite a bit today. Every time you look at an adjustment to the line that's been laid out by the engineers it's not simply a matter of, well, let's just move the poles over here or reduce the height, you have to look at the whole spectrum of analyses. If you say, well, if the poles got shorter therefore closer together then you'd have to ask the question, well, by moving them closer together what effects does that have on things like vernal pools or wetlands or various types of habitats, buffer zones and so forth, so it's a real three dimensional problem that involved a lot of consideration by a whole plethora of experts to come up with a workable solution.

MR. WOOD: Thank you. And just one more follow-up. Are there other areas in Segment 1 where vegetative tapering as described from the Coburn

Mountain photosimulation or a scene from the Coburn Mountain photosimulation could be useful in mitigating visual impacts?

AMY SEGAL: Well, there is numerous locations when I went through the photosimulations where the corridor clearing itself is not visible, so tapered vegetation management in those areas wouldn't necessarily change the level of visual impact if that's what your question is. We didn't, you know, are there any other areas along the corridor where you would look to vegetative tapering potentially to reduce visual impacts?

AMY SEGAL: The two occasions that we proposed are the two that we recommended.

MR. WOOD: Okay.

TERRY DEWAN: It works best in this particular case when you're looking right down the line when you're trying to minimize or soften the effect of that wide open expanse, in most locations the line is screen running perpendicular to the viewpoint and so tapering the vegetation is not going to have the effect that it would as we saw from the view at Coburn Mountain.

MR. WOOD: Okay. Thank you.

MS. MILLER: Thank you. So we're at 5

o'clock, we're going to try to wrap up at 5:30. And next is Group 4. You have about 39 minute, so if -- it puts you just a little after 5:30, so we can wrap up a few minutes later and let you finish if that's okay with everybody to end by about 5:40. Is that okay with the Intervenor groups? Is it okay with everyone at this table? All right. Let's go ahead and do that then.

MS. JOHNSON: I think I might have gotten the short straw keeping people from dinner. So these questions are for Ms. Segal --

THE REPORTER: I'm sorry, I don't know --

MS. JOHNSON: Sorry. My name is Cathy Johnson and I'm representing the National Resources Council of Maine, which is one of the Group 4 Intervenors. Ms. Segal, I assume that you are familiar with Dr. James Palmer, who is the scenic expert who DEP asked to do a peer review of this Visual Impact Analysis, correct?

AMY SEGAL: Correct.

MS. JOHNSON: And you've had a chance to review his two reports?

AMY SEGAL: Correct.

MS. JOHNSON: And in his second report, he noted that, quote, the conclusion of CMP's survey of

Kennebec rafters is that views of power lines on hillsides creates visual impacts that are among the highest of any human activity or development, closed quote. Do you recall that quote?

AMY SEGAL: Yes. And Mr. Palmer also noted that this, quote, survey provided information to assess visual impacts at other locations, closed quote. He is referring to other locations other than the Kennebec Gorge, which is where you did the survey, correct?

AMY SEGAL: I'm sorry, what was the question?

MS. JOHNSON: He is saying that the information you got from the survey of the Kennebec Gorge users is also valuable visual impact and other areas, correct?

AMY SEGAL: Yes. Yeah, I'm sorry.

MS. JOHNSON: In particular, he noted that the survey indicated that, and this is a quote, it may not be necessary to see the transmission structures or the cleared right of way for the scenic quality to be degraded. In this survey, views of the conductors and warning bells were sufficient to degrade the scenic quality at the Kennebec River crossing, closed quote. Do you recall that quote?

AMY SEGAL: Um... I recall it.

MS. JOHNSON: It's in his November report. So you're asserting now that the CMP line will not unreasonably impact scenic resources or scenic uses of scenic resources; is that correct?

AMY SEGAL: Correct. With the mitigation measures proposed.

MS. JOHNSON: Did you do any other surveys other than the Kennebec Gorge survey?

AMY SEGAL: No, we had a consultation with DEP and Mr. Palmer regarding user intercept surveys and at the time it was recommended that we look at doing one for the Upper Kennebec River for rafters. There were a few other locations that were discussed and none of the other ones resulted in the requirement of having a survey done.

MS. JOHNSON: So you actually have no evidence based on any surveys to support your assertion that there are no unreasonable adverse impacts on these other sites?

TERRY DEWAN: I don't think that would be a fair characterization. As you know from our testimony, we've made reference to other work that's been done, for example, the Baskahegan study, granted it's not a transmission project, but it is a

situation where people who use Baskahegan Lake in Washington County were asked to comment upon their experience and generally the visual environment and it's in a lake that it had, I believe, 24 wind turbines on it several years ago and the majority of the people that commented said that it really did not affect their enjoyment, the use of the lake at all. Something else which had just come up recently --

MS. JOHNSON: I think that answers my question. Thank you.

MR. MANAHAN: I would object to that cutting the witness off. He was answering her question and she -- he's entitled to answer the question and I would request that he be allowed to finish his answer.

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

MS. JOHNSON: No.

MS. BENSINGER: It sounded like you were about to go on to -- you said something else that comes -- has come up --

TERRY DEWAN: Yes.

MS. BENSINGER: Is that in response to her question?

TERRY DEWAN: Yes, it is. It's another

source of information on the affect of infrastructure on people's desire to use --

MS. BENSINGER: And that's in the record?

TERRY DEWAN: It is not in the record.

MS. JOHNSON: I would object to that.

MR. MANAHAN: Well, this is cross-examination. He can answer a question with something that's not in the record.

MS. BENSINGER: Okay. I would -- if it's responsive to the question, I would recommend that it be allowed.

TERRY DEWAN: We feel that it is. As you know, the previous governor established a commission to establish -- to look at the effect of wind energy on the way people use recreation resources and in December of last year a survey was conducted by a well-known survey firm between December 5 and 12 looking at 536 panelists most of these people were from out of state, sort of people who come to this area for recreation asking -- they were asking a number of questions and just to quote from the report, 3 percent of the travelers surveyed considered the views of alternative energy resource infrastructure to be very important when selecting a vacation destination, 3 percent. Among 12 items that

travelers might consider when selecting a vacation destination views of alternative energy source infrastructure was a consideration that rated the least important. Now, granted, this doesn't address the specific question about the fact that the same transmission lines would have, but it does give an indication of how the general public takes into consideration views of infrastructure such as transmission lines and making decisions about whether or not to go to a place and enjoy the scenic resources.

MS. JOHNSON: So it's true, is it not, that the DEP suggested that you do other intercept -- visitor intercept surveys including adding Attean Rest Area, you did not do such a survey, did you?

TERRY DEWAN: They did suggest two. We did the one of the Upper Kennebec River. The --

MS. JOHNSON: Didn't they suggest two others?

TERRY DEWAN: Can I finish, please? They also suggested the Attean Rest Area might be one. And, again, in consultation with Mr. Beyer and Dr. Palmer we talked about the changes that might be visible from that location. Knowing that, as Amy said, the project is 5 miles away, but at 5 miles

it's hidden by a mountain and the closest point of visibility is 7 miles and beyond that, you know, it's hard to see where the project would be located and we didn't feel that it would really produce significant results in terms of answering the questions that may be raised.

MS. JOHNSON: Okay. Well, let's go back to the Baskahegan survey that you mentioned. In that survey, and the this was a survey after the project had been built, so those people who had chosen not to come back to the place because now there's industrial viewshed there you would not have -- the survey would not have picked up those people?

TERRY DEWAN: There is no way of determining the level of use that occurred prior to the survey prior to the installation of the turbines. As part of the report that was done, it was noted that none of the people that were interviewed as part of the survey commented that the general level of use over the past couple of years seemed to have been on the rise. Now, was that due to the turbines? Probably not. Was it due to the price of gasoline? Perhaps. Perhaps it was more due to the general state of the economy. Don't know.

MS. JOHNSON: Or maybe it's due to the

quality of the fishing. Isn't it true that 70 percent of the people that were surveyed said that fishing was the reason that they came to Baskahegan Lake; isn't that correct?

TERRY DEWAN: Absolutely.

MS. JOHNSON: And only 4 percent of the survey -- folks surveyed said that scenic character was their primary activity of Baskahegan Lake; is that correct?

TERRY DEWAN: That is a fishing crowd.

MS. JOHNSON: Yup. And you are certainly aware, as you've -- Ms. Segal has just described that this new 53 mile corridor includes a National Scenic Byway, correct?

AMY SEGAL: Correct.

TERRY DEWAN: As you have just seen, yes.

MS. JOHNSON: And I assume that you're aware this region of the state attracts many visitors because of its undeveloped scenic character, correct?

TERRY DEWAN: Well, the scenic byway brings people to an area for any number of reasons. The scenic character is just one of those reasons.

MS. JOHNSON: Right. But they come for the -- the scenic character is one of the main reasons people drive the scenic byway, correct?

TERRY DEWAN: That is one of the reasons, yes, as the name implies.

MS. JOHNSON: And this new corridor, the transmission towers and the lines, would be visible as you described earlier from sections of this National Scenic Byway as well as from public lands that connect -- or that have trails that connect in the National Scenic Byway, correct?

AMY SEGAL: It's visible from the scenic byway, yup.

MS. JOHNSON: Yup. And would you agree that the percentage of people using the National Scenic Byway who identified viewing scenery as their primary activity is likely to be significantly higher than on Baskahegan Lake where the overwhelming number of people are there for fishing?

TERRY DEWAN: Well, certainly it's a much different type of user group. I don't know if it's fair to compare people that are driving versus people who are in a boat.

MS. JOHNSON: But you don't have any evidence to support that opinion?

TERRY DEWAN: It's -- it's an opinion on our part, yes.

MS. JOHNSON: Because you didn't do any

intercept surveys of visitors along the scenic byway?

TERRY DEWAN: We did not.

MS. JOHNSON: And, in fact, in the survey that you did do of the Kennebec River users, 74 percent said that viewing scenery was one of the activities they planned for during their visit to the Upper Kennebec River, correct?

TERRY DEWAN: That's correct.

MS. JOHNSON: Thank you. Now, your visibility analysis used data from the land cover from 1999-2001; is that correct?

AMY SEGAL: Yes, the data that we used for vegetation land cover did. Again, it's just a tool for theoretical visibility.

MS. JOHNSON: And DEP and the LUPC questioned why you didn't use the more recent data; isn't that right?

AMY SEGAL: They did question it, yup.

MS. JOHNSON: But you did not redo your analysis using the more recent data, did you?

AMY SEGAL: So we -- obviously, when we look at doing our viewshed analysis and we are looking at the cover type that we're using, we did figure -- look into whether or not like Point Cloud and LiDAR data was available and it was just coming online in

2017 and it was incomplete for our project area, so we chose to use land cover mapping that was complete for the whole project. And, again, it's just a tool that we use, it's not the tool that we use to determine whether this is potential visibility.

MS. JOHNSON: So instead of using more recent data you actually argued in your testimony that what you did was good enough because as you just said the newer data was not available for the entire study area, correct?

AMY SEGAL: It wasn't complete for the whole study area, correct.

MS. JOHNSON: So is it your position that for a project that is 145 miles long you would not use updated scenic data unless it was available for every single portion for the 145 miles?

AMY SEGAL: Well, I just need to make sure it's clear that when we're using -- when we develop the viewshed analysis that, you know we do a considerable amount of research as well. We're looking at Google Earth. We can see the cutting patterns. We can look at Google Earth over time so we can see how it's changed. We know even though our viewshed analysis map says that there is no visibility from a certain point and a high point, a

viewpoint and we know it -- because of experience because of field work that there is visibility and research, I mean, we do an extensive amount before we go into the field. So, again, it's the amount of research that we do educating ourselves on our field area, our study area completely, you know, the whole 10 mile swath all the way down as well as, you know, using the viewshed analysis as a tool, so it's a combination of those two that helps us figure out where we need to go and focus our efforts.

MS. JOHNSON: But you didn't answer my question. My question was is it your position that for a project that's 145 miles long you would not use a updated data unless it was available for every single portion of the line?

AMY SEGAL: It's the double negative in that sentence. Generally we like to use the most updated information, but for this project we felt that what we were using was appropriate.

MS. JOHNSON: Well, one of the reasons that Dr. Palmer was concerned about the fact that you did not use the most recent data is because that data is 20 years old and does not include the effects of recent harvesting, correct?

AMY SEGAL: Correct. But as I mentioned, we

did an extensive amount of research using Google Earth, which is aerials from 2016, '17, '18, so they were pretty accurate and pretty up-to-date for the whole study area.

TERRY DEWAN: That's also one of the reasons we do such extensive field work, you know, the viewshed data that we do with computerized mapping indicates areas where there is a probability that we're going to see the project, but we don't take that as gospel. We go out there and hike and we kayak, we look at it to make sure that we know where it's going to be visible from and to what extent the project may be visible.

MS. JOHNSON: Dr. Palmer raises multiple concerns about the visibility analysis noting that the analysis understates the potential visibility by 50 percent, correct?

AMY SEGAL: Mr. Palmer's or Dr. Palmer's criticism was particularly on the viewshed of the mountain mapping, yes.

MS. JOHNSON: Yes, the mapping. Dr. Palmer notes that the problems with the visibility analysis all stem from the fact that you did not use the most up-to-date data, correct? That is his conclusion in his November report?

AMY SEGAL: That may have been his --
MS. JOHNSON: Correct?
AMY SEGAL: -- the way he was --
MS. JOHNSON: Is that his conclusion?
AMY SEGAL: -- disputing it, but --
MS. JOHNSON: That is his conclusion.
AMY SEGAL: That was his conclusion at the time.
MS. JOHNSON: And you do understand that it's the lack of up-to-date data that is of concern to Dr. Palmer?
AMY SEGAL: Again, we've done an extensive amount of research and analysis. It's, you know, Dr. Palmer criticized the data that we used to do the viewshed analysis maps, that's just a tool as we've explained.
MS. JOHNSON: So turning to the AT for a second, in your testimony you noted that the line crosses the Appalachian Trail three times and that that justified mitigation, I believe those are your terms, justified mitigation; is that correct?
AMY SEGAL: I am not sure I --
MS. JOHNSON: It's on Page 33 of your testimony.
AMY SEGAL: Okay.

MS. JOHNSON: Could we see Page 119 of this report? Hmm... That's not it. I guess we'll have to use the old tech way instead of the new tech way. So this is where the Appalachian Trail -- where the line crosses the Appalachian Trail, correct?

AMY SEGAL: Along Troutdale Road, yup.

MS. JOHNSON: Yup. One of the three places.

AMY SEGAL: Yup.

MS. JOHNSON: And this is the photosimulation with the mitigation that you're proposing?

AMY SEGAL: It's one of the forms of mitigation of buffer planting plans, yup.

MS. JOHNSON: So in your opinion, does that mitigate the scenic impact of this line?

AMY SEGAL: As I mentioned, it will buffer the view towards the cleared corridor. It won't screen the structures.

MS. JOHNSON: And you can even see right through it through the corridor itself?

TERRY DEWAN: Keep in mind that this is a wintertime view and that we suspect that it gets relatively light views from hikers during the wintertime. During the summertime the native vegetation that you see there would be used as part

of the mitigation plantings would block most of the slope on the opposite side of Joe's Pond there.

MS. JOHNSON: Okay. Why -- and why did you not propose any mitigation for the other two crossings of the AT?

AMY SEGAL: We -- so the two crossings of the AT on either side of Troutdale Road, you know, crossing, traversing through the existing corridor now, it's 150 feet of -- they're kind of going through scrub/shrub vegetation there now and -- and I know that there is -- actually, I think there has been some discussion of potential plantings at those crossings. I don't know the specifics to that.

MS. JOHNSON: Is that in the record?

AMY SEGAL: It's not in the record now. I think it's...

MS. JOHNSON: And you did not propose as mitigation limiting the crossing to just one instead of three?

AMY SEGAL: Well, I do know in working with CMP and their team there has been ongoing discussions with the various organizations, park service, and MATC and others on --

MS. JOHNSON: But there is no evidence of that in the record?

AMY SEGAL: Of the discussions? No. So you're asking me if we -- we have looked at -- okay. Our assignment was to look at the visual impacts of the project as it crosses three times along --

MS. JOHNSON: And so when you --

AMY SEGAL: -- co-located with the existing.

MS. JOHNSON: And so when you thought about mitigation you didn't think about things like, oh, maybe we should avoid this crossing all together, that was not one of the things you thought about when you thought about mitigation?

AMY SEGAL: We were looking at the visual impacts for the project as proposed.

MS. JOHNSON: As a result of your analysis in the photosimulations that you showed us today, you concluded in the application, quote, based on this VIA review of the project in the range of potential visual impacts, Segment 1, that's the 53 miles of new corridor, will not unreasonably interfere with existing scenic and aesthetic uses and will not adversely affect scenic character in the surrounding area, closed quote. That was your conclusion, your testimony on that?

AMY SEGAL: Correct.

MS. JOHNSON: And at the time you made that

statement, Segment 1, the power line crossed the Kennebec Gorge overhead at that time; is that correct?

AMY SEGAL: That's correct.

MS. JOHNSON: And so your conclusion in the application was that an overhead crossing at the Kennebec River Gorge would not constitute an unreasonable adverse impact on the existing scenic and aesthetic uses and would not adversely affect the scenic character of the Kennebec Gorge; is that correct?

AMY SEGAL: That's correct. Provided that the preserved forested buffers on both sides stayed intact and you couldn't see any structures on either side.

MS. JOHNSON: Given the overwhelming public outcry and the results of CMP's own Kennebec River rafters survey, CMP now proposes to put the line under the river, correct?

AMY SEGAL: Correct, but I will add when we did the user intercept survey even though there was people who said that it would be a visual impact it would decrease -- slightly decrease, you know, their experience they overwhelmingly said they would still come back, so it wasn't impacting their continued use

and enjoyment.

MS. JOHNSON: So given the overwhelming public outcry and CMP's decision to put the line under the river --

MR. MANAHAN: I would object to the witness -- to the questionings -- the questioner's characterization of the overwhelming public outcry. She's -- she's putting evidence into the record that isn't in the record right now by virtue of that question and I think she needs to establish a foundation for her statement there's an overwhelming public outcry.

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

MS. JOHNSON: Well, the public hearings will be tomorrow and on Thursday, but we certainly have seen public -- overwhelming public concern expressed in the comment records and in the public sphere.

MS. MILLER: Can you rephrase the question?

MS. JOHNSON: Okay. So given the fact that CMP concluded that they should put the line under the Kennebec River, their conclusion that the overhead line would have -- would -- so your conclusion that the overhead line would not have an unreasonable adverse impact on the Kennebec River Gorge was

spectacularly wrong, wasn't it?

AMY SEGAL: Well, I would disagree with that, I mean, when we -- when you think about the impacts to the river and you think -- you need to think of it in the full context of the experience, so individuals who are going to raft the river are driving along Indian Pond Road, along the existing transmission line, they get up to Harris Dam where they're prepping they're walking down the stairs and putting in, it's a commercial, you know, they're there because there is a water release -- scheduled water release from a dam so all of that is very much part of that experience. And then you go through the rapid section and through that section you are not going to see the project and you get to the sort of flat water area and that's where the project would have been visible, so it's 8 miles south of the dam after you've gone through this experience, so, you know, yes, that was our conclusion.

MS. JOHNSON: Every trip has to start and end somewhere; isn't that right?

AMY SEGAL: Logically.

MS. JOHNSON: Yeah. So the fact that they start at the dam doesn't mean that they don't care about the scenic character. And, in fact, 74 percent

of the people in the Kennebec River survey were concerned -- were -- cared greatly about the scenic character of the region; isn't that right?

AMY SEGAL: Yes.

MS. JOHNSON: So given your track record on deciding what's a significant adverse scenic impact, isn't it entirely possible that your conclusion that the CMP line would have no unreasonable adverse scenic impact on Coburn Mountain, Number 5 Mountain, Parlin Pond, Rock Pond, the Old Canada Road Scenic Byway, Moxie Stream and other beloved undeveloped scenic places along the proposed corridor could be equally wrong?

AMY SEGAL: I would disagree and I've showed the simulations and the mitigation measures that are being employed to...

MS. JOHNSON: Thank you. I have no other questions.

MS. MILLER: Did Group 4 have other questions for the other witnesses?

MS. ELY: No, thank you.

MS. MILLER: Okay. I think we'll go ahead and wrap up for the day. We're about 5 minutes early if you can believe that. I appreciate all of you for your participation, especially sticking to the time

limits that we had set.

So just in closing, I just want to thank you all for your participation. We're going to recommence here at 8 o'clock in the morning, same location. And tomorrow is going to be the day where at 10:30 we're going to switch over to the LUPC, the Commission, and we'll also have the evening portion of testimony, which will be in another location and we'll remind of you that in the morning, so thank you everybody. We'll see you tomorrow.

(Hearing continued at 5:25 p.m.)

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 by means of stenograph,

and I have signed:

_/s/ Robin J. Dostie_____

Court Reporter/Notary Public

My Commission Expires: February 6, 2026

DATED: May 3, 2019

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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 2
TUESDAY, APRIL 2, 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 2, 2019, at the University of Maine at Farmington Campus, 111 South Street, Farmington, Maine, commencing at 8:00 a.m.

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TRANSCRIPT OF PROCEEDINGS

MS. MILLER: Good morning. I now call this second daytime portion of the public hearing of the Maine Department of Environmental Protection and Land Use Planning Commission on the New England Clean Energy Connect Project. As a reminder, this hearing is to hear evidence and evaluate the application submitted by Central Maine Power pursuant to the Department's requirement for the Natural Resources Protection Act and Site Location of Development Act as well as the Commission's Site Law certification process.

Today's schedule will begin with a continuation of cross-examination of the Applicant's Witness Panel 2. At 10:30 the Commission will then take the lead and conduct its portion of the joint hearing. Starting at 6 p.m. this evening testimony will be heard from the public on both the Department and Commission's hearing topics. In order to transition smoothly for the public portion of the hearing today, we will be ending promptly at 5 p.m. from this room. We have extra copies of today's agenda and the criteria for the Department's portion of the hearing on the back table. And just a reminder to everyone to turn your mics off including

this table between the time you're not speaking so that the side conversations aren't cast.

As a reminder, I expect all participants to conduct themselves professionally both in their dealings with me and with each other throughout these proceedings. If anyone is unable to do this, I reserve the right to take any appropriate action including excluding the individuals from further participation. I also ask you to silence or turn off your electronic devices including cell phones so that there are no interruptions.

So at this time, I'd like to swear in this morning's Department witnesses, so Witness Panel 2. Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

(Witnesses affirm.)

MS. MILLER: Thank you. Let's go ahead and get started. The first Intervenor group that we had for cross-examination examination today was Group 3 and you have about 6 1/2 minutes.

MR. BOROWSKI: Good morning. Benji Borowski representing Group 3. And I have a few questions for Ms. Segal based on Page 92 of the presentation she gave yesterday specifically regarding the Old Canada

Road Scenic Byway, OCR. Ms. Segal, doesn't the OCR extend 78 miles from Madison to Jackman?

AMY SEGAL: Ah, yup. Yup.

MR. BOROWSKI: And if we start at the north, the northern end of the OCR, is it true that the distance between that northern terminus and the first point Attean View Rest Area is about 20 miles?

AMY SEGAL: Yes.

MR. BOROWSKI: Then if you look -- if you go down to the Johnson Mountain Township crossing, is it true that the distance between that point and the Moscow crossing is about 30 miles?

AMY SEGAL: Yes.

MR. BOROWSKI: And when you get to the Moscow crossing, isn't it true that there are existing visual impacts that include the Wyman Dam and also two existing transmission lines?

AMY SEGAL: Yes. From the crossing you can see the top of the dam, the two -- it is co-located with the existing transmission line in that corridor and then just off of there there are two transmission lines that cross Route 201 in Moscow.

MR. BOROWSKI: And finally, from the last point where there is a possible view of the project, Bingham, the distance between Bingham and then

Madison is about 12 miles; is that correct?

AMY SEGAL: Um, yes, sounds about right.

MR. BOROWSKI: So would it be fair to say that there are two fairly small segments of the entire OCR, which is 78 miles where the potential views of the project and there are three relatively large segments where there are no possible views of the project?

AMY SEGAL: Yes. That's a fair characterization.

MR. BOROWSKI: In your opinion given that characterization, do you think that there is a cumulative adverse visual impact based on the project?

AMY SEGAL: No.

MR. BOROWSKI: Thank you. That's all I have.

MS. MILLER: Thank you. Next, we have Groups 2 and 10 and you have about 40 minutes.

MS. BOEPPLE: For the record, my name is Elizabeth Boepple and I'm representing Group 2 and all of the Intervenors in Group 2 and one of the Intervenors in Group 10 in this proceeding.

Good morning. Nice to see you again, Mr. DeWan.

TERRY DEWAN: We'll do it all over again.

MS. BOEPPLE: Yes, a little more like the past. I'll try and be succinct today. Do I understand correctly that you and your company have done work before for CMP, Mr. DeWan?

TERRY DEWAN: That is correct.

MS. BOEPPLE: And what project was that for?

TERRY DEWAN: I would probably be able to give you a list of at least 15 projects we've done starting with 25-30 years ago.

MS. BOEPPLE: So it's fair to say that you've done significant work for CMP?

TERRY DEWAN: There has been a lot of work we've done for them, yes.

MS. BOEPPLE: Okay. And the same is true you represented -- I shouldn't say you represented -- you were a consultant; is that correct, for -- is that the right terminology?

TERRY DEWAN: That's the term we prefer to use, yes.

MS. BOEPPLE: Okay. -- for Eversource Energy in the Northern Pass Project?

TERRY DEWAN: That is correct.

MS. BOEPPLE: And is it also true that Mr. Palmer has done a critique of your work before?

TERRY DEWAN: Dr. Palmer has critiqued our work on many occasions.

MS. BOEPPLE: And including in the Northern Pass Project; is that correct?

TERRY DEWAN: That is my recollection, yes.

MS. BOEPPLE: And he's done the same here, correct?

TERRY DEWAN: That is correct.

MS. BOEPPLE: And is it also fair to say that he has found some flaws with some of your work?

TERRY DEWAN: He is -- he is hired as a peer reviewer as we are also designated peer reviewers to review our work. His specific assignment is to make sure that we did a professional job and addressed the issues. He as is typical of any peer review goes through with a lot of detail and using his own evaluation determines whether or not we've met the criteria and invariably I know he'll come up with some things that he thinks that I would be improved upon and as a result of that process, it's a very rigorous process and one that leads, I think, to a very good understanding of the project impact will make necessary revisions and we have -- that's been done and presented to Mr. Beyer in this case.

MS. BOEPPLE: Okay. And so in that process

and in your assessment ultimately you always come to the conclusion that the project can go forward, we'll get to why in a minute, but is that correct?

TERRY DEWAN: That's not our conclusion. We don't say the project can go forward. You know, we talk about our observations about whether or not it's an unreasonable adverse visual impact.

MS. BOEPPLE: Okay. And you've reached that conclusion that it is not a unreasonable adverse impact?

TERRY DEWAN: That is our conclusion.

MS. BOEPPLE: Okay. And that has been the case with all of the projects you've worked on for CMP?

TERRY DEWAN: Yes, it has.

MS. BOEPPLE: Okay. So I'd like to draw your attention to, if we could pull this up please, Group 2 Exhibit -- there should be a -- I'm hoping it's in the set of records -- RM -- sorry, just a minute, I'll find a number for you. This should be RM-9, Group 2 RM-9.

MR. BEYER: Is it your pre-file or rebuttal?

MS. BOEPPLE: Also, this is in our rebuttal. Rebuttal Group 2 R-9.

MR. BEYER: Which one?

MS. BOEPPLE: Group 2 rebuttal.
MR. BEYER: Yup.
MS. BOEPPLE: Group 2 rebuttal RM-9.
MR. BEYER: RM-9. Do you know what page it's on?
MS. BOEPPLE: So if we could go to -- on page -- scroll down, please. I believe it's Page -- I'm sorry, let me get my paper copy.
MS. MILLER: Try Page 8.
MR. BEYER: Page 8.
MS. BOEPPLE: So, yes, thank you. That's what I'm looking for. Thank you. So in this -- in this exhibit, Mr. Merchant has identified four high value scenic sites that were not included in your assessment and I'd to walk through those with you.
So this first one is Tumbledown Mountain West showing power line and corridor track in yellow and can you explain why you did not consider this site in your assessment?
AMY SEGAL: Tumbledown Mountain is privately owned and it's not a high trail to -- some of that is not highly documented in our research.
MS. BOEPPLE: It's not highly documented --
AMY SEGAL: It's on private property.
MS. BOEPPLE: It's all on private property?

The public can't see this same view, is that what you're saying?

AMY SEGAL: I'm saying that Tumbledown Mountain is on private property. It's not a scenic resource.

MS. BOEPPLE: Okay. So could we talk a little bit about where you're viewing the scenic resources, are you standing on property that's acceptable by the public only or is the scenic resource you're looking at the public property or the private property? I'm trying to understand the distinction you're making when you say that's private property. What part of this is the private property versus what is considered a scenic resource for public access and public interest?

AMY SEGAL: Scenic resources are defined as those that are publicly owned.

MS. BOEPPLE: Okay. So if someone is driving along a scenic byway and it's considered a scenic byway because you can see a vista even, if some of that vista is privately owned you don't consider that a scenic resource?

AMY SEGAL: The byway itself is a public road such as Route 201 is a scenic resource.

MS. BOEPPLE: And isn't that because you're

seeing a view from that resource?

AMY SEGAL: Well, from the byway you're seeing a lot of private property.

MS. BOEPPLE: And that is a scenic resource, correct?

AMY SEGAL: The byway is a resource in and of itself. I don't know if someone wants to add to that.

MS. BOEPPLE: Okay. Let's go on to next one. Could you scroll down? Greenlaw Cliffs from the notch and why was this not included?

AMY SEGAL: This view as I mentioned is from the Spencer Road looking back up towards it. The Greenlaw Cliffs themselves are within those preserves that's owned by The Nature Conservancy, so they're -- Spencer Road itself is not a scenic resource. It's a privately owned commercial harvesting road.

MS. BOEPPLE: So, again, you're making a distinction between what someone from the public can actually see and access from a public way?

AMY SEGAL: It's not a public way, it's a private road.

SM. BOEPPLE: Okay. Even if the public has access to it?

AMY SEGAL: The public has access to Spencer

Road at the discretion of the owner.

MS. BOEPPLE: Okay. Could we scroll down to the next one, please? Coburn Mountain West, again, with the power line corridor tract in yellow.

AMY SEGAL: This view from the summit of Coburn Mountain looking towards the west, that's Grace Pond there, it's the white on there. The yellow dots sort of, I guess, insinuates that the corridor would actually be visible. Behind Grace Pond there it's over 5 miles away, 6 miles, 7 miles, as you're moving back through there and it would not be visible. And also to note that in this particular viewpoint, you know, you're looking towards it and in project is perpendicular to you view so you're not going to pick up that corridor because it's too far away.

TERRY DEWAN: We have an enlargement of that photosimulation if it would be interesting to the panel to look at. It's on the easel over there.

MS. MILLER: Let's proceed.

MS. BOEPPLE: Thank you. So let's go on. So -- so I don't believe that Mr. Merchant was trying to indicate that you would see yellow dots or you would see it as clearly, but he has roughed in where the route would be and so your -- your opinion is

that because of the distance nobody is going to be able to see that there is a corridor -- there is a transmission corridor there; is that correct?

AMY SEGAL: At this distance it would be very hard to pick up that corridor.

MS. BOEPPLE: Let's go on to the next one. Again, Sally Mountain South viewshed.

AMY SEGAL: This is a -- so this is looking across Attean Pond towards the project. This is well outside of -- it's probably 7, 8 miles away, 9 miles, I'm not seen sure. So you would not -- there is no way -- and, again, this is another example where it's perpendicular to your view. You're never going to pick up that line and the -- you would never see the self-weathering structures -- self-weathering steel structures because they're brown and they would blend into the background.

MS. BOEPPLE: During a leaf-off condition your position is you would never see it? There is no way you would see --

AMY SEGAL: From this viewpoint even with leaf-off conditions you wouldn't be able to pick up that corridor. I mean, there might be, you know, if you had binoculars and you were looking you might pick up intermittent lines, but you wouldn't be able

to distinguish that from any of the other lines in the landscape, for instance, the Moose River in the area.

TERRY DEWAN: If I may recall, some of the testimony that Dr. Palmer made during the hearings we referred to in Gorham, New Hampshire indicated that this is at 5 miles and lines like this are not going to be seen as much more than a smudge on the landscape.

MS. BOEPPLE: Okay. Possibly. But this is your opinion, correct?

TERRY DEWAN: That's also our opinion.

MS. BOEPPLE: Could we pull up please -- well, I'd like to pull up the Rock Pond photosimulation, please. It's part of their presentation yesterday. Do you know what page that would have been?

AMY SEGAL: It starts on Page 40. 40 -- 39, 40.

MS. BENSINGER: That would be Page 39 of what, your direct -- pre-filed direct testimony?

AMY SEGAL: Yeah. This is the pole one?

MS. MILLER: It will be Page 54 and 55.

AMY SEGAL: Of this one?

MS. MILLER: Yes, in the pre-filed direct

testimony.

MR. BEYER: Rebuttal exhibits?

MS. MILLER: No, it's under direct and it's under Segal and it's under -- I'm sorry, it's under CMP 5-B. It should be 5-B, not 2, so scroll down a little further. 5-B and then Page 54. 5-B. I think you're in C.

MR. BEYER: Oh, okay. So that's Beattie.

MS. BOEPPLE: Okay. So scroll down to the next one, the photosimulation. Right there. Okay. So --

AMY SEGAL: Could you enlarge that to full screen preview, please?

MS. BOEPPLE: Thank you. Okay. So I'm sorry I took so long to get here because this is a very simple question. Will you agree that Rock Pond is a significant pond in Maine?

AMY SEGAL: Rock Pond is rated a significant scenic resource of the Maine Wildlife and Lake Assessment.

MS. BOEPPLE: And if we can scroll back up to -- there we go. Without -- when you view this, when you see this view that you've chosen to pick from which to do the simulation, do we see any manmade structures?

AMY SEGAL: No.

MS. BOEPPLE: Is there any sign that there has been a manmade activity in this?

AMY SEGAL: No, but if you turn around you can see the cabin behind you.

MS. BOEPPLE: Okay. But we're looking at the direction of the where -- where the transmission line would eventually be, correct?

AMY SEGAL: Right. I mean, there are some signs of harvesting, but they're not as readily available in this image.

MS. BOEPPLE: Right. So if we go then to the simulation -- the next slide, please. Now, you've given the distance and given the size, but we now do see a manmade structure on this, correct?

AMY SEGAL: Correct.

MS. BOEPPLE: Okay.

AMY SEGAL: We often see the tapered vegetation management there that's being proposed in the notch.

MS. BOEPPLE: And I was going to ask you about that. Now, tapered vegetation is supposed to diminish and minimize the impact of the towers; is that correct?

AMY SEGAL: No, of the corridor there.

MS. BOEPPLE: But as a consequence, that's also going to diminish the look of the towers on the landscape; is that not correct?

AMY SEGAL: Um, it's mainly meant to mitigate the view of the clear corridor especially at distances such as this.

MS. BOEPPLE: Okay. So you're not seeing a cut swath through the landscape?

AMY SEGAL: Correct.

MS. BOEPPLE: Okay. And so it's appropriate in certain locations and not in others and why is that?

AMY SEGAL: Well, where you can see the corridor it would be an effective mitigation measure especially in here where it's going over the shoulder of Tumbledown, you know, the previous slide showed how you'd have the notching effect along the skyline. Obviously this was an effective location to view such a proposed tapered vegetation management.

MS. BOEPPLE: What about the full height? I think yesterday you were talking in your presentation and during some of the cross you talked about recommending lowering the pole height.

AMY SEGAL: Right. So it's a different situation here because as you heard yesterday where

the team was consulting with Inland Fisheries and Wildlife and looking at habitat value around Cold -- Gold Brook and as a result they decided to preserve full height vegetation in and around that whole waterbody, so as a result the structures get taller because they need to allow the room for those trees below them to grow the full height and still maintain your safety zone for your conductors, so as a result of those structures getting taller, you know, that's -- that's one of the reasons which led to the tapering vegetation management. So we were mitigating the corridor -- visibility of the corridor beyond the area that would already be preserved vegetation, so, you know, that's the whole area where it's the tall poles will be -- all the vegetation will be preserved in that zone looking towards the notch.

MS. BOEPPLE: Okay. So when you look at trying to do -- well, let me back up. When you're doing an assessment of a project such as this, which is quite extensive, let's look -- isn't the first step to try and avoid having an impact or a negative impact; is that correct?

AMY SEGAL: Well, I think that's -- as you heard yesterday the, you know, the main intent of,

you know, the initial planning which took several years was, you know, you look at the siting of the line and how it has all of the, you know, twists and turns and the idea was to minimize -- to avoid and to minimize to the extent we could from the beginning, from initial planning stages.

MS. BOEPPLE: To avoid and minimize, but I thought I also heard yesterday that there was sort of a three-step analysis, avoidance is number one. You try to first avoid, correct?

AMY SEGAL: Correct.

MS. BOEPPLE: Okay. So in trying to avoid, aren't there other ways that you could avoid an impact and one of them might be to bury the line; is that possible?

AMY SEGAL: Yup. Yes.

MS. BOEPPLE: Thank you. I have more questions, I'm going to reserve them for the proceeding before the LUPC because there is a lot of this material that we're going to talk about as well, but I'd like to turn a couple of questions onto Mr. Berube.

BRIAN BERUBE: Mmm Hmm.

MS. BOEPPLE: I believe your testimony yesterday was quite emphatically and unequivocally

that there were no alternatives, none exist, period; is that correct?

BRIAN BERUBE: None exist in regards to the tree roots that we analyzed, correct.

MS. BOEPPLE: Okay. I just wanted that clarification. Just with respect to the tree roots, okay. Thank you. Just one more general question for Mr. DeWan and your team. As you were conducting your VIA, were you ever looking at a resource from the perspective of someone who was using the resource itself, so a boater on the -- on the water?

AMY SEGAL: Yes, as you can see from the collection of photosimulations we were -- we took photographs on the water, ponds, rivers, hiking, flying, floating, rafting.

MS. BOEPPLE: So and -- and did you -- when you were doing that, were you look -- were you specifically reviewing it from what your experience has been in the context of what they were coming to look at? In other words, I know you didn't do any intercept surveys, but were you considering that a given visitor or rafter to one river might be looking for something different in their experience than what another one might be? So, for example, if someone is putting in at a dam, there is an understanding that

there is a structure on the river, there is a manmade structure, but if they're putting in somewhere else that's a little more remote that they have a different expectation of the experience in terms of what they're viewing, did you take that into consideration?

TERRY DEWAN: Well, the intent of this is to address a very specific question, you know, will the presence of the overhead conductors with the marker balls have an unreasonable adverse effect on both the visual environment as someone on the river as well as their enjoyment of the river and their desire to come back to that experience. And it has nothing to do with relative -- that experience relative to other -- other rivers they may want to raft on.

MS. BOEPPLE: Well, what I'm getting at is isn't there a viewer expectation component?

TERRY DEWAN: There certainly is a viewer expectation generated by public relations efforts on the part of the rafting companies, by word of mouth, by what they've experienced in the past, so people who come for rafting have a certain level of expectation.

MS. BOEPPLE: Right. And my question was as you were doing your assessment were you taking that

into account?

TERRY DEWAN: Well, when you say our assessment, are you talking about the visitor interceptor survey?

MS. BOEPPLE: No, what I'm talking about is as you picked and chose which site to do the Visual Impact Assessment on and some of them you said you went on a river, you were looking at it from that perspective, were you also considering what the viewer expectation was?

TERRY DEWAN: Yes, we do for -- just as an example from the Appalachian Trail the people who hike on the trial generally use guide books and they have maps and I know as part of the official guide there is a description of what to expect as you hike along that particular section where you're within the viewshed of the line and one of the things that the guide book talks about is the fact that you will be crossing two transmission corridors and you will also be on a road as you go from Pleasant Pond Mountain over to Bald Mountain on the other side.

MS. BOEPPLE: Okay. Thank you. And that goes to one more question that I have, which is yesterday we heard an awful lot about the length of time that someone might actually see the crossing

where the -- excuse me, let me back up. The length of time that a viewer might see the transmission corridor where it's crossing a public road, for example, and I think you talked about in terms of maybe 80 seconds or some length of time. And it is your position that if it's a short duration then it's a minimal impact and that the length of time if it's a longer period of time than maybe it's a greater impact.

TERRY DEWAN: One of the things that we always look at is the amount of time that somebody is exposed to a particular view, you know, if someone is going to the top of a mountain and expects to be there for a half an hour or so, you know, that's one thing. If you're driving along the Old Canada Road Scenic Byway, we know that you're going to be able to see the conductors crossing the road for upwards of 80 to 90 seconds along with the same with the distribution lines along the side of the road. Once you get within the corridor itself you're within the corridor for 1.8 seconds driving 55 miles an hour, so we need to put things in perspective and you're going to be able to see the conductors as well as the structures for a split second, you know, less than 2 seconds, okay. And it's much different than being on

top of a mountain and being able to see a panorama that may include a landscape that has conductors and the transmission corridor in it.

MS. BOEPPLE: Isn't it also possible though that coming upon something that's so jarring that even if it's for that 30 seconds that that's necessarily a jarring experience. It doesn't -- it doesn't look like the landscape.

AMY SEGAL: As an example of, you know, Johnson Mountain Township crossing of Route 201, in that context, as Terry said, you have to consider that there is a distribution line that runs the entire length of Route 201 and, you know, you're -- anything that you're going to see momentarily for a couple seconds is going to make contact already with that infrastructure, so you take all perspectives.

MS. BOEPPLE: Yes, you do. And wouldn't you agree then too that a distribution line in terms of size and scale and scope on the landscape is a very, very different thing than a transmission corridor?

AMY SEGAL: Well, except for the fact that you're seeing it the entire length of the byway, so the entire 70 miles you're seeing a distribution line the entire time. As far as it crosses at a 90 degree angle, which is, you know, best practices and you're

seeing it, you know, for a very short period of time. We've proposed buffer plantations trying to keep those beauty strips intact along the road because it's commercial harvesting on either side, so.

TERRY DEWAN: And I guess it depends upon the context, you know, if you were some place out in the wilderness and all of a sudden you came across a cell tower, you know, that would be jarring, but that's not the case right here. As you saw from the illustrations yesterday driving along the Old Canada Road Scenic Byway you have a sense that you're in a managed forest land and you saw the photographs when you're traveling northbound you're going to be able to see patch cuts on the hillside, so you know that you're not in an area that has been undisturbed.

MS. BOEPPLE: Right. But as you also talked about it yesterday, isn't there a difference -- with the first panel and I think you heard some of that discussion, isn't there a difference between logging roads and what the landscape looks like where there has been cutting as part of the commercial forest operation and something that looks a lot more permanent on the landscape like a corridor that's been cut, the swath that's cut through with towers, even weathering steel, isn't there a difference in

the way that looks on the landscape than from a Visual Impact Assessment. It looks different on the landscape, no?

TERRY DEWAN: So there are a lot of things that look different from what people's impressions of a landscape should be when they're traveling a road that's designated as a scenic byway. And I think one of the -- the beauty of the scenic byway system is it allows people to get a sense of the way people in Maine make a living, you see the history of the state when you drive along the scenic byways and seeing the -- the work on the hillside is an indication that we're in the middle of a working forest.

MS. BOEPPLE: A working forest, you would agree, wouldn't you, is not -- is not the same thing as an industrial structure that's planted in the landscape?

TERRY DEWAN: Well, keep in mind that they will, you know, a few minutes before that will have driven by the dam and associated with that then is the power infrastructure, again, it's all part of the system that we're generating power in this area and you should expect to see some -- some indications that the power has to go some place and so you're passing by transmission structures and distribution

structures during a good portion of the travel.

MS. BOEPPLE: So if we follow that to a logical conclusion then we should simply allow any kind of transmission corridor to go in any place it's -- it seems to be appropriate deemed by utility company and there is -- really wouldn't be much purpose in having the DEP review this or the LUPC review this because, hey, it's part of what we need to make sure that we've got electricity going here or there and the other place. I mean, that's the logical conclusion. Anyway.

MR. MANAHAN: I would object. This is an argumentative line of questioning. You're just stating argumentative viewpoints as opposed to asking a question.

MS. BOEPPLE: I'm -- I'm asking whether or not that's a logical conclusion based on the testimony we just heard from Mr. DeWan.

TERRY DEWAN: I certainty don't see how that conclusion could be drawn. I think that one has to look at the pride that we as a state take in our visual environment and as a result, you know, we have laws that are on the books that says if you're going to be siting something like an infrastructure project you have to consider things such as viewsheds. You

know, we're one of the few states around the United States that has laws on its books that controlled where we site it and evaluate projects such as this.

MS. BOEPPLE: Okay. Thank you. No more questions at this time.

MS. MILLER: Thank you. So we are ahead of schedule and I wanted to -- I know there was at least one group that ran out of time in the first -- with the first witness panel, so I wanted to offer up if they or any of the others have some additional questions for this witness panel within -- within reason. Do any of the Intervenor groups wish to ask any additional questions -- direct -- cross-examination questions of this witness panel? Is that Group 7?

MR. SMITH: Yes, I have just a couple questions.

MS. MILLER: Yes. Go ahead. Come on up.

MR. SMITH: Good morning. Ben Smith for Group 7. I just want to follow-up with questions from Ms. Boepple.

MS. MILLER: Can you speak a little closer to the mic?

MR. SMITH: Sure. Can you guys hear me? Ms. Boepple asked a couple questions about the

impact -- the visual impact of burying a line. I want to ask you a question. Would burying a line avoid any visual impact?

AMY SEGAL: Well, as you heard yesterday, there would still be a 75 foot wide cleared corridor, so there still would be locations where you'd have -- you'd still see that, for instance, here in Rock Pond you'd see that 75 foot notch going over.

TERRY DEWAN: That's really -- it's a depends sort of a question. It depends where the line would be buried.

MR. SMITH: Yeah, that's a great point. I was actually thinking about this particular -- this line is actually what I was referring to, so I think I had -- I think she's answered that.

TERRY DEWAN: Yeah, we really can't answer that question until you know where on the landscape it would be.

MR. SMITH: Right. But with regard to this one I think the answer would be it would still be visible.

TERRY DEWAN: Chances are there would be some indication that there had been something constructed there even though you may not see it.

MR. SMITH: Right. Thank you. No further

questions.

MS. MILLER: Group 1.

MR. HAYNES: Thank you for this unexpected opportunity. Bob Haynes, Old Canada Road. Just a question and I hadn't realized that this was possible. The non-reflected wire which was to be used in certain places, is there a price point on that that would make it useful to do the entire corridor with in this woodland area?

TERRY DEWAN: That's an engineering question and we're not prepared to address that.

MR. HAYNES: Was it a consideration you had to diminish the look of the wire throughout the 53 miles of new corridor?

TERRY DEWAN: It doesn't reduce the look of the wire. What it does is through either a chemical or a chemical process is dull the surface of the wire to make them less reflective.

MR. HAYNES: So they're less visible?

AMY SEGAL: Right. And one of the considerations is where the viewer is located and where the conductors are located --

MR. HAYNES: Perfect.

AMY SEGAL: -- such as at Rock Pond where we are showing that you are south of the conductors

looking at it so the sun is coming over your head and it will be hitting it during the day so it would be a location where the non-specular conductors would be effective.

TERRY DEWAN: It's my under- -- if I may go on beyond that. It's my understanding that one of the reasons that you do that is to accelerate the natural weathering process that normally conductors of cable that transmit electricity will weather with time they'll assume, you know, less reflectivity.

MR. HAYNES: So in your assessment were there other places that that would be useful? Let's say the view from Spencer Road looking to the north where the line parallels the Spencer Road.

AMY SEGAL: Along Spencer Road is a little bit of a different situation because you have varying degrees of, you know, forest cover type, you know, heights, so there is locations in there where you wouldn't -- you wouldn't see the conductors and then there is places where you would, so, you know, that's -- and you saw the alignment kind of twists, you know, kind of turns a bit through there, but, again, you know, Spencer Road is a private road. We didn't evaluate it as a scenic resource, so we didn't really look at non-specular conductors in that area.

MR. HAYNES: In your opinion, given time, would the normal wire achieve the same look as the non-reflective wire?

TERRY DEWAN: It would be purely an opinion on my part, as far as I know, I could be wrong, the type of treatment has never been used in the State of Maine. It's been used at other locations, but I personally have not seen it. I've seen a few photographs that compares the difference.

MR. HAYNES: So you're taking that from research and not visual inspection of your own?

AMY SEGAL: And in consultation with engineers that we've worked with who have, that's about it.

MR. HAYNES: Okay. Thank you. Moore Pond is public property, was there any consideration of the line view from there?

AMY SEGAL: Yes, we did go to Moore Pond. There is a boat launch there and, you know, the pond is rather small and the -- even though the project is fairly close there the vegetation on the north side of the pond would block views of the project.

MR. HAYNES: As long as the vegetation stays there?

AMY SEGAL: Correct. And there is, you

know, a mandatory requirement to keep the vegetation around the pond so it wouldn't be harvested.

MR. HAYNES: All right. Yesterday we learned there was a buffer plan for the crossing of the wire in Johnson Mountain, can you describe what that buffer would look like?

AMY SEGAL: There is buffer planting plans proposed for both crossings in Johnson Mountain Township and in Moscow and in each location it would be a non-capable vegetation that we proposed for the length of the corridor, the full length of the corridor.

MR. HAYNES: I'm way out of the power line definition --

AMY SEGAL: Oh, ah --

MR. HAYNES: -- non-capable is something that won't achieve a height greater than 30 feet?

AMY SEGAL: It generally is somewhere between 10 and 15 feet, you know, so it doesn't grow into the conductor safety zone.

MR. HAYNES: But it's a native species?

AMY SEGAL: Yes.

MR. HAYNES: Okay. Okay. And the other question I had was we've always talked about the safety zone, what is the distance from the wire

that's considered a safety zone?

AMY SEGAL: That might be a question for Brian. Would you...

BRIAN BERUBE: It would be an engineering question.

AMY SEGAL: It's an engineering question to be specific.

MR. HAYNES: Okay.

AMY SEGAL: We're given the distances, so.

MR. HAYNES: You're given the distances?

AMY SEGAL: We don't -- we don't -- they provide us that information, so in this location I wouldn't know exactly what that height would be depending on the size of the conductor and...

MR. HAYNES: But the height should be the same throughout the corridor?

AMY SEGAL: Well --

TERRY DEWAN: No.

AMY SEGAL: -- because --

MR. HAYNES: No. I'm learning things. Thank you.

AMY SEGAL: It's between the two monopole structures and then you have the conductors that go between them so at the middle point there would be the lowest point of, you know, it would be the lowest

point of the sag so that conductor safety zone would be slightly lower in that area than it would if you were closer to the structure, right.

MR. HAYNES: But the distance between the vegetation and the wire should remain the same and that may dip to follow the sag, that's what I'm asking.

AMY SEGAL: Yes. Yes. That's logical, yes.

MR. HAYNES: But we don't know that number?

AMY SEGAL: Not in the specific location that you're referencing. So I would need to know, you know, even to look at the structure I just don't have that available.

MR. HAYNES: Thank you. Whipple Pond doesn't have a public boat landing -- boat launch so that was not considered as a viewpoint?

AMY SEGAL: Whipple Pond is -- was considered as a scenic resource.

MR. HAYNES: Okay.

AMY SEGAL: We did go to Whipple Pond and I -- I think I was showing yesterday that viewshed mapping indicated that there would be project visibility. It's also included as a significant waterbody, so we went out to the -- we went out on the waterbody and took photographs from a variety of

different locations and because of the vegetation, again, on the southern portion of the pond there would be no project visibility from the pond itself. I mean, obviously when you're driving on Spencer Rips Road your -- the project crosses Spencer Rips Road, so you would -- so you would see the project there, but for the Whipple Pond itself you wouldn't see the project.

MR. HAYNES: And was there any mitigation planting proposed for that crossing where folks go to the Moose River to put in for the boat trip?

AMY SEGAL: No, we didn't propose -- again, it's a private road so we didn't consider --

MR. HAYNES: All right.

AMY SEGAL: -- buffer plantings there.

MR. HAYNES: All right. Thank you for your time and your answers. No more questions.

MS. MILLER: Thank you very much. Did I see Group 8?

MS. TOURANGEAU: Can I have a minute?

MS. MILLER: Yes, please.

MS. TOURANGEAU: Joanna Tourangeau for NextEra Group 8. I just had a quick follow-up question for Mr. DeWan or Ms. Segal on your response to the western mountain question on undergrounding

the line. Did your analysis consider the visual impacts of undergrounding this line or any part of this line other than the crossing of the Upper Kennebec?

AMY SEGAL: No.

MS. TOURANGEAU: Okay. Thank you.

MS. MILLER: Thank you. Any other Intervenor groups that I didn't see? Okay. This is great. We're a little bit ahead of schedule right now. The next part of our agenda is Department questions and then we'll do redirect and if we're still ahead of schedule we'll break a little early to give us extra time get set up for the Commission. So we'll turn now to Department questions.

MR. BEYER: Ms. Segal, I have a question on your photosimulation from Parlin Pond and the tapering on the -- around Coburn Mountain. Does the tapering extend far enough around so that it would impact the view from Parlin Pond or is it all on the east side of -- or south side of the...

AMY SEGAL: I'm not sure if a map would be helpful here, but when you're looking at -- when you're at the summit of Coburn Mountain looking towards Johnson Mountain, the portion of the project that 2.2 miles that has the tapered vegetation

management --

MR. BEYER: Yes.

AMY SEGAL: -- that is not -- it's not on the same --

MR. BEYER: You won't --

AMY SEGAL: You don't see that from Parlin Pond.

MR. BEYER: Okay.

AMY SEGAL: So from Parlin Pond to understand the views there is a very minimal amount of clearing -- of the cleared corridor that will actually be visible as we saw in the forest management.

MR. BEYER: Right.

AMY SEGAL: It's really the change in vegetation and the four structures and conductors that would be minimal.

TERRY DEWAN: Tapering, I think, works best when you're up above looking down from a viewer superior position. Parlin Pond, you're looking up.

MR. BEYER: Right. I was just curious as to whether or not the vegetation extended around into that view.

AMY SEGAL: No.

MR. BEYER: Okay. Mr. DeWan, especially

after reviewing the results of the survey of rafters, is it your opinion that all infrastructure projects are created equal in terms of scenic impact and, if so, which ones are worse than others?

TERRY DEWAN: Infrastructure covers a wide variety of structures and types of intent, so obviously, you know, a distribution line on a city street in the form of an infrastructure project is much different from what we're talking about here, so, yes, every infrastructure project has to be treated as a unique entity relative to the type of facilities that are being used as well as the environment that it goes through.

MR. BEYER: Correct. But aren't -- couldn't one interpret the results of that study as finding that transmission lines were rated particularly high in terms of their scenic impact?

TERRY DEWAN: That was one of the conclusions that Mr. Palmer drew of his review of that particular study.

MR. BEYER: Do you agree with that?

TERRY DEWAN: I don't think I disagree with it. I -- I guess I would have some questions about whether or not the visibility of just the conductors would have as great of an impact as seeing the

structures and the clearing associated with it. It seems like there was somewhat of a leap to draw the conclusion that he did.

MR. BEYER: Okay. Thank you. Mr. Berube.

BRIAN BERUBE: Yes.

MR. BEYER: In your testimony yesterday, I heard you say the cost of acquisition of an acre of land is similar to the cost of acquiring a conservation easement. Did I hear that correctly and can you explain it to me?

BRIAN BERUBE: So the cost that was defined was the land cost, I believe, after clarification and in general they're similar and so that's...

MR. BEYER: So the cost to buy an acre of land is the same as the cost of getting a conservation easement?

BRIAN BERUBE: Yeah, I wouldn't -- I don't think -- and I can't recall, but I don't think an acre was defined yesterday as being the area, but regardless, I think generally speaking the costs are similar, yeah.

MR. BEYER: Okay. Can you explain that because intrinsically that doesn't make sense to me. If I'm the landowner and I'm selling some development rights, but I still get to use the land, how is

that -- how do I not benefit from that as opposed to selling it? I mean, there's -- I still -- I still have use of the land to manage it as I please, but I'm selling the development rights and I -- I -- I'm not grasping the concept of why the cost of obtaining conservation easement is the same as the cost of purchasing the land.

BRIAN BERUBE: I'll defer to Peggy.

PEGGY DWYER: I'll just say the -- the biggest piece of the pie, the value pie is the development rights. So you -- you are retaining whatever rights haven't been conveyed in that easement but you're giving up the rights of development to -- and depending on the specific easement, you know, maybe cutting or protecting a viewshed or everything else and -- and it -- in practice it winds up being pretty similar to the rights that the -- the full fee cost of acquisition.

MR. BEYER: Okay. It looks like Mr. DeWan wants to respond to that.

TERRY DEWAN: As you may know, we're working on a large project in northern Maine right now involving a conservation easement and the money that is being paid for the conservation easement goes into an account then that generates income that used -- is

used for the management of that -- of the valuation by the easement holder to see how the land is being maintained and whether or not there is any encroachment upon the easement.

MR. BEYER: Okay. Thank you. Question for Ms. Segal. On the Moxie Stream photosimulation it appears that the field wires and the conductors are lower than the vegetation height, is that just a phenomenon of the photosimulation or the position of the landscape where you took that because the -- the pole that -- the structures are significantly higher than the vegetation.

AMY SEGAL: Right. Right. And in the case of Moxie Stream crossing, the poles are, you know, spanning the -- it's a thousand feet, so they're several hundred feet back from the crossing so you don't see the structures themselves in that perspective of that photosimulation and because of the horizontal alignment of the stream in that location there is vegetation that would -- that's remaining between the viewer and the clearing, so that's why it sort of appears that the conductors are somewhat lower or are screened by the foreground vegetation.

MR. BEYER: Okay.

AMY SEGAL: So as you're approaching -- as you're moving downstream on Moxie that's what you will see until you get to the corridor itself.

MR. BEYER: Thank you.

MR. REID: I have a question for Mr. Berube and Mr. DeWan about vegetative buffering and it follows-up on some questions Cathy Johnson asked yesterday and Mr. Haynes just asked a few minutes ago. The photosimulation that relates to the Troutdale Road/Appalachian Trail point of view showed some plantings that Cathy Johnson's questions, I think, were designed to call into question as to whether they were really effective in screening and I'm wondering what went into the choice of those plantings. They look like deciduous shrubby plantings, so I take it from your responses so far that some of the limiting factors that you've taken into account are that you want native species and you want them to be capable, so-called.

AMY SEGAL: Non-capable.

TERRY DEWAN: Non-capable.

MR. REID: Non-capable. Thank you. But it seems like there would be more effective screening options than the ones that are depicted in the photosimulation, for instance, coniferous cedar or

something like that?

AMY SEGAL: Well, you're correct in saying that we look at native species always, non-capable species looking at the height. In certain locations, yes, we would look at evergreen species, coniferous species, cedars themselves are capable so they wouldn't -- we wouldn't be able to put them in these locations. We also have to look at soil type, hydrology, all those different things and considering what the plant materials would be. So in this location at Troutdale those are -- those plant materials specified are deciduous. Also considering that the majority of users, you know, the majority of hikers per se would be going there in the leaf-on months, you know, and we also sort of acknowledge that those plantings are there to sort of reduce the -- or to minimize the view of the corridor itself not the structures.

TERRY DEWAN: And it's also very -- a fairly narrow area we have to deal with right there. We don't have unlimited area between the edge of the Troutdale Road and the edge of the water.

AMY SEGAL: Joe's Hole, correct.

TERRY DEWAN: Joe's Hole.

MR. REID: So in your judgement though it's

one of the best available options for that location?

AMY SEGAL: Yes. I mean -- yes.

MR. REID: Okay. Mr. Berube, I just wanted to give you a chance to clarify the record and follow-up to some questions that Ms. Tourangeau asked you yesterday --

BRIAN BERUBE: Sure.

MR. REID: -- about whether in your alternatives analysis you considered burying the line. It seemed to me, it could have been me, but I wasn't clear on where we left things. At first it sounded like you said that you had considered burying the line in your analysis and then you -- I think you said you had not or maybe that somebody on the team had but nobody on the panel and so I'm wondering if you could follow-up on that --

BRIAN BERUBE: Sure.

MR. REID: -- and clarify the record?

BRIAN BERUBE: Sure. Yeah, so my direct testimony applies to the route alternative analysis. In relation to undergrounding, you know, the route analysis was done at kind of the macro level, you know, as far as determining a preferred route and then justifying that preferred route based on the analysis that we performed. As far as

undergrounding, that -- that is not a determination of real estate. It's a technical determination done by engineering teams as well as consideration from the environmental permitting group as well, so my direct testimony didn't address the undergrounding component of the line. It was generally in relation to the route as it -- as it pertained to the real estate acquisition activities.

MR. REID: Okay. Thank you.

MS. BENSINGER: I have a few questions and anyone on the panel can answer most of them, whoever thinks they would be the best person. What are the disadvantages aside from having to have more poles of lower pole height? I believe yesterday you mentioned some poles were going to be 74 feet tall. What are the disadvantages of lower pole heights?

AMY SEGAL: As we mentioned yesterday, obviously when you have more poles there's, you know, it's a balance between reducing pole heights, reducing spans and then the other impacts that that creates, you know, with wetland, vernal pools, et cetera, so it's balancing those two.

TERRY DEWAN: I think the technical term that engineers like to use is the picket fence approach. If you're this far apart you start to put

in -- make them shorter, they become closer together and they seem more like this as opposed to a grouping of poles that are spread out.

MS. BENSINGER: Is the -- and this may not be in your area of expertise, but is there any difference between -- in the line's ability to withstand weather or storm events as -- as it pertains to the height of the poles?

TERRY DEWAN: That would be an engineering consideration.

MS. BENSINGER: Okay. And in your view, what are the disadvantages of the tapered vegetation plan where in some instances you tapered it, what are the disadvantages of that?

TERRY DEWAN: I suppose the major disadvantage would be that it requires a lot more maintenance. You know, it's a lot easier just to come in and say this is the area we're dealing with, you want, you know, capable vegetation taken out of this area. As you've heard it requires a lot more labor to -- to make sure that the specific species are removed and others captured.

MS. BENSINGER: In a way it just seemed to me that it would require less maintenance because wouldn't there be fewer trees that would have to be

removed?

TERRY DEWAN: There is a much more selective process when you're -- when you're doing what I'll call traditional management you simply take out everything up to a certain height within an area. I think as you've heard somebody say yesterday you have to identity the species, you have to anticipate their rate of growth, you have to see where they are in their growth cycle and then make a determination on a -- on a -- literally a stem-by-stem basis whether or not that particular species is going to be this tall or this tall in another four years.

BRIAN BERUBE: Just to add to Mr. DeWan's comments, as far as the taper and vegetation management typically similar, I guess, to an uneven age span management from a forestry perspective, so depending on what the existing vegetation is as of today it could require more -- require more maintenance to go from an even aged stand to an uneven aged, so.

MS. BENSINGER: Okay. With regard to the Appalachian Trail impacts, in your summary you seem focused on the northbound hiker and what would be visible to the northbound hiker. Did you also do an analysis of the visual impacts to the southbound

hiker?

AMY SEGAL: Well, yes, from every location we took photographs looking in all directions. The northbound hiker would have more exposure to the project than the southbound hiker, so we narrate that as the worst case, I suppose.

MS. BENSINGER: Did you interview any Appalachian Trail hikers about impacts?

AMY SEGAL: Not in a formal user intercept survey, no.

MS. BENSINGER: Taking the impacts on the northbound hiker, you talked about the amount of time that would be exposed to views of the transmission line. Can you tell me the amount of distance hiking on the Appalachian Trail they would be exposed to views?

AMY SEGAL: Okay. So from Pleasant Pond Mountain, as you saw, minimal views, but depending on how long you would stay on the mountain, you know, I guess that would be your exposure time. And then it takes about three hours or so to hike from the top of Pleasant Pond Mountain down to -- towards Troutdale Road and so in that -- that hike down you're not seeing the project. Once you get down to the three existing crossings that's probably, I don't know,

half -- 20 minutes, half an hour between the first time you cross it when you're descending down to Troutdale Road -- to Troutdale Road and then crossing Baker Stream and heading up towards Bald Mountain to that third crossing probably half an hour. I mean, there's -- you're not really staying -- I mean, stopping in these locations per se.

MS. BENSINGER: But I'm talking about the distance you're walking on the trail or hiking --

AMY SEGAL: Oh, oh.

MS. BENSINER: -- on the trail, the distance.

AMY SEGAL: Oh, oh. It's about five trail miles from --

MS. BENSINGER: Total.

AMY SEGAL: -- Pleasant Pond Mountain down to Troutdale Road and another five'ish trail miles back up to Bald Mountain. Does that make sense?

MS. BENSINGER: No, I mean, the distance hiking --

AMY SEGAL: Oh, oh.

MS. BENSINGER: -- and actually seeing the impacts.

AMY SEGAL: Oh, just on Troutdale?

MS. BENSINGER: Total.

AMY SEGAL: Well, you're seeing the -- the trail kind of crosses at a -- somewhat perpendicular, so that 150 feet at the first crossing, about 900 feet along Troutdale Road and then another 150 feet to this other crossing. Is that making sense?

MS. BENSINGER: So that is the distance hiking that you would actually be able to see the transmission line at all?

AMY SEGAL: Right. It would be, yeah.

MS. BENSINGER: Okay.

AMY SEGAL: About 1,200 feet.

MS. BENSINGER: You talked about in, you know, the alternatives analysis you talked about one of the factors being ownership patterns. How big of a factor was ownership patterns and what exactly do you mean by that? Do you -- are you meaning that if it's one big parcel of land with one owner that section of the route was more appealing because you didn't have to negotiate with multiple owners of land?

BRIAN BERUBE: Could -- could you repeat, just one more time?

MS. BENSINGER: You mentioned ownership patterns as being a factor in choosing what was the most desirable alternative route. By that do you

mean one big -- more big parcels owned by a single or a few landowners made the route more desirable because you didn't have to negotiate with multiple small parcel owners?

BRIAN BERUBE: Yeah, I think generally, you know, that's one of the inputs or parameters in, you know, in an alternatives analysis is looking at the landowner count which was included in my direct testimony and I think, you know, generally we look to minimize that number whenever possible.

AMY SEGAL: As you heard Mr. Mirabile speak of this yesterday, the ability -- to work with a large landowner allowed them to, you know, move the corridor to be -- to minimize impacts, so that was -- when you're working with one landowner and you have the ability to move it, that's a great advantage just to avoid and minimize.

MS. BENSINGER: With regard to the Old Canada Scenic Byway, you talked about motorists driving 49 or 55 miles an hour and the amount of time that they would have -- be exposed to views. I've only been on that road a few times. Are there other users of that road, sections of that road, is there snowmobiling on parallel -- or hiking or mountain biking parallel to that road that -- where the users

would be different than driving a car?

AMY SEGAL: There are sections of Route 201 where there are snowmobile trails adjacent to the road. I would assume that there would be road bikes. I mean, you know, it's not a designated road biking trail. I mean, it's a pretty high speed highway through the section near Johnson Mountain Township.

MS. BENSINGER: So it's possible that bikers --

AMY SEGAL: Yes.

MS. BENSINGER: -- either on the road or mountain bikers on the -- would be exposed for a greater period of time?

AMY SEGAL: Yes, that's true. That's true. They're -- just -- I'm sorry. Just the snowmobile trails aren't adjacent to the roadway right there in Johnson Mountain Township, but they're -- in other locations along Route 201 there are.

MS. BENSINGER: Okay.

AMY SEGAL: Yeah.

MS. BENSINGER: But there might not be visibility there?

AMY SEGAL: Correct.

MS. BENSINGER: Okay. Thank you. In response to Mr. Wood's question about tapering, he

asked whether you considered tapering elsewhere, the answer you gave in most places the transmission line can't be seen. By that do you mean it can't be seen from a location which fits the definition of a scenic resource under Chapter 315?

AMY SEGAL: No, it's clarified under cleared corridor itself wouldn't be visible, so tapered vegetation in the corridor wouldn't -- wouldn't be noticeable.

MS. BENSINGER: But were you saying noticeable from --

AMY SEGAL: A scenic resource.

MS. BENSINGER: -- a scenic resource?

AMY SEGAL: Yes.

MS. BENSINGER: So you were only looking at views from a scenic resource as defined in Chapter 315?

AMY SEGAL: Correct.

MS. BENSINGER: When you testified about the Kennebec River rafter's survey you said that it showed that the project would not impact most users in some scenery because most users said they would come back. Did you -- and I don't have the survey in front of me, but did you also consider that while they may come back their visual experience might be

altered?

TERRY DEWAN: I don't believe that was a question that was addressed in the survey. I think the question that was asked was would it affect your desire to come back and I think the answer was a resounding yes.

AMY SEGAL: That they would come back.

TERRY DEWAN: That they would come back, yeah.

MS. BENSINGER: But it certainly didn't go into whether they felt it would actually impact their visual experience?

TERRY DEWAN: We did not ask that question.

MS. BENSINGER: Okay. In this -- I'm glad this slide is still up. Ms. Segal, in that photosimulation that is depicting the taller poles; am I correct?

AMY SEGAL: Correct. That's depicting the taller poles of the full height vegetation.

MS. BENSINGER: And those poles are taller because of the impacts on the brook or?

AMY SEGAL: Right. In working with IF&W to allow for the full height of vegetation those structures needed to be taller to accommodate the brook.

MS. BENSINGER: Where is the brook in that -- in that photo roughly?

AMY SEGAL: It's in here in this area. So that shoulder right there is Tumbledown and part of it is Three Slide Mountain so the brook comes basically around -- it comes around Gold Brook, so in through here. So you can see this structure here, the taller structure, the transitional taller structure here and then there is taller structures along and on the side slope there. So the brook is -- the taller -- the full height vegetation is in this area with the taller structures.

MS. BENSINGER: And do you only propose tapered vegetation where there are taller poles in general?

AMY SEGAL: No. No, the taller poles are where the full height of vegetation will be allowed to grow. The tapered vegetation is beyond that. It's beyond Gold Brook.

MS. BENSINGER: Okay.

AMY SEGAL: And it was the area on the shoulder there on Tumbledown Mountain where that notch was in effect, so it was in working with -- with the team, you know, saying that there could be taller structures here, you know what, let's try and

reduce the impact of that corridor. So it wasn't -- it's not required by IF&W to do the tapered vegetation. That was purely done for -- to mitigate visual impacts.

MS. BENSINGER: So with the taller poles you'd -- CMP would just let the vegetation completely grow?

AMY SEGAL: That's my understanding, but you would need to talk to Gerry or Mark about, I'm sorry, Mr. Mirabile and Mr. Goodwin about that.

MS. BENSINGER: And you mentioned in response to a question from Mr. Haynes, I believe, he was asking about the safety zone and the distance required between the top of the vegetation and the conductor line. Ms. Segal, you said you were given a number, what was the number you were given?

AMY SEGAL: I said it depends on the location and where the -- the buffer planting would be in relationship to the sag in the wire, so the distance from the structures, if that makes sense. So I think it was, you know, somewhere between 25 and 30 feet in some locations just below, so we, you know, so the conductor with the sag and we offset that to know, but there is, you know, there's federal regulations on it for maintaining safety zones for

conductors. And that's a question to ask the engineers.

MS. BENSINGER: And CMP's Exhibit 5-B Pages 58 and 59, let me just get there. On Page 58 that's the Rock Pond photosimulation that we had up earlier. It's entitled full height vegetation, so it doesn't look like that's full height vegetation.

AMY SEGAL: Well, it -- what you're not seeing in this question is the -- the previous -- the initial simulation from September 2017, which would have shown this clearing here, that corridor clearing extending towards you in this area. So this -- this is a result of the IF&W, you know, full -- you know, requiring a lot of vegetation around Gold Brook, so you're seeing -- you're missing a step here, I guess. If you look at the original photosimulation and -- and see that the vegetation here as being preserved at full height that's what's visible -- with the remaining portion that's visible again west of Gold Brook is the area of the tapered vegetation.

MS. BENSINGER: Okay. So that's the full height vegetation is down in the lower section there.

AMY SEGAL: In here --

MS. BENSINGER: Okay.

AMY SEGAL: -- on the shoulder of --

MS. BENSINGER: All right. And the next slide is the tapered vegetation in the cut --

AMY SEGAL: Correct.

MS. BENSINGER: -- over the --

AMY SEGAL: Correct.

MS. BENSINGER: -- over the notch.

AMY SEGAL: Correct. So we're just showing the difference in the tapered vegetation.

MS. BENSINGER: Okay. I don't have any further questions. Thanks.

MS. MILLER: Does anyone else have any questions? I have a few questions for Mr. Berube. I just want to understand your charge in evaluating the alternatives. It sounds like, and please correct me if I'm wrong, it sounds like you kind of had a different -- a few different routes to evaluate and one of the major determinations was the real estate feasibility of going on those routes; is that correct?

BRIAN BERUBE: I mean, there are multiple parameters considered in routing, environmental considerations, you know, wetland, vernal pools, any publicly available data and then any data that we had, but, yes, one of those would be the real estate inputs.

MS. MILLER: Okay. And if CMP were to decide that it wants to bury the line -- the entire line underground, would that change the alternatives analysis that you performed? Meaning would you have to find a whole different route all together or would CMP have to find a whole different route all together or would the analysis you did already basically be the same?

BRIAN BERUBE: Yeah, so the preferred route in my direct testimony is the route that was selected based on the alternatives analysis that I performed and so in general that route is the project route. I think it's also important that we distinguish between the corridor and the project. Yeah, the project are the assets. The corridor, the land, you know, the right, title, interest that we own, so at this time nothing would change.

MS. MILLER: Thank you. I think now we move on to the redirect. Mr. Manahan.

MR. MANAHAN: Good morning. Just a couple questions, I think, for Ms. Segal and Mr. DeWan primarily. We heard yesterday Ms. Johnson asked you a few questions about user intercept surveys and I think you told us why you hadn't done user intercept surveys beyond what was done to the Upper Kennebec

River and you responded to those questions, but I have just a couple follow-up questions, which is does Chapter 315 of the DEP's rules or any other DEP or LUPC rules and requirements require user intercept surveys in a situation like this?

TERRY DEWAN: I do not believe there is anything in Chapter 315 or other rules that we deal with that require us to use intercept surveys.

MR. MANAHAN: And -- and to your knowledge, have user intercept surveys or let me put it this way, how many user intercept surveys have been done on transmission line project proposals in Maine?

TERRY DEWAN: To my knowledge one and it was the one that was just done on the Kennebec River.

MR. MANAHAN: The one that you guys did for the Upper Kennebec -- the one that CMP did?

TERRY DEWAN: Yes.

MR. MANAHAN: And how many user intercept surveys to your knowledge have been done on transmission line projects in the entire United States?

TERRY DEWAN: That's a good question and we -- we did a lot of research. We asked Dr. Palmer that question and we had not been able to find any evidence and I know that Dr. Palmer has also said in

his knowledge and he's done work throughout the country, he said there has never been a study -- an intercept study done on transmission lines.

MR. MANAHAN: So getting to Dr. Palmer, you testified yesterday that you had worked through the issues -- Dr. Palmer and you had a back and forth to address some of his issues. Did -- did he indicate to you -- let me put it this way, has he asked you to collaborate with him on any related issues going forward as a result of this project?

TERRY DEWAN: As professionals in Visual Impact Assessment, we're always looking for ways to improve the work that we do. The work that we did on the intercept survey here was the first time that we had ever done what we call an experiential intercept survey. Rather than just ask people what do they think of a particular view, we asked people who are actively engaged in an activity to think of the activity as a series of sequences getting to the location where they would put in, being on the river, going through the rapids, going to the place where they would see the transmission corridor, getting out the other end, we showed people a series of slides as you may know looking at the -- the study we then asked people to evaluate the experience both with and

without the overhead transmission corridor. That's much different from the work that we normally do on intercept surveys, for example, for wind power projects and we ask a particular -- we go to a particular location and ask the -- the interviewee whether or not the effect of the -- of the wind power project would have an effect on their view from that particular location. This represents we think an improvement to the way you should do intercept surveys, at least for certain types of activities, thinking that the activity and the experience is really important. Mr. Palmer was quite impressed by that and as a result of that he's asked us to prepare a panel to discuss this particular survey at an upcoming conference sponsored by a number of people including the Argon National Lab in Chicago coming in October. And we have submitted an application, I believe, it will be accepted, Dr. Palmer will be on that panel talking about intercept surveys in general. We're also going to bring along the person from Market Decisions that did the intercept survey.

MR. MANAHAN: So Dr. Palmer is using your work in this case as an example to highlight to others as an example of the kind of work that he thinks is worthwhile to emulate.

TERRY DEWAN: I think it's a good example of --

MS. BOEPPLE: I'm going to object to this line of questioning. It appears that we're trying to get in some kind of an opinion from Dr. Palmer who is not present here to testify himself.

MR. MANAHAN: There was cross-examination yesterday -- cross-examination yesterday of Mr. DeWan and Ms. Segal having to do with Mr. Palmer's peer review trying to elicit comments that suggest Mr. Palmer is critical and I am asking Mr. DeWan to respond to that with respect to what Mr. Palmer, in fact, has said subsequently with respect to Mr. Dewan's work.

MS. BOEPPLE: If I could just respond to that briefly. This goes beyond what is in the pre-filed testimony.

MR. MANAHAN: This --

MS. BOEPPLE: What is in the pre-filed testimony and the questions were based on the pre-filed testimony as well as Dr. Palmer's memorandum and his assessment that is in the record. What Mr. Manahan is asking about and where the testimony is going is beyond the scope of what is in the record and what the questions were based on

yesterday, so it doesn't fall in the category of redirect. It actually falls in the category of new testimony and trying to present testimony from a witness who is not present subject to cross-examination.

MS. BENSINGER: I would recommend that the objection be partially upheld the same with the testimony about what might happen in the future and the future panel seems to not be relevant to the statutory criteria, but certainly a comment on Mr. Palmer's reaction to your survey as is requested in his comments that are in the record is fine, I would recommend.

MS. MILLER: So I will not allow the testimony that has to do with the panel. I think that goes a little bit farther and -- but we will allow Mr. Palmer's reaction to the survey.

MR. MANAHAN: Thank you. I have no further questions.

MS. MILLER: Any recross? Group 8.

MS. TOURANGEAU: My name is Joanna Tourangeau representing Group 8. Two quick follow-up questions to Attorney Manahan's questions. The intercept survey I think it's called that you conducted was of recreational users of the Upper

Kennebec?

TERRY DEWAN: First of all, we did not conduct it, it was done by a professional market research firm.

MS. TOURANGEAU: That you're presenting the results of.

TERRY DEWAN: That's the one being discussed, yes.

MS. TOURANGEAU: And it was of recreational users of the Upper Kennebec?

TERRY DEWAN: Rafters on the Upper Kennebec, yes.

MS. TOURANGEAU: Mmm Hmm. And following that completion of that survey, are you aware that there was an amendment to the application filed to underground that portion of the project?

TERRY DEWAN: Yes.

MS. TOURANGEAU: Thank you.

MS. MILLER: Any other recross? Group 1. I mean, not Group 1, Group 4. Sorry.

MS. JOHNSON: Mr. DeWan, are you familiar with the difference between a merchant line and a reliability line or a distribution line?

TERRY DEWAN: That's not a term that we use in our every day discussion.

MS. JOHNSON: Okay. Well, if I might, and I'm not an energy expert either, but as I understand it a merchant line is a line that is not providing power to an individual home.

MR. MANAHAN: I would object to Ms. Johnson testifying about what is a merchant line and I -- I also would object to this not being the subject of my redirect. She seems to be going beyond redirect in some other line of questioning.

MS. MILLER: I would agree. If you could rephrase the question and tie it back into Mr. Manahan's questions.

MS. JOHNSON: Mr. Manahan asked you about transmission lines across the country; is that correct?

TERRY DEWAN: No, I believe he asked me a question about intercept surveys on transmission lines.

MS. JOHNSON: And you, I believe, testified that you were not aware of any intercept surveys on any transmission lines in the country; is that correct?

TERRY DEWAN: That is correct.

MS. JOHNSON: And so I'm trying to make the distinction between the kinds of transmission lines

that deliver power to yours and my house as compared to a line that's a completely voluntary line that's just a money making line as opposed to a line that is providing power to our houses?

TERRY DEWAN: Transmission lines don't deliver power to your house.

MS. JOHNSON: Distribution line --

TERRY DEWAN: Distribution lines might, yes.

MS. JOHNSON: Distribution. Okay. So this line that we're talking about here is not a distribution line, correct?

TERRY DEWAN: It's a transmission line as I understand it.

MS. JOHNSON: Okay. So you were here yesterday for the testimony; were you not?

TERRY DEWAN: I was.

MS. JOHNSON: And you heard references to the fact that this area is a globally significant forest?

TERRY DEWAN: I did hear people testify to that effect.

MS. JOHNSON: If there were a transmission line anywhere in the U.S. that would require intercept surveys, would you not agree that it would most likely be one that is bisecting a globally

significant forest?

TERRY DEWAN: Then you're getting into an area of habitat that we're certainly not qualified to address.

MS. JOHNSON: Thank you.

MS. MILLER: Thank you. Any other recross? Okay. Thank you all for your participation this morning. We're ahead of schedule. I'd like to break, but before we do, the Land Use Planning Commission will be here to start promptly at 10:30. We're going to use this extra time up front to get set up for them, but I'd like to ask everyone to be back by about 10:15 just so we can start promptly at 10:30 to maximize their time. Thank you.

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LAND USE PLANNING COMMISSION HEARING

MR. WORCESTER: Good morning. I now call to order this joint session of the public hearing for the Land Use Planning Commission and the Department of Environmental Protection on the Central Maine Power proposal New England Clean Energy Connect Project. This hearing is governed by the Maine Administrative Procedures Act 5 MRS Section 9051 through 9064. I'm sure you're all familiar with that. The DEP's Rules concerning the proceeding of

applications and our Administrative Matters Chapter 2, the DEP's Rules concerning the conduct of licensing hearings Chapter 3 and the Commission's Rules for the conducts of public hearing Chapter 5.

And now, I'd like to have the DEP folks introduce themselves. Let's start with Mark.

MR. STEBBINS: Mark Stebbins, Director of Land Resources, Maine DEP.

MR. BEYER: Jim Beyer, Project Manager for the NECEC project.

MR. REID: Jerry Reid, Commissioner of the DEP.

MS. BENSINGER: Peggy Bensinger from the Attorney General's Office, counsel for the DEP.

MS. MILLER: And Susanne Miller, Presiding Officer for the Maine DEP on this project.

MR. HINKEL: Bill Hinkel, Land Use Planning Commission staff.

MS. PARKER: Lauren Parker, Attorney General's Office, counsel for the Land Use Planning Commission.

MR. WORCESTER: Everett Worcester, I'm the current Chairman of LUPC and I'm also the Hearing Officer today.

MR. LIVESAY: I'm Nick Livesay, I'm the

Director of the Land Use Planning Commission.

MR. GILMORE: I'm Bill Gilmore, LUPC member from Franklin County.

MR. HUMPHREY: Durward Humphrey, Aroostook County.

MS. FITZGERALD: Betsy Fitzgerald, Washington County.

MR. EVERETT: Rob Everett, Oxford County, LUPC.

MR. BILLINGS: Millard Billings, Hancock County, LUPC.

MR. LIVESAY: And we have a new commissioner who just joined us this week, that's Gwen Hilton, and she has recused herself from this matter. She and her husband are abutters to the corridor, so she's not going to be participating in this proceeding.

MR. WORCESTER: At this time, I would ask all persons planning to testify today to please stand and raise your right hand. Do you affirm that the testimony that you are about to give is the whole truth and nothing but the truth? The answer is I do.

(Witnesses affirm.)

MR. WORCESTER: I should have gotten paid to give you the answer.

(Laughter.)

MR. WORCESTER: This hearing is being held to receive testimony on CMP's proposed NECEC project. This hearing will be transcribed. All witnesses at this hearing should be sworn and any exhibits presented during the testimony must be entered into the record. This hearing will follow the hearing schedule as provided to parties by staff on March 30, 2019. At this time, the Commission staff will provide a brief introduction. Bill.

MR. HINKEL: Great. Thank you, Doris.

MS. PEASLEE: You're welcome.

MR. HINKEL: The Maine Central Power's proposed NECEC project, this is an overview to orient the Commission's role in this proceeding. The proposed -- next slide, please. The proposed NECEC project would cross or traverse townships and plantations within the Commission's service area as well as towns and cities served by the Maine Department of Environmental Protection.

The separate roles of the Commission and the DEP, the proposed NECEC project requires a Natural Resources Protection Act and Site Location of Development Location Act permit from the DEP. For the DEP to issue a Site Law permit, the Commission must certify to the -- the proposed NECEC project to

the DEP.

Interesting, I'm missing a slide here. The overall -- okay. You can go forward. The Commission must determine in its certification review, one, whether the proposed NECEC project is an allowed use within the subdistricts in which it is proposed; and two, whether the proposed NECEC project meets any land use standards established by the Commission that are not duplicative of those by the DEP in its review of the proposed project under the Site Law.

I don't have a slide for this, but I would like to just provide a quick overview of what the P-RR subdistrict is. The resource protection subdistrict purpose is to provide protection from development and intensive recreational uses to those areas that currently support or have opportunities for unusual significant primitive recreation activities. By doing so, the natural environment that is essential to the primitive recreational experience will be conserved. This includes in this particular case trails such as the Appalachian Trail, management Class 6 lakes such Beattie Pond and river segments such as the Kennebec River.

On December 7, 2017, the Commission voted to hold a public hearing focused on its allowed use

determination and specifically on the topic of whether the proposed project is an allowed use within the P-RR subdistrict. The testimony at the hearing is intended to focus on the portion of the proposed project within the P-RR subdistrict and to aid the Commission in its evaluation of whether the applicable criteria have been met.

Well, here is the slide I said was missing. Forward, please.

(Laughter.)

MR. HINKEL: The location of the P-RR subdistricts for this project, there are three locations where the project will cross or traverse; one is the underground segment crossing the Kennebec River; two is an overhead segment within a proposed new corridor near Beattie Pond; and the third is an overhead segment within an existing corridor near the Appalachian Trail.

The Commission to -- for the Commission to find that a use is allowed by special exception the Commission must find that the Applicant shown by substantial evidence the following three criteria are met; A, there is no alternative site which is both suitable to the proposed use and reasonably available to the Applicant; B, the use can be buffered from

those other uses and resources within the subject district with which it is incompatible; and C, such other conditions are met -- are met that the Commission may reasonably impose in accordance with the policies of the club.

The hearing topics we've all discussed for this proceeding for the Commission are limited to the two following topics; scenic character and existing and alternatives analysis.

Comments on this project for the Land Use Planning Commission can be sent to my attention. I have business cards on a table in the rear of the room. Email or paper is fine. I just want to point out that Jay Clement from the Army Corps of Engineers is in the room today. He's standing with his hand up. He has a role in this and the permitting of this project. He asked that I just let him know -- let you folks know that he is here. Thanks.

MR. WORCESTER: We're going to be following the hearing schedule that I think you all have and to start off the Applicant will present their presentation. There is four of you or just one of you? Four.

MR. MANAHAN: Well, so, Mr. Worcester, this is Matt Manahan over here for CMP. I am the lawyer

representing CMP. Good morning, everyone. Thorn Dickinson from CMP is going to give our project overview and summary and so I'm going to waive my time to him.

MR. WORCESTER: Very good. Thank you.

THORN DICKINSON: Good morning. My name is Thorn Dickinson, I'm the Vice President of Business Development of Avangrid Networks. I'm happy to be here today to talk more about the project and give you this brief overview before the other witnesses come forward and talk about their -- their testimony. The next slide, please.

The project involves, as I'm sure many of you are aware, transmission line and related facilities to deliver 1,200 megawatts of renewal electricity generated in Quebec into the ISO New England grid deposited here in Lewiston, Maine. The proposal of the project was one of the responses out of 46 that was responsive to the Massachusetts long-term contracts for clean energy project to bring in new clean energy into the region. Next slide, please.

The -- in general, the project is 193 miles of transmission corridor and that includes two components of -- two major components of

transmission. One is a direct current line that comes from the Quebec border all the way to Lewiston in Maine. We talked a little bit about this yesterday. The reason a direct current line is needed is the generation -- the power systems in Canada are not synchronized with the U.S. so any time you move power between those regions you need to convert it from AC to DC and then back to DC back to AC, so that DC component of the line comes down to Lewiston, Maine. And then there is some additional resources, different transmission needed on the AC system from Windsor to Wiscasset that's also needed in order to make sure there is a reliable delivery of that power. 139.5 of that 193 miles is within existing corridors. It is fully owned or controlled by Central Maine Power. There are substation upgrades in Cumberland, Lewiston, Pownal, Windsor and Wiscasset. In total, the project is $950 million and we expect it to be fully operational by the end of 2022.

The next three slides are an overview on the project and in three segments. The first one shows the -- the new corridor 54 miles from the Quebec border down to The Forks, that's shown in yellow. Then where the black line continues on, again, this

is all of the direct current line that we -- that I mentioned goes from The Forks down through Bingham and then as you can see on the next slide continues down through Moscow to Jay and then in the third slide terminates in Lewiston, as I mentioned. And then to the east you can see the alternating current part of the line, that 345 line that would go from Windsor down to Wiscasset.

The following slide is a -- what I think is a nice depiction of how this project was thought about from the beginning how it was laid out in order to minimize the impact on the environment. 72 percent, as I mentioned, of the project of the DC line is using an existing corridor and you can see that there in the blue line coming up from Lewiston up towards The Forks. The remaining 28 percent is through the new corridor privately owned working forest. That was our negotiation with those private landowners to acquire the land, which we now own and control. And the depiction here shows the way in which we thought about avoiding sensitive and conserved areas in order to find a path that we believe was the best alternative for getting to the Quebec border.

And then the last slide is just permits and

time line and they just show the various state approvals that are required both here in Maine, the regional approvals required from ISO New England, the federal approvals required and then various municipal approvals, again, with the idea of a in-service date by December 31, 2022. So that's the brief overview associated with the project.

MR. WORCESTER: Thank you. It obviously wasn't needed here, but we have a red flag if you're getting close to the end of your time, so we will alert you if that happens.

MS. KIRKLAND: I think you've all seen these.

MR. WORCESTER: Next, we have two groups that are in support of this project and I take it you're going to come up separately. Group 3.

MR. BOROWSKI: Would you like me to come up?

MR. WORCESTER: Yes, I would. And Group 3 includes Industrial Energy Consumer Group, City of Lewiston, International Brotherhood of Electrical Workers, Maine Chamber of Commerce, Lewiston/Auburn Chamber of Commerce. And you have three minutes.

MR. BOROWSKI: Good morning and thank you, Commissioners. My name is Benji Borowski, co-counsel to Industrial Energy Consumer Group, also represented

by Mr. Buxton behind me and we are representatives to Group 3, Industrial Energy Consumer Group, the City of Lewiston, the Lewiston/Auburn Metro Chamber of Commerce, the International Brotherhood of Electrical Workers Local 104 and the Maine State Chamber of Commerce. Each intervened in the Commission's proceeding to use their respective energy and economic expertise to demonstrate significant societal benefits for the project, benefits that must be balanced against environmental impacts. Unfortunately, we don't have testimony today due to the way the scope of the hearing has been reduced, but nonetheless we are here today to help the Commission in any way that we can.

The project is not the New Jersey Turnpike. It is a thoughtfully sited DC transmission line that would bring hydropower to a region desperately in need and therefore we believe the Commission should make every effort to permit the project in an efficient and environmentally responsible manner so that the significant societal benefits the project promises to bring will materialize before it's too late. Thank you.

MR. WORCESTER: Thank you. Next is Group 7. Group 7 consists of the Western Mountains and Rivers

Corporation.

MR. SMITH: Good morning. My name is Ben Smith. I'm here on behalf of Western Mountains and Rivers Corporation. Western Mountains and Rivers Corporation was formed in August 2017. Its mission is to expand conservation along the western Maine rivers including the Kennebec, the Dead, Sandy, Moose, Sebastocook, Carrabassett and also other natural resources in the area while furthering development projects and educational programs and increasing economic development in the area. Current board members of WMRC consists of many individuals, people who are members of a local rafting community, other guides, outfitters, former public servants, current public servants, current commissioner of Somerset County, a former legislator and people who are involved in economic planning on a local and regional level.

Just by way of background so you understand by WMRC is here, sometime back in 2017 when CMP began participating in the clean energy process, WMRC became involved and began negotiating with CMP to try to see if there was a way to protect the Kennebec Gorge and the reason is that the Kennebec Gorge has been a long-standing site of a potential transmission

line crossing by CMP. And when WMRC approached CMP the first option that they wanted to explore was whether or not it would be feasible to explore a co-location of the facilities at Harris Station. Unfortunately, due to a variety of factors it wasn't -- it wasn't feasible. So next they tried to explore potential underground solutions and due to, I think, several factors including costs and other complexities of that option, it was not CMP's proposed alternative, but CMP and WMRC negotiated terms of a compensation package that in order that under any alternative there would be reduction of -- in the visual impact of the crossing of the Kennebec Gorge.

We have two members here who are going to testify, Joe Christopher and Larry Warren. They are members of WMRC and I'll let you hear from them directly and you can understand and appreciate their experience in recreational projects, recreational uses, scenic uses and the like. I don't think that you could find any more qualified people. Under the Commission's Rules the utility facilities may be an allowed use under a special exception provided, A, there is no alternative site which is both suitable to the proposed use and reasonably available to the

Applicant and the use can be buffered from those that other uses within the subdistrict with which it is incompatible. Through the testimony of Mr. Christopher and Mr. Warren and other information that you will hear, I believe that the Commission can grant a special exception for the facilities. This is because there is no alternative site which is both suitable to the proposed use of the project or reasonably available to the Applicant; and B, any portions of the project that are incompatible with any of the current uses and resources within the P-RR districts have been adequately buffered. Thank you.

MR. WORCESTER: Thank you. Next, Group 2. Town of Caratunk, Kennebec River Anglers, Maine Guide Service, Hawk's Nest Lodge and Mike Pilsbury.

MS. CARUSO: Good morning. Thank you. My name is Elizabeth Caruso, First Selectman of the Town of Caratunk. Caratunk is a remote rural town nestled along the Kennebec River on the Appalachian Trail and is home to Pleasant Pond, many years the state's cleanest body of water.

Once a historic logging town, now Caratunk's rugged natural landscapes and non-industrialized natural resources lure tourists and vacation homeowners from all over the country to live and

recreate here. The region's snowmobile trails, rivers, native brook trout fisheries, hunting grounds, remote beautiful ponds and nearby mountains with spectacular non-industrialized views are the treasures that these urban people seek.

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

Additionally, Group 2 consists of the Kennebec Anglers, a unique fishing guide service that focuses on guiding their clients who come from all over the country to catching wild brook trout in remote and niche rivers, ponds and lakes of the new corridor. The Maine Guide Service similarly guides hunters, anglers, snowmobiles and hikers visiting from all over the country and is also the Kennebec River Ferry Service for the Appalachian Trail in Caratunk. Hawk's Nest restaurant and lodge in the West Forks is another business based on natural

resource tourism in the area.

This large scale industrial project does not belong in Maine and certainly not in the last unfragmented forest we are so blessed to have in our region. The negative impact on the scenic character and existing uses along the first 53 miles will diminish the quality of life and economic possibilities around the growing outdoor industry and the area towns. CMP has failed to demonstrate that their proposal would not cause unreasonable impacts to the socioeconomic conditions to the people who live, work and visit this section.

Group 2's testimony and the testimony of other opposition. Intervenors will show that with regards to the scenic character and existing uses CMP has failed to demonstrate that this new, large industrial development use can be buffered from those uses and resources within the subdistricts with which it is incompatible. We assert that CMP has failed to sufficiently buffer for visual impacts and recreational and navigational uses within the P-RR subdistrict. The Applicant has failed to show by substantial evidence that there is no alternative which is both suitable to the proposed use and reasonably available to the Applicant for the

portions of the project within the P-RR. CMP has admitted under oath that at the time of their application they never completed any studies on the area usages, availability of construction period housing, fire and emergency facilities and not only do they not analyze it but they never considered burying the line in the 53 miles of forest land.

For all of these reasons Group 2 expects the Commission will find that CMP has failed to show by substantial evidence that there is no alternative location or that this industrial use can be buffered from this area's rural and recreational uses and resources. We urge the Commission to reject CMP's project and deny its application. Thank you.

MR. WORCESTER: Thank you. Next is Group 4, Natural Resource Council of Maine, Appalachian Mountain Club and Trout Unlimited.

MS. ELY: Good morning. My name is Sue Ely and I am here on behalf of Group 4, which is the AMC, Natural Resources Council of Maine and Trout Unlimited. Today, we urge you to not allow a special exception for this project. This project will cross three recreation protection subdistricts, Beattie Pond, the Kennebec River Gorge and the Appalachian Trail, which it crosses at three different locations.

We are most concerned today with the three crossings of the Appalachian Trail. As we know, the purpose of the P-RR subdistrict is to provide protections from development to those areas that are currently -- that currently support or have opportunities for unusually significant primitive recreation activities. The purpose is to conserve these natural environments that are essential to primitive recreation. We believe that this project should not be allowed a special exception to the AT because the Applicant has not shown that there is no alternative site which is suitable to the proposed use and unreasonable to the Applicant and because the use has not been adequately buffered.

Currently, the Appalachian Trail passes through an existing transmission line corridor containing 115 kilovolt transmission line three times at the southern end of Moxie Pond. The existing towers are about 45 feet high, less than the height of the surrounding forested vegetation. The proposed project would widen this corridor by 50 percent and install a second transmission line with towers that are 100 feet tall, more than twice the height of the existing towers and significantly taller than the surrounding forest. The proposed project would be

the first crossing of the AT by a transmission line of this size in Maine and thus would constitute a unique and novel negative impact to the AT in the state and would increase the exposures of users of this section of the trail to incompatible development.

The Applicant contends that the effects of the project on AT users would be negligible. No evidence is presented to support this conclusion. No surveys of AT users have been conducted to determine their reaction to the proposed project. The Applicant's conclusions actually contradict the Applicant's own Visual Impact Assessment, which rated the visual impact of the project on the AT as moderate to strong and by the Applicant's recognition of the need to mitigate the impact through the planting of vegetation to buffer the trail from this impact. Based on the Applicant's photosimulation, it's clear that the proposed vegetative buffer would provide virtually no buffering from the negative impacts from the line. In addition, the vegetative screening is proposed at only one of the three crossings. For these reasons, we urge the Commission to not grant a special exception for the -- at the AT. Thank you very much.

MR. WORCESTER: Thank you. The next group is Group 8, NextEra.

MS. TOURANGEAU: Good morning. Commissioner Worcester, members of the Land Use Planning Commission. I'm Joanna Tourangeau. I'm representing Group 8, which is comprised solely of NextEra Energy, which is an entity which owns and operates renewable Maine energy projects. We are here to talk about the undergrounding alternative that was not considered by Central Maine Power in this application.

The project that is proposed is not a use that is allowed by right in the P-RR subdistrict. It is use that requires in that subdistrict a special exception. In order to obtain that special exception from this Commission, CMP needs to bear its burden of proving that there is no alternative that is reasonably available that would allow them to avoid having impacts to the purpose of the P-RR subdistrict, which in short is essentially to protect primitive recreational uses in those areas.

CMP has not borne that burden of proof, we believe, and as its application supplement that was filed in November documents pretty thoroughly and as both CMP and the Group 7 mentioned earlier, the availability of undergrounding to alleviate the

impacts of their project on the Upper Kennebec was significant and that alternative, the undergrounding, was not considered for other similarly forested and protected resources, namely the crossing of the Appalachian Trail, Beattie Pond and other similar portions of the project that are in the P-RR subdistrict; thus, it is our position that there is not substantial evidence supporting the conclusion that there are no reasonably available alternatives that would allow the Applicant to comply with the requirements of the P-RR subdistrict and therefore a special exception is not warranted. Thank you.

MR. WORCESTER: Thank you. Next group, Group 10, Edwin Buzzell and local residents and recreational users.

MR. BUZZELL: Hello. I'm Ed Buzzell and I'm an Intervenor for Group 10 against CMP's NECEC project. We're a group of local residents and recreational users.

The Applicant CMP's proposed project would perversely and permanently scar the western mountains of Maine with towers and transmission lines cutting through unique forest ecosystems rising well above the tree canopy. This will make an industrial infrastructure starkly visible within too much of

Maine's wild landscape. It will slice 53 miles of new corridor from Canada through the last and largest undeveloped contiguous forest east of the Mississippi. It will further cross the iconic Kennebec Gorge. Most of the benefits will not be for Maine but will be for Canada and Massachusetts.

The Land Use Planning Commission should deny these permits based on the following: Alternatives exist for transmitting electricity from Quebec to Massachusetts, alternatives that would not damage the State of Maine; an alternate underground project already permitted in the State of Vermont exists to transmit electricity for Massachusetts with no damage to Maine; the Applicant itself chose not to pursue practical alternatives that would have avoided or greatly lessened the damage that would be caused by its own proposal; the Applicant failed to study or even consider burying the transmission line from Canada to the forks; two alternate projects, one in Vermont and a similar project in New Hampshire both offered to go underground; the Applicant until recently strongly proposed to run transmission lines across the Kennebec Gorge; the Applicant stated in many hearings that it did not know if it was even possible to drill under the gorge, because of Maine

popular opposition, the Applicant then decided to drill under the gorge; no visual assessment has been done or study what damage directional drilling will do to the surrounding area of the Kennebec Gorge or the cold stream fisheries located just below the proposed crossing. Once this damage is done it can never be undone.

MR. WORCESTER: Are you about done, Ed?

MR. BUZZELL: Just more paragraph if it's okay.

MR. WORCESTER: Okay.

MR. BUZZELL: Since 2015, almost 150,000 commercial whitewater rafting guests and 30,000 private boaters came to enjoy not just the Kennebec Gorge but to also enjoy a remote wilderness area that no longer exists in the urban areas they live. The additional upswing in private boaters proves that this is still a developing resource. Not all of the guests and private boaters come to just boat the river, many come to enjoy the natural wonders such as Moxie Falls, Coburn Mountain, Number 5 Mountain and thousands of other outdoorsmen and women who come to the area to fish, camp, hunt, canoe, hike and many outdoor activities. They do not come to see views of development. These are existing uses that may be

irrevocably destroyed. With this in mind, how can the Land Use Planning Commission permit this destructive project? Thank you for your time and consideration.

MR. WORCESTER: Thank you. We now have two groups that are neither against or for. And Group 5. Group 5 is Wagner Forest.

MR. NOVELLO: Good morning. Thank you for the opportunity to speak before you this morning. My name is Mike Novello and I am an employee of Wagner Forest Management and I am here representing Group 5. We are taking no position for or against this project. Our client owns property near the Clean Energy Connect line in the vicinity Beattie Pond and border the proposed transmission line for much of its travel through The Forks Plantation. We filed for Intervenor status to ensure that our clients' interests were adequately represented and protected in these proceedings.

After careful review of the application materials our concern is limited to one topic that the several photos in the derived photosimulations were taken from our clients' land without their permission. As this land is privately owned, we do not believe it is appropriate for views from this

private land to be considered in evaluating the scenic impacts or other topics before your parties. Thank you.

MR. WORCESTER: Thank you. The last group is Group 9, Office of the Public Advocate. Is there anyone here from the Public Advocate's Office? Apparently not. So we're now going to take the Applicant's testimony. You have 45 minutes and you can divide it up any way you choose.

MR. MANAHAN: Mr. Worcester, we'll just have all -- all of our witnesses come up at the same time. There is eight seats here and if they could all just -- all eight come up and give their summary presentations.

MR. WORCESTER: Yup, that would be fine.

MR. MANAHAN: Okay. If everybody could come up for CMP that would be great.

MR. WORCESTER: If you wouldn't mind before you start, would you just please introduce yourselves?

PEGGY DWYER: My name is Peggy Dwyer.

MARK GOODWIN: Mark Goodwin with Burns and McDonnell Engineering.

LAUREN JOHNSTON: Lauren Johnston with Burns and McDonnell Engineering.

GERRY MIRABILE: Gerry Mirabile, CMP NECEC Project Manager.

BRIAN BERUBE: Brian Berube, Avangrid on behalf of CMP Real Estate Manager.

THORN DICKINSON: Thorn Dickinson, Vice President of Business Development of Avangrid Networks.

TERRY DEWAN: Terry DeWan, Landscape Architect from Yarmouth.

AMY SEGAL: Amy Segal, Landscape Architect from Terry DeWan and Associates.

MR. WORCESTER: Thank you. And now you can decide how to begin.

MR. MANAHAN: I think Terry and Amy are going to go first and followed by the others.

AMY SEGAL: Could you please queue up our presentation for LUPC?

MS. PEASLEE: Is that the one?

AMY SEGAL: No, it would be the Segal/DeWan LUPC testimony. Thank you.

MR. MANAHAN: It was in the thumb drive that was -- Jim Beyer provided.

MS. PEASLEE: It's the CMP one.

MR. MANAHAN: That's it.

AMY SEGAL: All right. Good. Thank you

very much. Perfect. Full screen. Good. All right. My name -- oh, sorry, are we all set?

MR. WORCESTER: Can you just hang on a second? We're going to try to get two of our Commissioners to sit in here so they can see.

MR. STEBBINS: I'll switch places with you.

MR. WORCESTER: You're all set? All right. Continue.

MR. STEBBINS: You're all set?

Mr. WORCESTER: They can't see, but they're just --

MR. STEBBINS: They didn't want to come over here?

MR. WORCESTER: -- too embarrassed to say so.

(Laughter.)

MR. STEBBINS: Millard, would you like to come over here so you can see the board?

MR. BILLINGS: No, I can see.

MR. STEBBINS: Okay. Thank you.

AMY SEGAL: All right. Thank you. Again, my name is Amy Segal. I'm a Maine licensed Landscape Architect with Terrence J. DeWan Associates located in Yarmouth, Maine. I've worked with the firm for over 26 years with the majority of my work preparing

Visual Impact Assessments, or VIAs as we call them, mostly in Maine. Our firm works with conservation organizations, energy developers, utility companies as well as state and federal agencies to evaluate potential visual impacts of proposed projects. Our firm is one of three firms and the only one in Maine that is prequalified to perform peer reviews of visual assessments for Maine DEP. Over the past four decades our firm has worked on over 100 VIAs, projects throughout the northeast, on-shore/off-shore wind, transmission lines, aquaculture facilities, bridges, power plants, landfills and so on. Our evaluations include field work, preparing photosimulations, viewshed mapping, visual impact analysis, recommending mitigation measures and offering testimony before agencies such as yourself.

Over the years we've done a considerable amount of work. We've done some work for CMP, most recently work for the Maine Power Reliability Program that was reviewed and approved by DEP on 2010. I was our firm's Project Manager for the New England Clean Energy Connect Project primarily responsible for research, field work and overseeing the production of mapping and photosimulations and the author of the assessment. Our presentation today will summarize

the criteria for the P-RR district by showing a couple of photosimulations specifically from Beattie Pond and the Appalachian Trail. Mr. DeWan will now introduce himself and review the applicable standards.

TERRY DEWAN: Thank you, Amy. My name is Terry DeWan. It's good to be back before the Commission. I'm a Maine licensed Landscape Architect with a firm in Yarmouth. I've been involved with land planning and Visual Impact Assessment work for the past 40 years and I've appeared numerous times before the Commission in a variety of different topics. We've prepared the VIA for the project using Visual Impact Assessment methodologies described in the NRPA Chapter 315 regulations. Under NRPA, the DEP is to consider whether or not an activity will not unreasonably interfere with the existing scenic aesthetic recreational or navigational uses.

So the question is what is unreasonable adverse visual impact? Every time we change the landscape there is an impact. If it can be seen there is a visual impact. If the change is perceived to have an objectionable level of contrast in color, form, line and so forth it may be considered to be adverse, but where is the line that makes it

unreasonable and that's the charge that we have. Chapter 315 provides an answer, defines unreasonable adverse individual impact as those that are expected to unreasonably interfere with the general public's visual enjoyment and appreciation of a scenic resource, and I'll discuss that in a moment what a scenic resource is, or impacts that otherwise unreasonably impair the character or quality of such a place. Chapter 315 also requires that an applicant demonstrates that the proposed design does not unreasonably interfere with the existing scenic or aesthetic uses and thereby diminish the public enjoyment and appreciation of the quality of the scenic resource and that any potential impacts have been minimized.

More broadly, under the Site Law Chapter 375 the applicant must demonstrate that the project will not have an unreasonable adverse effect on the scenic character of the surrounding area. Our outfit has also considered the criteria applicable to crossing the five outstanding river segments that are crossed by the project including the Kennebec, which we'll discuss in a moment. Today's panel will concentrate on the Commission's requirements for project siting and buffering within the LUPC's recreational

protection subdistrict of P-RR. Chapter 10 states that utility facilities may be allowed within the P-RR subdistrict as a special exception upon issuing of a permit from the Commission provided that the applicant shows by substantial evidence, and this is what Bill Hinkel talked for a moment previously, we have to show evidence that, A, there is no alternative site, which is it both suitable for the proposed use and reasonably available to the applicant, and B, the views can be buffered from those other users and resources within the subdistrict.

Now, to back up a bit. The VIA methodology that we employed follows the Chapter 315 and we have used -- and the methodology has many key features and steps along the way. First of all, we started out by many discussions with the DEP to determine what's the extent of the study area that we should be looking at along the entire corridor specifically with the 53 miles. We identified approximately 360 scenic resources as defined by the Chapter 315. We provided computerized viewshed analyses and Amy will show you an example of one. Our field staff spent 90 days in the field looking at it throughout the year doing extensive hiking, kayaking, and so forth and doing an

awful lot of photography. Back in the office, we did extensive assessment of project visibility and as you can see from the back of the room we've prepared a lot of photosimulations to show the project -- how the project would appear both before and after with the -- the introduction of the line and it also shows the results of the mitigation measures that we -- we did. We did over 50 of these photosimulations to illustrate the effect of the project. We wrote the VIA and perhaps more importantly we worked throughout the process with Central Maine Power Company and their engineering consultants to evaluate the project to recommend mitigation to measures to minimize visual impacts.

As you know, the study was divided up into five segments as seen in the diagram here, two of which are -- have the P-RR subdistrict. Segment 1 is the 53 miles of new corridor starting at the Canadian border going to The Forks. This corridor was 150 feet and wide -- 50 feet in width. Transmission lines will be self-weathering steel monopoles. Those are single poles, not the lattice work structures that sometimes you see in the media. They're self-weathering steel, which means they're a brown color. Segment 22 is the 22 mile segment from the --

sorry, Segment 2 is the 22 mile segment from The Forks to Wyman's Hydro in Moscow and this is the start of the co-location section that will increase the existing corridor width by 75 feet. Segments 3, 4 and 5 is the remaining of the project that's already been talked about outside of the UT.

So the next issue is what is the study area? How we determine where to look? From our perspective, the study area is generally 3 miles at either side of the corridor as you can see in this diagram right here, 6 miles in total width, but because of the topography and the surrounding mountains we actually looked at 5 miles on either side of the line. Another important concept to keep in mind as we did our work is the whole concept of distance zones and it's an important consideration in determining visibility and potential visual effect within the project scope. The foreground as you can see in this illustration right here is from the viewer out to about half a mile. And within this area called the foreground the details of the project are fairly obvious. You can see -- you can count the number of lines that are in the -- in the sky. You can see the details of the project. Mid-ground extends from the edge of the foreground out to about

3 miles as we can see in this illustration here from the Old Canada Road Scenic Byway looking at Coburn Mountain seen here at a distance of about 2 miles. The mid-ground extends out to about 3 miles. In this area patterns and lines in the landscape are the most noticeable. The background as you can see in this view from -- from the top of Bald Mountain on the Appalachian Trail is everything beyond 3 miles and at this point project visibility is very limited unless there is significant changes in contrast or the width of the line and so forth.

Finally, I've used the term scenic resources and these are defined by Chapter 315 as public -- natural resources and public lands usually visited by the general public in part by the general purpose of enjoying their visual quality. As I mentioned, we've identified over 360 of these places that are considered scenic resources. These include national natural landmarks, state and national wildlife refuges, state and federally designated trails such as the Appalachian Trail, properties on or eligible for inclusion on the National Register of Historic Places, national and state parks, municipal parks and open spaces, publicly owned land visited in part for the use, observation, enjoyment and appreciation of

natural and manmade visual qualities such as state lands on top of Coburn Mountain or the Route 201 scenic byway and lastly public resources and places like Beattie Pond or the Kennebec river.

So that's a brief overview of the methodology that we've employed in putting together the VIA in our analysis and how we've been guided by the visual assessment procedures outlined in Chapter 315. I'll have to turn it back over to Amy who will discuss how we applied this methodology and she'll walk you through and show you a series of images both at Beattie Pond and the Appalachian Trail crossing in response to the special exception criteria for utility facilities within the P-RR subdistrict.

AMY SEGAL: Okay. So the next couple of slides just show how we applied the methodology and I'll go through these fairly quickly hopefully. This is an example of our viewshed analysis. We have the line here shown in green, that's the Route 201 byway right there. The sort of the 3 mile and 5 miles are the black dashes extending out from those. These areas of purple are areas of theoretical project visibility, so this kind of guides us as we're looking at areas that we may need to go to.

As -- after we've done our extensive

research in the office and then as well as the viewshed analysis, we develop our field plan and then document existing conditions from those locations according to professional standards. As Terry mentioned, we completed over 90 personal days of field work for this project. We spent a considerable amount of time with DEP. So we then take those photographs from the field work and merge that with a computer model that was provided to us by the project engineers. We overlay those -- merge those and determine the extent of project visibility. This is an example where the green line represents the foreground -- well, you've got foreground trees here. The red line is the project that's located behind those trees. So this was a location where we could certify that the project would not be visible from this viewpoint.

As Terry mentioned, we completed over 50 photosimulations for the project. The summary shows the diversity of viewing distances, the viewpoint type, the ponds, the mountains, road crossings and the surrounding land use. With those photosimulations we completed a visual impact rating based on Appendix A from Chapter 315. We did this with leaf-on conditions and for the ten

photosimulations we did with leaf-off. Again, as Terry mentioned, we employed and recommended a series of mitigation -- visual mitigation measures for the project. There is a list of these. Again, we can talk about these as we look at the photosimulations.

So now I've just taken that map and sort of blown it up into Segments 1 and 2 that incorporate the majority of the UT here. We're going to look at a photosimulation of Beattie Pond over here close to the Canadian border and then the simulations from the Appalachian Trail in this location here. The two P-RR districts. And before I do that, I just want to mention that obviously we did initially do photosimulations from the Upper Kennebec River, which is also P-RR, but with the undergrounding the project is no longer visible from those P-RR zones. We have done additional visual evaluations of the termination stations on both sides and found that they will not be visible from the P-RR either.

All right. Moving on to Beattie Pond. Okay. As mentioned before, Beattie Pond is a management Class 6 remote pond and straddles the line between Beattie Township and Lowelltown Township and it's approximately 27 acres located right here. This pond is not rated for scenic resources in the Maine

Wildlands Lake Assessment. That's a document that assesses all of the great ponds in Maine and assigns whether or not they're, you know, significant or outstanding for scenic resources. There are remote ponds that do have that rating, but Beattie Pond is not one of those.

Okay. Here is an aerial image. Oh, actually, I want to talk about the Maine Wildland Lake Assessment. So it classifies the pond as inaccessible, but there is a gated road right here that goes within 400 feet of the pond and it also -- the assessment also indicates that the pond is developed. There is one camp down here on the southern edge of the pond that's oriented -- the view from that camp is oriented towards the northwest and not towards the project and you'll see a photograph of the camp in the photosimulation. Oh, and there is -- there is no formal boat ramp or launches with respect to Beattie Pond.

Okay. The photosimulation that we completed was from the northeastern shore of the pond, again, so it's a fairly small waterbody. We had to look at -- we took photographs from a variety of different locations on the pond to find an area that would have the most amount of potential visibility. So here is

the viewpoint. The project is down here. The closest structure is right there. It's about a quarter of a mile away from the edge of the pond. So from here to there it's about a quarter of a mile. This is a panoramic view looking from that viewpoint towards the project area. I'm sorry, I'll back up one more time. So we're going to focus in on this area here where the project would be potentially visible. You can see the existing camp is located right there.

All right. This is existing conditions. The photosimulation was completed in September of 2017 when we originally submitted the application. There would be one -- at that time there would have been one double-poled or two-poled structure, angled structure located right there that would be visible in a small portion of the conductors above the tree line and silhouetted against the sky. In working with the engineers more recently we were able to get them to reduce the structure height by about 39 feet so that it's approximately 70 feet tall in that area. The vegetation in here averages somewhere between 65 and 70 feet, so the very tip of the structure would be visible through there. I'll just go back and forth a couple times here so you can see. So the

conductors would be visible. And because this is a self-weathering steel structures that are brown color it will be less visible and less distinguishable between the trees along there and it will no longer be silhouetted up against the sky.

All right. So the project, you know, based on this evaluation feel the project would be buffered from Beattie Pond, you know, because of the topography and the existing vegetation here and that the self-weathering steel structures will be minimally visible. Okay.

MR. WORCESTER: How many structures would be minimally visible?

AMY SEGAL: Looking in this direction there is one here and there would be one -- maybe one additional one to the right here, but just barely above the trees. It goes down into kind of in this area here. And just also to mention this -- again, this is sort of the most visible location. As you go closer to that shoreline the trees will block the view as you, you know, get closer so from a majority of the pond you won't see the tips of these structures at all.

Okay. We'll move on to the Appalachian Trail. There are approximately 14 miles of the trail

in the project area, so this is 5 miles from the corridor. The corridor is shown as the blue line here. This is Moxie Pond. The red line is the Appalachian Trail here going through here. So we're going to look at photosimulations from three general viewpoints, from the summit of Pleasant Pond Mountain, from the area along near Troutdale Road where the Appalachian Trail crosses within CMP's own corridor and Bald Mountain. Some of Bald Mountain. I think it's obvious, but I'll just point out sort of on this section of the trail as well as the section, you know, east and west of the mountain there is no project visibility.

Okay. This aerial diagram shows the AT as a white line coming down from Pleasant Pond Mountain and going down towards Troutdale Road just located here from Joe's Hole. So the P-RR district is, you know, on either side of the Appalachian Trail coming down and it goes through Caratunk, which is kind of -- kind of this chunk through in here. I guess that's not in the AT. The portion of the AT is, you know, the P-RRs -- it's co-located with the trail along this section and in through here through Caratunk there is no P-RR and then you get closer down towards here where you're going back into Bald

Mountain Township is when the P-RR -- and you'll see those diagrams later. I just wanted to kind of show you in this graphic for ease of reference. The project is shown as a blue line here. You can see the existing corridor is 150 feet wide. The proposed corridor will be 75 feet widened on the western side. We're going to show you a photosimulation from up here on the summit of Pleasant Pond Mountain as well as down here at the crossing of Troutdale Road.

MR. MANAHAN: Amy --

AMY SEGAL: Yup.

MR. MANAHAN: -- just for purposes -- this is Matt. Just for purposes of timing, given the amount of time for the panel you may want to skip the elevated views, which are not actually in the P-RR and just focus on the P-RR just for -- so we don't run out of time.

AMY SEGAL: Okay. Okay. All right. Views from Pleasant Pond Mountain. Okay. So we're looking at -- this is the first crossing as you're coming down from Pleasant Pond Mountain where the Appalachian Trail goes through the existing corridor, CMP's own corridor. This is a view looking down towards Joe's Hole. This portion that we're standing in is in the P-RR. And we get down to Troutdale

Road, the existing conditions view. This is the proposed view, the photosimulation. This is a winter view that we also took. And we're showing this buffer planting. This buffer planting plan will be placed between Troutdale Road and the waterbody. It's a fairly narrow area. The buffer planting extends for the entire corridor not just the expanded corridor, so the whole 225 feet. The buffer planting is native species that will look to minimize the view of the corridor clearing and not so much the structures obviously. This is just -- this is another view after you've crossed Troutdale Road going along Troutdale Road, pass by the trail head and here is a -- the crossing of Baker Stream and then the white line continues up to Bald Mountain. Again, the blue line is the corridor. The view from the Appalachian Trail from within that corridor looking in both directions. And this is the summit of Bald Mountain and a view from the summit. As Terry showed you before, this is sort of a middle distance view from like 3 1/2 to 5 miles. Mosquito Mountain is in the foreground or the center. And this is in the winter with a slightly expanded corridor. And that's it.

MR. WORCESTER: Can you give me some idea

how much time is left?

MS. KIRKLAND: 21 minutes 33 seconds.

MR. WORCESTER: Thank you.

MR. MANAHAN: We have Mark and Lauren, I think you're supposed to go next.

MARK GOODWIN: I guess it's morning still, so good morning. My name is Mark Goodwin. My colleague Lauren Johnston and I are employed as Senior Environmental Scientists for Burns and McDonnell Engineering in Portland, Maine. Burns and McDonnell has been providing CMP with state, federal and local permitting support on the New England Clean Energy Connect since April of 2017. Today, I'll summarize our testimony which demonstrates that the project can be adequately buffered from other uses or resources in the P-RR subdistricts that it crosses.

The special exception criteria for utilities facilities in the P-RR subdistrict require the Applicant to show that the use can be buffered from other uses and resources in the subdistrict with which it is incompatible. I'll try not be duplicative of what Ms. Segal has provided earlier, but there is some overlap, so excuse me for that.

The HVDC transmission line corridor crosses the P-RR subdistrict in two locations and that's a

correction from my pre-filed direct testimony, which stated three. We've since learned that there is only two P-RR -- oh, excuse me. Let me back up a little bit. For the Appalachian Trail crossing there are only two P-RR subdistricts that are crossed and that's a correction from my pre-filed direct testimony. In total, the project crosses P-RR subdistricts in three locations, that's Beattie Pond Township -- Beattie Pond and Beattie Pond Township, the Upper Kennebec River between Moxie Gore and West Forks Plantation and Appalachian Trail and Bald Mountain Township.

As Ms. Segal pointed out earlier, Beattie Pond is a remote pond. The P-RR subdistrict extends out a half a mile from the pond and the proposed development is within a quarter mile of that. CMP exhausted potential alternatives to avoid the P-RR at Beattie Pond as will be described in the testimony of CMP witness Mr. Brian Berube we as well as in my testimony. Views from the pond include portions of one structure. CMP submitted an application modification to the LUPC on January 25, 2019 at the request of LUPC staff that reduced the height of this structure to further buffer the project from other uses and resources within the subdistrict.

I will now address my testimony as it pertains to the P-RR subdistrict at the Upper Kennebec River. There are no transmission line structures in the P-RR subdistrict in this location. The original design included an overhead crossing of the river, however, CMP amended its proposal on October 19, 2018 to incorporate underground crossing of the Kennebec River and its associated P-RR subdistricts. This resulted in the expansion of forested buffers on both sides of the river in distances of 1,450 feet and 1,160 feet respectively. There are no views of the transmission line station from this -- excuse me. There are no views from -- of the transmission line structures, overhead conductors or either termination stations from the P-RR subdistrict. In this manner, the proposed development is buffered from existing uses and resources in this subdistrict.

I will now address my testimony as it pertains to the P-RR subdistrict at the Appalachian Trail crossing. I'd like to make another correction to my pre-filed direct testimony. I incorrectly stated that only one structure had a footprint within the P-RR subdistrict. There is actually two. The project crosses the P-RR subdistrict, as I said

before, in two locations on the Appalachian Trail adjacent to Moxie Pond and Troutdale Road and Bald Mountain Township. And as you know, these crossings occur in an existing corridor. Co-location therefore minimizes impacts to users in the P-RR subdistrict at these locations. In addition, CMP lowered structure heights along Moxie Pond, which further minimized visual from viewpoints on the AT. As of March 2014, there were 56 electric transmission line crossings of the AT of 230 kilovolts or more. This equates to one 230 kilovolt crossing every 30 miles of trail length. The portion of the AT alone is crossed by five transmission lines. Because hikers are aware of and expect to see utility corridors and the project has been co-located in existing corridors there will be a negligible change in the visual impact of transmission line poles and overhead conductors to hikers using the trial.

Additionally, the Visual Impact Assessment indicated that mitigation to stream views down the right of way was necessary at Troutdale Road. As Amy showed you earlier, CMP developed and submitted a planting plan to buffer those views. The applicable standard is that the use can be buffered from those other uses and resources within the subdistrict with

which it is it incompatible. The NECEC which will be adjacent to an existing transmission line in a corridor already stated by the Applicant is not incompatible with the Appalachian Trail in those locations.

In summary, the proposed transmission line has been adequately buffered from the existing uses and resources in the P-RR subdistricts crossed by the project. Thank you very much.

MR. MANAHAN: Peggy is next.

PEGGY DWYER: Good morning. My name is Peggy Dwyer and I work for a company called Dirigo Partners LTD, which provides contract real estate services to Central Maine Power Company. In my role as lead agent on special projects, I work on route development, analysis and mapping. My testimony today concerns whether the project will adversely affect or unreasonably interfere with existing recreational and navigational uses. I am also going to testify -- excuse me, I'm going to testify that it will not. I am also going to testify that the project is adequately buffered from recreational and navigational uses within the Land Use Planning Commission's P-RR subdistrict.

I know this region. I've worked, played and

got married on the Kennebec River and I have a strong and emotional claim to the area as many of the people you will hear from this week. Unlike some of them, I make no additional claims to my view or our woods. The only impacts that this project presents to any recreational users is visual and as you just heard from the testimony of DeWan and Segal that impact is not unreasonable. The project is adequately buffered from recreational uses within the Land Use Planning Commission's P-RR subdistrict. Because the project will go underground at the Upper Kennebec River crossing it will have no impact to the Gorge whatsoever. Access to Beattie Pond will remain unchanged. There are no existing trails for off-road vehicles nor will any be constructed as a result of this project.

At the AT, CMP's corridor predates -- excuse me, predates the Land Use Planning Commission's P-RR zones and National Park Service ownership of the Appalachian Trail. The National Park Service accepting the conditions that CMP would eventually develop another corridor chose to locate a portion of its Appalachian Trail on the existing corridor. Again, access and opportunity are unchanged.

My conclusion is that the project will not

adversely affect nor unreasonably interfere with existing recreational uses. The project is adequately buffered from recreational uses within the Land Use Planning Commission's P-RR subdistrict. Thank you.

BRIAN BERUBE: Good morning. My name is Brian Berube and I am the Manager of Real Estate Services for Avangrid testifying today on behalf of Central Maine Power Company for the New England Clean Energy Connect project.

CMP analyzed three alternative routes when designing the project and also evaluated alternatives where impacts to the LUPC subdistrict requiring special exception could not be avoided. The three routes CMP evaluated are the preferred route, Alternative 1 and Alternative 2. Regarding Alternative 1, it requires a new AT crossing, it requires acquisition of conservation lands and it requires 93 miles of new corridor whereas the preferred route only requires about 54. It also requires more landowner acquisitions. Regarding Alternative 2 it also requires a new AT crossing. It requires the acquisitions of land in the Bigelow Preserve and from the Penobscot Nation. It contains more wetland and stream crossings and it also

requires more landowner acquisitions. For these reasons Alternatives 1 and 2 would have a greater environmental impact and are not practicable alternatives to the preferred route.

Specific to the LUCP P-RR subdistrict, CMP evaluated alternatives where the project corridor crosses Beattie Pond, the Upper Kennebec River and the Appalachian Trail. In regards to Beattie Pond, CMP attempted to negotiate an alternative alignment south of the pond through Merrill Strip Township. Because the landowner demanded approximately 50 times fair market value for his property this alternative was not reasonably available to CMP. Regarding the Upper Kennebec River, the project at this location is entirely underground as it passes below and therefore not within the P-RR subdistrict with termination stations on either side of the river are located outside of the P-RR zone and will not be visible from the river. The previously proposed overhead crossing of the Upper Kennebec River is no longer suitable as it would have a greater environmental -- a greater impact than the HVDC crossing. Regarding the Appalachian Trail, CMP has existing easements that reserves the right to build and maintain additional transmission lines and clear within the corridor.

Alternative alignments to meet the purpose and need of the project would result in one or more locations that would cross the AT where there is no existing transmission line assets.

Based on the results of the alternatives analysis, it is my opinion that there are no alternatives to the preferred project route that is both suitable to the proposed use and reasonably available to CMP. Thank you for your consideration.

MR. WORCESTER: I have a question for you. Who established the Alternatives 1 and 2?

BRIAN BERUBE: Could you repeat? Sorry.

MR. WORCESTER: Who established Alternatives 1 and 2?

BRIAN BERUBE: Could you define established? You mean selected as part of the analysis?

MR. WORCESTER: Yes.

BRIAN BERUBE: CMP did. We did.

THORN DICKINSON: Yeah, I'm just going to -- Thorn Dickinson again. I'm just going to briefly summarize my rebuttal testimony which addressed some Intervenors' testimony related to why additional undergrounding beyond the undergrounding under the Kennebec River was not considered.

In that rebuttal testimony, I discuss why

it's not a requirement given the guidelines associated with the LUPC. I also discuss why in determining the amount of undergrounding and whether it be considered our belief was that if the project had included additional undergrounding those -- a project would not have been competitive with the Massachusetts RFP. The testimony then also addresses that in hindsight we know how the evaluation worked out if undergrounding like even the 54 miles from The Forks to the Quebec border had been included the project would have dropped from first down to nineth. And then additionally, the project given that it is a fixed bid requirement into cost containment requirements in the RFP, any additional cost -- the substantial cost of adding additional underground would result in the project not moving forward.

GERRY MIRABILE: Again, Gerry Mirabile, Central Maine Power Company Permitting Manager. I will discuss two topics. One is regarding the compatibility of the project within the P-RR subdistrict and I apologize for the redundancy.

Beattie Pond in Beattie Township is within the P-RR zone, as you know. CMP reduced the height of one structure that was formerly prominent, as described by Ms. Segal, and this combined with

natural vegetation and topography effectively blocks and buffers the visibility of this structure from the -- the viewpoints. Given the location and constraints of land rights in this area there is no alternative site which is both suitable to the proposed developments and reasonably available to CMP and the line has been buffered from other uses and resources within the subdistrict within which it is incompatible.

As noted earlier on October 19, 2018, CMP proposed to cross beneath the Kennebec River -- the Upper Kennebec River also within P-RR subdistrict by way of horizontal directional drilling. This eliminated any visual impact to the Kennebec River, which is an outstanding river segment including any visibility of termination stations in West Forks Township and Moxie Gore. In this location, given CMP land rights in this area and the need to cross the Kennebec River there is no alternative site which is both suitable to the proposed development and reasonably available to CMP and the line has been buffered from other uses and resources within the subdistrict within which it is incompatible.

A segment of the line within the P-RR zone is crossed by the AT three times. CMP has co-located

this line segment within an existing right of way and has proposed visual buffer plantings along Troutdale Road where the AT is co-located with the road to reduce transmission line visibility. Again, in this location given CMP's limited land rights there is not an alternative site which is both suitable for the proposed development and reasonably available to CMP and the line has been buffered from other uses and resources within which it is incompatible.

I'll next discuss the alternatives analysis specific to the P-RR subdistrict. The transmission line in the vicinity of Beattie Pond will be located farther from the pond than an existing road, 1,300 feet away versus the road distance of 400 feet as noted earlier. The transmission line corridor at a greater distance than the existing developed road access will not include permanent improvements or promote more intensive use or development of the pond. Landowners south of the Beattie P-RR subdistrict asked CMP to pay nearly 50 times fair market value as noted earlier. Rerouting north of the pond would require an additional 2 miles of transmission line, which may be more visible due to the elevation of the Caswell Mountain to the north and may increase resource impacts due to the greater

length of the line. None of these options is suitable to the proposed use and neither is reasonably available to Central Maine Power.

The Appalachian Trail within and next to the 135 foot section of transmission line corridor means that impacts to the AT could not be avoided entirely. Any alternate route would require crossing the AT in a location where there is currently no transmission line crossing. This would increase rather than decrease AT impacts. Co-location of the new transmission line within the existing transmission line corridor in this area is therefore the least environmentally damaging practicable alternative. CMP has proposed buffer plantings along both the east and west sides of Troutdale Road, also known as Moxie Pond Road, where the AT is co-located within this road and serves as a buffer to the new transmission line corridor adequately from the uses in this area. Drilling beneath the Upper Kennebec River will avoid adverse visual impacts and will protect the outstanding natural and recreational values of this outstanding will river segments. Two other Kennebec River crossings locations were evaluated, however, each entails significant environmental land acquisitions or regulatory concerns or limitations.

Thank you.

MR. WORCESTER: Okay. Does anyone have questions for the panel? Are you -- have you got --

MR. MANAHAN: We're done.

MR. WORCESTER: Go ahead, Nick.

MR. LIVESAY: I was busy taking notes and I think I missed part of what Mr. Dickinson was saying. I think it might have been important, so. I think you were talking about undergrounding and CMP's not including that in their bid package because doing so would have resulted in a cost that you thought would have been not competitive, but then subsequent to that obviously a little bit of the transmission line is now going under the Gorge and -- and are you suggesting now that you've been selected or were number two and now you're number one that the -- there is room to go back and re-evaluate that? What are you trying -- what are you conveying?

THORN DICKINSON: Yeah, so just to be clear, we did include in our bid a contingency associated with the Kennebec River crossing, so we recognized the -- that that would be an area of focus within the regulatory proceedings. We still, you know, we believe that the overhead crossing was the best way to go across the Kennebec River at that time and

obviously we've modified that approach to go under the Kennebec River now, but the -- as a contingency in our bid, we did have the cost associated with that.

MR. LIVESAY: The application didn't -- your initial application I think the conclusion was that that wasn't a feasible alternative going under the river, but it was built into your bid?

THORN DICKINSON: We include it as a contingency, so we included $30 million as a contingency within our bid at that time and so that the -- in parallel to doing the regulatory proceedings and making the filings, we were also determining whether a feasible crossing of the Kennebec River could occur, so we had a full engineering team doing analysis that resulted in kind of a first study and then we reached out to, you know, the vendors, the contractors that actually can do this kind of work to make sure ultimately that the river could be done cost-effectively and safely and efficiently. And so the -- the -- and then the dialogue obviously we were having with the regulators also arrived to the position that this is the right time to go underground, we know it can be done safely, we know that we can do it cost-effectively

and that's -- that's how that specific decision was made.

Now, the bid itself, as I mentioned, the competitive process of these RFPs which are all about enabling new renewable energy, bringing new clean energy into -- into New England and there has been two major RFPs, one that would involve Massachusetts, Connecticut and Rhode Island and another one that is just Massachusetts, the one we're talking about here. Both of those bids have strong language around cost containment and protecting costs -- customers in Massachusetts who are paying for the full cost of the project for any cost overruns. So our project has a contingency in it for the Kennebec River crossing. It has other contingencies in it, but it does not include the substantial cost associated with doing additional undergrounding.

And so what I was describing was in our -- we were doing market intelligence, we were doing engineering, we were doing planning work at the time of the bid we determined that any additional undergrounding beyond what we include in our contingency would result in the project being not competitive. And my rebuttal testimony now includes that analysis because we have the results, we can go

back in and say if we included undergrounding of, as an example, the 54 miles what happens to the project. And then the last point in my testimony is because it is a fixed bid there is no cost recovery for that from -- from Massachusetts customers, so if -- if there are, you know, if we were to imagine that was going to be included as a project requirement the project wouldn't move forward.

MR. LIVESAY: And are -- what are the other contingencies? Do we know what they are or?

THORN DICKINSON: No, I mean, they are -- they would be -- the actual amount of the contingencies has never been disclosed as a specific item other than to -- in a confidential setting with a number of parties, but they wouldn't -- I think they wouldn't be a surprise to most people. We -- we have a number of regulatory proceedings we need to go through. One of them is getting approval from ISO New England and the ISO determines exactly what infrastructure you need to build in order to enable this amount of power, so that's an uncertainty that would be in the project. The -- then there is just the construction uncertainty, so what is the cost of labor going to be, what's the cost of materials and equipment. And then going forward in the project

there is uncertainties around operations and maintenance costs and, you know, those kind of expense-related items.

MR. LIVESAY: Thank you.

MR. WORCESTER: Did you ever explore the contingency of putting the line underground at the Appalachian Trail crossings?

THORN DICKINSON: No, we did not.

MR. WORCESTER: Okay. Anyone else here have questions? Bill.

MR. HINKEL: I believe this question is for Mr. Berube. With regard to the ultimate routing at the Beattie Pond location, how much land would be needed to have that alternative route to avoid the P-RR there? I know that you talked about the price being maybe outside of what's reasonable, but how much land?

BRIAN BERUBE: I guess how much area or land would depend on the route and also, you know, depending on what we could acquire, you know, I mean, depending on the -- and I say depending because every negotiation or acquisition requires a willing buyer and seller and there is obviously considerations in locating, you know, any assets on those willing or those possible sellers, so I -- I wouldn't be able to

give a definitive answer on the area, if you will, but.

MR. LIVESAY: I know we can find this out, but if you know off the top of your head it will save us from hunting, when did CMP acquire the rights in the Beattie Pond area and who are those rights acquired from? Was it somebody different? It was Bayroot, right, who you negotiated or talked to about alternative routing?

BRIAN BERUBE: Yeah, I mean, as far as --

MR. LIVESAY: Did you acquire from -- I guess I'm wondering if the corridor was acquired from Bayroot or somebody else in the first instance and when that was, that's all.

BRIAN BERUBE: I don't have -- I'd have to go back to look at -- oh.

THORN DICKINSON: Yeah, so it's the Weyerhaeuser/Bayroot coming in all the way up to where it turns north and then further west it's A.C. Carrier, Carrier, and then the one corner right there is actually the Passamaquoddy tribe.

MR. LIVESAY: On that lower part of the town?

THORN DICKINSON: Yeah, right in the -- right in the very corner there is a 300 foot by 300

parcel that is a long-term lease with the Passamaquoddy tribe.

MR. LIVESAY: And so is that jog that you would take there to the -- looking north, I'm not sure how this is oriented, but the jog there to the east sort of in the Beattie Pond area, is that a township boundary where you're trying to run around along the township boundary to the property ownership?

THORN DICKINSON: Yeah, that's correct.

MR. LIVESAY: Okay.

MR. WORCESTER: Yes.

MR. HINKEL: I'm not sure who best to direct this at. I'll let you guys decide how to answer. With regard to the expanded corridor at the Appalachian Trail, is there any -- has any consideration been given to whether the tapering vegetation there is similar to how it's being done in other locations would reduce the scenic impact on that segment?

AMY SEGAL: Can you forward to the photosimulation on Troutdale Road?

MS. PEASLEE: Which page are we on?

THORN DICKINSON: It's probably another four or five forward.

AMY SEGAL: Page 48ish. All right. So we -- we didn't evaluate the potential to do tapered vegetation on this segment here, but we know the riparian vegetation will be preserved within 100 feet of there and with the buffer plantings and these are sort of native vegetation planted on either side of Troutdale Road of this view looking towards across Joe's Hole. So these, again, are, you know, the height of these would be, you know, for hikers walking along this section of Troutdale Road in this section where the AT is on Troutdale Road and that buffer would be -- it would basically screen their eye, you know, a little bit higher at eye level, they get to be 10-12 feet high.

PEGGY DWYER: May I add? Hi. I would also add that the -- the project is located on Troutdale Road is actually in a DRS zone there. The existing corridor is in your P-RR, but the -- the new clearing that's related to this project is actually zoned in your DRS. There is a pre- -- there is a little corner there that's pre-existing and if you look closely at your maps you'll see that the project itself is not in the DR- -- the P-RR right there. A little piece of it. We have an exhibit somewhere.

MR. MANAHAN: Ms. Dwyer is asking, which --

she brought an exhibit to show where the P-RR and DRR subdistricts overlap and if you want we can offer that exhibit into the record. You can stay seated, Peggy, I'll...

MR. WORCESTER: We would like that.

TERRY DEWAN: To further clarify Mr. Hinkel's question. As you've seen from the exhibits the first place we used the tapered vegetation was from the view of Coburn Mountain and in that situation you're in an elevated viewpoint looking down onto the corridor. The other place we looked at was from Rock Pond looking up towards the notch in the horizon. In both these situations you have vegetation on either side of the corridor and the effect is to try and smooth the taper or soften the edges of those -- of the corridor. We don't have that situation here because we have an existing corridor on one side. It may help to taper vegetation in that particular location, but as Amy said, we have not looked at it.

MR. WORCESTER: Any other questions from the Commission or anyone at the table? I think we've moved up to lunch time. We're going to take the lunch break of 45 minutes.

MR. MANAHAN: Mr. Worcester, this is Matt

Manahan again over here --

MR. WORCESTER: Yes.

MR. MANAHAN: -- behind the witnesses. We probably ought to -- so Ms. Dwyer may want to offer this as an exhibit and we may want to mark it into the record and I'm not sure what number it is, but I -- maybe it might help just to take a minute for Ms. Dwyer to explain what this is so that she can --

MR. WORCESTER: This is another --

MR. MANAHAN: No, this is what I just passed around.

MR. WORCESTER: Okay. We've already offered it into evidence.

MR. MANAHAN: Oh, it has a number already?

MS. MILLER: And, yeah, I'm sorry, I don't mean to interrupt, Mr. Worcester.

MR. WORCESTER: No, go ahead.

MS. MILLER: We're going to call it Applicant Cross-1.

MR. WORCESTER: See, we're easy.

MR. MANAHAN: That was easy.

MR. WORCESTER: Now, can we go to lunch? Be back in 45 minutes, quarter of 1.

(Luncheon break.)

MR. WORCESTER: We're ready to start the

afternoon session. By my calculations we have about four hours of testimony and if something goes a little bit slippery we're going to exceed 5 o'clock, which we don't want to do. So halfway through the afternoon I might start going like this. We're now into cross-examination and Group 3 has 5 minutes. And whoever is speaking for Group 3, thank you.

MR. BUXTON: Thank you, Mr. Chairman. Is this on? Okay. Good. I'm Tony Buxton representing the Industrial Energy Consumer Group asking questions for Group 3 of the Applicant. I want to clarify, if I may, some answers that Mr. Dickinson gave to the panel. Mr. Dickinson, in your rebuttal testimony and in your commentary about it today, is it correct that in your rebuttal testimony you indicated that undergrounding Section 1 would add approximately $644.6 million to the cost of the project?

THORN DICKINSON: Yes, that's correct, prior to AFUDC.

MR. BUXTON: And what -- is it correct that your testimony indicates that AFUDC would increase that amount to $767.9 million?

THORN DICKINSON: That's correct.

MR. BUXTON: What -- could you tell -- tell the agency what that would do to the carrying cost,

the annual carrying cost of your project.

THORN DICKINSON: Sure. So on an annual basis the cost associated with any incremental capital are going to -- are generally going to be linear related to the amount of capital. The clearest thing would be property taxes, depreciation, cost of debt, return on investment, but also the operations and maintenance cost, administrative internal cost all move in parallel. So when we think about the capital cost when you look at that on an annual basis you can think of this as a percent -- a shortcut as a percent of that capital cost and one back of the envelope way is what's called a fixed charge rate and it says on an annual basis that a certain percentage of your capital cost will -- will be reflected in the cost. And, you know, so you can argue over whether it's 13 percent or 17 percent, but 15 percent is a number that's often used so that when you -- when you look at this 700 -- more than 700 million and you think about a 15 percent carrying charge you can get up north of $100 million annually of impact associated with additional costs.

MR. BUXTON: Let's just specify how much farther north 10 percent would be. Isn't it correct that 15 percent of 767 is about $115 million?

THORN DICKINSON: Yes, that's correct.

MR. BUXTON: So to be conservative we used 100 million. Is it your -- is it correct that that would -- that increased cost would add an annual increase in cost of approximately $100 million to the project?

THORN DICKINSON: That's correct. It's 100 million a year.

MR. BUXTON: Now, I'm not going to ask you what your expected profitability is, but is it not correct that some investment banks including Bank of America have estimated that Avangrid or CMP would earn on its billion dollars of invest approximately $50 million a year on average?

THORN DICKINSON: Yeah, an average over the -- over the period of time. I think a recent bank --

MS. BOEPPLE: I'm going to object to this line of questioning. This is Elizabeth Boepple representing Groups 2 and 10. This line of questioning seems to be going to topics that are not under consideration by the LUPC or the DEP.

MR. BUXTON: If I may, Mr. Dickinson has already testified that the project would be financially infeasible and this is providing

clarification of what actual numbers would show it could be financially infeasible.

MR. WORCESTER: Continue.

MR. BUXTON: Thank you. Do you need the question repeated?

THORN DICKINSON: No. So I -- I think the average -- the Bank of America report showed earnings in their early years in the mid-'30s but over the 20 year period I think 50 is about the average.

MR. BUXTON: And if you added the cost of undergrounding to the present capital cost, would that mean you'd make more money for Massachusetts utilities?

THORN DICKINSON: No, as I mentioned in our discussion that's a fixed price, so there's no ability to pass any additional costs on to Massachusetts customers or really any -- any other ratepayers.

MR. BUXTON: So help me with this math inclusion, if you would. If your costs go up by $100 million a year and you're making $50 million a year before that happens, is it not correct that you would be losing approximately $50 million a year?

THORN DICKINSON: That's correct. And

the -- and why I included in my rebuttal testimony that the project would not move forward.

MR. BUXTON: Thank you. And is that the reason why you discussed your conclusion that the undergrounding therefore is not practical, suitable or reasonably available to CMP?

THORN DICKINSON: That's correct.

MR. BUXTON: Thank you. I have no further questions.

MR. WORCESTER: Thank you. Next group is Group 7.

MR. SMITH: Good afternoon. Ben Smith for Group 7. I have just a couple of clarifying questions with regard to the CMP the Applicant Exhibit 1 that was provided a while ago and I think, Ms. Dwyer, I think these questions are for you.

PEGGY DWYER: Oh.

MR. SMITH: Do you have that document?

PEGGY DWYER: I do. I think that's Application Cross-1 that we just passed out before we broke.

MR. SMITH: Thank you. Exactly. Thank you. So looking at this document, can you explain and orient the Commissions as to where the P-RR district begins on Troutdale Road?

PEGGY DWYER: The P-RR district is -- I apologize the lines are faint, but the red lines to the north side on the existing corridor is where the P-RR zone is on Troutdale Road.

MR. SMITH: So --

PEGGY DWYER: It's kind of a little horseshoe shape and it's because it follows the Appalachian Trail.

MR. SMITH: Right. So it's like a boomerang shape and you're saying the -- or horseshoe shape, the southern part of that is the portion that's within the P-RR zone?

PEGGY DWYER: The southern --

MR. SMITH: Not the southern portion of the corridor, the southern portion of the red designated line is essentially the DRR zone in the --

PEGGY DWYER: Yes, in the existing corridor.

MR. SMITH: Okay.

PEGGY DWYER: Yes.

MR. SMITH: So the northeasterly southern corridor is the only part that's in the DRR zone?

PEGGY DWYER: Yes.

MR. SMITH: Okay.

PEGGY DWYER: On -- on the west side of the water, if you go to the crossing, you know, as the

view that we had where we were seeing the proposed vegetation, what you would be looking at there is a shoreland zone -- you don't see the DRR -- the P-RR zone from Troutdale Road either because you would be looking across and the -- you would be looking across at the first part, which is shoreland and it doesn't come to -- the P-RR does not return again until you're up the hill and away from Troutdale Road. So when you're looking directly across what you're looking at is the P-RR -- excuse me, the shoreland zone.

MR. SMITH: Okay. Thank you.

PEGGY DWYER: -- from Troutdale.

MR. SMITH: Thank you. No further questions.

MR. WORCESTER: Thank you. The next cross is Group 2 and you have 10 minutes.

MS. BOEPPLE: Good afternoon. Elizabeth Boepple representing Group 2. Good afternoon, folks. Ms. Segal, I believe yesterday and this morning and in the pre-filed testimony you have stated Terrence J. DeWan and Associates is one of three firms and the only one in Maine that are pre-qualified to perform peer reviews of visual impact assessments for the Department of Environmental Protection; is that

correct?

AMY SEGAL: Yes.

MS. BOEPPLE: So you stated that also, you put it in your pre-filed testimony, but the fact is you are not here in this joint proceeding doing peer review on behalf of DEP; is that correct?

AMY SEGAL: That's correct.

MS. BOEPPLE: And, in fact, you are here representing CMP and doing work for CMP to get their permits approved; isn't that correct?

AMY SEGAL: We are subconsultant firms with Burns and McDonnell for CMP.

MS. BOEPPLE: And your purpose here is to assist them in getting the permits, correct?

AMY SEGAL: Our purpose was to prepare a Visual Impact Assessment according to Chapter 315 and 375.

MS. BOEPPLE: And CMP is trying to get permits and therefore your work is to assist them in that process, isn't that a fair characterization?

AMY SEGAL: We performed the Visual Impact Assessment, which is part of the permit application.

MS. BOEPPLE: And in that process you make recommendations to them that might change the route,

correct?

AMY SEGAL: We recommended several mitigation measures, correct.

MS. BOEPPLE: And the purpose of that is so that they can meet the necessary qualifications to try and get the permits, correct?

AMY SEGAL: Yes, to meet the standard.

MS. BOEPPLE: Okay. So one of those minimization methods that you've recommended and you showed us both this morning and yesterday was the Beattie Pond simulation and -- correct?

AMY SEGAL: Correct.

MS BOEPPLE: Okay. And in that you showed that there was structures you had recommended that they shorten the height of those; is that correct?

AMY SEGAL: Correct. We worked with the engineers to reduce the height.

MS. BOEPPLE: Okay. And between Beattie Pond and where the corridor is proposed to be located, do you -- does CMP have control over the land, the intervening land between those two locations?

AMY SEGAL: No, CMP owns the 300 foot wide corridor.

MS. BOEPPLE: But it doesn't own the land

between the pond and the corridor, correct?

AMY SEGAL: Correct.

MS. BOEPPLE: So it does not have control over what the landowners would do to the trees and the forest between the pond and the corridor, correct?

AMY SEGAL: Correct, but with shoreland zoning you'd -- they could be required to keep the trees -- the vegetation around the pond.

MS. BOEPPLE: Do you know who owns that land?

AMY SEGAL: I'm not sure who that would be.

THORN DICKINSON: It's -- it would probably be easier to pull up a map, but I think it's partially the Passamaquoddy tribe and partially -- partially Carrier.

MS. BOEPPLE: And Carrier is a company that does logging, correct?

THORN DICKINSON: That's my -- that's my understanding, yes.

MS. BOEPPLE: Okay. So it's possible that some of those trees that you're relying on could go away, it's possible, correct?

AMY SEGAL: Well, the trees along the

shoreline would be preserved.

MS. BOEPPLE: There is a lot more trees between -- in your simulation there is a lot more trees between the pond and the corridor than just along the shoreline; isn't that correct?

AMY SEGAL: Right. The closest structure to the water is about 1,300 feet.

MS. BOEPPLE: Okay. Now, after CMP decided to go under the Kennebec, did you do further visual assessments with respect to when the transition would occur on one side of the river and then come back up?

AMY SEGAL: We did complete a visual assessment for the termination station for both West Forks and Moxie Gore.

MS. BOEPPLE: And in that, did you take into consideration the viewer expectation as well in your assessment from the river?

AMY SEGAL: The termination stations won't be visible from the river.

MS. BOEPPLE: At all? You're quite certain of that?

AMY SEGAL: With the preserved vegetation on either side, the forested buffers, the termination station won't be visible.

MS. BOEPPLE: And with respect to forested

buffers, CMP has made representation that there will be these buffers, who is going to enforce that and make sure that those are maintained throughout the life of this transition line -- transmission line?

GERRY MIRABILE: We don't anticipate the need to remove or cut any trees within those buffers given that the line will be beneath the ground in that area.

MS. BOEPPLE: And with respect to any of the areas where CMP and engineers have agreed to lower the height of the poles so that there is screening to provide for additional mitigation and minimization of the visual impact, how does CMP intend to ensure that future generations are not going to be exposed to the negative visual impacts of this line?

GERRY MIRABILE: Are you asking --

MS. BOEPPLE: At any place along the route.

GERRY MIRABILE: Are you asking how we would ensure that --

MS. BOEPPLE: Yes.

GERRY MIRABILE: -- tapering, for example, is maintained?

MS. BOEPPLE: Yes. And -- and not only the tapering, but also in the areas where you're using screening on other property that you do not control

to provide for a mitigating effect of the height of those poles.

GERRY MIRABILE: All right. I'll just respond to the portion on the property that we do control, I'll say that there will be conditions on the permit if there is a permit issued that would reflect the -- both our recommendations and our proposals and any additional conditions imposed by the agencies and there will be third-party inspectors on the -- during the construction that would enforce those conditions. And in terms of future maintenance we would document the existence of any areas where there is vegetation management that differs from the standard vegetation management and pass that on to the Vegetation Management Department for them to convey to contractor crews as to where zones should be cut and where they should not be cut.

MS. BOEPPLE: And just so that the LUPC is also aware of some of the testimony yesterday because I think it's relevant to today, Mr. Dickinson you made quite a point of assuring everyone that this is not a permanent line; is that correct?

THORN DICKINSON: That's correct.

MS. BOEPPLE: And you also made it quite clear that there is no decommission plan, correct?

THORN DICKINSON: That's correct.

MS. BOEPPLE: And no decommission funding, correct?

THORN DICKINSON: That's correct.

MS. BOEPPLE: Okay. Thank you.

MR. WORCESTER: Thank you. Group 4 is next. They have 10 minutes.

MR. PUBLICOVER: All right. David Publicover for Group 4. My first questions are for Mr. Goodwin. We meet again. On Page 10 of your direct testimony and again this morning you stated that there are 56 electric transmission line crossings of 230 kV or more along the length of the AT, correct?

MARK GOODWIN: That's correct.

MR. PUBLICOVER: How many of those are in Maine.

MARK GOODWIN: None of those are in Maine.

MR. PUBLICOVER: All right. So a transmission line of this size would be a unique and novel impact to the AT in Maine, correct?

MARK GOODWIN: I don't know that I necessarily agree with that. It's, you know, the structure size would be -- would be different than likely the ones that currently cross. There is five

in Maine that currently cross the corridor. So the structure types and sizes would look to be different but the impact of the corridor wouldn't -- wouldn't necessarily be that significant in terms of difference.

MR. PUBLICOVER: You also state that hikers are aware of and expect to see utility corridors. Are there any utility corridors of this width in Maine currently, 225 feet wide?

MARK GOODWIN: I am not sure the exact widths of the crossings that currently exists in Maine.

MR. PUBLICOVER: Okay. All right.

MARK GOODWIN: I know the one that -- that is the co-located portion of the corridor for this project is 150 feet wide.

MR. PUBLICOVER: All right. Now, the source of the figure with the 56 crossings was an Argon National Laboratory study, correct?

MARK GOODWIN: I believe so.

MR. PUBLICOVER: All right. Table 5-7 in that study notes that of these 56 transmission line crossings of the AT almost 70 percent are located in Virginia, Pennsylvania, New Jersey and New York, do you question that?

MARK GOODWIN: I don't. I -- I have no reason to doubt that.

MR. PUBLICOVER: All right. Isn't it likely that users of the AT in Maine would have different expectations than users in the more heavily developed mid-Atlantic region crossing?

MARK GOODWIN: Sure. In Maine they would expect to cross a transmission line every 56 miles of the trail as opposed to the I believe it was 38 for the remainder of the AT.

MR. PUBLICOVER: All right. So hikers along the AT expect to see highways, even interstates and towns, correct?

MARK GOODWIN: Sure.

MR. PUBLICOVER: And even if they expect to see them, would you agree that it still may diminish their experience when they do see them?

MARK GOODWIN: I don't know that I would agree with that. I mean, it's part of hiking the trail.

MR. PUBLICOVER: So but would you agree that hikers don't hike the AT to cross an interstate highway?

MARK GOODWIN: The trail is there for hiking, it's not for walking on highways necessarily,

but that's part of the experience.

MR. PUBLICOVER: All right. Can you bring up DeWan and Segal's summary presentation from this morning, the image that was up when we started here?

So -- all right. So this is the -- the proposed photosimulation of the proposed condition. The visual impact study, the revised scenic resources chart graded this as a moderate to strong impact and I guess I -- at this point, I may -- I'll ask Mrs. Segal that -- or Ms. Segal. This was rated at a moderate to strong impact at this location, correct?

AMY SEGAL: Yes.

MR. PUBLICOVER: All right. Back to Mr. Goodwin, I guess. How do you reconcile a rating of visual impact as moderate to strong with your statement in your direct testimony on Page 10 is that there will be a negligible change in the visual impact of the transmission line poles and overhead conductors to hikers using the trail?

MARK GOODWIN: I would say that hikers that are using the trail in this location are going to see a transmission line corridor now and they're going to see a transmission corridor line after the project, so in that sense it's negligible. Notably, the view in this location what you're looking at is not in the

P-RR according to the Exhibit X-1 that we were looking at earlier.

MR. PUBLICOVER: Going back to Ms. Segal, in your rebuttal testimony on Page 8 you state it is unrealistic to assert that an incremental change in transmission line resulting in 16 seconds of additional visibility and a widened corridor will have a significant effect on trail use patterns or the experience of being on the Appalachian Trail. I believe you already stated that no user surveys were conducted to gauge users' reaction to the increased impact, correct?

AMY SEGAL: We did not complete a user survey.

MR. PUBLICOVER: Okay. So what is your basis judging the reaction of hikers?

AMY SEGAL: Well, we did do research and as one example the official map and guide to the Appalachian Trail in Maine does indicate there is that, you know, folks that are hiking are going to look at that map and they're going to see that there is at least two transmission line crossings coming up, there is a road, there is a trail head, there is river crossing, there is camps, so, you know, people will be aware. So the hikers, you know, their

experience is -- is, you know, dependent on what they're prepared to be looking at, so they will be reading that and they will anticipate that.

MR. PUBLICOVER: But that map and guide does not suggest that they're going to see 100 foot tall towers, correct?

AMY SEGAL: The map and guide explains that they're crossing a transmission line twice.

MR. PUBLICOVER: But it is not -- but that is an existing line with towers 45 feet tall. The map and guide does not describe that there is going to be a second line with 100 foot tall towers, correct?

AMY SEGAL: No, because the guide wouldn't be describing the proposed condition.

MR. PUBLICOVER: Yes. So -- okay. Users expect to see a local road in this area, correct, Troutdale Road?

AMY SEGAL: Correct.

MR. PUBLICOVER: All right. If a two-lane highway were built adjacent to Troutdale Road, which might also only take 16 seconds to cross, would you consider that to be a negligible impact on the hiker experience?

AMY SEGAL: Can you repeat the question?

MR. PUBLICOVER: If a two-lane highway were constructed adjacent to the Troutdale Road, would you consider that increased impact to be negligible?

AMY SEGAL: The increased impact for a hiker walking on a two-lane highway versus Troutdale Road?

MR. PUBLICOVER: Yes.

AMY SEGAL: Um...

TERRY DEWAN: May I address that?

MR. PUBLICOVER: Sure.

TERRY DEWAN: You're talking about a hypothetical of course. There is probably not enough room to do that. Assuming that it was, the very nature of the location requires an extraordinary level of attention to detail, one of which would be where do you put pedestrians or bicycles that would probably be generated by this additional traffic and I would like to think as part of the design one could accommodate pedestrian use, hikers, throughout the area and doing do it in such a way that actually may be of benefit. There may be a boardwalk, for example, that extends out over the pond. There is any number of things that could happen here. It doesn't necessarily equate to being and negative impact just because we're changing the width of a road.

MR. PUBLICOVER: So this impact was rated moderate to strong. Is it fair to assume that the other two impacts -- the other two crossings would have a similar rating given the impacts would be similar that those impacts would also be rated moderate to strong?

AMY SEGAL: The -- right now the Appalachian Trail is co-located with Troutdale Road in a section for about 900 feet of it or so and this view because it's a longer stretch of duration of view would be greater than the two existing crossings that I showed you earlier where you're crossing an existing 150 foot wide corridor that would be expanded to 225 feet. It's not exactly perpendicular across those corridors, but it would be less time in each one of those locations.

MR. PUBLICOVER: Can you advance a couple of slides to the screening slide? One more.

All right. Even considering this during leaf-on period, do you believe these plantings will prevent AT users from noticing that they're under a 100 foot wide -- I mean, 100 foot tall towers?

AMY SEGAL: These plantings -- the intent of these plantings is to minimize the view of the corridor clearing. They see the existing structures,

they'll see our proposed structures.

MR. PUBLICOVER: Why was no buffer planting proposed with the other two crossings?

AMY SEGAL: The -- in those locations there is some existing scrub/shrub in those areas and it's certainly, you know, buffer plantings is certainly something we could look at doing.

MR. PUBLICOVER: Okay. But there is nothing in the record that indicates that would be done?

AMY SEGAL: Not right now, no.

MR. PUBLICOVER: All right. And one final question for Mr. Dickinson, under questioning from Mr. Buxton you indicated $765 million of additional cost for burial. To be clear, that's burying the entire length of the new corridor, not burying under the crossing of the Appalachian Trail?

THORN DICKINSON: That's correct. It's the 54 miles.

MR. PUBLICOVER: Thank you. That's all.

MR. WORCESTER: Thank you. Next is Group 8 and you have 10 minutes.

MS. TOURANGEAU: Good afternoon. Joanna Tourangeau on behalf of Group 8, nextEra. My first questions are going to be directed to Mr. Dickinson. We'll be essentially going through the same thing we

did yesterday, so for a new audience. As you testified in Page 3 of your rebuttal testimony projects have to include a mechanism for cost recovery in order to be feasible.

THORN DICKINSON: Correct.

MS. TOURANGEAU: So CMP bid a fixed-cost project with Hydro-Quebec into the 2017 Massachusetts RFP in part because the -- they encouraged bidders to propose a fixed cost?

THORN DICKINSON: Yeah, I would probably use a stronger word than encouraged. I think anybody that didn't have those kind of components was likely going to be eliminated from consideration.

MS. TOURANGEAU: So the fixed-cost bid that CMP submitted included transmission containment such as provisions that eliminate or minimize ratepayers' exposure to the transmission cost of risk?

THORN DICKINSON: Correct.

MS. TOURANGEAU: So what this means, if I'm remembering correctly from yesterday, is that additional project costs like undergrounding will not be borne by ratepayers or anyone other than CMP or a CMP affiliate that ends up owning a line?

THORN DICKINSON: That's right. The ratepayers in Massachusetts will pay the amount that

we bid for the project, which as I mentioned earlier did include a contingency for undergrounding the Kennebec River, but did not envision any additional undergrounding.

MS. TOURANGEAU: That we know of yet. Other contingency amounts were not made public?

THORN DICKINSON: Correct. No, what I'm -- I'm -- I can tell you that now, it did not include any additional underground.

MS. TOURANGEAU: For the Kennebec or there was no -- there is no other contingencies included in your bid?

THORN DICKINSON: So there -- no, there is a broad set of contingencies. Some of them were overall related to the construction of the project and some were very specific. One of the specific ones was the crossing of the Kennebec River. There was not another related to additional undergrounding.

MS. TOURANGEAU: Was CMP aware of the requirements to consider alternatives in the advance of submitting its bid?

THORN DICKINSON: Yes.

MS. TOURANGEAU: Thank you. But consideration of the undergrounding wasn't included

in your application?

THORN DICKINSON: Yeah, as I explained in my rebuttal testimony with the -- the purpose of the project was to deliver 1,200 megawatts of clean renewable energy to Lewiston, Maine and we had concluded that -- determined that at the time of our bid that if we included additional undergrounding beyond the Kennebec River contingency that that will result in the project not moving forward, so the -- the -- as a result of the purpose not being met, this was not an alternative that we considered.

MS. TOURANGEAU: But you're aware that the Commission doesn't look at the project purpose in determining the availability and the suitability of alternatives. The requirement in front of the Commission is that CMP establishes that there is no alternative site, which is both suitable to the proposed use and reasonably available to the applicant?

MR. MANAHAN: I would just object to Ms. Tourangeau -- this is Matt Manahan for CMP -- asking the witness to make a legal conclusion about what LUPC standards are. Mr. Dickinson is a fact witness and he's not here to testify as to what the LUPC standards are.

MS. TOURANGEAU: I'm sorry, I was just asking whether he was aware -- my previous question was whether Mr. Dickinson was aware of the requirements in advance of submitting the bid and his answer was yes --

MR. MANAHAN: You already right asked that.

MS. TOURANGEAU: -- and I was just clarifying which standards he was aware of and his answer to that question was that he was aware of the practicable alternatives analysis under NRPA and so I was clarifying that the applicable standard here is the LUPC no suitable alternative.

MR. WORCESTER: Please go on.

MS. TOURANGEAU: Thank you. Turning to Mr. Berube.

BRIAN BERUBE: Yes.

MS. TOURANGEAU: Part of your work for CMP on the project was to assess the environmental impact associated with the project and the relative impacts associated with available alternatives.

BRIAN BERUBE: That was part of it, yes.

MS. TOURANGEAU: Thank you. Did that work include assessment of the underground alternative?

BRIAN BERUBE: My work did not include

assessment of the underground alternative.

MS. TOURANGEAU: Did you assess the alternative of undergrounding the Joe's Hole Troutdale Road Appalachian Trail crossing?

BRIAN BERUBE: No.

MS. TOURANGEAU: Did you assess the alternative of undergrounding the portion of the project near Beattie Pond?

BRIAN BERUBE: No.

MS. TOURANGEAU: Thank you.

MR. WORCESTER: Thank you. Next group is Group 10 and you have 10 minutes.

MS. BOEPPLE: So Elizabeth Boepple again this time for Group 10. So we've gotten into some of the money here, so, Mr. Dickinson, could you explain what precisely some of the monetary contributions you've made have gone towards?

THORN DICKINSON: So the -- maybe starting from the original settlement that was -- the settlement that was a stipulation that was part of the current PUC order?

MS. BOEPPLE: No, but I'd like to know about specifically is there is an Intervenor group here that had entered into a settlement agreement with CMP and I understand that you provided them with some

funding?

THORN DICKINSON: Oh, so your -- so your question is specific to the agreement with Western Mountains and Rivers?

MS. BOEPPLE: That's one of my questions.

THORN DICKINSON: Okay. Well, just to -- just to be clear, there are a number of agreements that we have in the project that are both intended to mitigate issues associated with the project and provide additional benefits for, you know, people throughout Maine. So I, you know, we can talk about whichever specific ones you want.

MS. BOEPPLE: So let's talk about WMRC.

THORN DICKINSON: Sure.

MS. BOEPPLE: So is it true that Mr. Warren approached CMP originally; is that correct?

THORN DICKINSON: Yes, that's correct.

MS. BOEPPLE: And the timing on that was before this project was -- what was the timing on that?

THORN DICKINSON: Yeah, I mean, the exact date I don't have right at the top of my head, but it was -- we had submitted two bids, both for a combination of wind, solar and battery technology, as part of the Massachusetts tri-state RFP a few years

ago, so that's when I would say that it was first aware that there is now a corridor that exists in western Maine.

MS. BOEPPLE: So let's stop there for one minute.

THORN DICKINSON: Okay.

MS. BOEPPLE: You just said that there was a corridor in western Maine. Is that the same corridor we're talking about here?

Thorn DICKINSON: Yes.

MS. BOEPPLE: Okay. So that's the -- this corridor was originally intended for not strictly hydropower; is that correct?

THORN DICKINSON: So the -- the -- in business development -- my role in business development is to look for opportunities to grow the business and, you know, when -- six years ago, seven years ago when I took over the business it was clear that the biggest opportunities around growth was around helping renewable energy efficiently connect to the grid. And so looking across New England and New York we identified the locations where we believed the biggest opportunities were to meet public policy goals, to meet key stakeholders' goals to bring new clean energy to market efficiently and

this was one of those corridors that we looked at with the idea of possibly wind, solar, battery or hydropower technology could be used for that corridor.

MS. BOEPPLE: So the corridor wasn't strictly for delivering Hydro-Quebec power down to Massachusetts?

THORN DICKINSON: No. As I said, even in the last RFP, we bid a number of different projects, some partnering with EDF, some with EDF and NextEra that included wind, solar and battery technology.

MS. BOEPPLE: So --

MR. WORCESTER: Excuse me, can you connect this question in?

MS. BOEPPLE: Yes. What I'm trying to get to is the alternatives analysis.

MR. WORCESTER: Okay.

MS. BOEPPLE: So my understanding then is that this was -- a lot of this land pre-existed, it was part of the land that CMP already had -- when I say pre-existed CMP had control over a lot of this already, correct?

THORN DICKINSON: So the 54 mile corridor, no. That was a new corridor that we did on purpose for responding to these RFPs. The 72 percent of the

DC line that goes from The Forks all the way down to Lewiston was an existing corridor.

MS. BOEPPLE: So when you talk about the alternatives analysis you're really putting that in the context of a route that you already had; is that correct?

THORN DICKINSON: No, I mean, we -- we looked at a lot of -- I mean, talking about overall business development, we looked at a lot of ideas. In fact, we had -- we bid a wind project in Aroostook County, so a project that would provide transmission there. Again, our goal is to try to provide solutions for policy -- public policy holders that are comitted to dealing with global warming climate change and to provide them meaningful solutions to help mitigate carbon emissions.

MS. BOEPPLE: Is that -- that's what CMP is about?

THORN DICKINSON: Yeah, absolutely.

MS. BOEPPLE: Oh, okay. So let me just be clear here. Are there shareholders who Avangrid has to answer to?

THORN DICKINSON: I mean, we're a -- we're a publicly traded company.

MS. BOEPPLE: Okay. So the goals of CMP

have a little bit to do with making money too, don't they?

THORN DICKINSON: We have a fiduciary responsibility to deliver to our investors for sure --

MS. BOEPPLE: Okay. Thank you.

THORN DICKINSON: -- but the --

MS. BOEPPLE: I just wanted to be clear that there is also a money making proposition here.

THORN DICKINSON: No, no, I -- I 100 percent agree with that --

MS. BOEPPLE: Okay.

THORN DICKINSON: -- that they're -- that that's true. But, again, Iberdrola and Avangrid have specific -- you can see -- go on their website and look at their commitments to climate change to bringing new renewable energy across the world.

MS. BOEPPLE: And making money?

THORN DICKINSON: Yeah. We, again --

MS. BOEPPLE: Okay.

THORN DICKINSON: -- we are a public company that has a fiduciary responsibility.

MS. BOEPPLE: All right. So getting back to compensation and the money that's been used so far. Did some of the funding to help you get to this stage

and buy-in some -- some -- buy-in from some other people, did some of that money go to WMRC to help them get formed? I believe there is pre-filed testimony to that.

THORN DICKINSON: So, again, you used the word buy-in, so that is not how I'd characterize that discussion. That was a discussion that happened over a number of years. It involved a group of people having a conversation and I can tell you that I think it's incredibly mischaracterized. These are people that care about the area, that care about the region and we're trying to enter into an agreement that provided significant value for that region while protecting it and that's -- that is what I saw in every discussion I had with those people and I'm -- I'm proud of the agreement that ended up coming out of it. And, yes, to answer your question, that does include contributions and depending on how the project ends up working out.

MS. BOEPPLE: And so some of CMP's money has helped fund their organization and form it, correct?

THORN DICKINSON: That -- that's correct.

MS. BOEPPLE: And is it also helping to pay for say legal fees?

THORN DICKINSON: Yeah. I mean, obviously

it's the board of the non for profit within the rules that both federal and state about how non-profits are run. They -- and within the limits of the -- the funding. There are very specific requirements for how that money can go. It has to go towards nature-based tourism, trail management, a development of new trails strategic development, economic development for that region, so the -- there is only certain limits in which that money can be used.

MS. BOEPPLE: I understand that, but CMP did help fund the start-up of WMRC, correct?

THORN DICKINSON: Yes, that's correct.

MS. BOEPPLE: Okay. Thank you.

MR. WORCESTER: Was that -- was that tied to the alternative analysis?

MS. BOEPPLE: That was going to -- that was not specifically tied to the alternatives analysis, no, sir.

MR. WORCESTER: I don't think that was a relevant conversation.

MS. BOEPPLE: It will come up later, sir, in --

MR. WORCESTER: Then we'll consider it at that time.

MS. BOEPPLE: Okay. Thank you. I have no

further questions at this time.

MR. WORCESTER: Next is Group 5.

MR. NOVELLO: Group 5 has no questions for the witnesses.

MR. WORCESTER: Thank you. And Group 9. And Group 9 is not represented; is that correct? The Public -- okay. Do you have redirect?

MR. MANAHAN: I just have a couple questions on redirect, yeah.

MR. WORCESTER: I'm sitting between two attorneys and I'm dealing with all these attorneys and they've got a world all their own.

MR. MANAHAN: It's your lucky day. Good afternoon. Matt Manahan for Central Maine Power. I just have a couple of questions for the CMP witnesses. First off, I think Ms. Segal and Mr. DeWan, Mr. Publicover was talking about the plantings on Troutdale Road and whether or not they would screen the transmission line in that location and my question is this, is the project -- based on the information you have now, is the project in that location in the P-RR subdistrict?

AMY SEGAL: It's our understanding that the expanded corridor is not in the P-RR. It's in the DRS -- yeah, the DRS zone or the residential zone.

So as Ms. Dwyer mentioned, when you're looking across the road to Troutdale Road that area is in shoreland, that's not in the P-RR either.

MR. MANAHAN: Okay. So to follow-up on that question there was a question that I think Mr. Worcester asked a question about tapering in that location and I'm curious, I think I heard you say previously, maybe yesterday, that tapering is mostly effective when you're looking down on the transmission line and you're in a sort of a parallel location, you're looking along the line. In -- in the location in Troutdale Road, will you be looking down at the corridor or up at the corridor? What's your viewpoint and does that affect the utility of tapering in that location?

TERRY DEWAN: Well, maybe the answer is both of the options. You may recall there is a slide that Amy showed of the hike coming down from Pleasant Pond Mountain, there is a view looking across the Joe's Hole so you are --

MR. MANAHAN: But that's not in the P-RR.

TERRY DEWAN: -- slightly elevated. That's right, it's before you get to the P-RR, but it may be affected by any treatment there. Once you get down onto Troutdale Road you're looking pretty much

straight across slightly up at it.

MR. MANAHAN: Okay.

AMY SEGAL: Well, I just wanted to add that, I mean, as Terry mentioned earlier, the -- the portion of the corridor that could be tapered, the portion that's in the DRS, you know, that's the -- you know, we can look at tapered vegetation, but there is also, you know, we could look at different sort of supplemental plantings over there at the shoreland zone.

MR. MANAHAN: Mr. Dickinson, I think there was a question earlier to you this morning about whether you did ever explore undergrounding at the AT and your response was, no, you didn't ever explore it. But the timing of that, were you referring -- has it since then been explored? Basically has it come to be explored the undergrounding of the AT and what was its conclusions?

THORN DICKINSON: Yeah, I mean, I think a similar -- in the rebuttal testimony, so my -- my testimony before -- my answer before was related to what we had bid in -- back in 2017. But since then, there has been analysis done related to the challenges associated not only with the cost associated with undergrounding, but even the

operational and cost challenges of even smaller sections including potentially at the trail.

MR. MANAHAN: Yup. Okay. Thank you. I have no further questions.

MR. WORCESTER: Thank you.

MR. WORCESTER: Is there any recross on what was just said? Okay, Bill. Bill has a question.

MR. HINKEL: I have a question about this exhibit, Exhibit Applicant Cross-1. It says that the LUPC confirmed that this portion of the AT that crosses the uncleared side of the corridor on Troutdale Road in Bald Mountain, blah, blah, blah, is not P-RR. I know -- I do understand, Ms. Dwyer, that you've been working with Ellen at our -- at the Commission on some mapping work and I -- I know I was not involved in this, so I'm -- can you speak to sort of who confirmed that this was accurate?

PEGGY DWYER: Sure.

MR. HINKEL: Thank you.

PEGGY DWYER: Yes. Ellen Jackson and I had a couple of conversations and she provided this .kmz. So she provided these red lines that you see depicting the P-RR laid onto the Google Earth imagery that you're looking at.

MR. HINKEL: You know in working with Ellen,

did -- were there any adjustments made to that P-RR zone or was it just a depiction of how the -- the line and the P-RR interact?

PEGGY DWYER: I think it's just confirmation of the zone as it sits on the face of the earth and we were able to provide, you know, the base mapping of where our corridor is, which she really didn't have correctly on their mapping.

MR. HINKEL: Okay. Thank you.

PEGGY DWYER: You're welcome.

MR. WORCESTER: Everybody got -- ready to proceed? Okay. I think if I have this right, we're going to Group 7. Group 7 is Western Mountains and Rivers Corporation. You have 10 minutes.

LARRY WARREN: Members of the Commission, my name is Larry Warren. I have lived in western Maine and worked in recreational development for over 50 years including 17 years at Sugarloaf Mountain Corporation as Controller and President. I am the founder of Maine Huts and Trails, the founder of Longfellow Mountains Heritage Trails, one of the founders of the Town of Carrabassett Valley and I have lead multiple recreational and infrastructure developments in Northern Franklin and Somerset County. I am on the Board of Somerset Economic

Development Corporation and I have been a member of the Board of Western Mountains and Rivers Corporation since its inception in 2017.

The adverse visual impacts of the NECEC touted by opponents of the project are substantially without merit as is evidenced by the Visual Impact Analysis provided by DeWan and Associates. The Commission should find that, A, there are no alternative sites in which -- which are suitable to the proposed use of the project and reasonably available to the applicant; and B, any portion of the project that are incompatible with uses and resources within a P-RR subdistrict have been more than adequately buffered.

The real risks to western Maine's nature-based tourism or recreation programs are climate change and the potential loss of public access to privately owned lands. Recent trends in the recreation business and the recreational future of The Forks show that the region's economic viability is in jeopardy. Maine's rafting visits are down from an annual high in 2000 of 90,000 to last year 50,000. This is a 45 percent decrease in visitors to the rafting industry. The numbers for the Dead and Kennebec River decreased from 70,000 to

38,500, a comparable decrease. The snowmobile business is projected by climate scientists to become a diminishing, if not a vanishing, industry due to rising temperatures and decreasing snow conditions in the northeast. Average skier and snowmobiler days are projected to decrease 25 to 50 percent pending upon regional elevation and latitude. Recent past winter experiences verify these predictions for this region for the recreational days decreasing approximately 25 percent from the late 1990s. This year's weather is an anomaly with consistently good conditions from mid-December. 2017 was a total washout.

Over the long-term Carrabassett -- I mean, Caratunk, The Forks and the West Forks should develop a regional cooperative plan to move from a reliance on rafting and snowmobiling to a broader nature-based year-round economy with less dependence on snow and a focus on more diverse recreational and cultural pursuits. A goal for greater collaboration between these communities and although it will be challenging is the population for each of these three communities is about 50 residents each. We have made significant progress in bringing together on the Board of Western Mountains and Rivers Corporation a diverse group of

community and business leaders, many of whom are fierce competitors with an agenda to create and implement a plan for the region's future, a plan predicated on leveraging local and regional resources and capitalizing on the significant environmental, societal and economic resources of the region. This enthusiasm has been created by the opportunities in the promise of the NECEC project in our region.

The land area of northern Somerset County, the area north of Solon, is 2,046,000 acres, of which 827,000 are classified as a conserved lands by the State of Maine. This indicates that over 40 percent of this land base is currently classified as conserved. The region has unique and substantial environmental and outdoor recreational assets. The 980 acres that central Maine Power Company plans to develop on this transmission line property is not significant in the context of these overall conditions in Somerset County. What is significant is that only 37 acres of the 980 is located in land classified as conserved. Central Maine Power Company has done a remarkable job of avoiding the conserved lands of the various organizations that own these lands and has offered 2,800 acres as mitigation along the Dead and Kennebec Rivers to DEP, the LUPC and the

IF&W. The project provides additional lands and resources that would allow for trail development connecting the Carrabassett Valley and The Forks to Moosehead. This would provide significant recreation-based opportunities for the region and the state and the only requirements are the acquisition of one additional parcel and the discussions have been initiated with that owner. The option to use the NECEC corridor for responsible snowmobiling and motorized recreational uses mitigates some of the potential risk of losing public access of the private logging roads and lands in the region. As an alternative -- it's an alternative that goes a long way towards addressing the rising concerns of the landowners.

As technological advances bring the prospect for autonomous logging vehicles to the woods, the conflicts between forestry and recreational road uses are very likely to increase. The outcry by the NECEC opponents who assert that this transmission project jeopardizes their rights to the lands, trails and roads haven't figured out that the vast majority of these resources are on privately owned land and maintained privately. These comments reflect the serious threat to the privilege of public access and

have been cultivated -- which have been cultivated over so many years by so many responsible community leaders. The privilege of access to private property is in danger of rapidly disappearing due to their assertions and disregard of the rights of the landowners who so patiently pay the taxes and insurance, repair the damage and pick up the garbage related to this public invasion.

We urge the Commission to seriously consider the significant offerings that have been made by the NECEC to all Maine people, recognize the promise of lower electric rates for all electric resident -- all electric residents in New England, endorse the move towards decarbonization of New England's power grid and --

MS. BOEPPLE: Objection.

LARRY WARREN: -- help reduce the --

MS. BOEPPLE: Objection.

LARRY WARREN: -- rate of climate change in the region.

MR. WORCESTER: What is your objection?

MS. BOEPPLE: The last portion of Mr. Warren's statement has nothing whatsoever to do with what's in front of the LUPC and I'd like that stricken from the record, please.

MR. WORCESTER: I guess we'll sort this out at the end, but we'll take note of what you objected to.

MS. BOEPPLE: Thank you.

JOSEPH CHRISTOPHER: My name is Joseph Christopher. I'm a board member of the Western Mountains and Rivers Corporation with a clear vision to work with the most prominent business leaders, recreational outfitters and community planners in The Forks area.

I have been a registered Maine Guide for 27 years. I am the owner of several businesses that depend on the public's use and enjoyment of the rivers and other natural resources in the greater Forks area and own other business throughout the state. For 22 years, I've owned Three Rivers Whitewater in The Forks, Inn By The River, the Sugarloaf Inn and other businesses in the state and employ over 250 employees. I am the president of the Signal Point Marina in Boothbay Harbor. I was a long-time president of the Raft Maine Association and am a signatory to the FERC negotiated settlement for the license for Harris Station Dam and have studied this region and its waterways tourism infrastructure for my entire adult life. I am a life-long

environmental steward. I always work to preserve the natural beauty of our planet and its natural environment to the greatest extent possible while managing human use of our natural resource. This includes the natural and aesthetic resources of my home, The Forks. I think global and act locally.

The NECEC is well-designed to achieve the environmental benefits of this large amount of removal energy. The corridor and transmission lines themselves have been designed in a way that is consistent with the current uses of the industrial forest, hydropower dams and electrical transmission facilities that exists there. Our organization has fought and negotiated with CMP for the start -- from the start to find balance and best practices to locate the line which is now traveled -- now is to travel underground to avoid unreasonable impacts on the scenic aesthetic and other uses of the Kennebec River and the Gorge.

My Exhibits 1 through 11 show the hydroelectric and transmission facilities that our guests and tourists are accustomed to. Although these pictures show rafters on the Kennebec and Penobscot put-in at Harris and McKay Station these and other similar infrastructure are commonplace to

other users as well. The dam site at Harris Station is one of the most popular fishing locations on the river and also hosts the put-in facilities for the lakes that fishermen utilize.

MR. WORCESTER: You need to wrap it up.

JOSEPH CHRISTOPHER: Yup. I'm -- just a little bit more. Anglers are accustomed to seeing these, hunters often prefer to hunt on the power line corridors and place deer stands and hunt moose on them regularly. I have hunted all of these areas for many years. Snowmobiling and ATVs utilized the current corridor now particularly in our area between The Forks and Bingham. This combined with the tapering buffers offered by CMP and the parts of corridor protects some of these resources. WMRC agrees completely with the current and former Governor that this is a good project for the State of Maine and my support is from an environmental standpoint. Thank you very much.

MR. WORCESTER: Thank you, gentlemen. Group 2 is next and you have 15 minutes. Group 2 is the Town of Caratunk, Kennebec River Anglers, Maine Guide Service, Hawk's Nest Lodge and Mike Pilsbury.

MR. MANAHAN: Mr. Worcester, could I just ask a question? Matt Manahan over here. The Group 2

has four witnesses in their pre-filed, direct and pre-filed rebuttal testimony and I want to raise a point of order they have five witnesses up here, so I'm just -- to the extent they're adding a witness that didn't file pre-filed, direct or rebuttal testimony, I would object to that.

MS. PARKER: Ms. Boepple, can you address that, please?

MS. BOEPPLE: Yes. Justin Preisendorfer is at the table with the rest of the experts. We were trying to provide his testimony and I thought we had filed it as part of Group 2's. We can pull him back and put him just as Group 10 if that --

MR. MANAHAN: Actually, no, just to clarify, that's not a problem because you're right, you did -- you did file him as 2 and 10 --

MS. BOEPPLE: Thank you.

MR. MANAHAN: -- so if he were to go here that would be fine, although now I'm counting six.

MS. BOEPPLE: Well -- well, I can clarify that. So I spoke with -- I'm sorry. I spoke with Mr. Hinkel and Ms. Parker before the proceedings began to clarify that we have three consultants, so Groups 2 and 10 jointly retained to provide additional testimony before both the DEP and the LUPC

and my question at that time before we began the proceedings was to find out whether you wanted to hear them both with Group 2 and 10 or just one or the other, so that's why all three of our additional consultants are sitting at the table before you now. And those -- they are Mr. Garnett Robinson. Would your raise your hand? Mr. Roger Merchant and Mr. Justin Preisendorfer. Actually, Ed, you're in Group 10, so you've got to move away from the table.

MS. PARKER: Did those three individuals you just named, they filed their direct pre-filed testimony on behalf of both Group 2 and on behalf of Group 10?

MS. BOEPPLE: That's correct.

MS. PARKER: And is labeled as such?

MS. BOEPPLE: Yes. And the other two witnesses at the table are Liz Caruso and Greg Caruso, both who are Intervenors in Group 2 and filed pre-filed testimony in both proceedings.

MS. PARKER: Thank you.

MR. WORCESTER: Mr. Manahan, are you okay with this?

MR. MANAHAN: It's confusing, but I -- I think we can live it with it, sure, yes, thank you.

MR. WORCESTER: You have 20 minutes among

you, okay.

GREG CARUSO: Hello. My name is --

MR. MANAHAN: I'm sorry, could I just clarify. I'm sorry to interrupt you, Mr. Worcester says 20 minutes, but the calendar -- the schedule does say 15 minutes.

MR. WORCESTER: Oh, I'm sorry. My mistake.

MR. MANAHAN: Thank you.

MR. WORCESTER: So that's three minutes a piece. I used to be a math teacher.

GREG CARUSO: I'd better hurry. Hello. My name is Greg Caruso and I'm a citizen of the Town of Caratunk and owner of Maine Guide Service, LLC and I am not a lawyer. For the last 26 years, I have worked as a master Maine Guide, whitewater guide in the outdoor industry. Many of those years as a year-round manager in charge of hiring, training, staffing and scheduling for one of the largest outfitters in New England. I've brought hundreds of guests up to Johnson and Coburn Mountains for hunting and snowmobiling. I've brought thousands of guests through the Kennebec River Gorge for rafting and fishing. I've logged thousands of hours as a snowmobile operator, many of them in the Coburn and Johnson Mountain area. I've also worked as a

contractor for the ATC on the Appalachian Trail carrying over 6,000 hikers in the last three years.

Our most critical asset in this region for tourism are our mountains and waterways. This is hallowed ground. It's absolutely critical that we keep these places intact, particularly in these remote towns and villages that rely on it for their livelihood. By locating the corridor in critical tourist destinations such as the Kennebec River Gorge, Coburn and Johnson Mountains, Rock Pond or Beattie Pond, et cetera, CMP is creating an unnecessary burden upon the livelihood of its residents, man and beast like. It's impossible for CMP to build large structures in remote alpine settings in which the very heart of our snowmobile trail system exists or along rivers and streams in which deer winter and brook trout and land-locked salmon spawn without severely impacting the nature and character of the area to the point that it no longer gives the intended remote feel and effect. There is no price that we can put on Maine's most critical natural resources, which gives us our livelihood and quality of place.

CMP has also failed to provide alternatives that are better suited to the nature of the existing

uses critical to the environmental and the local economy by not considering an underground option in areas such as Coburn and Johnson Mountains, they have instead placed the corridor in a fashion that's seen dramatic elevation gain and decent, crisscrossing of snowmobile trails at least eight times in only a few miles between Johnson and Coburn Mountains, traveling closely along the headwaters of the Salmon Stream and literally going through the center of the old Enchanted Mountain parking lot, which is a major intersection for snowmobile traffic and the entrance to very popular hunting and fishing ground.

MR. MANAHAN: Mr. Chairman, I'm sorry to interrupt. Could I just object for the record to this witness testifying as to matters that are not within the LUPC P-RR segment of Johnson Mountain and I just want to make that for the record. I -- I don't want to otherwise...

MR. WORCESTER: So noted.

MR. MANAHAN: Thank you.

MR. WORCESTER: Please try to confine your comments to what we're here to hear.

GREG CARUSO: I think that has to do to with buffering, I believe.

MR. WORCESTER: I know you -- you're also

going to short change these other people if you don't watch out.

GREG CARUSO: Anyone who guides for a living knows that the quality of their experience hinges on the very return of visit and other referrals of others. By locating this corridor in an area that relies heavily on a high quality remote experience, the very fabric of this setting, is put in jeopardy.

I am confident that the LUPC will consider the value of these remote places to our fragile economy and thriving ecosystems when charged with protecting Maine's environment and deny the permit for the NECEC project. Thank you for an opportunity to provide my testimony.

JUSTIN PREISENDORFER: Good morning, Commissioners. Excuse me, my name is Justin James Preisendorfer and I serve as a consultant for Groups 2 and 10 on wilderness and outdoor recreation planning and management. I've worked in the field for 24 years. My experience is primarily in western Maine and northern New Hampshire though I've worked at both the regional and national level.

Maine has our country's largest contiguous block of undeveloped forest land east of the Mississippi and that undeveloped landscape is

essential to Maine's brand. Nature-based tourism and outdoor recreation are a significant part of the region's economy based on that undeveloped landscape and they provide much needed economic diversification. Roughly 36.7 million tourists visited Maine in 2017. The tourists weren't alone in their outdoor pursuits however. As the Outdoor Industry Association's Maine State Report showed that 70 percent of Maine residents participate in outdoor recreation each year. A 2013 Maine Office of Tourism survey asked tourists why they chose to visit Maine and the top answer, beautiful scenery. They leave development behind to enjoy the undeveloped landscapes Maine has to offer. The post cards they send home do not contain images of utility corridors.

From L.L. Bean to Old Town Canoes businesses small and large have been developed around the state's natural resources. Outdoor recreation in Maine generates on average --

MR. WORCESTER: Excuse me, this has to focus on the P-RR and what the specific things that we're looking for, okay.

JUSTIN PREISENDORFER: I'm getting there. Thank you. So 8.2 billion in consumer spending annually, 76,000 direct jobs, 2.2 billion in wages

and salaries and 548 million in state and local tax revenue. In 2017, Maine saw an increase in first time visitors to the state with 5.3 million visitors constituting a five year high. The state also ran its first dedicated winter tourism campaign and off-season visitation increased with a 13 percent increase over winter travel from 2016.

Maine's outdoor recreation economy is already strong and if national trends are any indicator it will continue to grow. This nature-based tourism and outdoor recreation in the affected region is built on the scenic integrity including P-RRs. When the Northern Pass Project proposed a similar development of new transmission lines in the nearby White Mountain National Forest, the Forest Service approved the project component on public land that --

MR. WORCESTER: I don't think that's relevant to this.

JUSTIN PREISENDORFER: Okay. I'm going to -- I'll pass and pick up after.

ELIZABETH CARUSO: Okay. My name is Elizabeth Caruso. I'm the First Selectman of the Town of Caratunk.

THE REPORTER: She needs her mic.

MS. BENSINGER: Use your mic.

ELIZABETH CARUSO: I don't need to, but. Okay. So my name is Elizabeth Caruso. I'm the First Selectman for the Town of Caratunk. I am a licensed Maine Guide for the last 26 years for river rafting and snowmobiling outfitter in the West Forks. This corridor is not consistent or compatible with current recreational uses of subdistricts in the way in which citizens currently use these areas.

CMP has failed to demonstrate this new industrial development use can be buffered for visual impacts for recreational and navigational users. The Maine River Study identified the Kennebec as a Class A river. The study stated that impacts of development around these river sources should be avoided or minimized. The purpose of this study was two-fold. One of it was to identify a variety of actions that the state can initiate to manage, conserve and enhance the state's river resources in order to protect those qualities, which have been identified as important. This industrial infrastructure now underground is still development around the Kennebec River and Cold Stream. From the AT peaks of Pleasant Pond and Moxie Bald Mountain as well as trail intersections this large scale

infrastructure would not be sufficiently buffered from the trail. Approximately 28 (sic) hikers each year hike Caratunk's Appalachian Trail. Suggested buffers are not sufficient to shield this new usage and a DC line is much different visually and audibly than an AC line.

Also in the application CMP has admitted that they had not considered or analyzed the alternatives of burying the lines. The other two alternatives the Applicant mentioned were more impactful but still not similarly comparable with the New Hampshire or Vermont underground options offered to carry the same hydropower yet still the corridor would intersect the Coburn snowmobile trail eight times and would reach highly visible elevations of over 2,000 almost 3,000 feet. In my PUC cross on January 9, CMP admitted that they did not even assess the area of the new 53 miles for existing uses. They did not conduct any studies on winter snowmobiling in the area, did not consider the scenic tourism or economic impacts, did not consider construction period housing or the availability of local fire and emergency response resources. And aside from the thousand feet of the line -- of the Kennebec line CMP didn't conduct any kind of analysis on burying the

line to see if some of the visual and environmental impacts could be minimized. Burying the line is standard in the industry to buffer and avoid scenic impact and Avangrid proposed burying in New York for, quote, aesthetic purposes. The applicant could have chosen the Route 201 corridor or existing logging road such as the Spencer Road to bury the line. In this global forest and destination area it is unreasonable to not bury the line.

James Palmer originally said of the VIA, quote, there does not even appear to be a process to attempt a full accounting, end quote. The John Mere study of 2017 found that 55 percent of the tourists would not return to a wilderness area if it had transmission infrastructure. The largely natural wilderness experience is why people come here. CMP's implication that our working forest is just a wasteland is untrue and disrespectful and doesn't support any finding that the project will cause few impacts. Clearcuts grow back, logging roads are used by many of the public. Whether or not this project is cost-effective for CMP and its shareholders is not concern for the citizens or the agencies of Maine. CMP's choices to study impacts or not, recreational usages or not, technical decisions such as burying or

not, these are present business decisions to establish a profit for shareholders. This is not the state's problem. This is not a Maine reliability used to keep the lights on in Maine or benefiting Maine citizens, therefore, there is no reasonable cause to desecrate Maine's contiguous forest to risk potential for forest fires from overhead lines and to threaten Maine's tourism industry and dependent families and landowners.

CMP has provided no evidence that the NECEC will not harm our tourism and recreation economy and is not forthcoming with the project's cost or revenue analysis. Without supporting evidence it is difficult to see how CMP can claim there won't be any impacts to overhead transmission lines and that is not a reasonable alternative. It is not the responsibility of the State of Maine to see that CMP makes a handsome profit for their shareholders. Thank you.

ROGER MERCHANT: Good afternoon. I'm Roger Merchant, Licensed Professional Forester 727 from Glenburn, Maine. Fragmentation of forests, fragmentation of wildlife habitat, fragmentation of scenic viewsheds and its impact on natural resource and the tourism industry seems to be the talk of

these hearings about DEP and the LUPC. I will briefly try to make clear the character of the forest landscape in Segment 1 as an example between Quebec and Maine and if permitted the NEC corridor will add significant permanent fragmentation and associated habitat impacts as well as what we are hearing concerning scenic viewshed impacts.

I've observed forest changes in Segment 1 over the last 54 years starting in 1965 with forester boots on the ground cruising Township 5 Range 6 BKP WKR and the Upper Moose River. I've crossed the Spencer Pond, Beattie Roads when they were but a bull moose scratch through the woods. My family outdoor legacy includes three generations who have participated with me in this Segment 1 environment, so my engagement with this landscape in question is not casual.

Over the summer of 2018, I conducted a field review of existing forest conditions and scenic views along the Quebec Coburn section of Segment 1. Three interpreted aerial photographs in Exhibits 1-6 in my testimony illustrate complex forest conditions, patterns of existing forest fragment, the network of permanent gravel logging roads, cold water streams, all of which will be impacted if NEC is permitted to

carve in yet another third larger layer of fragmentation and perpetuity. For example, if I could ask you to put your heads back, on the screen is an example --

MR. MANAHAN: Mr. Worcester, could I just for the record and maybe just make this an ongoing continuing objection to testimony that is irrelevant to this proceeding so I don't have to continue to object. Thank you.

MR. WORCESTER: I'm having the same difficulty. You're supposed to be focusing on the issues that are before this Commission and you're dragging all this other stuff in.

ROGER MERCHANT: As I heard it, the concern that is involved with what you're looking for concerns existing uses and resource protection.

MR. LIVESAY: We're in an awkward spot here. You're obviously very passionate about this project and -- and there is an important distinction to be recognized between the roll that this Commission plays and the role that the Department of Environmental Protection plays and so our role and what we're -- what would be helpful for you to help us sort through is whether or not this project meets the special exception criteria that apply in the P-RR

subdistrict. And so we talked about earlier in the day that there are three basic locations where the corridor crosses through the PR-R subdistrict. One is in the Beattie Pond area, the other is down at the Appalachian Trail, we had some -- quite a bit of discussion about that earlier and then the third location is the -- now they're going underneath the Kennebec River and the Gorge areas in the P-RR, so if you can focus your testimony on those three -- three places that would be helpful to us.

ROGER MERCHANT: As I've been listening to the discussions and the conversations that have been presented what I've been hearing is, for example, with Beattie Pond the viewshed impacts and so is that up and subject for discussion and the area outside of that, is that outside of --

MR. WORCESTER: Outside of that area is not up for discussion. We're focusing on the P-RR areas with this hearing.

ROGER MERCHANT: With all due respect, this is what -- what I don't understand. When it comes down to evaluating scenic views and viewsheds be it from Beattie or Coburn or otherwise --

MR. WORCESTER: I understand you don't understand that.

ROGER MERCHANT: No, they -- it has a -- does that not have a bearing in --

MR. WORCESTER: You need to bring that up to the DEP not to us. Our focus is on those three areas, so most of this testimony you're giving is irrelevant because you're not focusing it in on those three specific P-RR zones.

ROGER MERCHANT: I guess the one thing I could have to say with respect to the context of my testimony is that it seems to me like the Beattie piece has been addressed according to what's been presented before, but it does not address in any way whatsoever the enormous scenic value in the larger viewshed that is a part of and not separate from.

MR. LIVESAY: And know the Commission here, we're not here to judge the relevance of that or to say that that's not important. That's just what the Department of Environmental protection will be looking at as they review the entirety of this project. We're focused on just whether or not this proposed transmission line is an allowed use within these three zoning districts. That's just the way that this has been bifurcated.

MR. WORCESTER: This is one of the hazards of adding people to a group. Your time is up.

KATHY BARKLEY: I'll testify for Group 10.

MR. WORCESTER: So if you're -- if -- yeah, you can testify in Group 10, I guess. Is that all right, Mr. Manahan?

MR. MANAHAN: Yes, thank you, Mr. Chairman.

MR. WORCESTER: All right. Thank you.

GARNETT ROBINSON: I just want to make sure everybody knows that I consider Everett and I are friends, but it's -- I view him as a mentor. I've worked with him, I did appraisals. Sorry, I just wanted to get that before I even -- so we don't have to do this before we talk. I worked with Everett before and he is a friend. His, I mean, his integrity would never allow him to do anything with our friendship. I mean, he was a math teacher and he's told me when I've had math errors. And Mr. Gilmore and I have -- are friends. We've talked about who shot bigger deer and I also know Millard Billings. I just want to make sure --

MR. WORCESTER: I think we're all set.

GARNETT ROBINSON: I didn't want anybody saying there was something improper.

MR. WORCESTER: I think we're all set. It's not a problem. Group 4. Group 4 has 20 minutes.

MS. ELY: I have a question for the

Commission. We have two LUPC witnesses, but we -- Mr. Publicover is going to do our presentation. Did you want Jeff Reardon to stand -- to sit up or is it fine for him to stay since it's not time for cross-examination?

MR. LIVESAY: That's fine.

MS. ELY: Thank you.

MR. MANAHAN: Well, and I would just object to Mr. Reardon being subject to anything because he didn't file direct testimony having anything to do with LUPC. The only two witnesses that filed LUPC testimony were Mr. Publicover and Mr. Towle. Mr. Reardon filed only DEP testimony.

MS. ELY: His was both.

MR. LIVESAY: We'll sort through that. We'll sort through Jeff's status while Mr. Publicover goes. He doesn't need to be there now either way.

MR. MANAHAN: I would just note that Mr. Reardon testified as to brook trout conditions, so.

MR. PUBLICOVER: All right. Thank you. My name is David Publicover. I'm a Senior Staff Scientist with the Appalachian Mountain Club testifying on behalf of Group 4. And you'll be happy to know I'll probably save you about 15 minutes in your schedule because I have only about five minutes.

And my testimony addresses the P-RR zone along the Appalachian Trail.

Currently, the AT passes through an existing transmission line corridor containing a 115 kV transmission line three times at the southern end of Moxie Pond. The existing towers are about 45 feet high, less than the height of the surrounding forest vegetation. The proposed project would widen the corridor by 50 percent and install a second transmission line with towers that are 100 feet tall, more than twice the height of the existing towers and significantly taller than the surrounding forest. The proposed project would be the first crossing of the AT by a transmission line this size in Maine. It would thus constitute a unique and novel negative impact on the AT in the state and would increase the exposure of users of this section of the trail to incompatible development.

Now, the application Chapter 25 of LUPC certification chapter states that there would be a negligible change to visual impact to hikers using the trail. However, this conclusion is contradicted by the revised application Chapter 6 scenic resources chart that rates the impact as moderate to strong at the crossing at Joe's Hole. You've all seen the

visual simulations and I'll allow you to judge for yourself whether that is a negligible impact. The Applicant also states in the application Chapter 6, the project should not negatively affect a hiker's experience or their continued use and enjoyment of the Appalachian Trial. The statement that the project will not negatively affect hikers' experience is made without any supporting evidence and is contradicted by the revised impact rating of moderate to strong and the Applicant's recognition of the need to mitigate the impact through vegetative screening. There is a noticeable difference between a single line with power short in the surrounding forest and a corridor that is 50 percent wider, you have two lines, one with towers considerably taller than the forest which are experienced by hikers passing directly under the line. And, again, this change is quite notable in the photosimulations of the area. The photosimulation of the proposed vegetative screening does not inspire confidence that the proposed mitigation will be adequate. Vegetative screening alone cannot mitigate the exposure of hikers with a wider corridor and an additional much larger transmission line. In addition, this proposed planting proposed for only one of the three crossings

in this area.

We thus conclude that the proposed project fails the second criterion for granting of a special exception in that the existing use has not been buffered from an incompatible use. For this reason the Commission should deny the granting of the special exception and I thank you.

MR. WORCESTER: Thank you. Group 8 has 10 minutes.

CHRISTOPHER RUSSO: Good afternoon. My name is Christopher Russo. I am neither a guide nor a lawyer nor a math teacher. I am an engineer and economist. I work for Charles River Associates in Boston and I'm here to provide testimony on behalf of NextEra Energy.

Thank you folks for providing the opportunity to do so today. So I'll keep this brief, what I'd like to do is take approximately -- I have 10 minutes, right?

MR. WORCESTER: Yes.

CHRISTOPHER RUSSO: -- summarize my testimony briefly, some key points as well as provide perhaps an analogy, which I think might be useful in sorting through some of the important consequential issues here.

So just a bit of background. I'm an engineer and economist. Throughout my career I've analyzed probably hundreds of power plants and transmission lines as everything from an academic researcher to a power plant engineer, so I'm quite familiar with the issues behind NECEC. I've also provided extensive testimony before the Maine Public Utilities Commission as well as the Massachusetts Department of Public Utilities.

So my testimony is fairly straightforward. I cover two principle points. The first, which I think has been covered pretty amply today is that CMP never considered burying 53 miles of greenfield transmission and this was helpfully explained about an hour or two ago that it was because of cost and because the cost wasn't practicable and I'll return to that in a moment. The second issue, which is perhaps less obvious but in my experience is significant is that the construction of NECEC is unusual. I can think of only one other transmission line in the world of this type of technology that's not undergrounded. The vast majority of DC lines are, in fact, underground. There is one, I think, in Malaysia that is an above ground line that is DC technology of a similar length. So this line is, in

fact, an outlier in many ways. By returning -- and as I testified in Maine before the Public Utilities Commission the construction of the line as a DC technology does, in fact, preclude the connection of renewables in western Maine to the line.

The next point I'd like to cover briefly is the issue of practicable and it was helpful and illuminating to hear CMP's testimony this morning that, in fact, the line could not be buried or would not be buried not because it wasn't technically feasible and, in fact, there is evidence throughout the world that these lines can indeed be buried but rather because it was too expensive to do so. And after the fact, CMP determined that they wouldn't have proceeded and they wouldn't have prevailed in the Massachusetts competitive solicitation. And there was also testimony that spoke to the purpose of the line and I believe Mr. Dickinson testified that the purpose for the line was to provide the least cost electricity to Massachusetts. With respect to Mr. Dickinson, who I enjoy as a colleague, I tend to disagree with him on that. The purpose of the project was to be a competitive bid into a Massachusetts solicitation meeting certain requirements.

So what I'd like to do is close briefly with an analogy that I think crystalizes and hopefully can clarify some of the issues before us here today and I recognize that the world of electricity transmission construction can be a bit arcane. Everybody has hobbies. My hobby is building and renovating parts of my house, houses I've lived in over the weekend. So let me take the analogy of a contractor. So you decide you want to build a house. You send it -- you put the project out to bid, contractors come back with bids and they meet your specifications and they should all be knowledgeable of that building code. You select -- you select a winner, the contractor comes to you and says, great, I'm going to submit these plans to the building department. He gets the building -- the plans back from the building department and he says, well, you can't build it this way, maybe you need a steel beam instead of 2 by 10s, maybe you need an LDL or a different insulation value, whatever it is this isn't going to meet the standards for construction. The contractor then comes to you, you've given him copies of all of the other bids and he says to you, well, you know what, if I need to follow these requirements, I wouldn't have won the bid and I can't make anybody building

the project. That's essentially the situation we have before us here today, which is that CMP has after the fact determined that burying the line would not have allowed them to win the bid, the competitive auction for the project, and, as such, they've argued that it's, you know, it's not practicable for them to consider the alternatives to mitigate P-RR impacts because they wouldn't have won the procurement in Massachusetts.

So, again, I think it's a -- this is a complex topic and this is, you know, the issues involved here can be a nuance, but at its core it is fairly straightforward that the alternative of undergrounding a line which would have been typical for lines of this character throughout the world was never even considered. So I believe that's -- oh, one point I would like to add as well and I'll continue the analogy which is that it's important to remember, and Mr. Dickinson helpfully testified to this earlier today, that the additional cost would be borne by CMP and not by Maine ratepayers and not by Massachusetts ratepayers, so how CMP might choose to mitigate the financial impact is an issue that's probably up to them. So, again, think back to the contractor analogy, building inspector says the house

needs to be constructed a bit differently, perhaps it works out a deal with its subs, perhaps it works out, you know, goes to the building inspector, the building inspector says, well, you're going to eat some more of the cost, perhaps I'll charge you a bit less for a licensing fee next year. There are ways to mitigate the financial impact, but the clear point is that the Maine rate -- neither Maine ratepayers nor Massachusetts ratepayers will bear any additional impact. So I think that's all I had for my testimony. There is no doubt that some of these issues will come back up on cross.

MR. WORCESTER: Thank you.

CHRISTOPHER RUSSO: Thank you for your time.

MR. WORCESTER: Group 10.

MATT WAGNER: You knew there was a lot of us.

MR. WORCESTER: Well, be that as it may, you've got 15 minutes. So I would suggest you briefest person first. Just remember, people, you're going to have to be brief. I don't take any joy in shutting you down.

MATT WAGNER: Thank you, everybody. We are going to attempt to be brief. We've really pared this down. We recognize there is a bunch of us. We

have gotten to be pretty consolidated as a huge Intervenor group. I'm Matt Wagner. I'm the spokesperson for Intervenor Group 10, recreational local concerns and I'd like to acknowledge this hearing isn't obviously our area of expertise, so we have worked really hard to bring in a few expert witnesses to hopefully answer questions for you in a format that fits, which obviously none of us are professionals at this and we can't be prepared to do it.

This project will forever change our area and Group 10 Intervenors are unanimous in their opposition to the Applicant's proposal to industrialize our home landscape and the Applicant's requested exemption to the PR-R subdistrict are incongruent with the current existing uses and those are existing uses that -- that we know. This is our home. So with that, I'm going to pass this on to Ed real quick. Ed Buzzell.

ED BUZZELL: Yeah, my name is Ed Buzzell. My opening statement pretty much reflects my testimony. I'd like to pass it on to anybody else.

KIM LYMAN: Kim Lyman from Caratunk. I've spent 21 years in the area. I'm a whitewater raft guide for that entire time and my husband is also a

master Maine Guide and fishing guide of 27 plus years. We also rent lodging to people who come to recreate in this the area, many who hike along the Appalachian Trail to Moxie Falls and to raft the river. The negative impact to us is based on scenic impacts to those areas as well as impacted fisheries that would be significant to both of our -- our guiding future as well as lodging future, so it's not practical for us to look at it or for the people that we send to these areas to look at it because they specify to us that that's what they come here to get away from exactly that. And I do have proof of that, but I don't know that I'm allowed to submit testimonies from guests who stay at our homes.

The negotiation and mitigation process that was done with a group of people who assumed some sort of right to represent the rest of us in our area has had a great impact on us because we are affected by this whole project and so that's why I'm here and that's all I have to say right now.

NOAH HALE: Thank you, Commission. My a name is Noah Hale. I'm a lifelong northern Mainer born and raised in Jackman and currently live in the West Forks in recent years. I am a registered Maine Guide, volunteer fire fighter, service industry, deer

hunter, lousy fisherman, whitewater kayaker, and don't worry, I'm no expert of anything. I'm merely here as a voice for those who don't have a horse in the race.

I'll go with my testimony here. The northern forest in Maine are an American treasure, a crown jewel of the Appalachian Trail that are in need of our protection. With a huge swath, 100 foot towers, blinking lights, access roads, hundreds of waterways, ecosystems, loss of livelihoods, damaged properties, human health hazards at the end of the day for what? So a foreign-owned company can sell an inconsistent product to another state, plain and simple. I'm going to speak frankly as a representative of the common Mainer, we see what this is, we see who is doing it and we're beyond frightened. I could go on and on about how this proposed project will disgrace the north Maine woods and the great citizens that live there. Where is the need? Tax breaks, jobs, quote, unquote, faster internet? Do the right thing. Do not approve the NECEC. Let TDI Vermont bury their approved line in Vermont.

And as a closing statement when it comes to Beattie application, the Appalachian Trail,

CMP/Avangrid/Iberdrola has a hard time answering yes or no questions. And, you know, they're in the papers every day for fraud and we're supposed to believe that they can handle this highly sensitive area. No line is safe to touch ever. Thank you.

KATHY BARKLEY: Kathy Barkley, Caratunk, Maine. I'm going to shorten this considerably. I'm a 30 year resident. I have had over 2,000 runs on Maine rivers. I have lead and enjoyed non-motorized recreational activities in north Maine's working forests including the P-RR zones. The corridor where it passes through the P-RR zones will forever negatively alter the northwestern Maine scenic views tourists and locals both enjoy. No one comes to Maine to enjoy a power line. No plan has been proposed nor do I believe it is possible to acceptably mitigate or buffer damage to the existing P-RR resource and its uses. No alternative was seriously considered because it would impact CMP's competitiveness and profit. Tourism is the long-term, low impact, sustainable economic engine for northwestern Maine as long as the reasons tourists come are not damaged or destroyed. NECEC will irreparably damage and destroy this research that draws people to the iconic Maine woods. I ask

the LUPC to decide the NECEC corridor is incompatible with its current land uses and that reasonable alternatives have not been considered. Thank you.

JUSTIN PREISENDORFER: Good afternoon, folks. Justin Preisendorfer again. I'd like to address the Appalachian Trail P-RR subdistrict first.

As I was speaking about with Group 2, the Northern Pass decision in New Hampshire was approved in the White Mountains, the public land section because 50 miles were proposed to be buried and it says in the Record of Decision burial of the transmission line through the White Mountain National Forest resolved forest plan consistency issues related to visuals and effects on the Appalachian National Scenic Trail. Even though line burial for this project would address most concerns with scenic values and existing uses, CMP made no effort to truly determine if it was practicable for any section to be buried other than the Kennebec River Gorge.

In regards to Beattie Pond and scenic character and existing uses, the recreational as well as guided fishing opportunities will be negatively affected. The 2018 special report on fishing that was commissioned by the Recreational Boating and Fishing Foundation and the Outdoor Foundation found

that fishing participation grew by 1.9 million, fly fishing was the biggest segment of that and Beattie Pond is a fly fishing only pond. There lies the impacts that are related to the existing uses in that P-RR subdistrict.

ERIC SHERMAN: I'm Eric Sherman from Greenville. I was born and raised there and I've been a whitewater raft guide for 35 years. I'm a school teacher in Greenville and I got involved because the proposed project was going to go over the river and I thought that was going to be damaging for people who wanted to go and see the river and experience the wilderness after they leave the dam area. And then I became more concerned about the environment and specifically the various habitats of the species that live in the path of the corridor that are designated P-RR zones in particular. And I find it disturbing and questionable that Hydro-Quebec hasn't been at one meeting to answer any questions from anybody. I have grave concerns with the 150 foot wide corridor that the NECEC will take will -- the other 150 feet end up in wind turbines. And I believe that economic of tourism -- to tourism of local communities will be adverse and significant.

Lastly, I just wanted to say I went and

visited your About Us page and on your page you say along with carrying out your plan's zoning responsibilities you will -- your website specifically says, the western mountains and up to the Canadian border, these were areas of importance to the vitality of both the state and local economies, are home to many Mainer's, are enjoyed by Maine residents and visitors in pursuit of outdoor recreation activities including hunting, fishing, boating, hiking and camping.

I feel like we were kind of pushed along to not say everything we wanted to say, but I'll end it by saying those P-RR zones need you to protect them and I implore you to reject the NECEC. Thank you for your time.

MR. WORCESTER: I'd like just to remind you that you have plenty of opportunity if you choose so to submit written testimony to the LUPC staff and it will be put up on the website. We -- just by the nature of the beast we end up having to limit these kind of events. It's going to be even more striking this evening when people aren't going to be nearly as receptive to that notion, but that's the reality of what we're dealing with.

GARNETT ROBINSON: I think most of what I

have -- I know my testimony has been entered before the LUPC and the DEP. I think most of the primary concern will probably be with the DEP. I'm happy to introduce myself and in that way if there is anything -- and be available for question, cross on any of that material that might be relevant for you then, so. My name is Garnett Robinson. I own Maine Assessment and Appraisal Services, Inc. I have a -- I'm appraiser, a certificate Maine assessor. I've been a registered Maine Guide for years. I'm probably the only person in this room that has a social security number that says it's from The Forks, so. And so if you go through most of my testimony, I'm a certified -- former certified code enforcement officer. I have a degree in land use planning. I teach a property tax school, so there is quite a few things that I am capable of talking about here. I think most of my testimony and, like I said, my testimony has been pre-filed for both of yours and I think -- I think you'll find the majority of it will be probably to the site plan, so.

MR. WORCESTER: Thank you. We have one more.

JUSTIN PREISENDORFER: Yeah, and I was just -- I was going to add one more piece, if I may,

to the last P-RR subdistrict that I did not personally address and that is in the Kennebec River Gorge and yesterday we heard that for areas where there was line burial there would still need to be a 75 foot wide strip that was maintained free of vegetation to secure that line and keep it sustainable. So within the Kennebec River Gorge even if the line does not go overhead and it goes into the ground more than 1,000 feet away from the river's edge it still seems to me based on what I heard yesterday that there will be a corridor that goes down within visual range of those enjoying the Gorge. This is going to stand in contrast with the natural environment that the area's economy is built on and undeveloped landscape has long attracted visitors to the region and this would undermine the evolving nature of the economy. It runs counter to the effort the state has made to promote tourism and economic development in the region and CMP has failed to demonstrate that this project will not cause unreasonable harm to the scenic character and existing uses that form the base of the growing outdoor economy that depends on these P-RR subdistricts. This is an important part of the greater Maine economy and I ask that you not allow a

special exception for the project as submitted.

ERIC SHERMAN: Do we have time still? I have one more thing.

MS. KIRKLAND: You have 2:45.

ERIC SHERMAN: This is out of concern about -- Eric Sherman again. At the Kennebec, every time they've spoken about not being able to see the termination towers on each end of the river they've said basically they are talking like when you're right at that spot, but when you're coming into the river three-quarters of a mile up there is a fairly long straight stretch and for those of you that know the river it's where Northeastern has their lunch site and you can see off to the left side, which is the east side of the river quite -- quite far and I have a concern that those towers will be visible from there. And then after you leave that spot you go down around the corner you go past Moxie Stream and then there is another straight stretch and when you look back again it's very -- fairly flat and I have concerns that you're going to look back and see the towers there. Thank you.

JUSTIN PREISENDORFER: Thanks. The -- someone had asked earlier about Beattie Pond and it was mentioned that there was no public access to it,

so the viewshed analysis that we saw earlier was done from the pond. However, it is important to note that the Great Ponds Act provides public access on foot to all ponds in the state that are greater than 10 acres in size and so we would find it reasonable that viewshed analysis would be done on those approach routes to the greater ponds.

MR. WORCESTER: Thank you, people, you did a good job.

MATT WAGNER: Thank you, Commissioner Worcester.

MR. WORCESTER: I'm going to call on Group 5 for 10 minutes and then we're going to take a 10 minute break.

MIKE NOVELLO: Mike Novello, Group 5. Sorry, I don't have a full table here with me, you just have to listen to me for -- I'll see if I can stretch this out for 10, but I may not be able to.

We had no testimony team on the Beattie Pond area and the remainder of our testimony was not focused on any of the P-RR districts, so I believe I have nothing else to summarize before you today.

MR. WORCESTER: I think we made an impact finally. Let's take a 10 minute break, please.

(Break.)

MR. WORCESTER: If I understand this correctly this is where Intervenors get the opportunity to cross-examine each other, okay. Not the Applicant but each other. Any questions on that?

MS. ELY: Do we want to -- did you want to resolve the Jeff Reardon question first?

MS. PARKER: Yes, we're going to resolve that first. So it was our understanding that when Group 4, which was granted Intervenor status in both the LUPC and DEP proceedings that Jeff Reardon was one of the witnesses for Group 4 in both proceedings. His pre-filed direct testimony was labeled for DEP and LUPC. I believe that CMP moved to strike that testimony and the Land Use Planning Commission did not grant that motion to strike, so it's the LUPC's position that Jeff Reardon is a Group 4 witness and needs to be here and is here and available for cross-examination should anybody wish to cross you.

MS. ELY: Thank you.

MR. WORCESTER: So it's Group 3 first.

MR. BUXTON: Thank you.

MR. WORCESTER: And I think you people can stay in your seats and answer from there because we don't know who he's going to ask what and maybe he doesn't either.

MR. BUXTON: I suppose I could ask all of them the same question.

MR. WORCESTER: Okay.

MR. MANAHAN: Robin has just asking -- Robin, the court reporter, is just asking to make sure people identify themselves.

THE REPORTER: And use the microphone and identify yourself so I know if we're going to stay seated where you are, please.

MR. WORCESTER: Yes, you need to get to a microphone and tell us who you are because all of this is being recorded. And don't use anybody else's name, all right.

(Laughter.)

MR. BUXTON: Good afternoon. I'm Tony Buxton representing the Industrial Energy Consumer Group asking a few questions on behalf of Group 3. My first question is for Ms. Caruso. I don't want to disturb what you're doing, but.

ELIZABETH CARUSO: Go right ahead.

MR. BUXTON: Thank you. Is it correct that among the many positions you hold in the Town of Caratunk is assessor?

ELIZABETH CARUSO: It is. I am a selectperson and it says assessor, but our assessing

is done by Maine -- Garnett's company. Sorry.

MR. BUXTON: Well, do you have knowledge of the primary residence of the people who pay property taxes in Caratunk?

ELIZABETH CARUSO: Off the top of my head or are you saying do I have a book to look at?

MR. BUXTON: Off the top of your head.

ELIZABETH CARUSO: All of the property owners, I do not know that off the top of my head.

MR. BUXTON: Okay. Thank you. No further questions of you.

ELIZABETH CARUSO: Okay.

MR. BUXTON: Dr. Publicover, if I may ask you a few questions. Your testimony earlier today was requesting -- in your testimony you requested that the LUPC deny the request of the Applicant; is that correct?

DAVID PUBLICOVER: This is Dave Publicover and yes.

MR. BUXTON: And at Page 28 of your pre-filed testimony you discuss a willingness on the part of AMC to discuss with the Applicant a relocation of the Appalachian Trail to avoid the impacts that you're concerned about; is that correct?

DAVID PUBLICOVER: Not exactly. I was not

presenting us as the person doing the negotiations. I know there have been discussions with the AT trail maintenance or AT trail managers in that area. AMC is not a trail manager in that area, so we have no ability to negotiate directly on it.

MR. BUXTON: Well, to get to the heart of it, if the trail were relocated in a way acceptable to the trail managers, would that change your view on what this Commission should do?

DAVID PUBLICOVER: If the trail were relocated so that the situation in that area was improved rather than degraded it quite possibly would change our opinion.

MR. BUXTON: How do we get from quite possibly to yes?

DAVID PUBLICOVER: I'd have to see specifically what was -- what the relocation does and we would have to judge whether it actually resulted in an improvement.

MR. BUXTON: Okay. And can you give any guidance while you're here before these folks on what an improvement might look like, not physically but what characteristics do you want to emphasize?

DAVID PUBLICOVER: One crossing rather than three and other than that one crossing avoiding views

of the new line.

MR. BUXTON: Thank you. That's very helpful. Page 4 of your testimony I believe at line 9 -- 9 and 10, you make a statement, and I'll read it, while the undeveloped forest of the north Maine woods and then in parentheses, and the western Maine mountain region in particular, closed parentheses, may be taken for granted by those who live, work and recreate here and then you go on to explain its national and international significance. Do you mean by that that you have a concern that agencies like this one don't properly value the north woods?

DAVID PUBLICOVER: Well, I'd point out that that testimony was not given as part of my LUPC testimony. I think that the feeling that --

MR. BUXTON: You're correct about that, yes.

DAVID PUBLICOVER: -- for not all -- not necessarily the agencies, I think there is not always a recognition of how highly significant the Maine north woods is in a global sense that it -- how truly special it is as compared to other parts of the country and other parts of the world.

MR. BUXTON: So it's not a lack of confidence in this agency?

DAVID PUBLICOVER: No.

MR. BUXTON: Thank you very much. I have no further questions.

MR. WORCESTER: Thank you. Next, Group 7. And you have five minutes to cross-examine the Intervenors.

MR. SMITH: Thank you. Ben Smith on behalf of Western Mountains and Rivers Corporation, Group 7. The first question I just have a follow-up for is Mr. Russo, I think it's Group 10. Where is Mr. Russo?

MS. TOURANGEAU: It's Group 8.

MR. SMITH: Oh, Group 8, I'm sorry.

MS. TOURANGEAU: You'll have to go all the way up front to the table.

MR. SMITH: I guess in the meantime, what I'll do is move to Group 10. Mr. Hale, I think he made a statement about several of the structures or structures having blinking lights. What is your basis for saying that there are going to be blinking lights?

NOAH HALE: More towards over Coburn Mountain where it's going to be around 2,700 feet.

MR. SMITH: So where -- where in the application and where is it a requirement under FAA rules that there be blinking lights on structures?

NOAH HALE: That was something that came up to light to me in a meeting at The Forks town office.

MR. SMITH: Who told you this?

NOAH HALE: I don't remember. This was in April last year.

MR. SMITH: Okay. It's not anyone who is affiliated with the Applicant?

NOAH HALE: I don't remember what the discussion was.

MR. SMITH: Do you know -- do you know what FAA requirements are with regard to minimum height requirements requiring blinking lights?

NOAH HALE: I'm not an authority on that.

MR. SMITH: Okay. Thanks. The next question I have with regard -- I guess we'll go back to Mr. Russo. Mr. Russo, I think you had mentioned that there is some HVDC facilities that you had to go to Malaysia to actually find or something to that effect, right?

CHRISTOPHER RUSSO: Yes. Specifically what I testified was that HVDC technology -- HVDC lines with voltage source conversion of this length are very -- well, are almost always buried underground.

MR. SMITH: Okay.

CHRISTOPHER RUSSO: And, in fact, the NECEC

is unusual for a lot of its length.

MR. SMITH: But you would agree with me that HVDC technology itself being over ground is something that's much closer to us than Malaysia? It's right over the border in Quebec, correct?

CHRISTOPHER RUSSO: Well, specifically what you're talking about might be back to back HVDC connections.

MR. SMITH: Right.

CHRISTOPHER RUSSO: There are indeed some HVDC connections here in the northeast, but they're typically shorter. If the Commission would like, I'd be happy to clarify exactly what HVDC technology is and why it's relevant here. I recognize it's a fairly arcane topic.

MR. WORCESTER: You want to take a minute to do that?

CHRISTOPHER RUSSO: I'd be happy to. Remember, you asked for this.

MR. SMITH: Actually, he already answered the question that I -- that I cared about.

CHRISTOPHER RUSSO: We had HVDC technology in Quebec, correct?

CHRISTOPHER RUSSO: Well, more specifically there is HVDC technology connecting Quebec and the

United States.

MR. SMITH: I'll let -- I'll let your counsel actually handle that issue on redirect, if I could. The next question I had was with regard to group -- Mr. Sherman, I think. I think Mr. Sherman mentioned something to the effect that it's understanding that the portion of the underground to go beneath the Kennebec Gorge would have to be maintained for 75 feet of the width; is that correct? Is that your testimony?

JUSTIN PREISENDORFER: No, I talked about how -- coming back to the river.

MR. SMITH: Mr. Wagner. Okay. It was Mr. Wagner, I think.

JUSTIN PREISENDORFER: Mr. Preisendorfer.

MR. SMITH: Preisendorfer.

JUSTIN PREISENDORFER: Yup.

MR. SMITH: So is it your testimony that you think that to go beneath the Gorge that the facilities are going to have to be essentially cleared above where the horizontal directional drilling is going?

JUSTIN PREISENDORFER: What we heard in the testimony yesterday was that the transition facilities would be back and out of sight from the

Gorge, but then when we discussed the alternative of burial of the line it was stated, I believe, by the Applicant that in terms of scenic impact there would still be a 75 foot wide corridor that needed to be maintained free of vegetation in order for the capacity of the line to not drop or something to the effectiveness of the line.

MR. SMITH: So you understand that that 75 feet would not apply to areas that are in the proximity of the Gorge, correct?

JUSTIN PREISENDORFER: What I heard was that it was a required over line that was buried and my understanding is that the line underneath the Gorge and more than a thousand feet on either side would be buried and therefore based on what I heard yesterday it's my belief that that section would need to be maintained free of vegetation.

MR. SMITH: Can you point to where in the Applicant's testimony you can find that wording?

JUSTIN PREISENDORFER: We heard that yesterday from the first of the two panels.

MR. SMITH: I think the testimony you're talking about is not about the Kennebec Gorge crossing. I think you're talking about a different section.

JUSTIN PREISENDORFER: Well, we were talking about line of burial in general and I am applying that operational and maintenance strategy that we talked about yesterday to the line.

MR. SMITH: I think I understand your confusion. Thank you.

JUSTIN PREISENDORFER: Okay.

MR. WORCESTER: Now, would you like to explain to us?

CHRISTOPHER RUSSO: I'd be more than happy to.

MR. WORCESTER: So I don't take anybody's time but my own.

CHRISTOPHER RUSSO: It is entirely up to you. I will keep this as brief as I can. So everybody is familiar with alternating current. It's the type of electricity that comes out the outlet that you plug in and oscillates from positive to negative. Quebec is what's called asynchronous or not synchronized from the rest of the grid in the Northeast meaning that the peaks don't line up. So it's also AC at 60 hertz, it's just the peaks don't always line up. So what's needed to connect the two of them is something called -- or one way to connect them is DC technology or high voltage direct current

technology and in particular this type of technology uses what's called voltage source conversion.

Now, HVDC lines can be as long as that, you know, a thousand miles. They can be -- or they can be a few inches long effectively, which is called a back-to-back convertor. So you can have an AC line, you can have a DC line that's figuratively about a foot or two long connecting the two --

MR. WORCESTER: That's just to get the wave lengths, right? So you convert it to DC and then back to the link you want?

CHRISTOPHER RUSSO: That's exactly right. And if the lines were constructed as AC it can be AC for Maine as well.

MR. LIVESAY: And just to tie this up here without getting too technical, the Malaysia line was sort of this long transmission line and the one that we heard reference to earlier in Canada was to facilitate this conversion?

CHRISTOPHER RUSSO: That's correct. And the point of bringing in a transmission, which I think specifically connects Malaysia and Thailand is that the vast majority of HVDC lines using voltage force conversion technology of about 150 miles or shorter are underground. In fact, there is only one we can

look at of this length that was that was over ground.

MR. WORCESTER: We appreciate the explanation.

CHRISTOPHER RUSSO: Thank you.

MR. WORCESTER: Group 7 is next. You have five minutes too.

MR. SMITH: I think I already went.

MR. WORCESTER: Oops, I'm sorry, that was Group 7?

MS. KIRKLAND: Yes.

MR. WORCESTER: So we're on Group 2.

MS. KIRKLAND: Yes.

MR. WORCESTER: Thank you. Group 2, you have five minutes to ask questions to the other Intervenors.

MS. BOEPPLE: Okay. So my first question is just a follow-up to Mr. Russo. If you could come back up to the microphone, please. And then I'm going to have questions for Mr. Christopher and Mr. Warren, so if you want to prepare yourself and get to a microphone that would be great. Okay. Mr. Russo, just a quick follow-up, could you just put what you just said into laymen's terms? Was the technology that CMP is talking about doing in the buried -- of the overhead, is it outdated technology?

CHRISTOPHER RUSSO: No, it's not --

MS. BOEPPLE: Okay.

CHRISTOPHER RUSSO: -- outdated technology. The -- it's necessary to have some HVDC component to connect the grids between Quebec and New England. The question is, A, how long that DC connection needs to be. It can be 150 miles long or it could be effectively one inch long. And the fact is that for HVDC lines of this length the vast majority of them throughout the world are buried underground. And, in fact, as I set forth in my testimony, CMP's own internal personnel noted that voltage source conversion technology is vulnerable to faults and they're typically only installed underground HVDC lines. So the principle point is that NECEC as constructed with over ground HVDC technology is an outlier.

MS. BOEPPLE: Thank you. That's very helpful. And that goes to the alternatives analysis; is that correct?

CHRISTOPHER RUSSO: Well, the alternatives analyses are -- well, there are alternatives to construct them as an AC line, in which case alternative Maine-based renewables in western Maine could be interconnected or the other alternative

would be undergrounding, which we discussed at length today in which I cover in my testimony.

MS. BOEPPLE: Thank you very much. So Mr. Warren?

LARRY WARREN: Yes.

MS. BOEPPLE: Thank you. You may have heard some of my questions at the CMP panel and so I'm going to direct those questions to you because I'm trying to understand the relationship between your organization and CMP's and the relevancy to that goes to the -- the interest that you have here. So my question to you is would you just confirm that the organization you formed, WMRC, was in part funded by CMP at its inception?

LARRY WARREN: No, the establishment of Western Mountains and Rivers Corporation was formed in August 7 or 20, 2017 and I went to the Secretary of State's office in Augusta, paid a $30 fee to the Secretary of State's office and established the corporation and filed its articles of incorporation and its original bylaws and I paid the -- I paid the $30.

MS. BOEPPLE: Okay. And did CMP then further fund your organization -- did they -- your MOU -- you talk a lot about your MOU in your

pre-filed testimony, so I'm just trying to understand they -- they did provide funding for you, is that not correct?

LARRY WARREN: We signed an MOU in, I believe it was May 30 of 2018 and that MOU is a public record and it indicates the contributions that we negotiated with Central Maine Power Company at that time.

MS. BOEPPLE: Okay. So how much money have you received from CMP since then?

LARRY WARREN: $250,000.

MS. BOEPPLE: Okay. Thank you. So, Mr. Christopher --

MR. WORCESTER: Your time is getting up, so one more question.

MS. BOEPPLE: How much time do I have left?

MS. KIRKLAND: You have 50 seconds.

MS. BOEPPLE: Okay. I will -- can I reserve that for Group 10?

MR. WORCESTER: Sure. Group 10.

MS. BOEPPLE: Thank you.

MR. WORCESTER: Next is Group 4. You have five minutes.

MR. PUBLICOVER: All right. Two quick questions for Group 7. Mr. Christopher, does

anything in your testimony address the Appalachian Trail issue?

JOSEPH CHRISTOPHER: No.

MR. PUBLICOVER: All right.

JOSEPH CHRISTOPHER: Not in -- specifically. Somewhat general like other testimony.

MR. PUBLICOVER: And, Mr. Warren, I see that your testimony does mention the Appalachian Trail, but would it be accurate to say that you present no new evidence or information but merely support the conclusions of the applicant?

LARRY WARREN: That -- that is substantially correct, yes.

MR. PUBLICOVER: Okay. Thank you. Question for Mr. Russo.

MR. WORCESTER: Mr. Russo, you can just stay in the front of the room.

MR. PUBLICOVER: Yeah, you can.

CHRISTOPHER RUSSO: Next time I'm just bringing my coffee with me. Yes, sir.

MR. PUBLICOVER: Do you believe it would be technologically possible to bury the line under the Beattie Pond and AT P-RR subdistricts?

MR. SMITH: This is Ben Smith for Group 7. I would object because there hasn't been any

foundation laid that would actually establish his qualifications to answer that.

MR. WORCESTER: I would agree with that.

MR. PUBLICOVER: All right. Then we will skip that question. And finally, for Ms. Caruso.

ELIZABETH CARUSO: Yes.

MR. PUBLICOVER: Okay. The P-RR subdistrict on the Appalachian Trail basically is right on the border of your town, correct?

ELIZABETH CARUSO: Oh, just that P-RR because --

MR. PUBLICOVER: Yeah, just the --

ELIZABETH CARUSO: I think so.

MR. PUBLICOVER: -- the Joe's Hole area is right in the vicinity of Caratunk?

ELIZABETH CARUSO: Yes. Mmm Hmm.

MR. PUBLICOVER: Have you had any conversations with AT users coming through or in that area as to their expectations of their trail experience?

ELIZABETH CARUSO: Me, personally, I have not. My husband is the ferry man, he talks to almost every single one, but.

MR. PUBLICOVER: Is your husband here?

ELIZABETH CARUSO: He is.

MR. PUBLICOVER: Can I ask that question of him?

MR. WORCESTER: Did you file -- did you do pre-filing?

MS. BOEPPLE: Yes, he did.

MR. WORCESTER: Okay. Then you may proceed.

GREG CARUSO: Yes.

MR. PUBLICOVER: So I was asking in your conversations with AT trail users in their -- in this area, have you had conversations with them about their experiences or their expectations of what the -- why they have come to the AT?

GREG CARUSO: Daily. I have conversations with them every single day.

MR. PUBLICOVER: And how do they -- how would you characterize --

MR. WORCESTER: Are you on a mic? Do you have a mic handy?

GREG CARUSO: I am. Sorry.

MR. PUBLICOVER: Can you characterize the nature of these conversations?

GREG CARUSO: It usually goes something like, how's it going, how many miles have you hiked, what's your favorite part of the trail and 99 percent of the time it's -- the first thing they say is

Maine. And then I ask them why and they say because it's virtually undeveloped. It's all woods. Little, tiny, small towns and -- and that's their favorite thing.

MR. PUBLICOVER: Okay. Have any of them said they're really looking forward to seeing the transmission lines at Joe's Hole?

GREG CARUSO: Not once.

MR. PUBLICOVER: Okay. Thank you. That's all.

MR. WORCESTER: Group 8.

MS. TOURANGEAU: We have no questions of other Intervenors.

MR. WORCESTER: Group 10. Oh, yeah, you've got five minutes and 15 seconds.

MS. BOEPPLE: 50 seconds.

MR. WORCESTER: Whatever. Take your time.

MS. BOEPPLE: Thank you. Mr. Christopher.

JOSEPH CHRISTOPHER: Yes.

MS. BOEPPLE: Do I understand from your testimony that -- your direct testimony that you believe that undergrounding of the line beneath the Kennebec Gorge mitigates your concerns about the transmission line crossing the Kennebec?

JOSEPH CHRISTOPHER: From the original

discussions with the Central Maine Power with the WMRC, we found underground or overhead to not be unreasonable but both would need to be mitigated and that there was a separate discussion and -- but one would warrant a higher level of mitigation than another.

MS. BOEPPLE: And so which one was going to warrant a higher level of mitigation than the other?

JOSEPH CHRISTOPHER: The MOU is in the record, I believe, and the overhead had mitigation that we thought was reasonable at 22 million and an underground that we thought was reasonable at 5.5 million plus some other possible instrument.

MS. BOEPPLE: So -- so help me understand that. So you were going to get money --

JOSEPH CHRISTOPHER: I wasn't going to receive anything.

MS. BOEPPLE: Well, where is the money going?

JOSEPH CHRISTOPHER: To the Western Mountains and Rivers Corporation to be decided on by the public and its board for the uses inside of its charitable mission.

MS. BOEPPLE: Depending on whether -- so -- so whether -- so help me understand this, so CMP was

going to pay how much if it went above ground?

JOSEPH CHRISTOPHER: Overhead was 22 million and underground would have been 5.5 plus some other possible instrument.

MS. BOEPPLE: So your public statements at The Forks in October -- on October 13 of 2018 where you stated, quote, personally, I and many others are opposed to an underground process due to the damage created by directional drilling, if the power line were to be put underground it would have permanent transition stations to go from underground to overhead and cooling systems that run underground to cool the lines. Does that sound familiar?

JOSEPH CHRISTOPHER: It sounds like my personal testimony in a public town meeting not me representing the Western Mountains and Rivers Corporation, which its position is very clear. There are many perspectives on the Western Mountains and Rivers and they're often discussed, you know, as a -- as a board of community leaders to decide what is best in any particular situation.

MS. BOEPPLE: So that was your personal opinion?

JOSEPH CHRISTOPHER: That was my personal discussion at a town meeting with the public, yup.

MS. BOEPPLE: And have you personally or in your capacity with WMRC seen any evidence that CMP would address those specific concerns that you expressed in that public meeting. About the directional drilling and the undergrounding?

JOSEPH CHRISTOPHER: I don't recall having a specific conversation with them about that personally. It was generally a meeting, you know, a meeting setting with the WMRC.

MS. BOEPPLE: Okay. And but my question was whether or not you have seen anything from CMP that has addressed those specific concerns that you talked about with respect to --

JOSEPH CHRISTOPHER: No, but I think Larry may have some.

MS. BOEPPLE: But you haven't, so there is nothing that's convinced you that that's the right route to take necessarily?

JOSEPH CHRISTOPHER: No, that's a personal opinion on that matter. Sure, I have that same opinion about other undergrounding.

MS. BOEPPLE: Okay. Thank you.

LARRY WARREN: I -- I would like to clarify the transfer funding that has been negotiating with Central Maine Power Company. And the -- the

arrangement that's spelled out in the MOU indicates that if the project was to go overhead it would be $22 million that would be directed to a trust.

MS. BOEPPLE: So I wasn't really asking about that, but thank you. I think that's in the record. I really was just trying to get --

LARRY WARREN: You did ask. You did ask about it.

MS. BOEPPLE: I -- my question specifically was to what the money was associated with an underground versus an above ground and I got the answer, so thank you.

MR. WORCESTER: I think that's been answered, yes.

MS. BOEPPLE: Thank you. Okay. I have no further questions.

MR. WORCESTER: Thank you. Group 5.

MR. NOVELLO: We have no questions for anybody.

MR. WORCESTER: Then you don't have five minutes. Group 9. Group 9 is not here. Cross by the Applicants.

MR. MANAHAN: Mr. Chairman, I am going to ask a few questions -- just a few questions for Groups 2 and 10 witnesses and Group 4 witness and

then I'm going to turn it over to Ms. Gilbreath to ask a few questions of some of the other groups' witnesses. So I'll just start with Mr. Merchant from Group 2, I believe. If he could -- is he here, Mr. Merchant?

MATT WAGNER: He's not present in the room at this time.

MR. MANAHAN: Okay. I would...

MS. PARKER: Do you know if he's coming back? I mean, he needs to be here for cross-examination, so can you contact him to have him return?

MATT WAGNER: I can -- I can do my best to reach him right now.

MS. PARKER: Okay. Please do that.

MATT WAGNER: Thank you. Apologies.

MR. MANAHAN: Okay. Then awaiting Mr. Merchant, I would go to Dr. Publicover, Group 4, in the meantime. Mr. Publicover -- Dr. Publicover, have you reviewed the National Park Service's easement over Central Maine Power's land that allows the National Park Service to cross -- to cross over CMP's land with the Appalachian Trail?

DAVID PUBLICOVER: I saw that the easement was included in some of the new witness testimony,

but I haven't reviewed it.

MR. MANAHAN: Okay. So would it surprise you to know that that easement takes away from CMP the right to install an underground transmission line in that location?

DAVID PUBLICOVER: I was not aware of that.

MR. MANAHAN: Okay. With respect to an above ground line at that location, which is specifically allowed, are you aware that the LUPC special exception buffering standard applies to uses with which the project is incompatible?

DAVID PUBLICOVER: Yes.

MR. MANAHAN: We heard you this morning ask a few questions about the number of times that the Appalachian Trail over its length from Georgia to Maine crosses over transmission line corridors, could you tell me how many times that is?

DAVID PUBLICOVER: Excuse me, could you repeat that?

MR. MANAHAN: How many times does the Appalachian Trail from Georgia to Maine cross over existing transmission line corridors?

DAVID PUBLICOVER: I believe Mr. Goodwin's testimony and the Argon National Laboratory report said it was 56 crossings of 230 kV or greater.

MR. MANAHAN: Okay. And do you know how many times it crosses that 230 kV or greater in Maine?

DAVID PUBLICOVER: I believe it was zero. Mr. Goodwin said it was Maine and that's what the Argon National Laboratory report says.

MR. MANAHAN: Would it surprise you to hear that Mr. Goodwin's testimony with respect to 115 kV transmission lines in Maine alone is five crossings?

DAVID PUBLICOVER: Yes, and three of them are right in this location and there were two others, so I look at that as there are three locations in Maine which one of them crosses three times in a very short distance. So I think saying there are five crossings exaggerates the situation.

MR. MANAHAN: In Maine?

DAVID PUBLICOVER: Yes.

MR. MANAHAN: Are you aware of how many 115 kV transmission lines the AT crosses from Georgia to Maine?

DAVID PUBLICOVER: No.

MR. MANAHAN: No, you don't know how many?

DAVID PUBLICOVER: No.

MR. MANAHAN: Are you aware that the AT passes by several camps and camp roads in the

location of the P-RR subdistrict?

DAVID PUBLICOVER: I believe I saw that in the new testimony filed by Mr. Freye. There was a map of the relocations that have been discussed.

MR. MANAHAN: Okay. And given that the Appalachian Trail is already located where there is an existing transmission line that the National Park Service as expressly agreed that any additional transmission line is allowed in the same location where the AT is currently located and that the AT crosses the transmission line three times in that location currently, how do you think anyone can say with a straight face that a transmission line is incompatible with the Appalachian Trail in that location?

DAVID PUBLICOVER: Well, I will try to keep a straight face while I'm answering. That current line is 115 kV line. It is significantly smaller than the line than is being proposed, so this is an increased use. The fact that the easement allows for that use is not a determination that LUPC should allow the special exception, they have -- they have different criteria than what the easement allows. The easement may allow an interstate highway to be constructed in that area, that doesn't mean that LUPC

has to allow it.

MR. MANAHAN: So it sounds like what you're saying is that even though there is an existing transmission line there in your opinion a larger transmission line makes the use incompatible?

MR. PUBLICOVER: I think the significance of the increased impact is incompatible and it goes beyond what is now currently there.

MR. MANAHAN: I see. So you're taking a -- it's not so much a question of whether a use is incompatible, it's the severity of the use and you're saying this is more of a use and therefore a more significant use and therefore that makes the use incompatible?

MR. PUBLICOVER: Yes, I think just the fact that a transmission line -- a smaller transmission line is there now is an unfortunate situation. I believe that is an incompatible use, but that use pre-dates the trail and I think expanding and making that use more severe is incompatible with the use of the trail in that area because it degrades --

MR. MANAHAN: Did you -- I just want to make sure I heard you correctly. You did say that the transmission line use pre-dates the trail in that location; is that correct?

MR. PUBLICOVER: I don't know if it pre-dates the trail, I believe it pre-dates the Park Service -- the official recognition of the trail. You know, I recognize that CMP had that -- had that right.

MR. MANAHAN: Yup.

MR. PUBLICOVER: So I -- but I think, again, I believe that use is incompatible with the trail, but it is there. I think making that use worse is incompatible with the experience of the trail.

MR. MANAHAN: I see. Okay. Thank you. Is Mr. Preisendorfer available?

JUSTIN PREISENDORFER: Yup. Go ahead.

MR. MANAHAN: I just wanted to follow-up on a question that Mr. Smith asked you actually, which has to do with the HDD crossing at the Upper Kennebec and your testimony is that it's your understanding from a town meeting, I guess, that there would need to be, if my understanding is correct maybe from this morning, that there would need to be a cleared area above the underground crossing at the Upper Kennebec River location?

JUSTIN PREISENDORFER: That's -- that's not quite correct. It was not from a public meeting. It was during yesterday's DEP proceedings that your

clients made that statement that there would need to be a 75 foot wide strip maintained vegetation-free above buried lines.

MR. MANAHAN: So are you aware of the -- whether this -- the crossing at the Upper Kennebec is done by horizontal directional drill or some other technology, undergrounding technology, do you know the differences?

JUSTIN PREISENDORFER: It -- from what I have heard in testimony, I believe that it was going to be done by HDD.

MR. MANAHAN: HDD, okay.

JUSTIN PREISENDORFER: Yup.

MR. MANAHAN: So are you -- do you have the sufficient expertise to know whether an HDD crossing versus an underground crossing which is going to happen at the Upper Kennebec versus some other type of technology which would happen in the rest of the corridor whether that would make -- constitute a difference in terms of whether or not a clearing is required above that underground crossing.

JUSTIN PREISENDORFER: No, I do not.

MR. MANAHAN: You don't.

JUSTIN PREISENDORFER: I -- I made my statement based on what I heard yesterday and I

believe it to be true.

MR. MANAHAN: So have you seen Ms. Segal's and Mr. DeWan's Visual Impact Assessment in which they said that the transmission line and the project in general have no visible impact on the Kennebec River in that location?

JUSTIN PREISENDORFER: I did see it, but if I recall correctly it talked about users of the river not being able to see the transmission line or the facilities where they transition to go underground. I did not see mention of the corridor.

MR. MANAHAN: I see. Okay. I have no further questions. Ms. Gilbreath.

MS. GILBREATH: Do you want Mr. Merchant?

MR. MANAHAN: Oh, yes, thank you. Is Mr. Merchant available? Okay. I would --

MR. WORCESTER: If Mr. Merchant shows up before we end, I'll let you cross-examine him.

MR. MANAHAN: Well, I would -- if he doesn't show up, I would move to strike his testimony in its entirety.

MR. WORCESTER: I'm leaning in that same direction.

MR. MANAHAN: Okay. Thank you.

MR. WORCESTER: We'll probably make that

decision afterwards, okay.

MR. MANAHAN: Fair enough. And Ms. Gilbreath has a few questions for some of the other witnesses.

MS. GILBREATH: Thank you. My name is Lisa Gilbreath. I am an attorney for Pierce Atwood. I represent CMP. I have a few additional questions. Mr. Russo, if you could please come back to the front of the room. The most popular guy today.

CHRISTOPHER RUSSO: Lucky me. Good afternoon.

MS. GILBREATH: Mr. Russo, this is the first time I've met you, so I just want to understand, you're a consultant hired by NextEra, correct?

CHRISTOPHER RUSSO: More specifically, my firm is, but yes.

MS. GILBREATH: And NextEra is a producer of wind and solar energy; is that correct?

CHRISTOPHER RUSSO: Among other things, yes.

MS. GILBREATH: Most of the NextEra's projects are above ground; is that correct?

CHRISTOPHER RUSSO: You would have to be more specific. Are you talking about transmission projects?

MS. GILBREATH: Yes.

CHRISTOPHER RUSSO: You know, I actually haven't counted. I can think of many that are above ground. I can't think of too many below, but without actually going through accounting I am not sure I want to commit to saying most.

MS. GILBREATH: Okay. NextEra bid into the same Massachusetts RFP as CMP; is that correct?

CHRISTOPHER RUSSO: That is correct.

MS. GILBREATH: In fact, they bid in conjunction with CMP for a project?

CHRISTOPHER RUSSO: That's correct.

MS. GILBREATH: And did that project that as I understand it would utilize wind, solar and battery storage power intend to utilize the same new corridor that we're discussing today?

CHRISTOPHER RUSSO: I believe that's correct.

MS. GILBREATH: And did NextEra propose to underground any portion of that new corridor?

CHRISTOPHER RUSSO: Not to my knowledge. Whether they evaluated it, it's something I don't know. I had no involvement in the preparation of that proposal.

MS. GILBREATH: Right. But it was not proposed to be underground?

CHRISTOPHER RUSSO: Not to the best of my knowledge.

MS. GILBREATH: Yet in your direct testimony and today you criticize what you call CMP's failure to consider undergrounding the transmission line on the NECEC; is that correct?

CHRISTOPHER GILBREATH: I think it's a simple statement of fact, which is, in fact, confirmed by CMP's testimony that it was simply never considered.

MS. GILBREATH: And you would like for it to be considered for part of the alternative --

MS. TOURANGEAU: I'm going to object as to relevance to the P-RR subdistricts that are the topics of these hearings.

MS. GILBREATH: If I were finishing that question, I was in the middle of asking him if that is part of his consideration underneath this Board's alternative analysis.

MR. WORCESTER: Continue.

CHRISTOPHER RUSSO: I'm sorry, would you mind restating the question, please?

MS. GILBREATH: Your criticisms of CMP's failure to underground its NECEC project is part of this Commission -- your -- is part of this

Commission's alternatives analysis, is that your contention?

CHRISTOPHER RUSSO: As I set forth in my testimony, my understanding is that failure to evaluate an undergrounded NECEC, CMP has failed to establish as no alternative site. That was further confirmed by CMP's testimony that it was never considered.

MS. GILBREATH: So you thought of an interesting word there, site. Are you saying that undergrounding is a different site?

CHRISTOPHER RUSSO: I'm simply reading the words of the statute, but it's my understanding in the context of this proceeding is that the alternative would be undergrounding.

MS. GILBREATH: Okay. But not perhaps on a different site?

CHRISTOPHER RUSSO: I think the statutory meaning of the word site is probably something best considered by the LUPC, but I think certainly undergrounding would be a reasonable definition of an alternative.

MS. GILBREATH: Okay. Would you agree with me that the LUPC's obligation to consider whether there is an alternative site does not pertain to

whether or not alternative technology might be more appropriate?

CHRISTOPHER RUSSO: As a general matter, I think alternative technology and alternative sites are two different things. As to the statutory jurisdiction of the LUPC, I'm not sure that's something I can answer. What the LUPC's jurisdiction is is something that I'm not offering testimony on.

MS. GILBREATH: Now, in your pre-filed direct testimony, you -- one of your criticisms was that other transmission projects in New England are proposed to go underground, but the NECEC is not, correct?

CHRISTOPHER RUSSO: Again, I would classify that as statement of fact, but as I set forth on Page 4 of my testimony a number of other transmission projects in New England were indeed proposed to be undergrounded in response to the same RFP.

MS. GILBREATH: Okay. And that's the chart you have on Page 4, right?

CHRISTOPHER RUSSO: Correct.

MS. GILBREATH: Now, let's start on that chart. It starts with the NECEC, which is why we're all here, and then it describes the TDI project, right?

CHRISTOPHER RUSSO: Correct?

MS. GILBREATH: And the TDI project was also bid into the Massachusetts 83D Request for Proposals, correct?

CHRISTOPHER RUSSO: The same competitive project.

MS. GILBREATH: Was it selected?

CHRISTOPHER RUSSO: It was not.

MS. GILBREATH: The Green Line project, that was bid into the Connected Bureau Emissions RFP, correct?

CHRISTOPHER RUSSO: That's correct.

MS. GILBREATH: Was it selected?

CHRISTOPHER RUSSO: It was not.

MS. GILBREATH: The Northern Pass was bid into the Massachusetts 83D RFP, correct?

CHRISTOPHER RUSSO: That is correct.

MS. GILBREATH: Was it selected?

CHRISTOPHER RUSSO: Yes.

MS. GILBREATH: And then was it rejected?

CHRISTOPHER RUSSO: Yes.

MS. GILBREATH: So among all of the projects you compared with the NECEC on this chart none is ultimately moving forward, correct?

CHRISTOPHER RUSSO: For different reasons.

Now, the point I was making about NECEC is that it's only exposed for after the fact that CMP asserted that adding this cost in would have caused them not to be selected. So back to my prior example, it's as if a contractor comes to you and says, you know, I can't build -- I can't build this house the way the building inspector wants me to, so I shouldn't need to comply because I wouldn't have been selected in the first place. But, yes, you are indeed correct that with the exception of the Northern Pass with the exchange we had a moment ago none of them were selected to respond to the competitive process for the 83D RFP.

MS. TOURANGEAU: I'm going to object again to this whole line of questioning and its relevance to the P-RR subdistrict alternatives analysis.

MS. GILBREATH: All right. If I may respond, I'm just asking him questions about his direct testimony, which is 4 1/2 pages in which he submitted to this Commission.

MR. WORCESTER: I agree. Go ahead.

MS. GILBREATH: So in your example you just gave about building a house, so it is your contention that cost should not be considered when considering an alternative?

CHRISTOPHER RUSSO: By whom?

MS. GILBREATH: By you in your -- in your example.

CHRISTOPHER RUSSO: Well, the question is who should the cost be considered -- you know, by whom should the cost be considered and to whom? Is the cost to the ratepayers, cost to CMP shareholders, cost to the ratepayers of Massachusetts? Now, the crux of the issue that we've spoken about here today is that CMP has said that if they were to have gone back and buried the line they wouldn't have been selected and if they're forced to add it now it eats into their profits and doesn't have any impact on Maine ratepayers, nor does it have any impact on Massachusetts ratepayers, you know, the impact of those costs and how it's considered is probably within the jurisdiction of the LUPC --

MR. WORCESTER: And actually, LUPC does not take into account costs when we make our decisions on the P-RR, so I think let's get off of this conversation and get on to another one.

MS. GILBREATH: Okay. Now, you testified earlier in your presentation before this Commission that you're not aware of any HVDC lines above ground except for one in Malaysia and I believe you

clarified to Mr. Smith that you were talking about the VSC lines?

CHRISTOPHER RUSSO: Well, that sort of misstates my testimony actually. As I set forth in my testimony here on Page 3, I was talking about HVDC lines of this length --

MS. GILBREATH: Okay.

CHRISTOPHER RUSSO: -- or similar. Longer HVDC lines of several hundred miles are frequently over ground, but in my experience and not just my experience but sort of bolstered by the facts and the research we've found an HVDC line of 150 miles is very unusual.

MS. GILBREATH: And you only know of one and that is in Malaysia?

CHRISTOPHER RUSSO: That was the only one that I was able to locate of this length, correct, as set forth in my testimony.

MS. GILBREATH: Are you familiar with the Capridi link?

CHRISTOPHER RUSSO: Off the top of my head, no.

MS. GILBREATH: It is in Africa, does that ring a bell?

CHRISTOPHER RUSSO: Unfortunately, no.

MS. GILBREATH: And it's a VSC HVDC line that has 590 miles, all which are above ground, are you aware of that?

CHRISTOPHER RUSSO: Right. And that would meet my definition of a much longer line.

MS. GILBREATH: Which is entirely above ground?

CHRISTOPHER RUSSO: Right. Which is exactly consistent as what I've set forth in my testimony.

MS. GILBREATH: An above ground line.

CHRISTOPHER RUSSO: A 600 mile above ground line HVDC would strike me as not unusual.

MS. GILBREATH: Are you aware of the Maritime link in Canada?

CHRISTOPHER RUSSO: Is that the one to Nova Scotia?

MS. GILBREATH: Yes.

CHRISTOPHER RUSSO: Yes, I'm familiar with it.

MS. GILBREATH: Okay. And that's 116 miles of above ground, correct?

CHRISTOPHER RUSSO: I think a portion of it is under water.

MS. GILBREATH: A portion of it is, but I -- allow me to represent to you that a portion of it is

under water and 116 miles is above ground, correct? Will you allow me to make that representation?

CHRISTOPHER RUSSO: Subject to check, I have no reason to dispute that. I think my memory is that most of it is under water, but I'll accept your assertion that a portion of it is above ground.

MS. GILBREATH: Thank you. I have no further questions for you.

MR. WORCESTER: I wouldn't go away.

(Laughter.)

MS. GILBREATH: Unless the Commission has more questions for Mr. Novello (sic), I have questions for a few other witnesses.

MR. WORCESTER: All right. Proceed.

MS. GILBREATH: All right. Thank you Mr, Novello (sic).

UNIDENTIFIED SPEAKER: Mr. Russo.

MS. GILBREATH: Oh, sorry Mr. Novello and Mr. Russo.

MS. GILBREATH: All right. I'd just like to ask a few questions of Group 7's witnesses. Mr. Warren, earlier today in reference to the public use of private land you spoke of the, quote, rising concerns of the landowners, can you please elaborate on that?

LARRY WARREN: Yes. I have been involved with this process with the Public Utilities Commission, the Department of Environmental Protection and the Land Use Planning Commission and am familiar with the documentation that has been submitted to the Public Utilities Commission by the Forest Products Council of Maine and basically the executive director had filed a letter suggesting that the comments that had been made by the public regarding their lands, their heritage, their rights to public roads or to be used for private roads was both a serious and dangerous concern by the landowners in the State of Maine.

MS. GILBREATH: Mr. Christopher, do you agree with Mr. Warren's statements in his direct that recreational users need to respect the fact that recreational facilities need to co-exist with society's needs for developed infrastructure if new or existing recreational projects are going to have any reasonable chance to be developed, extended or continued?

JOSEPH CHRISTOPHER: Yes, I would agree with that.

MS. GILBREATH: Can you elaborate on why you -- why you agree with that statement?

MS. GILBREATH: I think the whole thing continues to move forward on the land use issue that was just brought up. It's very similar. They're somewhat related in that landowners and recreation users and utilities are going to have to find a way to cooperate to get these things done and continue to move forward. We had a landowner at a public hearing in Jackman recently that was very clear about the fact that if the conversation continued the way it had that he would be happy to close his land. We have seen that in a number of areas and some of the very largest landowners in that area have closed lands in other parts of the country --

MS. ELY: I'd like to object to this. It's not relevant to the topics of the subdistricts.

MS. GILBREATH: I believe it's relevant to whether or not these easements are compatible with the private landowners' wishes.

MR. WORCESTER: I'll take it under advisement, but, yes, go ahead and finish your comment.

JOSEPH CHRISTOPHER: I think my answer is fine. I'm fine with that.

MS. GILBREATH: If you can keep the mic. Earlier today you referenced a few exhibits, put them

up on the screen, showing recreational uses around transmission infrastructure, so I just want to know from you is an electric transmission line incompatible with hiking uses?

JOSEPH CHRISTOPHER: I don't believe it is.

MS. GILBREATH: Is it incompatible with hunting uses?

JOSEPH CHRISTOPHER: I don't believe it is.

MS. GILBREATH: Is it incompatible with rafting uses?

JOSEPH CHRISTOPHER: Certainly not. We use the releases provided by those facilities and transmission of those facilities to get the releases that we raft on on a daily basis.

MS. GILBREATH: Is it incompatible with snowmobiling uses?

JOSEPH CHRISTOPHER: Some of the best trails in Maine are on transmission lines.

MS. GILBREATH: So is it your opinion that recreational users are deterred by the existence of a transmission line?

JOSEPH CHRISTOPHER: I would disagree with that.

MS. GILBREATH: No further questions.

MR. WORCESTER: Thank you. Does that conclude? Bill wants to ask some questions. I have no idea of who.

MR. HINKEL: Mr. Russo.

CHRISTOPHER RUSSO: It's my lucky day.

MR. HINKEL: I think it would just -- you clearly understand this a lot better than we do and so I'm just trying to get at maybe a little better understanding for us. Can you maybe take a moment to explain how a shorter HVDC line or some alternative technology might result in less impact as part of, you know, an analysis that could be done if that question makes sense.

CHRISTOPHER RUSSO: There is a few ways to answer that question. One way to answer that question would be the issue of whether part of the line could be constructed as AC, that's what I referred to as back-to-back HVDC connection. The second way it could be just a shorter line taking a different routing, which I didn't think is what you were getting at. So, you know, to reduce the visual or environmental impact and there are sort of two halves to the answer. The first is that in order to reduce the environmental impact it can -- it can be

varied. And what I've testified already and there has been a lot of testimony already today about the cost and the economics of doing so, but as to what CMP is forced to do is within the realm of the Commission, the DEP and the Public Utilities Commission. But the issue I had raised before about a shorter HVDC connection would allow the line to be constructed as an AC line through western Maine, which probably could be above ground, might be above ground but would allow the interconnection of renewable wind and solar in western Maine. The length of the HVDC line itself, the reason that's relevant is two-fold, the first is what I just mentioned that you could have a back-to-back connection, which would indicate that it would allow interconnection, greater renewables in western Maine. The second reason is that such a short HVDC line is unusual and, in fact, as CMP has indicated in some of their internal emails may be susceptible to, you know, some additional faults, electrical faults and so burying was kind of the preferred alternative.

The reason that I've sort of spoken at length about the length of the line is, in fact, that burying a line of this type, a voltage force conversion technology or an HVDC technology would be

entirely common. It stands out as unusual for having it above ground at this length. HVDC technology is typically used either under ground -- under ground, under water or over hundreds of miles. A 150 mile line is a bit unusual. I'm not sure if I answered your question, but hopefully clarified a few issues.

MR. HINKEL: That was helpful. Thank you.

MR. GILMORE: Can I ask a question?

MR. WORCESTER: Yes.

MR. GILMORE: Thank you. Please stop me if you think I've spoken out of text, but did I understand that you may have had interest in bidding on this particular project that we're reviewing today with the Applicant CMP?

CHRISTOPHER RUSSO: I...

MR. GILMORE: NextEra, the company you represent.

CHRISTOPHER RUSSO: So I have been hired as an independent witness for NextEra. I -- CMP did -- I'm sorry, NextEra did submit a joint bid with CMP, neither I nor my firm had any involvement in that, but they did submit a bid for a renewable transmission -- renewable and hydro-backed transmission line into the same RFP. Questions about that, I think, probably would be best answered by

NextEra.

MR. GILMORE: Okay. Because my next question was going to be had they bid it, would they have proposed an underground line as well? You don't know the answer to that.

CHRISTOPHER RUSSO: I know they did not propose it as an underground line as I testified previously. I honestly don't know one way or the other whether they evaluated it.

MR. GILMORE: Thank you.

MR. WORCESTER: Any other Commission questions? Yes.

MR. HUMPHREY: Underground versus overhead. Hypothetically if a -- 10 years down the road -- I know that the underground now is more expensive than the overhead. Hypothetically, 10 years down the road if you wanted to double the amount of power being transmitted is there a difference in cost if it's -- if you're going to improve the underground versus the overhead?

CHRISTOPHER RUSSO: I think it would be -- probably without having done the evaluation, I think it would probably be more expensive to do it underground. In fact, I'm almost certain of that. Typically burying lines is, you know, materially more

expensive than doing things over ground and you'll be back here at hearings 10 years from now to evaluate digging it up and reburying it.

MR. HUMPHREY: Thank you.

MR. WORCESTER: Anyone else?

MR. REID: I just have one follow-up on that issue. I think your testimony is that HVDC lines of a similar length to what's proposed in this application are typically buried?

CHRISTOPHER RUSSO: That's correct. Or under water.

MR. REID: Or under water. So why are they typically buried if they're not under water given that it's more expensive?

CHRISTOPHER RUSSO: Typically, it has to do with geography in a lot of cases. Typically, it's because for lines of this length the most common approach is AC technology. AC technology is typically used for asynchronous grids like we have here for much longer distances on the order of hundreds of miles. You know, so as to why this is DC for a relatively short length, I mean, that's a question that would probably be best answered by CMP, but what I, you know, my testimony is essentially that it sort of stands out as unusual and I think

compelling reasons why it perhaps should have been constructed as an AC line, but I think CMP are the ones who could probably answer best why they chose to construct it as a DC line. To be clear, you need a DC segment at the line to interconnect Quebec and New England, the question is how long that needs to be.

MR. WORCESTER: Yes.

MS. BENSINGER: My question is similar to the Commissioner, Commissioner Reid's, so why are the shorter DC lines buried generally?

CHRISTOPHER RUSSO: Typically, it's because of geography. Often they're connecting, you know, they're going under water, right, and typically that's a more common use for this. You know, voltage source conversion technology for HVDC lines is often vulnerable to faults and, in fact, you know, as I testified previously CMP and their engineers identified that, in fact, above ground -- you know, that underground line would be the preferred option for a line of this length for VSC technology with which they've chosen. But, again, that delves into areas of electrical engineering where I'm not sure I have the necessary data to be able to answer that accurately.

MS. BENSINGER: So if it has a higher

frequency of faults, this type of line, that's a reason to have it underground?

CHRISTOPHER RUSSO: I -- again, I'm just simply reciting what we found in our review of the information. And specifically I'm referring to the first bullet point on Page 3 of my testimony. Weir Power Engineering, who is the consultant to CMP, indicated that VSC HVDC lines are typically only installed with underground -- for underground, but as to this, you know, I'm not sure I have the information at my fingertips or available to say that one particular configuration is more or less vulnerable and that's something which I think would probably be best answered by CMP and its engineers.

MS. BENSINGER: Thank you.

MR. WORCESTER: Any other questions? If not, I think we're down to cross by the Intervenors in support. And what groups were those? Oh, I'm sorry, we've got 20 minutes of redirect. If there is any. Start with the Intervenors in support. If you want to redirect. All right. Let's -- good idea. Let's go with Group 2, would you like to redirect?

MS. BOEPPLE: I would just like clarity here because I've been a little confused with the schedule, so the redirect is specific to the

witnesses for Groups 2 and 10; is that correct?

MR. LIVESAY: For you -- it's for your own -- for the lawyers out there it's for your --

MS. BOEPPLE: Okay.

MR. LIVESAY: -- yes, if there is something that came up in the cross-examination and you want to have redirect with your witnesses you -- this is your opportunity and then there will be an opportunity for recross and there is obviously no obligation for redirect.

MS. BOEPPLE: Okay. Thank you. I just needed some clarity on who is asking whom what, when, now.

MR. WORCESTER: I'm asking if Group 2 wants to do any redirect.

MS. BOEPPLE: I got it thank you very much and no. Thank you.

MR. WORCESTER: Thank you for that answer. Now, I'm asking if Group 3 would like to redirect.

MR. BUXTON: Your Honor, we'd love to, but we have no witnesses.

MR. WORCESTER: Okay. Now, I'm down to Group 4.

MS. ELY: No, thank you.

MR. WORCESTER: Why didn't I start the day

this way? Group 5.

MR. NOVELLO: No, thank you.

MR. WORCESTER: Group 7.

MR. SMITH: No, thank you.

MR. WORCESTER: Group 8.

MS. TOURANGEAU: Yes, please.

MR. WORCESTER: I knew it was too good to be true.

(Laughter.)

MS. TOURANGEAU: I'll be very quick.

MR. WORCESTER: Take your time.

MS. TOURANGEAU: This is Joanna Tourangeau for Group 8. I am going to redirect Mr. Russo just very quickly to address some of the questions that have been raised about NextEra's participation in the same competitive bidding process and I think these are questions that you will be able to answer even though I do understand that you weren't involved in that process for NextEra. Do you know whether the NextEra/CMP proposal included an HVDC transmission line like this project does?

CHRISTOPHER RUSSO: I -- if memory serves it was a back-to-back converter, it was not a long HVDC line.

MS. TOURANGEAU: Did the NextEra/CMP

proposal include Maine wind and solar generation?

CHRISTOPHER RUSSO: Yes, it did.

MS. TOURANGEAU: Do you know if the current proposal includes Maine wind and solar generation, the NECEC project?

CHRISTOPHER RUSSO: It does not.

MS. TOURANGEAU: Did you know whether NextERA and CMP submitted any applications to the Land Use Planning Commission for that proposal that required an alternatives analysis?

CHRISTOPHER RUSSO: Not to the best of my knowledge.

MS. TOURANGEAU: Thank you.

MR. SMITH: Mr. Chair, Ben Smith of Group 7. I was wondering if I could ask one redirect for Group 7?

MR. WORCESTER: Please come up to the mic.

MR. SMITH: My redirect is for Mr. Christopher. Mr. Christopher, you were asked questions by Ms. Boepple about statements he'd made at I think a town meeting regarding your preference for an overhead or underground solution, do you recall that line of questions?

JOSEPH CHRISTOPHER: I do.

MR. SMITH: And can you explain, I guess,

what your position was and why?

JOSEPH CHRISTOPHER: Yeah, it was my personal position not that of our board and it was a discussion amongst townspeople in which I had expressed my personal fear that directional boring or drilling or then any other underground solution could have a higher environmental impact on wetlands or the ground or otherwise than would overhead solutions because I felt that an overhead solution of the viewshed being an emotional and important issue was a human issue rather than an environmental one specifically and I had concerns about underground being environmentally more damaging.

MR. SMITH: And that viewpoint, is it shared by WMRC members?

JOSEPH CHRISTOPHER: Some yes, some no.

MR. SMITH: Okay. Thank you.

MR. WORCESTER: Group 10.

MS. BOEPPLE: No redirect. Thank you.

MR. WORCESTER: Is Mr. Merchant in the room?

MS. BOEPPLE: He is not.

MS. PARKER: Mr. Chair?

MR. WORCESTER: Yes.

MS. PARKER: So I would recommend we strike Mr. Merchant's testimony. We were very clear all

along that if you were going to submit direct pre-filed testimony or rebuttal testimony and testimony here that you need to be available for cross-examination and Mr. Merchant has not made himself available for cross-examination.

MR. WORCESTER: So be it. His testimony is stricken.

MS. BOEPPLE: Could I get some clarity on that, please?

MS. MILLER: I would like to make a quick -- clarify that as well. Mr. Merchant's testimony is not stricken from the Department's record because he has not testified in front of the Department yet.

MS. BOEPPLE: Thank you. That's the question.

MR. WORCESTER: That was your question?

MS. BOEPPLE: That was it. Thank you.

MR. WORCESTER: Thank you both for clarifying me. Yes.

MATT WAGNER: Commissioner Everett, may I ask a question?

MR. WORCESTER: Yes.

MATT WAGNER: May we submit his testimony later as just a regular --

MR. WORCESTER: You may submit it to the

website as written testimony.

MATT WAGNER: Thank you.

MR. WORCESTER: I mean his comment, not testimony.

MATT WAGNER: Thank you for the clarification.

MS. MILLER: Sorry, again, I just want to clarify that those written comments would be to the Land Use Planning Commission and not the Department because Mr. Merchant is still an Intervenor for the Department's proceeding. Thank you.

MR. WORCESTER: Anyone else want to help me? At the conclusion of the hearing the record will remain open for a period of 10 days for members of the public to file written statements to the Department and the Commission, then for a period of seven additional days allowing the public to file statements in rebuttal of these written statements. Presently, a second hearing date of May 9, 2019 has been scheduled. That's a one day event and I don't know if we know where it is yet and that's going to be a joint day. We had some spillovers that we didn't have time for. Comments during this period should be sent via email or postal mail to Mr. Hinkel

of the Commission staff or Mr. Beyer of the Department staff, okay.

And before I conclude this, I want to thank you for your presentations today. I thought it was a reasonably calm day. And I think the Commissioners learned a lot from the testimony and the rebuttals.

MS. TOURANGEAU: Could I ask a clarifying question?

MR. WORCESTER: Sure.

MS. TOURANGEAU: Are Intervenors allowed to -- the close of the hearing will be after the May 9?

MR. WORCESTER: The closing of this hearing I think is going to be after the 9th, yup.

MR. LIVESAY: Our -- there is a public comment period that will apply to general members of public and that's what the Chair is referring to and that will be triggered by the May 9 and X number of days after that. For the parties there will be separate briefing opportunities if that's where you're headed.

MS. TOURANGEAU: I just wanted to clarify that if Intervenors were submitting testimony on non-hearing or comment on non-hearing topics that that period hasn't closed.

MR. LIVESAY: Run that by me again.

MS. TOURANGEAU: If Intervenors are submitting comment on non-hearing topics, can we do that after this hearing closes?

MR. LIVESAY: I -- are you referring back to the person who's testimony was just being stricken?

MS. TOURANGEAU: No, not at all. If I wanted -- if Group 8 wanted to submit testimony on right, title and interest...

MR. LIVESAY: No, we've set out the scheduling order for the parties. The comment period that follows that I was referring to that follows is for the general members of the public. Am I understanding this?

MS. MILLER: I can address this. Yes, for parties who wanted to submit topics that are not part of the criteria for the hearing like one example would be the greenhouse gas emission issue, that can be done until the close of the hearing on May 9 as a comment and it has to be separate from any potential testimony or rebuttal testimony or anything like that.

MS. TOURANGEAU: Understood. Thank you.

MR. WORCESTER: Anyone else?

MS. MILLER: I just wanted to make a few

logistical announcements if you're all finished.

MR. WORCESTER: I'm not quite.

MS. MILLER: Okay. Well, I can wait until you're finished.

MR. WORCESTER: When I'm done here, I'm pounding that gavel.

(Laughter.)

MS. MILLER: All right. Well, I just wanted to mention a few things about the logistics for this evening. Just a reminder that parties do have the opportunity to cross-examine members of the public who wish to testify. It is unusual to do so, but you do have that opportunity. As such, I would recommend for logistical purposes for you -- for the parties who plan to attend this evening to go early and bring your name card and put it on a chair in the front of the room so that I can easily see you in the event that you do have an objection, that way I can see you and -- I don't know how crowded it's going to be and I don't know what the expectations, so I just want to make sure you can be seen and heard should you wish because you will not have tables like you have in here. So I would take a seat in the front row and just, you know, mark it as yours.

And then just a final note, the location of

the auditorium is in a building which is just basically kiddie cornered to this one. So if you walk down the hall -- if you walk out these doors, make a left and walk around the hall and then you exit the building on the lower level and just cross the street or the pathway you'll be at the Roberts Building, I believe, and that's the -- it's called the Lincoln Auditorium, which is in that building. And Mr. Beyer just indicated that there are signs up. And it starts at 6 o'clock.

MR. WORCESTER: And it's at 6 o'clock, yes. Question?

AUDIENCE MEMBER: Yes, question from a member of the public. At what time will the sign-up list be available for the public to sign-in for? We're going to start at 6. We haven't -- honestly, we haven't really figured that out yet, so I'm going to say probably a few minutes earlier than 6.

MR. WORCESTER: Anyone else? This hereby concludes this session of the hearing of the Department of Environmental Protection and the Land Use Planning Commission on the proposed New England Clean Energy Connect project. And this is what we've been waiting for.

(Hearing continued at 4:00 p.m.)

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 by means of stenograph,

and I have signed:

_/s/ Robin J. Dostie_____

Court Reporter/Notary Public

My Commission Expires: February 6, 2026

DATED: May 4, 2019

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1 STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 AND
MAINE LAND USE PLANNING COMMISSION
3

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

6

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

9

10 EVENING HEARING - DAY 2

11 TUESDAY, APRIL 2, 2019

12
PRESIDING OFFICER: SUSANNE MILLER
13

14 Reported by Lorna M. Prince, a Notary Public and
15 court reporter in and for the State of Maine, on April
16 2, 2019, at the University of Maine at Farmington
17 Campus, 111 South Street, Farmington, Maine, commencing
18 at 6:00 p.m.
19
20 REPRESENTING DEP:
21 GERALD REID, COMMISSIONER, DEP
22 PEGGY BENSINGER, OFFICE OF THE MAINE ATTORNEY GENERAL
23 JAMES BEYER, REGIONAL LICENSING & COMPLIANCE MGR, DEP
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6 DURWARD HUMPHREY, COMMISSIONER
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9 MILLARD BILLINGS, COMMISSIONER
10 BILL HINKLE, REG SUPERVISOR
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1 TRANSCRIPT OF PROCEEDINGS
2 MS. MILLER: Good evening. I now call
3 to order this public testimony session of the joint
4 public hearing of the Maine Department of Environmental
5 Protection and the Land Use Planning Commission on
6 Central Maine's Power's proposed New England Clean
7 Energy Connect Project. This hearing is governed by
8 the Maine Administrative Procedures Act, 5 M.R.S.
9 Sections 9051 through 9054. The Department's rules
10 concerning the processing of applications and other
11 administrative matters, which is Chapter 2, the
12 Department's rules concerning the conduct of licensing
13 hearings, which is Chapter 3, and today only the
14 Commission's rules for the conduct of public hearings,
15 which is Chapter 5.
16 Notice of this hearing was given in
17 accordance with the Maine Administrative Procedures Act
18 and rules governing hearings. Notice was published
19 twice in each of the following Maine newspapers, The
20 Lewiston Sun Journal, The Bangor Daily News, The
21 Kennebec Journal and The Portland Press Herald.
22 The New England Clean Energy Connect project
23 is a proposed new high voltage direct current
24 transmission line that would run from the Maine border
25 with Quebec to a new converter station in Lewiston as

1 well as additional construction on a separate line in
2 parts of southern Maine. The purpose of the New
3 England Clean Energy Connect project line would be to
4 deliver up to 1200 megawatts of electricity from
5 hydropower generating facilities in Quebec, Canada to
6 the New England power grid.
7 Portions of the proposed project will be in
8 the following municipalities, Alna, Anson, Caratunk,
9 Chesterville, Cumberland, Durham, Embden, Farmington,
10 Greene, Industry, Jay, Leeds, Lewiston, Livermore
11 Falls, Moscow, New Gloucester, New Sharon, Pownal,
12 Starks, Whitefield, Wilton, Windsor, Wiscasset and
13 Woolwich.
14 In addition, the proposed project line would
15 traverse the following townships and plantations,
16 Appleton Township, Bald Mountain Township, Beattie
17 Township, Bradstreet Township, Concord Township,
18 Hobbstown Township, Johnson Mountain Township,
19 Lowelltown Township, Merrill Strip Township, Moxie
20 Gore, Parlin Pond Township, Skinner Township, T5 R7 BKP
21 WKR and West Forks Plantation.
22 Portions of the proposed project will abut
23 boundaries of T5 R6 BKP WKR, Haynestown, The Forks
24 Plantation and Pleasant Ridge Plantation.
25 The purpose of the hearing is to receive

1 evidence from the Applicant, Interveners and members of
2 the public regarding the applications submitted by
3 Central Maine Power for a Natural Resource Protection
4 Act permit and site location of Development Act Permit.
5 The Land Use Planning Commission must certify
6 to the Department whether one, the proposed project is
7 an allowed use in any area for which it is proposed
8 that is within the Commission's jurisdiction, and two,
9 that the proposed project meets any land use standard
10 established by the Commission that is not considered in
11 the Department's site law review.
12 This week the Department is holding a public
13 hearing on CMP's proposed NECEC project. The
14 Commission and Department have separate roles with
15 regard to review of the proposed project; however, due
16 to anticipated overlap in factual testimony relevant to
17 the review both of the Commission and the Department,
18 the Commission's -- we are holding a joint proceeding.
19 The Commission's portion of the public hearing is
20 today, April 2nd, and the DEP's portion of the
21 proceeding is throughout the week.
22 My name is Susanne Miller. I am the director
23 for the Eastern Maine Regional Office for the
24 Department. I have designated the presiding officer
25 for this matter by the commissioner of the Department.

1 This designation is limited in its scope to the
2 authority necessary to conduct the hearing and
3 administer governing procedural statutes and
4 regulations in the development of the administrative
5 record. My role does not include the ultimate
6 decisionmaking authority on the merits of the
7 application, which the Commissioner expressly detains.
8 Joining me from the Department of
9 Environmental Protection this evening are Commissioner
10 Jerry Reid; Jim Beyer, who's the project manager for
11 the NECEC project; Mark Stebbins, the director of Land
12 Management; we also have in the audience David Madore,
13 our communications director; April Kirkland and Doris
14 Peaslee are here supporting us for administrative
15 support; we are also joined by Peggy Bensinger,
16 Assistant Attorney General and counsel for the
17 Department. I'll now invite the Land Use Planning
18 Commission to introduce themselves.
19 EVERETT WORCESTER: My name is Everett
20 Worcester and I am the commissioner -- commission chair
21 and presiding officer for this hearing and I reside in
22 Piscataquis County and now I'd like to have the other
23 LUPC folks up here introduce themselves and we'll start
24 with Betsy.
25 BETSY FITZGERALD: Betsy Fitzgerald,

1 Washington County.
2 BILL GILMORE: Bill Gilmore, Freeman
3 Township, Franklin County.
4 BILL HINKEL: Bill Hinkel, Land Use
5 Planning Commission staff.
6 NICHOLAS LIVESAY: Nicholas Livesay,
7 director of Land Use Planning Commission.
8 LAUREN PARKER: Lauren Parker, attorney
9 general's office, counsel for the Commission.
10 MILLARD BILLINGS: Millard Billings,
11 Hancock County.
12 DURWARD HUMPHREY: Durward Humphrey,
13 Aroostook County, thank you.
14 MS. MILLER: Also not part of these
15 proceedings, I wanted to let everybody know that we
16 have Jay Clement from the U.S. Army Corps of Engineers.
17 Jay is standing up right now in case anyone has any
18 questions about the federal process related to this
19 application.
20 The criteria on which the Department is
21 hearing testimony for consideration tonight are limited
22 to a certain group of the licensing criteria.
23 Testimony provided to the Department this evening by
24 the public must be limited to the following criteria,
25 scenic character and existing uses, wildlife habitat

1 and fisheries, alternatives analysis, compensation and
2 mitigation including -- compensation and mitigation.
3 Criteria to be addressed at this hearing for
4 the Department are free to look at, I think they put
5 them on the table in the hallway -- no, at the back
6 table over there, okay. So at the back table over
7 there you'll see a copy of -- a list of the criteria
8 that are applicable to the Department's hearing if you
9 would like to take a look.
10 If you wish to comment on other criteria
11 which the applicant must meet to get approval from the
12 Department for this proposed project, you may send
13 written comments to the Department to Mr. Jim Beyer
14 until the close of the record, which we'll explain at
15 the close of this evening.
16 MR. HINKEL: Within the area served by
17 the Commission, the proposed project crosses or
18 traverses three separate Recreation Protection, or P-RR
19 subdistricts; one at the site for the proposed Kennebec
20 River Crossing; one near Beattie Pond and another near
21 the Appalachian Trail. Within a P-RR subdistrict, the
22 utility facility is allowed by special exception. The
23 public comments directed to the Commission this evening
24 are intended to focus on the portion of the project
25 proposed in the subdistrict and aid the Commission in

1 its valuation of whether the special exception criteria
2 have been meet.
3 For the Commission to find a use is allowed
4 by special exception, the Commission must find that an
5 applicant has shown by substantial evidence that A,
6 there is no alternative site, which is both suitable to
7 the proposed use and reasonably available for the
8 applicant. B, the use can be buffered from those other
9 uses and resources within the subdistrict with which it
10 is incompatible. And C, such other conditions are met
11 that the Commission may reasonably impose in accordance
12 with the policies of the Comprehensive Land Use Plan.
13 The two hearing topics applicable to the
14 Commission's role in certifying the proposed project
15 are one, scenic character and existing uses, and two,
16 alternative analysis.
17 MS. MILLER: Our hearing today is being
18 transcribed by Dostie Reporting Service. At the end of
19 this row here you'll see Lorna who is going to be
20 transcribing everything for us. So in order to ensure
21 an accurate transcript, I may ask you to clarify the
22 pronunciation or spelling of your name. I'm going to
23 ask you to speak clearly and I may need to ask you to
24 repeat yourself. And please keep in mind speak slowly
25 so we can catch everything.

1 If you wish to speak, please sign in on the
2 appropriate sign-in sheet, which is just outside this
3 auditorium. We have three sign-in sheets, in support
4 of, in opposition to and neutral, so we ask you to
5 please sign in on the appropriate sheet.
6 How I'm going to do this is I'm going to call
7 eight names at a time from the sign-in sheets and I'm
8 going to ask four people to line up on each side behind
9 the mics. This is to ensure that we can go through
10 this a little more quickly and also ensure that
11 everybody has an opportunity to speak who wants to. I
12 do ask that you don't stand in front of the mics
13 because we're live streaming this from that camera over
14 there and we want to make sure that nobody is blocked.
15 So to ensure that everyone gets an
16 opportunity to speak, those who wish to testify will
17 have three minutes. We have a timekeeper who will let
18 me know when your time is up and I will expect you to
19 wrap up quickly once I let you know your time is about
20 up. Please be concise so that everyone has a chance to
21 speak. Please focus your testimony on the Department
22 and the Commission's criteria and again, please don't
23 block the aisle and please remember to stand behind the
24 mic.
25 Prior to presenting your testimony, please

1 state or clarify your name because there's a chance I
2 may mispronounce it based on what I'm reading on the
3 sheet. Please identify where you're from, or who
4 you're affiliated with, and please make sure all your
5 testimony is directed to this table. Do not speak or
6 address the audience, just this table.
7 During this hearing there will be no signs,
8 no booing, no cheering or clapping allowed. If you
9 brought written testimony and you would like to submit
10 it to the folks on the Commission and the Department, I
11 ask you to place it -- there should be a box up front,
12 or Mr. Madore, can you just stand so everyone can see
13 you? Please provide it to Mr. Madore up front and he
14 will collect that. Also please remember to put your
15 name on your testimony so we know where it comes from
16 in case we have any questions.
17 All participants in the public hearing this
18 evening are expected to conduct themselves
19 professionally toward the Department, toward the
20 Commission, toward each other and the general public as
21 well as to the University staff and any students you
22 might see throughout these proceedings. If a member of
23 the general public is unable to conduct themselves
24 professionally, I will take appropriate action, which
25 may include excluding the individual from further

1 participation, or have them escorted out.
2 At this time I ask you to please silence or
3 turn off your electronic devices, including cell phones
4 so that there are no interruptions. As a logistical
5 matter, the emergency exits to this room are located in
6 the back of the room the way you came in. The
7 restrooms are located towards the left side of the
8 hallway as you first come into the building.
9 All witnesses at this hearing will be sworn
10 and all evidence already entered into the record will
11 be available during the course of a public hearing for
12 inspection by anyone who wishes to do so. Witnesses
13 testifying this evening are subject to
14 cross-examination by the parties, by the Department and
15 by the Commission. I will expect the parties to let me
16 know if they would like to cross-examine any of the
17 witnesses this evening.
18 A copy of the project file is located up on
19 the table to my right up there by the exit. If anyone
20 would like to take a look at it, it's there for public
21 review.
22 After the hearing, the public file will be
23 available for public review by arrangement during
24 regular business hours at the Department's Bangor
25 office.

1 At this time I ask all persons planning to
2 testify to stand and raise their right hand. Do you
3 swear or affirm that the testimony you are about to
4 give is the whole truth and nothing but the truth?
5 AUDIENCE MEMBERS: I do.
6 MS. MILLER: Thank you. I may have to
7 do that periodically as people show up.
8 So with that I'm going to call the first
9 eight people, and I'd appreciate it if you can, like I
10 said, try to line up four on each side. It will just
11 really help with making this run a little bit more
12 smoothly. So I've got Duane Hanson, Jack Nicholas,
13 Helena Kelley and Daryl Kelley, Steve Robe, Christopher
14 Ayres, David Hyde and Jay Clement -- oh, not Jay. I'm
15 really struggling on deciphering handwriting, somebody
16 from the Farmington Flyer, starts with a D.
17 DARBY MURNANE: That's me. I'll be
18 reserving my questions as I move forward. We're
19 reporting on this for the campus newspaper.
20 MS. BENSINGER: You don't want to
21 testify?
22 DARBY MURNANE: I'm here to ask
23 impartial questions at any given point when it's
24 appropriate to speak.
25 MS. MILLER: So this is an opportunity

1 for public testimony, not questions.
2 DARBY MURNANE: Got it, okay.
3 MS. MILLER: Mario Carrier. So please
4 correct me if I said anything wrong. I do apologize if
5 I butchered anybody's name. We'll start with Duane
6 Hanson.
7 DUANE HANSON: I'm Duane Hanson. We
8 live at T5 R7. The power line is coming close to where
9 we live. I've lived there for a very long time and
10 raised a family there. We basically live off the land,
11 grow a big garden, eat the fish and hunt for food and
12 make brown ash baskets and handmade knots. I hope
13 everyone will wake up to the fact that this project is
14 all about money, profits for a big corporation.
15 There's been a lot of lies told. Global
16 warming has been used to drive this project through,
17 but when you look at all the facts, they don't add up.
18 What we have to realize is what we have here in Maine,
19 the last of the big woods. We need to protect this for
20 the future for people to enjoy. Thank you.
21 MS. MILLER: Thank you very much. I
22 think what we'll do is alternate, so I'll just ask you
23 to introduce yourself, if you don't mind.
24 HELENA KELLEY: I'm Helena Kelley.
25 MS. MILLER: Can you speak a little

1 louder into the mic because the transcriptionist needs
2 to hear you.
3 HELENA KELLEY: Hello? Is this good?
4 I'm Helena Kelley and --
5 MS. MILLER: Can you put it almost like
6 you're talking on it? You're doing good.
7 HELENA KELLEY: Hello, my name is
8 Helena. I'm 11 years old. I live in Portland, Maine
9 and I oppose CMP's power line. My father's family is
10 from the Solon and Jackman area. My great, great
11 grandfather, Henry Redmond, was a hunter and a trapper.
12 The land is very important to my family and not to be
13 taken for granted.
14 The corridor will cut right through this
15 land. It will cut straight through his trapping line
16 and the areas he explored. The land up there is
17 gorgeous and home to many animals.
18 MS. MILLER: I'm sorry to interrupt you,
19 I just really need you to speak up because we can't
20 hear you and neither can the transcriptionist.
21 AUDIENCE MEMBER: Can somebody read it
22 for her?
23 HELENA KELLEY: Hello, my name is
24 Helena. I am eleven years old. I live in Portland,
25 Maine and I oppose CMP's power line. My father's

1 family is from the Solon and Jackman area. My great
2 great grandfather, Henry Redmond, was a hunter and
3 trapper. This land is very important to my family and
4 not to be taken for granted. The corridor will cut
5 right through this land. It will cut straight through
6 his trapping line and the areas he explored. The land
7 up there is gorgeous and home to many animals, both
8 large and small. It will cut straight through a large
9 brook trout habitat.
10 Tourists come to Maine to see the ocean and
11 the beautiful land, not 53 miles of metal. It isn't
12 just tourists that love our land, We Mainers love it
13 too. There is no benefit to Mainers from the CMP
14 corridor. I don't understand why people would ruin
15 this amazing environment. The woods are beautiful and
16 the woods are part of many of our culture.
17 Take a moment to imagine Maine without its
18 forests, without its natural beauty, without its
19 critters and natural sounds. Is this what you want?
20 It's definitely not what I want. It's definitely not
21 what my family wants. It's not what many, many Mainers
22 want. Please do not approve CMP's corridor.
23 MS. MILLER: Thank you very much. No
24 clapping.
25 JACK NICHOLS: My name is Jack Nicholas.

1 I live in Winthrop and I own land in Upper Enchanted
2 Township. That would be about two miles from the
3 proposed 53.8 miles of the transmission corridor. I
4 would recommend the Commission to require CMP to place
5 the transmission cables underground and underwater,
6 which has been the preferred approach for HVDC
7 transmission lines, and I refer to the pre-filed
8 testimony of Christopher Russo.
9 Undergrounding the transmission lines will
10 allow this project to overcome many serious
11 deficiencies by realizing advantages over above ground
12 lines including the following, reduces significantly
13 negative environment or natural resource impacts of
14 overhead transmission lines by substantially narrowing
15 the path of the proposed transmission corridor from
16 150 feet wide to between one meter and ten meters wide,
17 avoids negative impacts on important scenic views and
18 scenic character, eliminates probable reductions in
19 property values for families near and around the new
20 53.8 miles of transmission corridor, minimizes effects
21 on wildlife from electromagnetic fields, eliminates
22 threats to low flying aircraft, minimizes damage from
23 windy and severe weather conditions, decreases the risk
24 of wild fires, increases the useful life of the
25 transmission lines by twice that of overhead

1 transmission lines and reduces the maintenance cost
2 compared to overhead transmission lines.
3 And in my testimony I've included a
4 spreadsheet that does a life cycle cost analysis that
5 shows that the cost of undergrounding is, in my
6 opinion, pretty minimal in relation to the corporate
7 resources.
8 Under proposed compensation for impacts,
9 there's no amount of compensation mitigation that could
10 offset the immense damage that this proposed 53.8 miles
11 of new transmission corridor would cost. A recent
12 article stated that CMP had offered 2,800 acres of
13 conservation land, although 1,997 scattered parcels as
14 far as 107 miles appears in the official record.
15 Regardless, that land would only offset the use of
16 public reserve land with a lease agreement with the
17 Maine Bureau of Parks and Public Land.
18 If there was a fair market value, it would
19 require CMP to contribute 40,000 acres based on the
20 testimony of John McMann, conversation land to offset
21 the damage up to one kilometer beyond the edges of the
22 proposed 150 foot wide corridor, and that would not
23 cover the damage of scenic views and the tourism
24 economy.
25 The $254 million stipulation is an illusion

1 of compensation since the payout spans many years, up
2 to 40 years making it worth 35 cents a month for each
3 CMP customer on a net present value basis. That
4 concludes my testimony.
5 MS. MILLER: I was just going to ask you
6 if you were about to wrap up and it sounds like you
7 were about to. Thank you, I'm sorry.
8 DARYL KELLEY: Thank you for this
9 opportunity. My name is Daryl Kelley. I'm from
10 Portland, carpenter and registered Maine Guide, and I'm
11 very much opposed to this project, the corridor. I've
12 been exploring this area over the past five or so years
13 following the travels of my great grandfather, Henry
14 Redmond, following his travels through anecdotes in his
15 diaries. And he was a trapper, a Maine Guide and a
16 State Game Warden active in this area from 1900 through
17 the 1940s. I witnessed some of the things he wrote
18 about, others are long gone. This area is a special
19 gem for Maine. It's got eight peaks over 3,000 feet
20 with spectacular views from some of them, numerous
21 peaks in the 2,000 to 3,000 foot range, ponds, streams,
22 vernal pools, little valleys, notches, sporting camps
23 that have been a Maine tradition for 150 years.
24 All of this is at risk from the corridor,
25 waterways muddy polluted by herbicides, animal habitats

1 gone. Some say the woods are not pristine or prime
2 evil, they are. They've been logged for generations.
3 Hopefully they'll continued to be logged for
4 generations. There's still wilderness that all sorts
5 of critters depend upon.
6 When you cut down a tree, another one will
7 take its place with good forestry practices. The
8 corridor will not disappear into the ground once its
9 usefulness, which is dubious, is gone, neither will the
10 impact done by the clearing, the herbicides filling the
11 wetlands in the air and visually from the summits and
12 the ground is a scar.
13 A lot of people come to Maine to be in the
14 wilderness to charge their souls. This area has that
15 potential as parks in the state and elsewhere become
16 more crowded, and to give this away to a business
17 entity, a foreign entity at that is totally egregious.
18 Paul Whitman said now I see the secret of
19 making the best person is to go in the open air and eat
20 and sleep with the earth. If the corridor goes
21 through, I fear the quote that we'll be hearing from
22 future generations will be why did they let this
23 happen. Thank you.
24 MS. MILLER: Thank you.
25 STEVE ROBE: Good evening, ladies and

1 gentlemen. My name is Steve Robe. I live in
2 Waterville, Maine. I have a bachelor's and a master of
3 science in forestry. I'm a Maine licensed professional
4 forester. I was a senior forester for Scott Paper,
5 S.D. Warren, SAPPI Concrete land base from 1990 until
6 2017. And in case you're new to the area, that's
7 27 years on the same land.
8 Since then I've been working as a land agent
9 for Dirigo Partners Limited. Dirigo Partners Limited
10 is a Maine corporation and it's a contract through the
11 Central Maine Power Company. During this time I work
12 mainly in the western mountains and I've also spent
13 plenty of time practicing industrial forestry in the
14 townships involved with the new portion of the NECEC
15 project, Skinner Township, and by that I mean Skinner
16 Township heading back east towards the Kennebec Gorge
17 and West Forks.
18 This evening I'm speaking on my own behalf
19 because of my long running experience on this land. I
20 know where the corridor is. I know where the timber
21 roads go and I know the nature of the industrial
22 working forest in that area. I've heard people say
23 that the NECEC corridor is located within a road with
24 pristine wilderness. That's confusing to me. I wonder
25 if we're talking about the same industrial working

1 forest where I spent 27 years practicing industrial
2 forestry. I may have spent more time on the ground in
3 the area of the corridor than almost anyone involved
4 this hearing, maybe top three anyway. I have concluded
5 that the idea of a road with pristine wilderness is a
6 myth being perpetuated by a project falling under the
7 assumption that a lot of people won't know any better.
8 Well, I know better and I respectfully suggest that you
9 should too.
10 The NECEC corridor is located in an
11 aggressively and sustainably managed industrial working
12 forest that has been used primarily for timber
13 production since the 1800s. The NECEC corridor is
14 filled with high speed primary and secondary forest
15 management roads and skid trails that were built by the
16 owners of the land and moved with the market.
17 Creating 1,200 megawatts of clean energy into
18 the grid in Lewiston, Maine through a privately owned
19 industrial working forest landscape seems like good
20 planning to me. We need to remember that the real
21 threat here is not taking realistic and timely action
22 on climate change.
23 I have every faith that the regulatory
24 process will sift through the fictions around this
25 project and will make a decision based on sound science

1 and realistic and timely actions, not conjecture.
2 I hope my testimony has helped. Thank you
3 for your time you're investing in reviewing this
4 important project. Thank you.
5 MS. MILLER: Thank you.
6 CHRISTOPHER AYRES: Hi, my name is
7 Christopher Ayres. I live in Pownal, Maine and I'm
8 familiar with this region hereabouts. I've canoed the
9 Moose and the Beattie, the waters of Flagstaff, Brass
10 Wood, Little Big Wood, Poland, Beattie, Kennebago and
11 more. I've driven the woods road and the main roads
12 throughout the area. I have flown over the entire
13 region countless times in the last 40 years to
14 photograph it for newspaper articles, conservation
15 organizations and various other projects.
16 I see Maine and the world as an
17 environmentalist, an avid bird watcher and as a lover
18 of the outdoors. Already in my backyard on the coast
19 of Maine and around Baxter Park, which I routinely
20 visit, I see firsthand undeniable changes in bird
21 migration patterns in food sources such as insects. It
22 is clear to me that global climate change is the
23 expediential crisis of our time.
24 I support this corridor project to bring
25 renewable energy to the New England Power Group. It

1 will not, as some environmentalists and environmental
2 organizations maintain, sound a deaf mill to the
3 regions for it. It will not irreparably fracture the
4 integrity of the region's forest lands. There will be
5 local effects to be sure, as with any energy project,
6 but this corridor will not spell disaster to all the
7 birds, the fish, the animals in the forest or the
8 people of this area.
9 This energy project does address an eminent
10 capacity to climate change. We all see daily reminders
11 of the widespread catastrophic effects of climate
12 change and global warming. The United Nations issued a
13 urgent call to action in its 2018 special report. The
14 secretary general of the UN said this report by the
15 world's leading scientist is an ear splitting wake-up
16 call to the world. It confirms that climate change is
17 running faster than we are and we are running out of
18 time. We are running out of time.
19 We have 12 years to reduce the carbon
20 emissions by 50 percent, 12 years in the whole world,
21 12 years in New England, 12 years in Maine or we will
22 really start to see increased catastrophe. This energy
23 project represents a first step towards that goal that
24 we can implement virtually overnight. Of course this
25 is first -- this is just the first step, but it is a

1 highly effective first step. We cannot wait. We must
2 start right now. We must deal with the facts and
3 accept reality and move forward to protect ourselves,
4 our children and our ecosystems by supporting the
5 corridor to bring clean energy to Maine and New
6 England. Thank you.
7 MS. MILLER: Thank you.
8 DAVID HYDE: My name is David Hyde. I
9 live in Pownal as well. I'm not an advocate for CMP,
10 but I am an advocate for the environment and for the
11 future of my daughters and their children and their
12 grandchildren. I was against the CMP project because I
13 looked at it as another project that would increase the
14 cost of electricity and force this process into our
15 lives.
16 This project is a point of conflict for me
17 personally, as I am sure it is for many others, you can
18 see by the signs around here. What I hadn't realized
19 is the long-term benefits of this proposal outweigh the
20 short-term costs. If we're serious about addressing
21 the removal of carbon from our atmosphere and
22 maintaining a regular supply of electricity, we need to
23 make some tough decisions.
24 I love the outdoors. I spent most of my life
25 hiking, canoeing, fishing, paddling. I started and ran

1 a nonprofit specifically to go to the people in the
2 Maine woods as a place of renewal and healing and it is
3 my source of joy and serenity.
4 The power gives us the best short-term boost
5 to address climate concerns, lower costs of
6 electricity, our cost of electricity, substantial
7 financial plans to towns and to residents. We have to
8 make a move to clean, reliable supply of electrons.
9 Our lifestyles necessitate that availability.
10 There are costs to making this happen, the forest being
11 cut, for example, but the cost of building more natural
12 gas pipe lines to the generation facilities or nuclear
13 facilities will be more by Maine taxpayers, rate
14 payers. We do not need more nuclear and that will not
15 survive in New England.
16 We are benefitting from -- we are also
17 benefitting in this if we move to the hydro to the
18 reduction of our electric bills -- are not delivering
19 lower prices to Maine or New England. They're not
20 looking to lower our carbon footprint. They're not
21 looking to service low income customers. They're not
22 concerned about the rivers, the lakes or the forests.
23 They want to grow the bottom line, which I understand,
24 but at what cost to Maine?
25 Quebec-Hydro production capacity now is

capable of increasing that capacity in the long term is reducing a carbon footprint to potentially all people in Maine. Maine needs to be a leader and not a follower. The State of Maine's logo, though I'm sure you all know, is I need. So let's be leaders, leaders for the state, leaders for the citizens and leaders for our health.

MS. MILLER: Thank you. I'm going to call another eight people. I do apologize for making many of you stand, so if anybody has any issues with standing, please let me know and maybe we can have them go up right away so they don't need to stand the whole time. We're going to start with Kerry Hegarty, Sandra Howard, Dot Kelly, Theresa York, Mario Carrier, John Fairlene -- Fontaine, and Peter Campion and Judy Diaz.

KERRY HEGARTY: My name is Kerry Hegarty. I'm from Jackman. I own Superior Boundary Line Renewal. I mark property lines and I thank you for letting me speak tonight. This letter is to the Maine DEP and LUPC in opposition to CMP's New England Clean Energy Connect Proposal.

Permitting a new transmission corridor in this beautiful remote area will open a can of worms in many ways. Once NECEC is in, there is basically nothing to stop the wind industry from using the

1 corridor causing much more environmental damage. It
2 would be a ticket to grid access for Somerset County
3 Wind Development. Once the DC line is permitted, the
4 stage is set for adjacent wind transmission lines.
5 There are 115 streams with native brook trout
6 in them that would be affected by this corridor. The
7 new corridor is located well within a half mile of
8 seven state heritage fish waters. They are ponds with
9 native brook trout in them. They are Beattie, Rock,
10 Iron, Grace, Mountain Number Two, Wilson Hill and
11 Little Wilson Hill Pond.
12 The corridor is only 800 feet from the nicest
13 campsite anywhere around Jackman, the Rock Pond
14 Campsite. It is only 1,100 feet from the Beattie zone,
15 which is also a designated remote pond. I believe you
16 said a PRR zone, meaning there is no public motorized
17 access within a half mile of it.
18 A similar transmission line proposal from CMP
19 a few years ago was the Maine Clean Power Connection,
20 or MCPC. That corridor was in much of the same
21 location and was for wind transmission and hydro
22 eventually added. This AC line was proposed to include
23 450 megawatts of head room for additional wind
24 production above and beyond proposed projects. That
25 converts to 150 of the new 600 foot towers. Approval

1 of NECEC sets a precedent for approval of MCPC, which
2 is big wind that we don't want.
3 NECEC and MCPC are in the heart of many
4 proposed wind projects, Somerset and Northwest Wind are
5 two of them. They currently have no grid access. I
6 have enclosed maps of Johnson Mountain with the name
7 Somerset Wind on them. Up to 85 towers have been
8 proposed encompassing Misery Ridge, Little Chase Stream
9 Mountain, Williams Mountain and Long Pond and Parlin
10 Pond Township. This whole junction with the NECEC
11 corridor at the marshall yard if NECEC is permitted.
12 There are proposed wind projects in Maine
13 bidding on requests as far away as Rhode Island. Wind
14 energy from the western mountains could be sent to
15 Quebec via NECEC and cross the border again to supply
16 other states. Also it could be sent to Quebec for
17 their mandates. We could destroy boundary mountains to
18 satisfy Quebec's politics. It may be a short
19 inexpensive transmission, but Quebec needs no power
20 from us and they have wind turbines up there for
21 nothing.
22 MS. MILLER: Can you wrap this up?
23 KERRY HEGARTY: It's not conceivable --
24 yup -- that wind transmission lines alone would be
25 permitted to go over or under the Kennebec corridor and

1 across the border to Quebec without permitting,
2 pre-permitting from NECEC in place. There would also
3 be other obstacles ahead. If NECEC fails, the corridor
4 remains, but may not be used -- but may not be used and
5 the hydro line will probably go through New York,
6 Vermont or New Hampshire.
7 That action will not cause one more wind
8 turbine to be placed in Maine. I hope this subject
9 helps defeat this project. That's long enough.
10 MS. MILLER: Thank you for your
11 testimony.
12 KERRY HEGARTY: Thank you.
13 DOT KELLY: Good evening. Thank you for
14 allowing us to present our testimony. Hi, I'm Dot
15 Kelly and live in Phippsburg, Maine and I'm co-chair of
16 the CR Club Energy Team. I have three points. One,
17 the NECEC is a high impact transmission line and that
18 insufficient and analysis was done regarding
19 alternative routes that includes significant
20 undergrounding.
21 Two, the visual, economic and environmental
22 impacts of NECEC as well as the risks associated with
23 the overhead high voltage DC line using VSC technology
24 and monopoles has not been shown that that line is
25 appropriate, nor that this plan is compatible with the

1 LUPC region.
2 And three, the risk and risk reduction
3 solutions have not been vetted or made known. The VSC
4 HVDC overhead line has significant reliability and
5 hazard issues due to things like lightening, ice, wind,
6 line contact from birds and line damage. In addition,
7 the fire and hazards are due to security risks from
8 arson, explosives and firearms must be considered as
9 well for an overhead line. Compared to underground
10 lines, the risk would seem to be less and should be
11 evaluated as an alternative as well as an underground
12 line that follows Route 201, which would be a developed
13 area.
14 And finally I'd like to comment that the
15 whole industry, the electric industry, has been hiding
16 from the danger of the transmission lines and they're
17 increased and they're causing fires throughout the
18 world. It is now reported that ten percent of the
19 forest fires in Texas and California are due to power
20 lines.
21 Given the dramatic economic and environmental
22 impact that we see in California from fires started
23 from power lines, I urge both the Commission and the
24 Board to assure that this project will be protective.
25 Thank you for allowing me to comment.

1 MS. MILLER: Thank you.
2 SANDRA HOWARD: Good evening,
3 commissioners and staff. My name is Sandra Howard and
4 I am the cofounder and director of Say No to NECEC, a
5 grass roots nonprofit organization representing
6 thousands of citizens who oppose the CMP corridor.
7 Since 1997 I've worked as an outdoor educator
8 and as a registered Maine Guide, white water and
9 recreation and I spend every summer living at my
10 family's property in Caratunk.
11 The majority of Mainers oppose the project
12 according to the recent NECEC statewide poll and as
13 evidenced by the public comments being submitted to the
14 record. As a follow-up to this testimony, I will
15 submit 11,762 signatures by those who signed Stop the
16 Corridor petition. The public is here to demand that
17 the DEP and the LUPC prioritize protecting Maine's
18 environment and not this for profit industrial project.
19 NECEC will not enhance or protect Maine's
20 environment. As you're aware, segment one of the
21 proposed corridor has no large scale infrastructure
22 development and is considered to be one of the last
23 intact contiguous forests remaining in North America.
24 Throughout CMP's documentation and public marketing
25 propaganda, they want you to believe that working

1 forests have decimated the entire landscape; however,
2 the truth is the State of Maine works carefully to
3 manage these forests and these trees.
4 A cleared corridor would be incompatible with
5 the existing landscape, result in devastating habitat
6 fragmentation and cause a permanent dissection of the
7 wilderness leaving a massive scenic interruption.
8 Industry standard is to bury HVDC lines, and
9 we've heard a lot about that today. This is Maine's
10 brand. NECEC will not improve wildlife habitat or
11 protect concerned, threatened or endangered species.
12 The cleared corridor will not protect Maine heritage
13 waters. It will not improve recreational tourism
14 experiences in Western Maine.
15 And the members of the public have many
16 questions. Why did CMP not use the existing corridor
17 from the Quebec border to The Forks for the expanded
18 100 foot tall towers? Why did CMP not include a buried
19 line for the 53 and a half miles beyond burying under a
20 class A Kennebec River? Did they prioritize their own
21 profits over minimizing the impacts? Why isn't an
22 independent climate analysis being conducted on this
23 proposal? Why did CMP not include the public in these
24 plans two years ago? Were they afraid the project
25 would not be supported? Well, they were correct and

1 now not a single town along the new corridor supports
2 this project and additional towns are in conversation
3 about rescinding support.
4 Another question that I have is why is CMP
5 allowed to provide funds to form a nonprofit
6 organization, Western Mountains and Rivers Corporation,
7 and use funds to pay for their legal counsel in Group 7
8 of these proceedings? It appears that the applicant is
9 trying to stack the deck of supporters.
10 And to wrap up, to date there's no grass
11 roots group that supports this project. Testimony in
12 support of the corridor are generally by those who
13 stand to financially gain if the project is approved.
14 We ask the DEP and LUPC to deny these permits and act
15 as good stewards of Maine's environment, wildlife
16 habitat, waterways and maintain Maine's wild and scenic
17 brand. Thank you.
18 MS. MILLER: Thank you.
19 JUDY DIAZ: Good evening, I'm Judy Diaz.
20 I'm a resident of Jay. I own property in the
21 unorganized territory. I support the New England Clean
22 Energy Connect Project. I'm a retired contractor and
23 view this project similar to the Turnpike widening back
24 in the '90s. If you have a project that needs to be
25 expanded, you use your existing corridor, you don't go

1 and build a new one, or take your infrastructure and
2 use it in place of somewhere else.
3 The demand for electricity in the northeast
4 is expanding and the existing infrastructure should be
5 expanded to support the New England power grid. Last
6 year it produced 100,000 gigawatts of power. Our power
7 plants are ancient. Many will be retiring over the
8 next years. We're going to be in a similar situation
9 with Maine Yankee closing, the hydro dams closing.
10 Where will the future power come from? One of these
11 days there's not going to be enough power and we're not
12 going to be doing enough to fix the clean energy.
13 This project makes sense. CMP is using their
14 existing corridor and working with all the state
15 agencies to mitigate the environmental impact to our
16 natural resources. In addition to the project being
17 paid for for Massachusetts, it's a huge economic
18 influence on Maine and the Maine counties that will be
19 going through the corridor.
20 Maine will be receiving a lot of economic
21 benefits. There's going to be to a lot of energy
22 information coming out, the funds available for
23 electric vehicles, expanding use of electric vehicles,
24 charging stations. There will be educational grants,
25 economic development in the areas, the property tax

1 payments to the local areas will be a godsend in the
2 area where it's so economically depressed.
3 I look forward to -- I'm hoping that you go
4 ahead with the clean energy project and issue the
5 necessary permits. Uses of the New England grid are
6 all of us and we're facing a major shortfall in the
7 coming years. Thank you.
8 MS. MILLER: Thank you.
9 PETER CAMPION: Peter Campion of Wilton.
10 I would like to support --
11 MS. MILLER: I don't have your name on
12 the list. You need to sign in on the list and --
13 PETER CAMPION: You read my name.
14 MS. MILLER: Can you say it again,
15 please.
16 PETER CAMPION: Peter Campion.
17 MS. MILLER: Thank you.
18 PETER CAMPION: I would like to -- Peter
19 Campion, Wilton. I would like to support the cases
20 made by the three speakers who are in favor of burying
21 this power transmission line to minimize its
22 environmental effects. I would also like to point out
23 my concern that in attempting to find a regularly
24 available environmental impact assessment, or economic
25 analysis to prepare for this meeting, I was not able to

1 do so. Apparently there is data available there, which
2 I look forward to reading, but it certainly was not
3 readily available. Thank you very much. That's it.
4 MS. MILLER: Thank you.
5 THERESA YORK: Good evening, my name is
6 Theresa York and I'm a resident of Farmington, Maine.
7 I'm opposed to the proposed CMP transmission line and
8 I'm here to urge the LUPC to deny CMP their special
9 exemption certificate for the ATP-RR zone and stop this
10 project.
11 Hikers from around the world and across the
12 United States are drawn to the Appalachian Trail. I
13 know this because I've met them as I too hike sections
14 of the AT. These hikers who start in Georgia tell me
15 that the trail here in Maine is unique and special
16 because it seems more remote than other parts of the AT
17 and has the wilderness and scenic setting that has put
18 them on the trail in the first place.
19 The NECEC project could destroy this thought
20 process and here's why. The project will be located
21 within the existing transmission corridor that crosses
22 the AT no less than three times in less than a mile.
23 That we are certain of. We are also certain that the
24 existing corridor will be widened by 75 feet and 90
25 foot towers will be installed. I'm also certain that

1 if I was to hike this section of the AT and stood on
2 the summit of a mountain, my scenic vista would include
3 those towers and a swathe of emptiness and that would
4 certainly keep me and others from hiking that section
5 of the AT again.
6 I think the most damaging piece of
7 information of the impact of this corridor on the AT is
8 given by the company of Avangrid themselves. The
9 company proposed to relocate the AT to eliminate two of
10 the crossings, thus eliminating some of the impact to
11 hikers. I propose that as a hiker and a concerned
12 citizen of Farmington, that we eliminate these larger
13 and scenic impacting projects called NECEC. We should
14 do everything we can to keep a corridor of this size
15 from crossing the Appalachian Trail.
16 I hope you will join me in opposing this
17 project and denying CMP their certificate. Thank you
18 for allowing me to speak.
19 MS. MILLER: Thank you. I apologize for
20 any confusion of the names, it's difficult. I'm going
21 to call number of names, Darryl Wood, Ryan Linn, Susan
22 Davis, Tom Bassford, Bob Daigle, Rollie Brown, Albert
23 Howlett and Peter Titcomb.
24 DARRYL WOOD: Good evening. My name is
25 Darryl Wood. I live in New Sharon. I'm a registered

1 nurse and a registered Maine Guide. Thank you for the
2 opportunity to comment tonight really. I'm opposed to
3 this project for a variety of reasons, most of which
4 have been covered in some detail here and in the news
5 and other forums. I'll make some of my larger points
6 and then hope to add a couple of personal anecdotes.
7 I go to the region for two major reasons, the
8 quality of hunting, fishing, hiking, recreation and the
9 quality of the overall experience in that area. I live
10 on the Sandy River with great deer hunting and
11 snowmobile trails out my back door, yet I travel to
12 that area in question because of the sense of
13 wilderness that comes from not seeing manmade
14 structures. I think I speak for a lot of people when I
15 say that the experience is priceless and when it is
16 gone, it is gone forever.
17 In my opinion this project negatively impacts
18 the scenic character of the viewshed and would
19 negatively impact people's experiences and harm small
20 businesses in the area. Certainly now and as
21 development approaches, it will become increasingly
22 valuable to future generations of people in the State
23 of Maine.
24 I also think that you cannot underestimate
25 the impact on wildlife, be it habitat fragmentation,

1 the loss of shade for cooling waters or the widespread
2 use of herbicides are all detrimental. I concern
3 myself most with the impact on brook trout, a very
4 sensitive species that is on its last leg in the
5 eastern U.S. here in Maine, particularly in that region
6 north. When the species is gone, it will be tragic.
7 There is no doubt that this project will harm brook
8 trout.
9 Also, as far as mitigation is concerned, in
10 my opinion no amount of today's dollars for alternative
11 habitat tradeoff should be considered to compensate for
12 this corridor. There's no doubt in my mind that once
13 in place, this strip will be a beacon for other
14 developments such as wind power that will further erode
15 the experience of the iconic Maine brand.
16 It is extremely shortsighted to sell our
17 future for foreign profits and pennies per month to
18 Mainers. In one hundred years do we think our future
19 generation will thank us for development or for saving
20 a unique place to recreate and generate tourist
21 dollars?
22 A couple of personal anecdotes, when I was a
23 child in Buxton, we used to ride our bikes down the
24 road down the logging trail miles into the woods in
25 search of an adventure. About halfway down the field

1 was a giant power line we had to cross. I remember the
2 first time standing under it in awe listening to the
3 corona hum and feeling the magnetic vibrations
4 viscerally. On subsequent occasions, however, we would
5 scurry across unnerved, our instincts telling us not to
6 linger under the corona hum.
7 I would wonder, have there been studies on
8 the impacts of this corona hum and leaking voltage on
9 vernal pools, spring salamanders or the roaring brook
10 mayfly? I can imagine at the minimum they would
11 scatter from the area and possibly be harmed or killed.
12 Second anecdote, I work for an organization
13 in town that has 40 acres we have developed into
14 gardens and hiking trails less than one mile from where
15 we stand right now. On that property we have developed
16 a support stewardship plan, which includes keeping all
17 the springs and intermittent streams shaded. We use
18 culverts and stones to make sure the trails don't send
19 muddy or warm waters to the Sandy River below out of
20 concern for the brook trout. All the work has been
21 done by volunteers with a goal of human recreation and
22 sustainable habitats. The existing line goes through
23 the middle of the property and has a moderate impact
24 from the experience currently.
25 The new line would certainly diminish the

1 woods bathing, an experience we've been developing over
2 the years through -- though the new sections are of the
3 greatest concern to me, there will be hundreds of
4 abutters with a similar concern over wildlife and the
5 impact on the corridor on the value of their own
6 property and experiences. Thank you for your time.
7 MS. MILLER: Thank you.
8 AL HOWLETT: Good evening. My name is
9 Al Howlett. I'm from Yarmouth, Maine and I want to
10 preface my remarks by what you mentioned at the
11 beginning, my remarks are a little broader, but I feel
12 like the biggest potential damage to the north Maine
13 woods is from climate change, and if you don't put this
14 project through, that's what will do most damage, so
15 it's an issue related to greenhouse gasses and to
16 climate change itself. They do directly affect this
17 project and are within the criteria.
18 So will this project reduce greenhouse gasses
19 emissions? Yes, it will. It will replace a huge
20 amount of electricity from dirty fossil fuels with
21 inexpensive renewable hydropower from Canada.
22 In 2018 Hydro-Quebec spilled more than enough
23 water to generate NECEC's 1,200 megawatts. HQ can
24 generate additional electricity from refurbished
25 plants. Their Romaine 4 plant is nearing completion.

1 Claims by gas companies and some Maine green groups,
2 many of which I belong to, that this project will not
3 reduce greenhouse gasses without merit.
4 The environmental impact on the local area of
5 the line will be limited. Much of the land along the
6 new 53 mile right of way, as some people have said, is
7 a working forest crisscross with logging roads and some
8 clearcuts. The area is not pristine. It is not
9 untouched. Under the power lines, small trees, bushes,
10 grass and blueberries will all grow, allowing for
11 wildlife habitat. And I'm sure many of you have, as I
12 have, driven up to Millinocket to Baxter Park and you
13 cross the power lines that run down to Ripogenus Dam
14 and there you get great views of Katahdin because of
15 the right of way.
16 I've been traveling that road for 60 years.
17 I first did it in 1969. I have never ever heard
18 complaint about that power line. Power lines are not
19 evil. They bring us power and climate change is the
20 big environmental issue of our time.
21 As was said earlier, it gives us only
22 12 years to take urgent and unprecedented actions to
23 avoid catastrophe. Our planet is warming and extreme
24 storms are causing untold damage, thousands of climate
25 refugees are looking for new homes. People are losing

1 their lives. Climate change is wreaking havoc in
2 Maine. Fish at the coast are gone, lobsters crawling
3 north, tree diseases increasing. Extreme storms are
4 damaging AT and Baxter Park trails. The list goes on.
5 Climate change must have the highest priority
6 of land use climate conditions and Department and
7 Environmental Protection in Maine, across the United
8 States and the World. New England Clean Energy Connect
9 is the single biggest contribution Maine can make right
10 now to slow warming of the planet and to preserve Maine
11 as we know it.
12 The benefits of this project outweigh the
13 negative aspects. Let's follow the lead of our
14 esteemed governor, Janet Mills. It's urgent. Support
15 NECEC now. Thank you.
16 MS. MILLER: Thank you.
17 TOM BASSFORD: Good evening. My name is
18 Tom Bassford. I live in Salem Township on the side of
19 Mount Abram and I appreciate the opportunity to speak
20 tonight. I oppose the CMP and Hydro-Quebec corridor
21 project for many reasons, just like some of the other
22 speakers. As the speakers have mentioned, what a bad
23 economic deal it is to Maine in spite of the minimal
24 economic sweetener CMP has offered various groups and
25 the unsubstantiated protections of the future

1 environmental and economic benefits and the vague
2 promises of help with electric bills.
3 I want to talk tonight about the effect the
4 corridor would have on wildlife habitat, water sources
5 and the area as an ecosystem and a refuge, especially
6 the 53 mile new section from the Quebec corridor to
7 Caratunk.
8 The clearcut for the corridor will be
9 permanent. It would not be allowed to grow back.
10 Right away we lose the carbon sequestering and air
11 purifying for the entire forest. The clearcut would be
12 maintained with the use of herbicides. Due to
13 increased erosion and runoff from the clearcut, these
14 herbicides would eventually end up in the brooks,
15 wetlands, ponds and lakes in the clearcut and beyond
16 impacting fish, wildlife, waterfowl and other things.
17 The proposed corridor and its construction
18 and access roads would result in further fragmenting
19 division of this mostly contiguous wildlife habitat and
20 ecosystem and would encourage even more development.
21 However, the main reason I reject the corridor proposal
22 and urge both the public and the decisionmakers to do
23 some so is harder to define.
24 Large areas like this in the western
25 mountains of Maine are scarce and becoming scarcer with

1 development. These places are sources of serenity,
2 peace and regeneration in an all too busy noisy,
3 fast-paced world. That's why we live in these
4 mountains. That's why people come here, whether they
5 come to hike, camp, fish, hunt, canoe, whatever, they
6 come to experience that peace, that connection to
7 nature.
8 This quality is impossible to monetize.
9 People who think about pros simply in terms of economic
10 costs and benefits don't get it. The sanctuary in the
11 Maine woods belongs to the people of Maine and should
12 not be for sale at any price. If this project is
13 allowed to go through the sanctuary, its refuge would
14 be lost forever and no amount of money will mitigate or
15 compensate for that loss.
16 Question, does it really benefit the people
17 of Maine? Does it even make sense to destroy our Maine
18 woods to satisfy Massachusetts' need for electricity
19 and their need to feel like they're going green and the
20 corporate greed of two foreign owned companies who
21 stand to make billions over the long run if this
22 process goes through. Thank you.
23 MS. MILLER: Thank you.
24 PETER TITCOMB: My name is Peter Titcomb
25 and I'm from Yarmouth. Just a few words, I think --

1 I'm a supporter of this project somewhat reluctantly,
2 but in favor of it because of the urgency of the
3 situation. I understand that there are impacts at all
4 levels of wildlife, individuals who make their living
5 in the woods, but I think all of that is overshadowed
6 by the eminent of threat of climate change that needs
7 to be addressed now and I think this was one step
8 towards addressing that that is reasonably accessible
9 now. Anything else is going to be much longer term and
10 we don't have time to spare.
11 I also think that it may be false hope for
12 people to suggest putting the lines underground because
13 I suspect that is much more expensive and it would be
14 very difficult to do, as attractive as it sounds, but
15 anyway, I hope we can make the right decision for this.
16 The advantages of this outweigh the impacts. Thank
17 you.
18 MS. MILLER: Thank you.
19 BOB DAIGLE: Thank you. Good evening,
20 my name is Bob Daigle. I'm from Arundel and I'm a
21 lifelong Maine native, born and raised here, got my
22 engineering degree from the University of Orono and
23 unlike many others in my generation, I left the state
24 for ten years because I needed to get a job, but I love
25 Maine and I came back and I settled here and I intend

1 to stay here forever. Unfortunately my daughter isn't
2 staying here because she had to go elsewhere for a job.
3 Jobs is one of the points I want to
4 emphasize, which is why I'm wearing this shirt. I
5 understand what you are going through, and by the way,
6 I want to thank you for service coming here. Part of
7 my background too is I served four terms in the
8 legislature serving on the committee for the
9 environment and natural resources, so I spent my
10 evenings in hard metal chairs as well. I'm not going
11 to try to speak to legislative intent because 186
12 people serve up there and they each have their own
13 opinions, but I do want to bring up one point is that I
14 know that when these laws are created to establish this
15 program, it's called permit for a reason because the
16 default is to give you permission.
17 The State establishes guidelines and says to
18 CMP if you can work within those guidelines, you get
19 permission to construct this project. I think CMP is
20 putting forth a serious good effort to do that. I
21 think this process may bring out a few tweaks to do it,
22 but in the end I trust your judgment to say that they
23 have met the conditions, they are within the
24 guidelines, so the default is to give them permission
25 to give them a permit. These laws are not intended to

1 obstruct development. The fault is to allow it.
2 I see two major points, which you mentioned
3 at the beginning, the people are talking to, the impact
4 on the scenic character. The law does not say there
5 shall be no impact. The law says there will be no
6 unreasonable impact. We all accept that and you've
7 heard many comments today about it's not a pristine
8 universe now. CMP, we expect to have an impact from
9 this, it's natural, it has to occur.
10 And the second is the idea of exploring the
11 alternatives. What I see there is really an intent to
12 do paralysis of analysis and we've seen that many
13 times. I see environmental projects in my life. I see
14 it go so far and then get stopped because somebody is
15 always saying -- say this, try to delay. Their intent
16 was never to try to seek the permission for the
17 project. Their intent was to obstruct it. I see the
18 inklings of this. I believe you will resist that and I
19 encourage you to do so.
20 Thank for a chance to make these points and
21 again, thank you for your service tonight.
22 MS. MILLER: Thank you.
23 SUSAN DAVIS: Good evening. My name is
24 Susan Davis. I'm from Kingfield. I'm speaking on my
25 own as a private citizen. I've been -- this is my

1 third hearing. I was very pleased to be able to
2 provide testimony and pleased that legislation is
3 asking for further study and I have to say with all of
4 the testimony that I've heard both pro and con over
5 these last -- my experience at these hearings, I'm
6 particularly impressed with the environmental impacts
7 that go way beyond the savings that we might get from
8 this corridor. So needless to say, I do not support
9 it.
10 CMP demolished towns and townships to build
11 Flagstaff by taking property and livelihood from
12 hundreds. Now their effort to cut power lines through
13 53 miles of Maine forest can affect thousands of people
14 who enjoy and earn their livings in low to no impact
15 occupations and recreation. The impact is forest,
16 streams, wetlands, wildlife and scenic beauty will
17 affect one of the last remaining wilderness areas of
18 the United States, very well documented and frequently
19 mentioned.
20 Furthermore, the impact of Hydro-Quebec's dam
21 on the land and water of the northeast all the way to
22 the forming of the gulf Maine is major. It sets apart
23 global warming that offsets any modest gains in carbon
24 savings claimed by this project.
25 All of this is a financial boom for large

1 corporations at the expense of the people and climate
2 use. Thank you for all the work that you do and for
3 allowing us to come.
4 MS. MILLER: Thank you.
5 ROLLIE BROWN: Good evening ladies and
6 gentlemen. My name is Rollie Brown and --
7 MS. MILLER: Can you speak into the
8 microphone, please.
9 ROLLIE BROWN: I'm sorry.
10 MS. MILLER: Thank you.
11 ROLLIE BROWN: I live in Gardiner and
12 I'm still Rollie Brown and I want to thank you for
13 allowing me to speak regarding this very important
14 issue.
15 When I was a young boy, my father said
16 Rollie, if you have something important to say, for
17 God's sake start at the end, so that's what I'll do
18 tonight.
19 I'm here to voice my enthusiastic support for
20 this project and I hope you'll do the same. I would
21 also like to tell you that I am a master Maine Guide.
22 I'm speaking on my own behalf and I'm speaking from my
23 own experience in the Maine outdoors. I believe there
24 are many benefits to Maine's wild critters living in
25 and around open spaces, including transmission rights

1 of way.
2 For example, have you ever seen what I call a
3 three-story thatched condo on a transmission crossarm?
4 Have you ever wondered why the ospreys build those
5 nests in those locations? I've never asked one, but I
6 suspect because it's because of the location, access to
7 food and the tremendous vantage point that they have to
8 find the food.
9 I'm an avid fly fisherman. I know there's
10 been some comments about the trout. You'll often find
11 those nests where a stream crosses a transmission line.
12 When I see one of those, that's a good place to start
13 fishing because the osprey seem to know where the fish
14 are, so I don't think it has a complete negative impact
15 on the fishery.
16 Many other critters such as deer, moose,
17 grouse, to name a few, use these corridors for
18 pathways, nesting areas and food sources. In fact, if
19 you want to see these critters for yourself, you'll
20 probably have no greater chance of doing so than in one
21 of the corridors. And it's also no wonder that
22 hunters -- you'll often see hunters walking along these
23 corridors during the various hunting season.
24 So I again would respectfully request that
25 you look favorably on this project, which in my humble

1 opinion will have a positive impact on Maine's wildlife
2 in addition to its citizens, which I'm so grateful to
3 be one.
4 The benefits even extend to tourists and
5 Mainers who enjoy hiking, taking photographs, cross
6 county skiing, snowmobiling, not to mention white water
7 rafting and enjoying areas of the state that would not
8 likely be available to them if not for the generous
9 open-to-the-public policies of Maine's electric
10 companies and other private landowners who provide the
11 access roads, trails, boat launches, areas to the
12 public and who contribute to so many other ways to our
13 wonderful Maine experience.
14 I greatly appreciate your consideration and
15 time and I know you have a very hard decision to make
16 and I wish you all the best.
17 MS. MILLER: Thank you.
18 RYAN LINN: Good evening, I'm Ryan Linn
19 from Portland and I'm here representing myself, but I'm
20 also the owner of a small business that brings people
21 from all over the world to the Appalachian Trail. I
22 work very closely with Appalachian Trail hikers, hikers
23 all over the world, and the area near Moxie Pond and
24 Joe's Hole, which is where the transmission line would
25 cross the Appalachian Trail, I can say is a place that

1 holds special significance to me to -- a place where
2 I've had many good experiences. And while I know that
3 there's already a power line crossing on the
4 Appalachian Trail at that point, I do think that the
5 large new transmission towers would have a negative
6 impact on the scenery and character of that area.
7 People come from all over the world and from
8 all over the state to do parts of the Appalachian Trail
9 in Maine. It is an incredibly different experience to
10 be on that trail in Maine than any of the other places
11 where it crosses any of the other states.
12 I'm not totally against all changes in the
13 north woods, but for any change that would make a
14 permanent impact as this corridor would do, especially
15 in the 53 miles of corridor through Caratunk, changes
16 that would leave a permanent impact have to be well
17 worth the tradeoff and the benefits that CMP and
18 Hydro-Quebec have on this new power line do not equal
19 the losses that I would see in the area.
20 I feel like a lot of the reasons that I argue
21 for it is CMP is assuming that there's no other options
22 and I would love to see other options on the table. I
23 don't want to see my state's future sold to the highest
24 bidder on the first chance that we have to sell it.
25 I'd like to see a lot more deliberation on things like

1 this. So I am glad for the opportunity to speak here.
2 Thank you very much.
3 MS. MILLER: Thank you. New people have
4 signed in and walked into the room and don't know if
5 we've sworn everybody in, so what I'm going to do is
6 swear a bunch of the new folks. If anyone who intends
7 to testify who has not been sworn in, please stand and
8 raise your right hand. Thank you. I appreciate this.
9 For those of you who wish to be sworn in, do you swear
10 or affirm that the testimony you are about to give is
11 the whole truth and nothing but the truth?
12 AUDIENCE MEMBERS: I do.
13 MS. MILLER: Thank you. I'm going to
14 call a number of people. Sandra Swatsky, Gail Lange,
15 John Mahon, Elizabeth White, Tom White, Dave Macomber,
16 William Mayo. That will be it for new now.
17 JOHN MAHON: Hello, my name is John
18 Mahon. I live in Freeman Township, the unorganized
19 territories. Thank you for letting me speak tonight.
20 My area of resource teaching, consulting for more than
21 40 years has been on relationship between business,
22 government, society and environment. I have been very
23 lucky to have an award winning national course on
24 abrupt climate change in business and public policy
25 with some of the foremost climatologists on the face of

1 the earth located right here in Maine. We have a
2 resource that's not being used.
3 I spent nearly eight years in the Navy, and
4 one of the sayings we had in the Navy was we always had
5 time -- never had time to get it right, but we always
6 had time to do it over again. This is not a do over
7 situation and I think that's what the gist of the
8 argument is. The consequences of being wrong on this
9 particular decision can have profound impacts on our
10 environment, on the growth of new businesses in
11 Franklin County that rely on the environmental
12 attraction, that we can afford to -- which you heard
13 from the young man there.
14 By the way, many of these new entrepreneur
15 activities are formed by young people, a demographic
16 that seems to be pretty important to the State of
17 Maine. I have had experience with the Land Use
18 Planning Commission living in the unorganized
19 territories and I would hope that you would be as
20 rigorous in your permitting and protection of land
21 resources for CMP as you have been for me as an
22 individual property owner, nothing more, nothing less.
23 Regarding greenhouse gasses and climate
24 change, you have in this state the oldest climate
25 change institute on the face of the earth with a group

1 of 50 scientists across multiple disciplines who can
2 look at greenhouse black gasses, who can look at
3 climate change who might tell you, by the way, that the
4 production of the Quebec-Hydro dam destroyed an
5 enormous amount of carbon holding trees that no one has
6 really taken a look at.
7 Finally, it's not at all clear what the
8 direct as opposed to indirect benefit is to the people
9 of Maine. This is true for both the short and long
10 term. The clear beneficiaries are CMP and its owners,
11 their shareholders and Commonwealth of Massachusetts.
12 Your ultimate duty I think by both statue and law is to
13 protect the interest of the citizens of Maine and the
14 wise use of our precious land resources in the state.
15 Asking for more information, better research is not the
16 wrong thing to do. Thank you.
17 MS. MILLER: Thank you.
18 THOMAS WHITE: Good evening. I'm going
19 to speak about Section B on the hearing --
20 MS. MILLER: Can I ask you to state your
21 name?
22 THOMAS WHITE: I'm sorry, it's Thomas
23 White, common spelling, W-H-I-T-E, in Jay, Maine. I'm
24 going to just read over your criteria, which says the
25 applicant must demonstrate that the proposed activity

1 will not unreasonably harm any wildlife habitat, fresh
2 water wetland, plant habitat, threatened or endangered
3 plant habitat.
4 Then I'm going to read to you from the March,
5 April magazine, it's a Canadian Geographic and the
6 author is Benoit Gagnon. He's a chief environmentalist
7 for Hydro-Quebec equipment and chair services. And he
8 writes, a good example of our work is the Romaine
9 complex on the Romaine River on the north shore of the
10 St. Lawrence, which has four separate generating
11 stations.
12 Before we begin work on the project, our team
13 of archeologists, biologists, foresters, chemists and
14 acoustic experts, along with other scientific
15 disciplines, spent four years completing impact studies
16 prior to the start of the building process. The
17 results dictated everything from where our dams were
18 constructed to where the transmission lines and the
19 towers should go.
20 And I submit to you if Bangor Hydro takes
21 four years to do studies prior to putting down the
22 transmission lines, towers and dams, I think probably
23 Maine should be require that as well. Thank you.
24 MS. MILLER: Thank you.
25 WALTER ANDERSON: I think you had my

1 name checked off, Walter Anderson.
2 MS. MILLER: Yes, I have you, thank you.
3 WALTER ANDERSON: Thanks, what a venue,
4 University of the Maine at Farmington. It's been many
5 years since I've been up here. My name is Walter
6 Anderson, a former state geologist and director of the
7 Maine Geological Survey, Department of Conservation. I
8 have been a geologist for over 50 years, 30 of which
9 was with the Maine Geological Survey in Maine and I've
10 testified many times before LURC and the DEP and it's
11 great to see all you people again, not the same people
12 I'm sure, and I must say that I'm here in favor of
13 Connect.
14 It took me a while to come to that decision
15 and there were three points I guess I could make. And
16 one, I'm retired and I sure would like to see the power
17 rates go down, okay. Also, I'm grandfather I and I
18 have three grandchildren that all graduated from
19 schools here in Maine, now have jobs on the west coast,
20 the mid continent and down south. I'd sure like to see
21 youngsters have the opportunity to earn a living up
22 here in Maine. They all make good salaries down there,
23 but things like power and power generation availability
24 will accelerate that process.
25 Also, the trigger that really pulled it for

1 me was that lovely speech that our Governor Mills made
2 I guess it was a week or so ago just declaring her
3 support for this project. It sounded just like a
4 Mainer. I mean, she sounded like she's from Maine and
5 she's looking after our interest. I applaud her
6 support for this project.
7 Also, geologists, you know, I've had
8 opportunities in the past to visit areas up in the
9 Labrador up in Canada and the water resources up there
10 are huge. The sustainability of the delivery of power
11 from those places is also huge. And those who haven't
12 been up there, you might want to take the opportunity
13 to go up there and visit. It's a fantastic area.
14 I'd just maybe conclude by saying that as a
15 geologist I look at mother earth, which has a diameter
16 of 8,000 miles, and it's constructed like an onion, its
17 very center of which is a solid iron core and then
18 that's surrounded by a liquid core of iron, which
19 generates our magnetic field, and then that is in turn
20 surrounded by what we call the mantle and that in turn
21 is surrounded by a very thin crust, an oceanic crust,
22 even a thinner layer, a very thin layer, maybe three
23 miles, it's called our atmosphere, and it's -- it just
24 seems to me that we shouldn't be fooling around with
25 it.

1 I know there's a lot of research being done
2 by the folks up at Orono and the climate studies group,
3 I've worked with them, I've done climatic studies with
4 them and they're doing a great job. As a leader in
5 that area --
6 MS. MILLER: Can I ask you to wrap it
7 up, please.
8 WALTER ANDERSON: Yes, okay. I'll just
9 say I support the project and good luck.
10 MS. MILLER: Thank you very much. Okay,
11 Patricia Van Horne, Donna Fuller, Jack Getchell, Jean
12 Getchell, Maryann Ayott, Clarence Ayott, Kim Lindlof
13 and Paul Fredric.
14 JOHN GETCHELL: Hi, John Getchell, Jay,
15 Maine and I oppose this because I'm a land abutter of
16 the power lines where they're going to be going through
17 real close to my close and I just don't want to be
18 walking out my door and seeing these great big towers
19 more than what we have. And I've seen how they spray
20 these power lines. They're very sloppy with their
21 spray when they go through. The over spray is killing
22 a lot more than the evergreens, they're killing the
23 evergreens too with everything, so I just oppose it and
24 thank you very much.
25 MS. MILLER: Thank you.

1 MARYANN AYOTT: My name is Maryann
2 Ayott. At first I thought that the information that I
3 wanted to portray may not be fitting into the criteria;
4 however, there is a point to it and hopefully you'll
5 understand my point when I'm done. I want to thank you
6 for allowing me to speak. I appreciate that.
7 The Forks and Moxie Gore have been a part of
8 my heart and life for as long as I can remember and I'm
9 very fortunate enough to have a home in Moxie. This
10 proposed line has multiple reasons why it should not be
11 permitted of which you --
12 MS. MILLER: Excuse me, I'm sorry, can
13 you speak more clearly into the microphone for our
14 transcriptionist. Thank you.
15 MARYANN AYOTT: Start over or?
16 MS. MILLER: That's fine. Lorna?
17 COURT REPORTER: She's fine.
18 MARYANN AYOTT: My major opposition is
19 to have effects from the electromagnetic fields that
20 these lines will produce. Being that it is about
21 wildlife, this here is a little more on the human part
22 of this; however, we as humans are like animals, so in
23 a sense please bear with me.
24 I know that there's been hundreds of studies
25 worldwide with different opinions on -- depending on

1 your disposition, you can find whatever you want to
2 match your viewpoint on the internet; however, facts
3 are facts. The World Health Organization has studied
4 that health effects of electrical wiring configuration
5 and childhood cancers, or we can use animals in this
6 wildlife, in a 2007 study reported that cancer risk,
7 specifically leukemia in children, could be a deer or a
8 fawn, doubled for those within 200 feet of these
9 hydropower lines.
10 This study also confirmed a study that was
11 done in 1979. In 1998 the National Institute of
12 Environmental Health and Science reported that EMFs,
13 like the surrounding electric power lines, should be
14 regarded as a possible carcinogen. In 2008 the
15 American Journal of Epidemiology reported a 20 percent
16 increase in incidences of Alzheimer's of people living
17 within 600 feet of power lines. I don't know if
18 animals can get Alzheimer's, but they might go crazy, I
19 don't know.
20 There have been observations with people
21 living within 4,600 feet with altered biorhythms.
22 Those living within 1,600 feet, abnormal EEGs. Some
23 homes are located within 400 feet of the proposed line
24 with children living in them. Now that I am blessed
25 enough to have a grandchild, these studies have given

1 me pause to think about the health and welfare of the
2 children, animals, all wildlife, even insects for that
3 matter, that are going to be going across this line.
4 I hate to think that if these lines are
5 approved, people's health will be negatively impacted
6 for what? Even the most -- least of us should be able
7 to have a health, even if it's an insect, should not
8 have to live under these electric magnetic fields.
9 Thank you very much.
10 MS. MILLER: Thank you.
11 KIM LINDLOF: Good evening. My name is
12 Kim Lindlof. I'm the president and CEO of the
13 Mid-Maine Chamber of Commerce which serves 20
14 communities in the greater Waterville area that include
15 Western Waterville, Northern and Central Kennebec and
16 Southern Somerset Counties. I am here tonight
17 representing 630 members, which include paper mills,
18 hospitals, precision manufacturing shops and many, many
19 small mom and pops as well, many of whom are leaders in
20 Maine's business community, but they're also parents
21 and grandparents of Maine's children whose future
22 depends on the strong economy and a sound environment.
23 I know the DEP and LUPC are concerned about
24 environmental impacts and mitigation. With regards to
25 this, I'm here to say that carbon dioxide emission

1 reductions as a result of this project advances Maine's
2 progress towards meeting its long-term greenhouse gas
3 emissions reductions goal. It will be very good for
4 the environment as well as the economy. After all, our
5 robust tourism industry calls on us to maintain clean
6 air, healthy water bodies and seasonal changes that
7 support snowmobiling as well as fishing and hunting.
8 The land on which CMP plans to develop the
9 new corridor is commercial forest with hundreds of
10 miles of logging roads that currently exist. The use
11 of this land for a transmission corridor is in keeping
12 with current land use and CMP happens to own this land.
13 In terms of the project's benefits, our chamber
14 supports NECEC because it will lower electricity supply
15 prices and even out energy price spikes and then --
16 excuse me, even out energy price spikes and
17 uncertainty, which is never good for business. This
18 project will result in millions of dollars of rate
19 relief every year for Maine rate payers. It will also
20 provide increased reliability for Maine and the ISO New
21 England region by delivering base load energy to
22 replace retiring resources such as nuclear power set to
23 close later this summer.
24 There is real value in this infrastructure,
25 which Maine will host and yet not pay to construct. It

1 is also extremely important to ensure we have reliable
2 electricity for the future. As you know, we all depend
3 on your computers, our cell phones, our business
4 machines and the power to run these things and
5 naturally the Mid-Maine Chamber is supportive on the
6 project's economic benefits.
7 This project will boost jobs in the region by
8 supporting employment for an average of 1,700 people
9 per year over a six year period. Beyond that it will
10 add to the permanent local tax base and the host
11 communities, help to expand broadband in an area of the
12 state that really needs it desperately and help fund
13 essential economic development initiatives.
14 So I'm here today to urge you to support the
15 New England Clean Energy Connect and I thank you for
16 your time.
17 MS. MILLER: Thank you.
18 PAUL FREDERIC: Hello, I'm Paul Fredric.
19 Thank you for this opportunity to address the people of
20 the DEP and the LUPC. I hold a Ph.D. in geography.
21 I'm a former director of Maine Land Use Regulation
22 Commission. I'm currently a selectman from the town of
23 Starks and also I'm currently on the Somerset County
24 Budget Committee. I'm a sixth generation Starks
25 farmer. These positions have exposed me to a wide

1 variety of controversial proposals that involve public
2 policy decisions.
3 Just because an idea is controversial doesn't
4 necessarily mean it is bad. It means a variety of
5 people have studied the situation and have arrived at
6 different conclusions and we've heard exactly that this
7 evening. Public policy agencies and regulatory
8 agencies such as yourself must strive to make decisions
9 based on best information and provide the greatest
10 good.
11 I will focus my concerns for the rest of my
12 comments on those items that are of relevance to your
13 hearing tonight.
14 This nearly billion dollar investment in West
15 Central Maine infrastructure to construct the
16 transmission lines to transmit Canadian hydropower and
17 inject it into New England grade in Lewiston has
18 significant implications for Maine and all of New
19 England. Potential impacts, scenic area, almost
20 two-thirds of the transmission line corridor is along
21 the existing CMP right of way purchased beginning in
22 the 1920s. There is already a transmission line there.
23 Land use will remain the same, so about 70 foot wide
24 additional width that will be cleared, and this will be
25 replaced with low lying vegetation, as we heard

1 earlier.
2 The current 45, 75 foot tall towers will be
3 accompanied by towers in the 100 foot range. Power
4 lines are an interesting thing on the visual landscape.
5 There will be change certainly. There will be
6 something new. Most people don't notice power lines
7 because they see them so often that their brain likely
8 ignores them. I've noticed that many people that have
9 expressed concern about this project have no idea where
10 current power lines are. We need to keep that in the
11 back of our mind. There will be visual impact.
12 The new portion of the corridor through the
13 woods will have presence certainly, but there are
14 mitigations. There are plans for underground passage
15 or under river passage. The design does not cut
16 directly through uninterrupted wilderness. In fact,
17 Routes 201 and 27 and their associate development exist
18 in this area. The Montreal, Maine and Atlantic Railway
19 is a river of steel on a gravel bed with many stream
20 crossings. Also there are hundreds of miles of land
21 and roads. These intrusions represent more impact than
22 the proposed transmission line, potential impact on
23 wildlife and in forest clearing, aid some species and
24 may handicap other species and many of these species
25 can move around.

1 The power line in Starks at the farm I grew
2 up on was always a good place to get your deer. The
3 CMP corridor maintenance on the new lines and the new
4 widening will be the same that they have used in the
5 past.
6 MS. MILLER: I'm sorry, can I ask you to
7 wrap it up, please.
8 PAUL FREDERIC: Okay. In terms of the
9 local setting, if we go for wind and solar, we still
10 have environmental impacts and siting and we still have
11 transmission lines and at the very local level the tax
12 base, new jobs, broadband extension are all positive.
13 And the document that Senator Mills recently signed
14 demonstrates the broad support for this project.
15 I might point out that the school district
16 that my town is part of, which focuses on Farmington,
17 Maine, will gain $1.1 million in additional taxes each
18 year after the project is complete. Thank you for your
19 time.
20 MS. MILLER: Thank you. So I'm going to
21 call some names which I've already called. If you do
22 not wish to speak and you're here, just let me know and
23 otherwise I'll just keep calling names until I get
24 people to come down because I have quite a few to go
25 through. Sandra Swatsky, Gail Lange, Elizabeth White,

1 Dave Macomber, William Mayo, Tanner Symms, Lee
2 Couturier. I'm sure I mispronounced that one.
3 Patricia Van Horne, Donna Fuller, Susan Ruprecht -- or
4 William, I think it's Ruprecht, David Lord, Peter
5 Theberge, Julia Mahon, Theresa York, Terri Ledoux, Jean
6 Stewart, Cliff Stevens. We'll get started here.
7 DAVID LORD: Hi, my name David Lord. I
8 live in Fayette, lifelong resident of Maine and grew up
9 here in Franklin County in the area --
10 MS. MILLER: I'm sorry, can I ask you to
11 speak right into the microphone? I know it's kind of a
12 pain, but it helps the transcriptionist. Thank you.
13 Can you start over?
14 DAVID LORD: Is this okay? My name is
15 David Lord. I live in Fayette. I grew up here in
16 Franklin County and this area this power line is going
17 through has been my playground for long time and my
18 kids. I'd like not to see it destroyed for my
19 grandchildren and great grandchildren.
20 What I've heard here tonight, some of it has
21 changed my mind about some of it, but I have some
22 concerns that haven't been addressed. One is when I
23 studied electricity many years ago, on a power line
24 like this in order to keep the power flowing evenly,
25 they had to use big, big synchronous motors. They

1 hummed and whined all night long. I wonder what that
2 effect -- what the effect of that will be on the
3 wildlife. Will it drive them away? Will it keep from
4 them going to their usual habitat?
5 And the other thing that I would like to know
6 for sure, and I hope you people will research and get
7 some assurances, in the past when Central Maine Power
8 has had their right of way and transmission lines done,
9 eventually they put gas lines and other lines
10 underground and I'm dead against natural gas when you
11 see all the explosions there are. I'd like assurances
12 that there won't be gas, oil or dangerous liquids piped
13 through pipes under those power if that's what comes
14 through.
15 The other thing, one of the gentleman talked
16 about being in the Navy and never had time to do
17 anything right, but you always could do it over. I
18 worked in one of those places.
19 This corridor would be a permanent thing. It
20 would be a scar on the face of Maine and if modern
21 technology and new methods of making electricity deem
22 this power line no longer necessary, that scar will
23 never heal and the foresters that work up there can
24 tell you. There's roads up there you can see that
25 haven't been used for 60 years and there are other

1 scars on the earth we know from listening to the
2 archeologists and geography and people long before us
3 made and it would never heal and I wouldn't like to see
4 that happen, you know, that's one reason I'm against
5 this project.
6 In 1820 Maine separated from Massachusetts
7 and in my opinion they ruined what they had and we
8 preserved what we had. I'd like not to see that
9 ruined. Thank you for the chance to speak.
10 MS. MILLER: Thank you.
11 JEAN STEWART: Name is Jean Stewart.
12 I'm from New Sharon. I'm a visiting nurse and I hear
13 deep concerns from those living in the area I visit
14 from Anson down through Livermore Falls concerning this
15 line. The corridor that is proposed would cut through
16 a miles of undeveloped forest and Maine's north woods
17 using herbicides to maintain the corridor on its
18 entirety and clear the land does harm many species,
19 brook trout, salamanders, deer and other animals,
20 habitats. It would damage significant tourism economy
21 of a broad region. A certain detrimental impact on the
22 Kennebec, Cold Stream and Sheepscot Rivers, all class A
23 and many other waterways would occur.
24 On top of fragmentation and wildlife impact,
25 indeed there is no evidence, and CMP will not state

1 this, that the corridor would reduce climate change and
2 pollution. Neither of the related project proposed
3 through Vermont or New Hampshire would ever preclude
4 greenhouse gas reductions either. This proposed
5 corridor would jeopardize the construction of new
6 in-state renewable energy projects and clean energy
7 jobs that Maine would be benefitting from. To allow
8 damaging the viewshed and lowering property values or
9 having an extension corridor with power that already
10 has buyers in Ontario, New York and thus far no
11 evidence of climate benefit is unconscionable.
12 Visitors don't come to these areas to view a
13 hundred foot power lines. And remember CMP clearly
14 states that this direct current corridor, in previous
15 meetings, they stated that this will be a priority if
16 weather cause or other outages occur, which would
17 compromise reliable service to Maine customers.
18 Please be informed of this project's
19 shortsightedness and of its permanent damage and
20 impact. Can we look further than tomorrow regarding
21 our energy? No amount of money is worth permanently
22 damaging forest habitat, water sheds and western
23 Mainers way of life. Please deny this certificate.
24 Thank you.
25 MS. MILLER: Thank you.

1 SUSAN THEBERGE: Good evening, my name
2 is Susan Theberge and I'm reading for Peter Theberge,
3 if that's okay. Okay, thank you very much. My name is
4 Peter Theberge. I live in Jay, Maine and I'm strongly
5 opposed to this project. Imagine if however many years
6 ago CMP had approached the State of Maine and its
7 residents and said we'd like to put in a line to supply
8 Quebec-Hydropower to a New England grid and would like
9 to involve as many people as possible to have a project
10 that Mainers could be on board with.
11 CMP likely would have learned quickly just
12 how important the north Maine woods are to so many
13 Mainers. An alternate route of burying the line
14 alongside Route 201 would likely have been suggested
15 and with that route CMP could have also buried the
16 local power line to greatly improve Jackman area
17 electrical reliability. The majority of Jackman would
18 be on board. Keeping the line out of that working
19 forest would have more on board. The widened corridor
20 of Route 201 would allow for a snowmobile route with
21 connection with other trails. Snowmobilers and their
22 organizations would be on board.
23 A widened corridor would also enhance the
24 scenic views available to those driving that route,
25 more may be on board. Cutting grass over the buried

1 line as opposed to using herbicides would have even
2 more on board.
3 In addition to the enhanced views, the
4 utility poles along the route to various local lines
5 could be taken down, maybe the scenic people could be
6 on board with that. If there were necessary mitigation
7 monies, they could have gone directly to the upkeep of
8 Route 201, the Route 201 Byway. Imagine that? There
9 could have been a lot of people on board and
10 appreciative if CMP included them. I would be on board
11 with that.
12 Instead CMP surveyed and planned their entire
13 written secret. Only when they needed to show that
14 they had support did they approach town leaders with
15 the list of things they apparently couldn't turn down.
16 And only when it couldn't be held back anymore did the
17 public begin to find out about it and the opposition
18 grew and grew. People are against this for many
19 reasons.
20 Recent polls show 65 percent of Mainers are
21 opposed to it with only 15 percent for it. That number
22 rises to 80 and 90 percent of Somerset and Franklin
23 County residents against it.
24 While the vast majority of benefits go to
25 Quebec, Spain and Massachusetts, Maine is left with a

1 division between the residents of this state and its
2 government and agencies bigger than any corridor will
3 be. That is of course in addition to the corridor
4 itself, especially when considering future expansions
5 of this corridor. Now is the time to reject this
6 proposal. Thank you, Peter Theberge.
7 MS. MILLER: Thank you.
8 CLIFF STEVENS: My name is Cliff
9 Stevens. I'm a resident of The Forks. I own a rafting
10 company, Moxie Outdoor Adventures, and I own a sporting
11 camp and campground which abuts the corridor along
12 Moxie Pond. I'm opposed to the project for its impact
13 on the scenic viewshed and its impact on a working
14 forest, our pristine wilderness that has a working
15 forest in it.
16 I feel that the corridor is inappropriate in
17 entering to go through this beautiful pristine area.
18 The towers along Moxie Pond specifically, it's a place
19 there's no internet, there's no electricity and there's
20 no cell phones. So when you go there, people do
21 unplug, as they do all throughout this area that we're
22 a discussing. They go there and recharge.
23 My guests, my neighbors, people who hike the
24 Appalachian Trail, if this project is approved, we will
25 see these poles from everywhere, every little mountain,

1 every little pond. As you drive up Route 201 and crest
2 Rollins Hill, you'll see the power lines. I strongly
3 recommend that we do not approve this project.
4 Thirty years ago there was a proposal to run
5 power down Lake Moxie to the camps and with your wisdom
6 you denied that and I hope you use that same wisdom to
7 deny this project or to look at alternatives. Thank
8 you.
9 MS. MILLER: Thank you. Okay. Andre
10 Belanger, Andrew Breau, Tim Walton, James Labrecque,
11 Arno Labrecque, Clyde MacDonald.
12 ANDREW BELANGER: My name's Andre
13 Belanger. I'm a resident of Farmington. I've been
14 here approximately over 30 years. I have a tremendous
15 respect for the people who oversee our environmental
16 laws in this state. I think they've done a very good
17 job over the years. I think -- things have changed.
18 We've talked about years ago, you know, used this area
19 in the Flagstaff Lake and so forth, laws have changed.
20 Things have improved, but we also -- if we want to
21 progress as a state, we're part of New England, this
22 helps New England. We're part of that New England
23 group that has an impact on us. It may not be direct
24 as some of you would like, but it has an impact. It
25 helps our local community, tax base.

1 I'm familiar with the corridor existing. I'm
2 a member of the local snowmobile club. I've worked on
3 these trails, which in some places are 10 to 12, 15
4 miles long and I see wildlife. The fish don't go
5 through the streams, deer cross, birds fly by. I don't
6 see that changing.
7 As far as up in the northern part of The
8 County, that's a working forest. It has been for a
9 very, very long time. It will continue to be a working
10 forest. Again, I have a lot of faith in our existing
11 laws and the people who oversee it because they study
12 these things and they're well educated on those plans.
13 Disasters and so forth, erosion, have you
14 ever looked at a stream after a flood, a hard rain?
15 The water changes, things change, it recovers. I don't
16 see any of this happening with a project that is
17 planned like this. These folks do their research.
18 Anyway, that's all I have. Thank you for the
19 opportunity for you folks to come.
20 MS. MILLER: Thank you very much.
21 JIM LABRECQUE: Good evening, my name is
22 Jim Labrecque. I was born in Farmington, grew up in
23 Franklin County. I live in Bangor. The last eight
24 years I have been the technical advisor for Governor
25 LePage on energy.

1 I have a few points I want to make today.
2 One, our standard of living is directly linked to our
3 energy use. Two, like our standard of living, our
4 electricity needs have steadily increased over the last
5 one hundred plus years. There is nothing to suggest
6 that will change. In fact, electric growth will
7 accelerate as we need more for heat and transportation.
8 While our demand for electricity continues,
9 our whole fleet of generation of electrical generation
10 is falling off line. There is no question we need more
11 energy resources. No form of energy generation is
12 without tradeoffs. Given the limited list of options
13 mentioned in these proceedings, what is the most viable
14 option, wind, solar or hydro? I was at the YouToo tech
15 conference and they addressed the conference before
16 Governor Mills a few weeks ago. I said this morning it
17 was zero degrees, and at zero degrees there was 434,000
18 homes in Maine heating their homes with oil at the rate
19 of a half a gallon an hour. When you calculate those
20 BTUs and transfer it to energy, that's seven nuclear
21 power plants worth of energy just for 434,000 homes
22 that only heat with oil, nothing else in the state,
23 this building, no other homes, no industry, nothing.
24 I asked where are you expecting to find seven
25 nuclear power plants worth of energy on a cold winter

1 night when the wind's not blowing and there certainly
2 isn't any sun. This stuff about we're going to do all
3 this with solar and wind is a myth for the last
4 45 years. We to have to get real. We need energy and
5 there is no plan by these people that continuously say
6 we're going to do it with solar and wind like they have
7 for the last 45 years. They have not even a plan on
8 the back of the napkin.
9 Look at the amount of planning CMP had to do
10 just for this one power line. I'm sure there's tens of
11 thousands of documents laid out in the public to be
12 scrutinized, but we don't have that.
13 I did calculations for the governor a long
14 time ago and I am going to submit -- do you accept
15 documents? Okay. I am going to submit this. It's a
16 document that I prepared as the governor's technical
17 advisor and testimony of mine to the energy committee.
18 And basically in here it showed that to do those
19 434,000 homes with wind, that's based on its average
20 capacity. You need 47 Mars Hill mountains, the whole
21 mountain, 47 Mars Hill mountains in each of Maine's 16
22 counties. All of the calculation here in this are
23 supported and signed off by a whole number of experts
24 and Ph.D.s and PEs and so forth and all the signatures
25 on here and so forth too, so if you look at that -- and

1 then one other thing I'm to going to submit for
2 documentation is calculations I did for the governor
3 before he left office when he was talking to -- when he
4 was talking to Quebec. And there's 110 megawatts out
5 of that 400 that's not being used, use that. It's
6 unsold. If we grab that and use it to run heat pumps
7 in the state, taking care of eliminating some of our
8 oil. Giving them six cents a kilowatt hour for our
9 electricity, we lose -- we save $120 million that don't
10 go to the oil companies to leave the state each year.
11 The calculations are all here for that.
12 And then one other thing, the savings in
13 having Clean Electricity mitigate that oil, it's
14 1.94 billion pounds of CO2 a year just by using a
15 hundred out of that 110 megawatts of potassium.
16 So with that, I want to thank you for letting
17 me talk. I'm not used to talking for just three
18 minutes.
19 MS. MILLER: Thank you.
20 ANDREW BREAU: Hello, my name's Andrew
21 Breau. I'm a resident of Farmington here. I'm an
22 electrician and I've worked on numerous --
23 MS. ELY: I'm sorry, is Mr. Breau on the
24 executive board of IBEW?
25 ANDREW BREAU: Yes.

1 MS. ELY: Board members were prohibited
2 from testifying because they're intervenors.
3 ANDREW BREAU: I did not know that.
4 MS. MILLER: Yup, I'm sorry.
5 CLYDE MACDONALD: My name's Clyde
6 MacDonald from Hampden. I was one of the -- on the
7 front lines fighting for the Dickey-Lincoln project
8 years ago. The biggest mistake I think the State made
9 was in turning it down, and I believe the Quebec
10 project is even better than the Dickey-Lincoln project
11 was. I think the key question that all of you folks
12 have to answer is if you're opposed to this project,
13 where do you want the power to come from? Some of them
14 don't have an organization and focus on wind, but all
15 the other arguments that are made against the Quebec
16 line, almost all of them can be made against the wind.
17 Do people know they're going to build a wind farm on
18 the top of one of the mountains and all of our winds
19 are going to be on top of the mountain. You have to
20 build a highway up the side of the mountain bulldozing
21 trees, scaring wildlife and these are not roads that
22 are built for cars. They're built for these
23 26-wheelers that are hauling this multi-ton blaze up
24 the side of the hill.
25 Now in the newspapers many of the opponents

1 have cited the reason they're opposed is because they
2 do not like the idea of a swathe cutting through trees.
3 Well, wind power cuts swathe after swathe after swathe.
4 Where you go up to the top there's a swathe to get rid
5 of all the trees and stuff on the top of the mountains
6 to put the towers in, and then there has to be
7 transmission lines. And those transmission lines again
8 are going to involve cutting trees, destroying wildlife
9 and so on and every one of these towers has between 150
10 and 300 gallons of flammable oil located between 350
11 and 600 feet up in the air. How does that make you
12 feel?
13 I mean, the University in Sweden says that
14 every ten years there are about 200 forest fires in the
15 world that they underreport.
16 I refer you to two weeks ago there was a
17 turbine fire in Halifax, Nova Scotia and I'd like to
18 report -- repeat what the fire chief said. He said
19 that all we can do was stand there and watch it because
20 there's no equipment in the world that can get up to do
21 anything above a turbine fire 350 to 600 feet up in the
22 air, so they just had to stand there and watch it burn.
23 I think there are other things I could say,
24 but the message that I really want to leave is you've
25 got to decide where do you want your power to come

1 from. If it's hydro, Americom and the Maine DEP and
2 these other prejudiced organizations have rolled over
3 and played dead on us, I don't disagree that Americom
4 and DEP have done wonderful work in many areas for the
5 environment, but when it comes to wind power, they're
6 brain dead and they're reporting project after project
7 after project.
8 So with that I'm going to sit down, and I
9 want to conclude by saying what a wonderful tribute it
10 is to the people of these areas and across Maine,
11 people with very strong opinions sitting here quietly
12 listening respectfully to what everyone has to say no
13 matter what side you're on and I feel for you, people
14 that are State officials who have to hear so much
15 repetition. Thank you.
16 MS. MILLER: Thank you, and I agree with
17 your sentiment as well. It's nice to have everybody so
18 peaceful.
19 CLYDE MACDONALD: Oh, by the way, I have
20 copies of what these bulldozers are doing to our
21 mountain tops. This is Mars Hill.
22 MS. MILLER: So let's move on to the
23 next person for testimony.
24 TIM WALTON: Thank you. My name's Tim
25 Walton. I'm a resident of Livermore.

1 MS. ELY: I'm sorry to object, I think
2 Mr. Walton is a board member of the Maine Chamber of
3 Commerce.
4 TIM WALTON: That's correct.
5 MS. ELY: We told our board members that
6 they couldn't come today.
7 MS. MILLER: Yes, board members are
8 not -- who are intervening parties are not allowed to
9 testify at a public hearing.
10 TIM WALTON: Well, that's the shortest
11 testimony I've ever given.
12 MS. MILLER: Thank you.
13 TIM WALTON: I wholeheartedly support
14 the project.
15 MS. MILLER: And the reason for that,
16 just for clarification for everyone in this room, is
17 that the intervening parties have an opportunity to
18 speak and be heard throughout the week's long
19 testimony, so the boards of directors generally
20 represent those intervening parties, and that's why
21 they're not allowed to speak tonight at the public
22 hearing.
23 TIM LABRECQUE: I have one more. I'm
24 speaking on behalf of my son. He's on the list, Arnold
25 LaBrecque, he's special needs. I just wanted to

1 mention a few things regarding those of the lowest
2 disadvantaged income in the state. When you increase
3 costs of electricity, you increase taxes to
4 municipalities. You increase costs of groceries and
5 anything, their Social Security with all the thousands
6 of special needs people we have in the state don't go
7 up proportionate to the cost of electricity. So I'm
8 speaking on behalf of my son, Arnold LaBrecque.
9 MS. MILLER: Just to be fair, I still
10 have a pretty long list of other people that need to
11 speak, so would it be okay if we put you later?
12 TIM LABRECQUE: You called out his name,
13 Arnold LaBrecque, you called it out on the list.
14 MS. MILLER: Okay.
15 TIM LABRECQUE: So when you increase the
16 cost to, say the cost of electricity, all the
17 municipalities, you know, the schools, the fire
18 departments, the hospitals, I mean, the fire
19 departments, police departments, everything goes up,
20 you know, the lights in the streets and then they
21 increase your taxes.
22 When electricity goes up, electricity is one
23 of the biggest costs per supermarkets as an example.
24 The supermarkets are the largest commercial entity
25 consumer in the country using four percent of the

1 nation's electrical energy, that goes up. So all of
2 these increased costs gets burdened on to so many
3 people that are fixed with very, very limited fixed
4 incomes and they have no way to offset that. So I'm
5 very sensitive about how important it is to have these
6 types of real resources that could come in in a big way
7 to our pool of energy and lower the costs. So that's
8 all I want to say on behalf of my son. Thank you.
9 MS. MILLER: Thank you. Okay, I'll
10 start calling a number of other people, Kimberly
11 Schaeffer, Monica McCarthy, Tim Bryant, Raymond Janes,
12 Randall Park, Fred Morrill, Gary Lachance.
13 MONICA MCCARTHY: Hi, I'm Monica
14 McCarthy. I live in Rome and my position on this
15 project is probably not ambiguous. I'd like to
16 acknowledge the long day that you've had. I plan to
17 confine my comments to just a couple of areas that I
18 noticed came up in testimony over the last couple of
19 days before you until some of my fellow citizens
20 brought up climate change as a reason to accelerate the
21 permitting of this project and so I feel compelled to
22 also comment on that since CMP is taking great pains
23 not to address climate change and not to have
24 discussion about greenhouse gas emissions, or any proof
25 of this project's overall impact on greenhouse gas

1 emissions be part of the proceedings.
2 I was there in January during the pretrial
3 conference, I heard their attorney object because it
4 wasn't part of their application, it shouldn't be
5 addressed in the proceedings.
6 If this project is going to continue to be
7 sold to the public as an answer to climate change, I
8 think it's very important that we have transparency
9 about that. I also understand that your jurisdiction
10 is limited in ways that you can view this project and
11 the things that are able to address, but I would just
12 ask that if climate change is going to be continued to
13 be sold as the reason for this that you support things
14 like LD640 and you support a serious look into getting
15 the data about that so that we all understand what the
16 real impacts are and we understand what we're buying
17 for this tremendous cost that we're paying.
18 I also wanted to comment on, and I apologize
19 because I'm not sure what the gentleman's name was, but
20 he spoke earlier this evening, one of my fellow
21 citizens, and he seems to feel that your role was to
22 find a way to permit this project, and as a Maine
23 citizen and taxpayer, I see your roles very
24 differently. I'm looking at each one of you right now
25 and what I see you as is the last line of defense for

1 our land and our air and our water and our precious
2 resources in this state and that will be gone forever
3 if we don't take the steps necessary to safeguard those
4 now. You're the last line of defense. So I would like
5 to encourage you to revisit your role in a way that you
6 are looking at this because I believe that your charter
7 is to safeguard those resources that really are
8 synonymous with Maine's land.
9 So now that I've addressed those two things,
10 I'll go back to a couple of things, just a couple of
11 things that came up over the last couple of days that I
12 want to encourage because we heard a lot about the
13 visual impacts of this and I know for the LUPC this is
14 particularly important, and we heard a lot over the
15 last couple of days about these hundred foot tall south
16 wind monopoles that are going to blend in to the
17 environment. They weren't going to be visually
18 impactful because they were going to be dark brown.
19 But one of the things that got my attention was that
20 none of the four people that were sitting there in the
21 room with you that were represented who did the visual
22 impact studies had ever actually seen one of these in a
23 project. And so they're testifying that this is going
24 to mitigate the visual impact, but there appears no
25 firsthand knowledge of this. And so I would encourage

1 you to look at another project with these or some other
2 visual representations that would provide some more
3 clear and substantial evidence of exactly what the
4 visual impact is going to be.
5 MS. MILLER: I need to ask you to wrap
6 things up.
7 MONICA MCCARTHY: Sure. I'm just about
8 there any way. Clarity over the distance at which it
9 will be visible to AT hikers because I think that I
10 heard someone testify today that it was five miles in
11 either direction and that's most of the AT hikers trail
12 once they get to Maine and I will echo some other
13 comments that Maine is a favorite along the route
14 because of its rugged character.
15 Just to close, I believe that CMP so far has
16 failed to show that this project can be buffered from
17 other existing uses, studies and impacts of
18 directional -- really the impact on fisheries haven't
19 been adequately explored and there are some symbols
20 that are universal and have been playing a game lately
21 and all of the popular culture kind of references if
22 you watch TV shows like the Walking Dead or some movies
23 like the Terminator, what you'll see in the background
24 are those tall utility towers. We go to the woods to
25 unplug. Thank you very much for your time.

1 MS. MILLER: Thank you.
2 GARY LACHANCE: My name is Gary Lachance
3 and I'm a resident of Carrabassett Valley, a native
4 Mainer, and I ask you to please consider this decision
5 because it's forever and it's going to impact that
6 area. The native tribe will never make it and we're
7 one of the last places that have them, even though I'm
8 not a fisherman, it's really important.
9 The global warming issue is going to be
10 added. This is going to be added to the grid. Maine,
11 I believe, we have a power surplus, so we're doing this
12 to get hydropower money and Massachusetts power line in
13 the grid. New Hampshire said no for a reason. It's a
14 really wrong idea. If anybody looks at Lake Champlain,
15 they could run it down the full length of Champlain.
16 The grid is right there at the base of it. There's got
17 to be a better way than to scar this area forever. And
18 we're getting 30 years of benefits for a line that's
19 going to be here forever, think a hundred years down
20 the road, think when this 30 year grace period is up.
21 So I ask you to please consider the long-term effect.
22 Think about a hundred years down the road.
23 If you're going to do it, make them do it
24 where the East West Road corridor is and make them put
25 in a two lane highway, you know? I mean, if you're

1 that serious, make them do it right. Think long term
2 and give us power forever, a percent or a part of
3 percent, whatever is fair, but to get this 30 years is
4 a drop in the bucket.
5 And I just want to say thank you very much
6 for letting me speak today. I really appreciate it and
7 good luck with your decision.
8 MS. MILLER: Thank you.
9 RAYMOND JAMES: I'm Raymond James.
10 MS. MILLER: Can you just pull the mic
11 down a little, thank you.
12 RAYMOND JAMES: I'm Raymond James. I'm
13 from Warren and I'm really -- I've been really agitated
14 about this corridor project because it seems to me that
15 the corporate line of propaganda is riddled with
16 hypocrisy. I think it really is a tremendous hypocrisy
17 because they totally ignore the dilatory effects on the
18 environment.
19 The necessity -- first of all, cutting all
20 these down is going to eliminate a lot of carbon
21 sequestration. After the landscape is raked for this
22 corridor, it becomes necessary for them to maintain it
23 by coating the whole corridor with Round Up, or some
24 other herbicides to prevent growth, you know.
25 It seems to me that -- 70 years ago Rachel

1 Carson was warning us about the danger of DET. Now we
2 have Round Up, which is probably at least as dangerous
3 and is available across the shelf in every Home Depot
4 and I think it's a -- it's just total officiation to
5 ignore that. How soon do we forget about that?
6 MS. MILLER: Thank you, sir.
7 TIM BRYANT: Good evening. My name is
8 Tim Bryant. I'm the least political person in the
9 room, perhaps the city, but I am completely opposed to
10 this and I couldn't help but express my thoughts, so
11 thank you for that.
12 My wife and I lived most of our life in
13 Chesterville, Maine, but our heart is in Upper
14 Enchanted Township in our seasonal home 365 days a
15 year. For that reason we want to left as it is.
16 We go there every chance we get. It is an
17 opportunity to be away from cell phones, from
18 responsibilities, from power and unwind. We go there
19 and refresh our souls. Short of our children and our
20 lives, it's our biggest pleasure.
21 To us it is paradise. We just sit and we
22 watch the animals and to us it's paradise. We just
23 ride around on the woods roads looking at the trees.
24 My wife makes me stop periodically in the fall and I
25 see geesh, what's wrong, I just want to get a picture

1 that red tree, or that red leaf. To her it's paradise.
2 We walk in the woods; we walk on the trails and
3 mountains. To us, yes, paradise. We go out in our
4 canoe and our kayaks in the ponds, again, to us it's
5 paradise.
6 I tie flies, my own flies, and I go fishing
7 and take great pride in fly fishing for native brook
8 trout in the woods of Maine. There's nothing like a
9 native brookie and this projects causes great danger
10 and fear to that species and that environment. I'll
11 tell you, they don't know that they're little the way
12 that they strike. Again, that experience is paradise
13 to us. For that reason, all the those reasons and so
14 many more, this region is paradise and should be left
15 alone.
16 In the '70s Don Henley of the Eagles wrote a
17 song about greed and overdevelopment of the state of
18 California. This song is called The Last Resort. The
19 closing line of that song said if you call some place
20 paradise, kiss it goodbye.
21 MS. MILLER: Thank you.
22 RANDALL PARK: I'm Randall Park from
23 Appleton and I want to thank you for all for staying
24 here so along and listening to all of this testimony.
25 I know it's really tough, but thank you for doing that.

1 It's a great service to the people of Maine.
2 I would like to say that I'm strongly opposed
3 to this project and I would like you to reject it,
4 please. I spent about 20 years of my life in Franklin
5 County and Carrabassett Valley and I hiked the, you
6 know, the great Appalachian Trail many, many times and
7 I don't want to see it destroyed. And I have
8 grandchildren, I know I'm probably getting up there in
9 age, but I'd like my grandchildren to be able to, you
10 know, visit that and hike that trail in peace the way
11 it is now.
12 And to answer the person who said that we
13 have to find out where our power is going to come from,
14 I would like to say the sun provides enough energy in
15 one week to provide all the energy of the entire world
16 for an entire year. I'm sorry, the way I explained it
17 wasn't quite right, but the amount of energy that the
18 sun provides in a week is equal to the amount that's
19 needed for the entire world for one year. I have some
20 solar panels on my house, just one side of the roof is
21 covered and that generates 13,000 kilowatt hours of
22 power per year, which is enough for the entire home.
23 Unfortunately I have a quite disagreement
24 with Central Maine Power, which I think CMP really
25 stands for Criminals, Misfits and Pirates because

1 they're really not actually giving me credit for all of
2 the power that is generated, but really that balance is
3 still underway.
4 In terms of the wind generation issues, all
5 the complaints about the giant wind towers burning and
6 that stand there and watch them, I'm saying that yes,
7 we should not -- we should not invest in those giant
8 horizontal acts as wind turbines, but wind turbines are
9 completely silent. They don't make any noise and they
10 are far better in terms of not affecting wildlife and
11 they are silent. And the other benefit is that they
12 don't burn. I mean, they can take the highest wind
13 possible without exploding and burning.
14 So we ought to think more of distributing
15 power and we can solve the greenhouse gas problem. It
16 is a very important problem. And I want to say also I
17 have a bachelor's in chemistry and I'm not going to go
18 into all the photosynthesis issues, that's not supposed
19 to be talked about tonight, but you know that those
20 trees are helping us and we don't want to cut any down.
21 And you can can't compare that to the working forest,
22 which when after you cut trees in the working forest,
23 they -- the new ground generates new growth, which
24 generates oxygen and it converts the carbon dioxide
25 into oxygen. So there's no comparison between those

1 two and we don't need to deforest and we should not
2 deforest to put up solar panels as a massive scale. We
3 need to have a distributed solar and wind development
4 and it should be small scale. Thank you very much.
5 MS. MILLER: Thank you.
6 FRED MORRILL: I'm Fred Morrill from
7 Tenants Harbor. I'm against this project because it is
8 a mega corporate technological endeavor, you know, so
9 far beyond the hidden scale, it might as well be in
10 another universe and it would be great if it wasn't in
11 this one. So it's a dinosaur and so please do not
12 support it. Thank you very much.
13 MS. MILLER: Thank you. I'm going to
14 run down another list of names, Howard Trotsky, Samuel
15 Day, Mark Rains, Stephen McCarthy, John Cote and
16 William Hughey.
17 HOWARD TROTSKY: Hi, my name is -- first
18 of all, thank you for being here so late. My name is
19 Howard Trotsky and I've had to listen to native Mainers
20 talk about native brook trout, but I must confess
21 before I speak that I'm from Manhattan. I was born,
22 raised and educated there and my father sent me to a
23 summer camp when I was ten years old, fell in love with
24 Maine and have been here since.
25 I'm a resident of Bangor since 1969 and I

1 have a small home in -- a small house in the village of
2 Caratunk. I've taught high school in chemistry and
3 physics in Maine, in Jackman for 21 years. I have a
4 fishery biology degree from the University of Maine and
5 served eight years of four terms in the Maine
6 Legislature as a republican chairman of the Natural
7 Resources Committee, the Energy Committee and the
8 Public Utilities Committee and also the Education
9 Committee.
10 I think I have some perspective in knowing
11 that every major energy source, possibly with the
12 exception of solar, requires an environmental tradeoff.
13 There are no simple solutions. Governor Janet Mills
14 realized that global warming caused by CO2 emissions
15 from burning fossil fuels is an existential threat to
16 our way of life. With good intent she is trying to do
17 something about this locally to reduce the greenhouse
18 gas emissions. The full consequence of global warming
19 are not yet fully known or experienced.
20 However, 53 miles of new transmission line on
21 massive towers through the north Maine woods would
22 fragment and damage the scenic beauty of the western
23 mountains, lakes, rivers and streams of Somerset
24 County. This is an unacceptable tradeoff for any
25 questionable environmental benefits from New England's

1 Energy Connect proposal.
2 In 1941 the Portland Montreal Quebec Pipe
3 Line was built on an existing right of way, the
4 Canadian National Railway rail line. The pipeline was
5 two feet in diameter, buried three feet beneath the
6 surface and ran for 236 miles through Maine, New
7 Hampshire, Vermont and Quebec and 5 million barrels of
8 crude oil was pumped to Montreal.
9 Before the DEP and LURC issue any approvals
10 for this project, which has been rushed through with
11 backroom deals, which some were bribes, the following
12 conditions should be met. First, the DEP should put
13 this project on hold and request that an independent
14 study be made. Senator Carson has introduced LD640 to
15 determine whether there will be significant net
16 greenhouse gas reductions by the construction of this
17 project. We need to know the facts, the real facts.
18 It's hard to tell what the facts are. We could get two
19 sides to the story.
20 MS. MILLER: I'm sorry, can you wrap it
21 up?
22 HOWARD TROTSKY: Yes, I will.
23 MS. MILLER: Thank you.
24 HOWARD TROTSKY: The second, if the
25 transmission project is approved by LUPC, it should

1 require that the transmission line be buried
2 underground and under the Kennebec River so it will
3 partially mitigate the environmental damage caused by
4 fragmentation to the Maine woods and western mountains
5 of Maine or else a possible alternative route could be
6 found. That's basically what I want to say. Thank you
7 very much for your time.
8 MS. MILLER: Thank you.
9 MARK RAINS: I'm Mark Rains. I'm from
10 Vienna, Maine. I have three points of questions about
11 alternative analysis. Will the applicants be able to
12 demonstrate the ability to compensate for avoidable
13 impact to the fire attributed by the tower line or
14 transformer malfunction such as experienced multiple
15 times in California and increasingly risk of global
16 warming leads to drier forests and risk that the Maine
17 woods would catch fire at a scope beyond the past fires
18 that demolished mountains. We need to be assured that
19 the corporations can reimburse damage without being
20 overwhelmed or declaring bankruptcy.
21 Secondly, if this could be prevented by
22 underground lines, that should be fully evaluated,
23 regardless of the profit implications for regional and
24 international stockholders.
25 Although I do not advocate this next action,

1 there is vulnerability, risk and danger of vandalism or
2 terrorism to towers and aboveground lines. If it's
3 spring down towers and lines and cut off electricity to
4 Massachusetts, we have lost the potential climate
5 benefits and fires would add to pollution. If
6 terrorists cover their evidence by setting northern
7 Maine woods on fire, could corporations claim this was
8 an act of war and release themselves from liability for
9 reimbursing families, communities and businesses for
10 fire damage?
11 Again, is this a reason to evaluate
12 alternatives of underground transmission, which I know
13 nothing about, but the alternatives I think should be
14 considered.
15 Quickly, as we approach Maine's bicentennial,
16 I wonder if we are now experiencing something of the
17 columnization imposed on habitats of the Abenaki from
18 Massachusetts and international corporations from 200,
19 300 years ago.
20 Once again, this puts leaders and
21 representatives, our governor perhaps, between a rock
22 and a hard place to negotiate the lesser of negative
23 outcomes in order for corporate interests to profit
24 from our common wealth and resources.
25 We have an opportunity to explore

1 alternatives and learn from that past. The corridor
2 should be considered carefully in the context of a
3 comprehensive energy and economic policy for Maine, not
4 just Massachusetts. Alternatives above or below ground
5 should be safe and ecological for all, not just
6 profitable for shareholders. Thank you.
7 MS. MILLER: Thank you.
8 SAMUEL DAY: Thank for your time this
9 evening. My name is Samuel Day. I'm 22 years old. I
10 grew up in Hallowell, spent my entire life in Maine.
11 It's by no accident that I've chosen to stay here.
12 I've been offered jobs all over the U.S. and decided to
13 start a small construction company here serving
14 Belgrade and Cape Elizabeth. I once chased a girl to
15 Utah and now I'm back coming to my senses with an
16 elementary school teacher here.
17 This morning my previous boss sent me a
18 listing for a house of 1200 feet in front of the Eaton
19 River, 25 acres, a wood shop, everything I wanted,
20 $210,000, I said that sounds like a deal. So I pulled
21 it up on Google Maps and there's power lines running
22 between the garage and the house. That's all you need
23 to know to know that people value something with that
24 visual impairment much less. People will start to
25 consider the western mountains of Maine the same way.

1 Many people more qualified and eloquent have
2 broken down the numbers and spoken to the studies,
3 polls, precedence and glaring ecological and economical
4 misgivings that we have insidiously throughout the CMP,
5 HQ, Western Mountains and Rivers managed the clean
6 energy jobs and -- my testimony will be more anecdotal.
7 I spent a large chunk of my eighth grade
8 summer volunteering for the Maine brook trout project.
9 I carried miles into pounds, turned circle maps --
10 circled ponds on topo maps and notes were in the
11 margins of Maine Gazetteers into what became a map of
12 Maine's greatest most unique treasures, the Maine brook
13 trout. The ponds they called home stuck in the region
14 of this corridor without any damage. You may think who
15 cares, it's just a fish.
16 What's more important is what these fish
17 represent. Ecologically intact areas are resilient
18 with an abundance of cold, clear, clean water in and
19 out of undisturbed knolls and valleys and yes, I said
20 undisturbed. Maine's forestry practices are world
21 renown for a low impact sustainability both
22 ecologically and financially and compatibility with
23 other rare conditional uses and wildlife.
24 That is the antithesis of what CMP is
25 proposing. There's no secret in balancing economics,

1 energy and the environment is a game of give and take.
2 I'm not anti-development by any means, what I am is a
3 pro nuance anti-bull crap and the most of the
4 industry-sponsored greenhouse gas emission studies and
5 misleading financial promises qualify as a record. We
6 need to protect what we have left.
7 The affected region's culture and natural
8 resources are more than a bargaining chip, but if we're
9 going to treat them that way, we need to thoroughly
10 scrutinize any deals that we make. There's a current
11 legislation in the work session that give us that
12 chance. LD640 sponsored by Brownie Carson would
13 require further third party greenhouse gas emissions --
14 COURT REPORTER: I need you to slow
15 down.
16 SAMUEL DAY: Oh, okay, I'm sorry.
17 Before we cut our nose off to save our face, all the
18 facts should be on the table. Hippies and rednecks,
19 liberals and conservatives, northern Mainers and
20 southern Mainers have all come together to fight this
21 hand in hand. In this day and age that belongs to the
22 DEP and LUPC to honor the concerns of the vast majority
23 of those they represent and deny these permits.
24 Although they Leopold said I am glad I will
25 not be young in the future without wilderness. That is

1 a future I am facing. I trust this body to act in
2 Maine's best interest. Please do not make expediential
3 decisions based on benefits that are mere speculation.
4 Please do not gamble the Maine woods away. Thank you
5 for your time.
6 MS. MILLER: Thank you.
7 JOHN COTE: I'm John Cote, resident of
8 Manchester. I want to thank you guys for being here
9 and listening to all of us. I know it's a long day.
10 There's a number points I could address, but I think
11 we'll just talk about esthetics that I think was one of
12 the points you guys were looking for feedback on. And
13 I do want to say that I treat climate change very
14 seriously. I think it is a threat to our environment.
15 With that said, I am opposed to this project.
16 I think that we've not really explored all
17 the options that are available to us. I will just give
18 you an amicable experience with CMP. I was -- I grew
19 up in Lewiston and I was -- I owned some property that
20 abutted their corridor between 2001 and 2016. During
21 that time they're doing the reliability upgrade, I
22 believe that's what they sold it as. I'm not sure what
23 we got for our money there, but my -- the first time I
24 found out about that was something in the mail saying
25 they're going to be doing some survey work for a long

1 time and having the power lines right in my backyard
2 was not a big deal to have, you know, some woods in
3 between and it seemed great, but they were expanding
4 that line and it was going to be going right up against
5 my residence, and a lot of other people living next to
6 that line experienced the same thing.
7 And so the number of us residents came
8 together to advocate for ourselves and to try to
9 schedule some meetings with CMP to address concerns
10 that we had about our property values, that kind of
11 thing. I felt for myself in that process that they
12 really already the decision made as to what that they
13 wanted to do. The way that they kind of mitigated that
14 was by putting power lines pretty much right over our
15 houses. They put up those, I think they call them
16 self-weathering poles.
17 So I would say as far as aesthetics, you
18 know, I welcome you to come down to Lewiston sometime,
19 you know, go by where the poles, you know, cross 126
20 and you tell me if that would be compatible, you know,
21 with the Maine wilderness. I found it pretty ugly and
22 when I moved I was very happy and I took a loss on the
23 place. And just taking a ride between Lewiston and
24 heading up towards Augusta going through West Gardiner,
25 it seems like there's just a lot of transmission lines

1 everywhere.
2 I ask, you know, I mean, is that the best way
3 to go about, you know, creating this outcome? If
4 Massachusetts needs this power so badly, I think they
5 can come up with the money somehow, you know, mitigate
6 some of the effects of this. I know that we're all
7 part of the New England grid and we need reliable power
8 and I know having it from a single source is the
9 smartest way to do it. I think it's dangerous relying
10 on one thing, but, you know, even growing up in an
11 industrial city, it just seems to me that the
12 aesthetics of the line, they just did not make very
13 good choices, even where the lines cross over the
14 Androscoggin River is kind of, you know, a shame to
15 look at that sight.
16 So, you know, come down and look at it and
17 tell me if you'd want to live next to those things,
18 regardless of the north woods. I'm not a resident of
19 the north woods. I appreciate the wilderness that's up
20 there, but I feel bad for the people who abut the line
21 all the way, you know, into Farmington, Livermore Falls
22 who might have to be next to this thing. I mean, these
23 poles, I wonder if CMP, you know, is really keeping our
24 interest in mind in that way and looking at the best
25 alternatives. I thank you for your time.

1 MS. MILLER: Thank you.
2 WILLIAM HUGHEY: Thank you for allowing
3 me to speak. My name is William Hughey. I traveled
4 down here from Moose River this evening. We live in
5 the area that NECEC project is proposed to be
6 constructed and we are opposed to this project, this is
7 myself, my wife and my daughter who weren't able to
8 come tonight, because it will have a tremendous effect
9 on the last vested of relatively undeveloped wilderness
10 in the great of State of Maine.
11 We have also included letters of opposition
12 from the town of Moose River from our vote and from the
13 Jackman Utility District, which you may or may not have
14 received prior to tonight. They were supposed to be
15 sent out, but if not, I have a copies.
16 MS. MILLER: You can provide copies to
17 Mr. Madore.
18 WILLIAM HUGHEY: The will affect future
19 generations of Mainers and where and how they live and
20 recreate forever. The clause of this proposed HVDC
21 transmission line are innumerable and the negative
22 impacts are enormous while the benefits are truly none
23 for Maine's environment, economy, citizens and our way
24 of life. There is no level of mitigation that can
25 prevent the everlasting catastrophe to prove what this

1 project would have on the state and on our area.
2 The visual impact at the overlook and the Old
3 Canada Road Scenic Byway will be devastated. Recently
4 binoculars were added by the Old Canada Road group and
5 this will give you nice close-up views of the lines
6 that are dissecting the panoramic view into two.
7 Some of the proponents state that the area
8 where this green field, as the Avangrid calls it, is
9 not pristine, and to a lesser extent they are correct.
10 However, the areas are a vast, remote, working forest
11 that provides unlimited opportunities to be away from
12 it all and to experience the scenic beauty without
13 industrial infrastructure.
14 For example, take Three Slide Mountain,
15 there's a notch there, it's about 20 miles out on the
16 Spencer Road and you drive through and on your left
17 you'll have a big beautiful mountain with three rock
18 slides and then there's a notch you can go to and then
19 on the right there will be a beautiful cliff faces and
20 now picture it with hundred foot poles and power lines
21 going through there. It will no longer be one of the
22 most beautiful places that I've seen in my life.
23 And potentially in a couple of years when CMP
24 reapplies and wants to put transmission lines for wind
25 towers on the north side, this line will be running on

1 south as they've stated, to make it even worse, as well
2 it's more environmental impact.
3 The undeveloped areas of Franklin and
4 Somerset Counties have been high on the wind scammers
5 list for over 20 years now and this project will make
6 the transmission hurdle much cheaper for them, which
7 has been a major holdup over the years, which is
8 contrary to them saying that it will mean less wind
9 towers. Either way it's going to mean more. They're
10 thinking long term, we need to think long term.
11 The remaining thousands upon thousands of
12 people that come to western Maine to get away from it
13 all and explore the wild untamed hunting beauty that we
14 have to offer will go somewhere else that isn't marred
15 and scarred by industrial development that destroys the
16 environment for extreme profits in the name of saving,
17 which is quite the irony.
18 The crossing of 115 streams and multiple
19 rivers, many of which are vital to Maine being the last
20 safe haven for the eastern brook trout will be
21 endangered due to herbicides, such as Arsenal, which is
22 one that was approved for CMP's use by you guys. I
23 believe 2015 was the most recent I could find the
24 information, which is not a widely safe product. As we
25 all know, there's what, 12, 15,000 lawsuits of people

1 getting cancer from this stuff.
2 Also, the fact that Hydro-Quebec most likely
3 isn't increasing their actual capacity until 2024 or
4 possibly later, that it will be just shifting from the
5 contracts that are existing, which those people would
6 have to get their electricity from somewhere as well.
7 Would it be more renewables? Possibly. Would it be
8 fossil fuel? Possibly. Nobody really knows and we
9 can't get the answers.
10 But the future of Maine is on the line here,
11 remember that the motto of our state is Dirigo, I lead.
12 Protecting our area from this type of development that
13 pretends to be green and environmentally responsible is
14 the true way to lead.
15 Our children will thank us when they can look
16 out over our ridges and valleys and not see row upon
17 row of wind turbines on the ridges and transmission
18 lines going through valleys. It will be a nice thing
19 if they don't ask us why we didn't stop it when we
20 could. Thank you.
21 MS. MILLER: Thank you.
22 STEVE MCCARTHY: Good evening, my name's
23 Steve McCarthy. I'd like to thank everybody here for
24 coming out tonight taking the time off for or against
25 and thank you folks for allowing us to speak.

1 I'm going talk to the facts that I've learned
2 from listening to CMP and some of their spokespeople.
3 It is up to 1700 jobs, not guaranteed 1700 jobs. Out
4 of those jobs zero are guaranteed to Mainers, zero jobs
5 guaranteed. It's up to 3500 direct and indirect jobs,
6 no guarantee where those jobs will be going or coming
7 from or going to. They chose this route because
8 eventually they're going to supply either a conduit for
9 windmills or as has been stated, they're already the
10 third largest windmill producer in the United States,
11 they want to expand that.
12 Mr. Dickinson and I had conversation while
13 out snowmobiling this year when he explained to me that
14 on the side of Johnson Mountain they had it permitted,
15 but they lost the bid because they couldn't be
16 competitive in transmission, transmission meaning get
17 the power from the windmill to the line. They're not
18 going to get that wrong again. If this goes through,
19 the aesthetics beyond the poles will be the windmills.
20 The route was chosen directly for the wind
21 production. Cianbro has 39 test sites that test
22 positive along the route that was given to me by a
23 Cianbro individual, so taken in conjunction with the
24 poles and the windmills, this route was chosen
25 directly. They could have chosen to run the pole line

1 along gravel roads that exist from Quebec to Route 201.
2 They could have chose to bury that. They chose not to.
3 Beyond that, the internet that they're
4 talking about, the broadband, is on the poles. CMP is
5 not putting that into your communities. It is $25,000
6 a mile from the pole into town. It doesn't matter if
7 it goes to 20 houses, 25 houses a hundred houses. It's
8 $25,000 per mile from the pole. The reason that it's
9 not there now in the sparsely populated areas is
10 because the companies that provide it as a service
11 can't make the money. It's not that they can't get it
12 there in many communities, it already borders the
13 communities, but the big companies that sell it to the
14 public cannot make enough money off it to make it
15 viable.
16 Mr. -- they stated they chose the most
17 eloquent route to avoid all of the areas possible that
18 would cause detrimental harm, including vernal pools,
19 waterways, grids, ponds, lakes, streams. They didn't.
20 They could have followed the gravel road, but it's
21 because of the windmills that are going to affect the
22 view of this entire area that thousands of people go to
23 yearly, that I have taken myself for 12 years as a
24 white water guide into this area and the reason people
25 go there is for the wilderness. It is going to cause

1 detrimental harm, visually, environmentally and as a
2 whole to our economy.
3 In closing, I'll say these two things, the
4 Conservation Law Foundation opposed this project in New
5 Hampshire, but they're approved it for CMP. And the
6 last thing I'll say -- I won't say anything else.
7 Thank you folks.
8 MS. MILLER: Thank you.
9 JAN COLLINS: My name is Jan Collins. I
10 live in Wilton. I grew up in here. Maine has been my
11 home all of my life.
12 MS. MILLER: Hold on a second, you
13 signed in already?
14 JAN COLLINS: No, I'm sorry.
15 MS. MILLER: Okay. I need to swear you
16 in and I just need to make sure I got your name
17 correctly.
18 JAN COLLINS: Okay.
19 MS. MILLERS: So let me add you to the
20 list. Jan you said? Jan?
21 JAN COLLINS: Yes, Collins.
22 MS. MILLER: Collins, okay. Okay. So I
23 need you to raise your right hand. Do you swear or
24 affirm that the testimony you are about to give is the
25 whole truth and nothing but the truth?

1 JAN COLLINS: I do. As I was saying,
2 I'm Jan Collins. I'm from Wilton. I grew up in
3 Wilton, have lived in Maine all my life and for a long
4 part of my life I thought Wilton was the center of the
5 universe and part of that was due to my experiences
6 climbing in the mountains around this area and being
7 able to look out in all directions and see nothing but
8 mountains and trees.
9 In high school I was part of the Youth
10 Conservation Corps working on the Appalachian Trail in
11 Township E. If you don't know where that is, it's near
12 Rangeley. That experience allowed me to meet through
13 hikers hiking the entire Appalachian Trail and they
14 assured me that Maine was the most beautiful state on
15 the entire trail.
16 A few years later I hiked from the New
17 Hampshire border to Katahdin and fell in love with it
18 again. Then the next near decided to hike from Georgia
19 to Maine thinking that all of the trail looked like it
20 did in Maine and New Hampshire and being very surprised
21 to find that the Appalachian Trail in Maine and New
22 Hampshire is very different from anywhere else along
23 the eastern coast.
24 In Maine in particular you have a sense of
25 wilderness that is not available anywhere else along

1 the trail, even in New Hampshire, which is very close,
2 you have people driving up to the top of Mount
3 Washington and easily accessing the trail. All of it,
4 believe it or not, after I finished the trail my first
5 time, I went back and did it again, this time knowing
6 that Maine would be the star of the entire Appalachian
7 Trail.
8 I am telling you this because I need you to
9 know what I know in my heart and what most people in
10 this room already know as well, that what we have here
11 is something precious and unique that cannot be
12 duplicated anywhere else in the east and I would argue
13 anywhere in the country.
14 I traveled by plane to New York City and
15 watched as I flew over ever increasingly congested
16 areas that were filled only with houses. I traveled to
17 Europe and discovered that wilderness no longer exists
18 anywhere in Europe.
19 MS. MILLER: Can I ask just you to wrap
20 this up, please?
21 JAN COLLINS: Yes. I think I have, but
22 I want to say to all of you that this is worth -- this
23 is worth preserving. It is worth not breaking into
24 small pieces. It's worth having wilderness. Thank
25 you.

1 MS. MILLER: Thank you. So I have gone
2 through all the list and called all the names on these
3 lists, and if you have not heard your name called, it's
4 possible I may have missed you. David is going to run
5 back to check and if see if there's any more. In the
6 meantime, is there anybody in here who would like to
7 speak who has not signed up who would like the
8 opportunity to do so? Okay. Do you want to --
9 AUDIENCE MEMBER: I am an intervenor,
10 but I'm not attempting to testify. I would just like
11 to clear up confusion on a member who was here earlier
12 who wanted to testify. He's from a different union and
13 not an intervenor union, so I just wanted to ask if I
14 give could give his testimony, submit his testimony for
15 him? So there are four different IBEWs in Maine and
16 his was a different --
17 MS. MILLER: We'll take it.
18 AUDIENCE MEMBER: Thank you very much.
19 MS. MILLER: It doesn't look like
20 anybody else wants to speak, so before I close this
21 hearing with comments, I just want to say thank you to
22 everybody remaining here for your calmness and your
23 patience throughout this process and your
24 participation, so thank you for all of your
25 participation in this hearing. This hearing will

1 conclude after the rest of the party or intervenor
2 witnesses have completed their testimony, and that's
3 going to take place on May 9th of '19.
4 At that point the record will remain open as
5 follows, for ten days after the close of the hearing on
6 May 9th, members of the public only may submit written
7 statements to the Department and Commission. That's
8 May 20th. For seven additional days after that,
9 members of the public only may file rebuttal statements
10 to those written statements received in that previous
11 ten-day window, so that puts it to May 27th. Parties
12 or intervenors will not be allowed to submit comments
13 after the hearing concludes on May 9th. However, they
14 have the opportunity to provide closing briefs,
15 proposed findings of fact and rebuttal briefs.
16 It is anticipated that the transcript of this
17 hearing will take about 30 days to be completed after
18 this week and I understand that after the May 9th date,
19 the transcript for that day will take an additional
20 week. This will be provided to the parties and it can
21 be made available to the public upon request.
22 I will now officially close this evening
23 portion of the hearing. Thank you again for your
24 participation. For parties and others who would like
25 to be here tomorrow, we will resume at 9 a.m., and it's

1 going to be at the Dining Hall C location where we were
2 today earlier. Thank you.
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4 (Concluded at 8:58 p.m.)
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1 CERTIFICATE

2 I, Lorna M. Prince, a Court Reporter and
3 Notary Public within and for the State of Maine, do
4 herby certify that the foregoing is a true and accurate
5 transcript of the proceedings as taken by me by means
6 of stenograph.
7
8 and I have signed:
9
10
11
12 /s/ Lorna M. Prince
13 Court Reporter/Notary Public
14
15 My Commission Expires: February 6, 2026
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17 Dated: May 3, 2019
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1 STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 AND
MAINE LAND USE PLANNING COMMISSION
3

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

6

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

9

10 HEARING - DAY 3

11 WEDNESDAY, APRIL 3, 2019

12
PRESIDING OFFICER: SUSANNE MILLER
13

14 Reported by Lorna M. Prince, a Notary Public and
15 court reporter in and for the State of Maine, on April
16 3, 2019, at the University of Maine at Farmington
17 Campus, 111 South Street, Farmington, Maine, commencing
18 at 9:01 a.m.
19
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1 TRANSCRIPT OF PROCEEDINGS
2 MS. MILLER: Good morning everybody.
3 We're going to go ahead and get started. Good morning,
4 I now call to order this third daytime portion of the
5 public hearing of the Maine Department of Environmental
6 Protection and the Land Use Planning Commission on the
7 New England Clean Energy Connect project. As a
8 reminder, this hearing is to evaluate the application
9 submitted by Central Maine Power pursuant to the
10 Department's requirements of the Natural Resources
11 Protection Act and Site Location Development Act as
12 well as the Commission's Site Law Certification
13 process. We have extra copies of today's agenda at the
14 table in the back of the room.
15 I wanted to introduce a few new faces
16 today. Over to my right we have Mark Bergeron, who's
17 the director of our Bureau of Land Management at the
18 Department. Also we have Lorna Prince, who's sitting
19 in for Robin for transcription. She'll be here today.
20 She was here last night as well. You'll note that she
21 has not been here on Monday and Tuesday, so she might
22 not be as familiar with your names, so again, you've
23 all done a fabulous job with this, but any time you
24 speak, if you could state your name and which group
25 you're with, that would really help her a whole lot.

As a reminder, I expect all participants to conduct themselves professionally and to be succinct in what you're saying. Please be aware of time constraints and at this time I ask you to silence or turn off your electronic devices, including cell phones, remind everybody to use microphones when you're speaking and to turn them off when you're done. So at this point I'd like to swear in today's witnesses. It looks like we've got Group 3, Group 5, Groups 2 and 10 and Group 7, so whoever is here, and if we don't have everyone here for some of the later afternoon groups, we can swear them in again in the afternoon. Thank you.

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

All right. Let's go head and get started. Our first witness summary for direct testimony will be from Group 3, Mr. Meyers.

BOB MEYERS: Good morning, my name is Bob Meyers. I'm the executive director of the Maine Snowmobile Association. I've been the executive director for 23 years. We represent 289 snowmobile clubs across the state. Our clubs in turn have an aggregate membership of approximately 28,000

1 individuals and 2,100 businesses. We provide advocacy,
2 safety education and technical assistance and general
3 support for the snowmobile community.
4 Our clubs maintain approximately
5 14,500 miles of trails statewide, 95 percent of those
6 trails are on private land. We're fortunate to be able
7 to use a lot of this land and our clubs work closely
8 with the landowners and strongly support landowner
9 relations efforts in the State of Maine. Approximately
10 620 miles of those trails are on CMP property.
11 Over the years, as I said, I've been
12 there 23 years, I get a lot of complaints from
13 consumers. Our clubs do a good job, but things happen.
14 I can say that over the years I have never had a
15 complaint from somebody who said their experience was
16 ruined by the fact that they were riding on a power
17 line. It's an easily accessible place. The trail has
18 already been cleared for us and all practical purposes
19 and they go in straight lines. So the construction of
20 this proposed transmission line we don't believe will
21 have a negative effect on existing scenic values, or
22 negatively impact snowmobiling in any way in the State
23 of Maine.
24 MS. MILLER: Thank you.
25 BOB MEYERS: Thank you.

1 MS. MILLER: So we can start with
2 cross-examination. We'll start with Groups 2 and 10.
3 Wait a minute, sorry about that, I apologize, Mr.
4 Manahan, the Applicant has the first opportunity for
5 cross-examination.
6 MR. MANAHAN: Thank you, yeah, Miss
7 Gilbreath is going to take this one, thanks.
8 MS. GILBREATH: Thank you. My name is
9 Lisa Gilbreath. I represent CMP. Good morning, Mr.
10 Meyers.
11 BOB MEYERS: Good morning.
12 MS. GILBREATH: You just stated that
13 95 percent of the snowmobile trails in Maine are on
14 privately owned land. Did I hear that correctly?
15 BOB MEYERS: That's correct.
16 MS. GILBREATH: How does the
17 snowmobiling community feel about its use of private
18 land for their recreation?
19 BOB MEYERS: Well, obviously it's
20 absolutely essential for our operations and so they
21 work very closely with the landowners accommodating
22 them. We realize we're secondary use on their
23 property, and so they work very closely with the
24 landowners if there's changes, say, for example, forest
25 landowner, if they need to do logging and things like

that. The clubs work very hard to relocate the trails. And quite honestly, the landowner community in the state is tremendous and they work with clubs and work hard to ensure that we have connectivity, which is the most important thing on the trail system.

MS. GILBREATH: Are you familiar with segment one of the NECEC project?

BOB MEYERS: Basically, yeah.

MS. GILBREATH: Would you characterize this area as pristine?

BOB MEYERS: No.

MS. GILBREATH: Would you characterize it as untouched?

BOB MEYERS: No.

MS. GILBREATH: Can you describe to me what's located at the top of Coburn Mountain?

BOB MEYERS: Some very nice views, there's an observation tower. There's a number of radio transmitter stations. There's a small, I think at least one or two utility -- I have not been there in a year or two, but a utility building or two.

MS. GILBREATH: Are there solar panels as well?

BOB MEYERS: Could very well be.

MS. GILBREATH: Is an electric

1 transmission line in your opinion incompatible with
2 snowmobiling use?
3 BOB MEYERS: I don't think so at all.
4 MS. GILBREATH: Are snowmobilers
5 deterred by the existence of a transmission line?
6 BOB MEYERS: Absolutely not.
7 MS. GILBREATH: How did you determine
8 the support of your organization for this project?
9 BOB MEYERS: Well, we -- quite honestly
10 we viewed this as a fairly routine and noncontroversial
11 decision. Basically the way our organization is
12 structured we have -- each one of our clubs is entitled
13 to -- a director to represent their club at our board
14 meetings and in the case of CMP, they originally
15 approached us back last year. At our August meeting in
16 Skowhegan they came and did a presentation. At that
17 time we told the -- we had some discussion and we told
18 the directors that we could discuss it again in
19 September at our meeting, which we did. We published
20 the minutes in our September newspaper that went out to
21 all the members. At our September meeting in Saco we
22 discussed it and said we would be voting in October on
23 this. Again, published the September minutes in our
24 October newspaper and then our October meeting in
25 Augusta I believe it was, they voted to support the

1 project.
2 MS. GILBREATH: Who's they?
3 BOB MEYERS: The directors.
4 MS. GILBREATH: Of each?
5 BOB MEYERS: The directors representing
6 their clubs and the association. Interestingly enough,
7 our November meeting then, of course we published the
8 results of what the vote was, our November meeting was
9 in Caratunk and we were wondering if we'd see some
10 pushback from people who were concerned and there was
11 none.
12 MS. GILBREATH: So is it fair to say
13 that snowmobilers are accustomed to recreating in or
14 near electricity transmission lines and related
15 infrastructure?
16 BOB MEYERS: We have, like I said,
17 620 miles that are on or across CMP property in the
18 state already. We have probably a similar amount in
19 northern Maine with the company up there and yeah, I
20 mean, the people who are out riding are looking to get
21 from point A to point B and our clubs are looking to do
22 it in the most cost effective and easy way possible.
23 MS. GILBREATH: Thank you. I have no
24 further questions.
25 MS. MILLER: Thank you. Groups 2 and 10

1 and I guess part of Group 1, too.
2 MS. BOEPPLE: For the record, my name is
3 Elizabeth Boepple. I'm representing all of the members
4 of Group 2, Intervenors in Group 2, Ed Buzzell from
5 Group 10 who is admitted to the DEP as well. Today and
6 this the morning I'm asking cross-examination questions
7 on behalf of the Maine Wilderness Guides Organization,
8 which is an Intervenor in Group 1.
9 MR. MANAHAN: Could I just ask --
10 MS. BOEPPLE: And I filed an appearance
11 for that.
12 MR. MANAHAN: That's fine. My question
13 is I don't think Group 1 has any time for this witness
14 on -- they didn't ask for time for this witness, so I'm
15 just clarifying that you're not adding to the time.
16 MS. MILLER: That's correct. There's no
17 time for Group 1 on this particular witness.
18 MS. BOEPPLE: I was just trying to
19 establish for the record who I'm talking for today.
20 MS. MILLER: Thank you.
21 MS. BOEPPLE: Good morning, Mr. Meyers.
22 BOB MEYERS: Good morning.
23 MS. BOEPPLE: You just said that you
24 spent some time talking with the directors of the
25 different clubs who were involved in your organization

1 and what information did you provide to them about this
2 corridor?
3 BOB MEYERS: Basically the information
4 that CMP had provided to us.
5 MS. BOEPPLE: Okay. So you didn't
6 necessarily give them all of the details that have come
7 out in the process of this?
8 BOB MEYERS: We gave them all the
9 details that were appropriate to our situation.
10 MS. BOEPPLE: Now, is it also true that
11 you did not do a survey of the members themselves?
12 BOB MEYERS: We've never surveyed our
13 members in the 23 years I've been there. Our
14 governance process is through the board of directors.
15 MS. BOEPPLE: But at no time did you
16 undertake to try and query the individual members from
17 the groups?
18 BOB MEYERS: No, we just -- we don't
19 function that way.
20 MS. BOEPPLE: Do you ever hear from the
21 individual members?
22 BOB MEYERS: On occasion, actually quite
23 regularly on a variety of issues.
24 MS. BOEPPLE: Okay. And did you -- have
25 you received comments from your members related to this

1 project?
2 BOB MEYERS: Very few, less than a
3 dozen.
4 MS. BOEPPLE: And not many from the
5 Coburn Mountain area?
6 BOB MEYERS: Not that I have heard from.
7 MS. BOEPPLE: Is it possible that they
8 could have contacted their group directors and that
9 message didn't get passed along to you?
10 BOB MEYERS: It could very well be.
11 MS. BOEPPLE: Okay. Is it -- your
12 testimony, I believe, was that you never heard a single
13 complaint about seeing or snowmobiling in the vicinity
14 of a power line; is that correct?
15 BOB MEYERS: Well, what I said was over
16 the years, you know, obviously we hear complaints, but
17 I have never had anybody specifically complain that
18 their experience was somehow diminished by riding on a
19 power line, or for that matter in the vicinity of any
20 other type of industrial development.
21 MS. BOEPPLE: Have you ever heard anyone
22 say that they come specifically to enjoy seeing power
23 lines?
24 BOB MEYERS: No.
25 MS. BOEPPLE: Okay. I'm just trying to

1 put this in the context. You also just testified that
2 people ride to get from point A to point B?
3 BOB MEYERS: Mmm-hmm.
4 MS. BOEPPLE: Do they not enjoy the
5 route along the way as well?
6 BOB MEYERS: Sure they do.
7 MS. BOEPPLE: I apologize, I have to
8 jump around a little bit because I have a lot folks
9 that I'm representing and they have a lot of questions
10 for you. Could you describe to me -- you did this a
11 little bit just before during the previous
12 cross-examination. Before you expressed MSA'S public
13 opinion on this project, could you just take us back
14 for a second and explain the timeline for that?
15 BOB MEYERS: Sure, once again, CMP
16 approached us. We arranged to have them --
17 MS. BOEPPLE: I'm sorry, in the timeline
18 could you tell me exactly when that occurred?
19 BOB MEYERS: I'm getting there.
20 MS. BOEPPLE: Okay.
21 BOB MEYERS: They approached us in, it
22 was either it late July or early August of last year
23 and --
24 MS. BOEPPLE: 2018?
25 BOB MEYERS: Yes, and we invited them to

1 come to your directors' meeting in Skowhegan, which I
2 believe was the third Tuesday in August.
3 MS. BOEPPLE: And I'm going to interrupt
4 you and occasionally just ask you additional questions.
5 Could you tell us how many of your directors were
6 present at that meeting?
7 BOB MEYERS: There was approximately 50
8 people there.
9 MS. BOEPPLE: And they were all
10 directors?
11 BOB MEYERS: Not all directors, but I
12 mean, any of our members are welcome to attend, but --
13 MS. BOEPPLE: I see, okay.
14 BOB MEYERS: And they came and did their
15 presentation. There was some discussion, members asked
16 a lot of questions and then we told them we would be
17 discussing this at our September meeting and making a
18 decision at our October meeting.
19 MS. BOEPPLE: Did you publish that to
20 the members organization wide were aware of that?
21 BOB MEYERS: It was in the minutes of
22 the meeting, which was published in the September issue
23 of our newspaper.
24 MS. BOEPPLE: And --
25 BOB MEYERS: And then subsequently we

1 had a meeting in September in Saco and we brought it up
2 again for some additional discussion and once again, we
3 reiterated that we would be voting in October. The
4 October newspaper came out and had the minutes and then
5 at the October meeting a motion was made to pass to
6 support the project.
7 MS. BOEPPLE: And so what could you tell
8 us -- do all of the directors vote, is that the process
9 you use?
10 BOB MEYERS: Yup.
11 MS. BOEPPLE: Okay. And do you have a
12 record of those who were in attendance and what the
13 vote was?
14 BOB MEYERS: Basically it was a show of
15 hands.
16 MS. BOEPPLE: I see. So you wouldn't
17 know, for example, if I were to ask you, how
18 representative those directors were of the different
19 areas that the organization --
20 BOB MEYERS: We would --
21 MS. BOEPPLE: If I could just finish,
22 that the organization represents?
23 BOB MEYERS: From sign-in sheets we
24 would know who was there, but basically the vote was
25 just recorded as a show of hands.

1 MS. BOEPPLE: Okay. So sitting here
2 today, you couldn't tell us, for example, if it was a
3 lot from the southern part of the state versus the
4 northern part of the state?
5 BOB MEYERS: No.
6 MS. BOEPPLE: Okay.
7 MS. MILLER: Can I just interrupt real
8 quick?
9 MS. BOEPPLE: Sure.
10 MS. MILLER: Mr. Meyers, would you mind
11 pulling the mic just a little closer to your face.
12 BOB MEYERS: Sorry.
13 MS. MILLER: Thank you.
14 MS. BOEPPLE: I'd like to focus a little
15 bit on the Coburn Johnson Mountain Trail System. You
16 said you haven't been up to the top of the Coburn
17 Mountain in at least a year?
18 BOB MEYERS: Year or two.
19 MS. BOEPPLE: Year or two, but you are
20 familiar with the trail routes?
21 BOB MEYERS: Yes.
22 MS. BOEPPLE: Could you tell me from
23 your experience and from your understanding of those
24 trail routes why that would be a popular snowmobile
25 destination?

1 BOB MEYERS: Well, it's very scenic, the
2 trails are very well maintained and there's some great
3 opportunities to visit things. I have been there twice
4 this past winter in that area. It's a great place to
5 take inexperienced riders. And there's a -- basically
6 we take people on a loop and we go out to Grand Falls
7 on the Dead River and then over to Coburn Mountain and
8 I think in both cases this year the first time we went
9 I believe the trail to the summit was closed because of
10 high wind and snow conditions. And the second time I
11 was there the trail with Coburn was closed because it
12 was -- the groomer -- they had a groomer break down,
13 hadn't been up through to groom the trail. And then
14 you go over the other side, you cross it at Lake Parlin
15 and ITS87, which is one of our major trails, goes back
16 south to The Forks, and that actually follows the power
17 line along there for some distance.
18 MS. BOEPPLE: Would it be fair to say
19 that the Coburn and Johnson Mountain trails,
20 particularly to the top of Coburn Mountain is unique in
21 terms of scenery that you can --
22 BOB MEYERS: It's very nice. It's very
23 nice.
24 MS. BOEPPLE: And would it also be fair
25 to say that it's not even used by folks here in Maine,

1 but those people travel to Maine to traverse those
2 trails?
3 BOB MEYERS: Yes.
4 MS. BOEPPLE: And that's a big part of,
5 at least from trail snowmobiling association's
6 perspective, there's a lot to attract people here and
7 bring them to the area; is that fair to say?
8 BOB MEYERS: Yes.
9 MS. BOEPPLE: At any time during your
10 discussions with CMP, did you talk at any point about
11 possibly altering the route that they had chosen?
12 BOB MEYERS: No.
13 MS. BOEPPLE: So there was no discussion
14 that perhaps the system would be improved by a
15 different route of the corridor?
16 BOB MEYERS: No.
17 MS. BOEPPLE: Okay. So, is it fair to
18 say that MSA has taken this position in part because it
19 was based on information that was provided by CMP at a
20 point in time; is that correct?
21 BOB MEYERS: Yes.
22 MS. BOEPPLE: And you haven't revisited
23 that decision?
24 BOB MEYERS: We had no reason to revisit
25 that decision.

1 MS. BOEPPLE: Have you done any
2 additional exploration about the information you were
3 provided by CMP at the time?
4 BOB MEYERS: No.
5 MS. BOEPPLE: And --
6 BOB MEYERS: We were satisfied that they
7 had answered all the questions we had when we initially
8 met.
9 MS. BOEPPLE: So I assume you've
10 reviewed the testimony of Groups 2 and 10?
11 BOB MEYERS: Mmm-hmm.
12 MS. BOEPPLE: And I assume you see that
13 they have a difference of opinion?
14 BOB MEYERS: Yeah.
15 MS. BOEPPLE: And so sitting here today,
16 their concerns, wouldn't those also form a basis for
17 perhaps revisiting this by the MSA?
18 BOB MEYERS: I don't believe so, you
19 know, as I told you initially, this was a fairly
20 routine and noncontroversial decision for us. We work
21 very closely with the landowners. We support the
22 landowners, and the way we looked at this is they own
23 this property, they're proposing a project, you know,
24 it's -- we're kind of offended by the notion that
25 somebody would feel that they could tell a private

organization what they could do with their private property.

MS. BOEPPLE: I understand that's your position. Is that the position of the organization --

BOB MEYERS: Yes.

MS. BOEPPLE: -- or you're speaking on behalf of --

BOB MEYERS: Yes, I am.

MS. BOEPPLE: I'm sorry, yes, you are what?

BOB MEYERS: Yes, I am speaking on behalf of the association.

MS. BOEPPLE: I see. And so you have a difference of opinion than the individuals who own businesses and operate and rely on the trail system?

BOB MEYERS: In some cases.

MS. BOEPPLE: Okay. So your opinion and what you're representing by the association is not necessarily uniform across the area of the Coburn Mountain for example?

BOB MEYERS: Well, that's safe to say, yeah.

MS. BOEPPLE: Okay. Thank you. No further questions.

MS. MILLER: Thank you. Group 4.

1 MS. JOHNSON: My name is Cathy Johnson
2 and I'm representing Group 4. Good morning, Mr.
3 Meyers.
4 BOB MEYERS: Cathy.
5 MS. JOHNSON: You're a resident of Bath,
6 Maine; is that right?
7 BOB MEYERS: Correct.
8 MS. JOHNSON: And that's a two, three
9 hours drive from the 53 mile section of transmission
10 line?
11 BOB MEYERS: Roughly.
12 MS. JOHNSON: And you said it had been a
13 number of years since you've been snowmobiling up in
14 that area?
15 BOB MEYERS: No, actually I have been
16 there this winter. I have not been to the top of
17 Coburn Mountain for a couple of years.
18 MS. JOHNSON: Okay. And you testified
19 just now that the Snowmobile Association did not survey
20 its membership --
21 BOB MEYERS: Right.
22 MS. JOHNSON: -- on the question about
23 members supporting the CMP line?
24 BOB MEYERS: Correct.
25 MS. JOHNSON: But in the past, perhaps

1 before your time at Maine Snowmobile Association, the
2 Snowmobile Association has surveyed its members,
3 correct?
4 BOB MEYERS: Not that I'm aware of.
5 MS. JOHNSON: Okay. So you testified
6 that this project was routine and noncontroversial to
7 your members?
8 BOB MEYERS: Right.
9 MS. JOHNSON: Would you say that it's
10 still routine and noncontroversial among your members?
11 BOB MEYERS: Yes.
12 MS. JOHNSON: Isn't it true that you've
13 had a number of members resign from the Maine
14 Snowmobile Association as a result of this project?
15 BOB MEYERS: Define a number of members.
16 MS. JOHNSON: You can --
17 BOB MEYERS: We've had two. We've had
18 two people who resigned their memberships.
19 MS. JOHNSON: It's your testimony that a
20 grand total of a two people have resigned?
21 BOB MEYERS: Correct. I will clarify
22 though, we received a number of calls from people
23 stating their intention to resign, but when we looked
24 them up, it turns out they weren't members, so they
25 can't really --

1 MS. JOHNSON: So isn't it true that a
2 number of people testified at a public hearing that
3 they would be dropping their membership in the Maine
4 Snowmobile Association?
5 BOB MEYERS: I know of two for sure.
6 MS. JOHNSON: And how many members do
7 you have?
8 BOB MEYERS: We have about 28,000
9 individuals and it's over 10,000 families is what it
10 boils down to.
11 MS. JOHNSON: And you checked the
12 records of all 10,000 of those to see if they had
13 dropped their membership because of the --
14 BOB MEYERS: It would be impossible to
15 determine that. I mean, the memberships are sold by
16 our clubs. I can tell you our membership is up this
17 year, so I don't know.
18 MS. JOHNSON: So you really don't know
19 how many people resigned as a result of this -- their
20 disagreement of the CMP line?
21 BOB MEYERS: I think if there had been
22 any kind of number, we would have started hearing from
23 our clubs saying hey, this is a problem and we have not
24 heard that.
25 MS. JOHNSON: You haven't heard anything

1 from the clubs in The Forks region?
2 BOB MEYERS: I've heard from individuals
3 in The Forks region.
4 MS. JOHNSON: Are you aware that the
5 Sportsman's Alliance of Maine also initially supported
6 this project and then after hearing concerns from some
7 of their members rescinded their support?
8 BOB MEYERS: That's my understanding,
9 yes.
10 MS. JOHNSON: Did you consider a similar
11 course of action?
12 BOB MEYERS: No because we weren't
13 hearing complaints from our members.
14 MS. JOHNSON: Are you aware that the
15 summit of Coburn Mountain is the first choice
16 destination for snowmobilers in the region?
17 BOB MEYERS: I know it's a popular
18 destination. I have no idea how somebody could
19 quantify that.
20 MS. JOHNSON: And are you aware that the
21 proposed line would be visible from virtually every
22 scenic viewpoint in the region including Coburn
23 Mountain on a typical ride?
24 BOB MEYERS: I suppose that's possible.
25 MS. JOHNSON: You've testified that

1 there are 620 miles of snowmobile trails in Maine that
2 are used by -- on CMP property that are used by members
3 of your organization; is that right?
4 BOB MEYERS: Yeah.
5 MS. JOHNSON: And I assume those trails
6 are very important to you and your members?
7 BOB MEYERS: Yes, they are.
8 MS. JOHNSON: So of course you wouldn't
9 want to say anything negative about this line that
10 might upset CMP because you might lose the ability to
11 use the 620 miles of trails, isn't that correct?
12 BOB MEYERS: No, I think that's
13 nonsense.
14 MS. JOHNSON: I have no further
15 questions.
16 MS. MILLER: Thank you. Okay. So
17 questions by the Department?
18 MR. BEYER: Mr. Meyers, you said it's
19 been a couple of years since you've ridden to the top
20 of Coburn Mountain?
21 BOB MEYERS: Yes.
22 MR. BEYER: Have you discussed with any
23 of your members or riders that were in your group about
24 what the views were like and whether or not they felt
25 it would be unreasonable to view a transmission line

1 from the top of Coburn Mountain?
2 BOB MEYERS: No, I mean, it's very
3 scenic. It is the highest point you can reach by
4 snowmobile in the State of Maine by a snowmobile trail
5 and so it is a popular destination. There is very wide
6 ranging views in I'd say about 270 degrees.
7 MR. BEYER: Thank you. The other
8 questions I was going to ask have already been asked.
9 MR. BERGERON: Mr. Meyers, can you give
10 me a sense of the rough percentage of in state versus
11 out of state members in your association, please?
12 BOB MEYERS: Roughly 20 percent of our
13 members are nonresidents.
14 MR. BERGERON: Okay. And this question
15 may have been kind of asked before, but do you have a
16 sense from your different directors if there's a
17 difference of opinion of in staters versus out of
18 staters regarding this project?
19 BOB MEYERS: I don't believe so. Maine
20 is one of the premier snowmobiling destinations in
21 North America. As a matter of fact, we have about
22 24,000 nonresidents who have registered their machines
23 so far this year. That's up 37 percent over last year
24 and we frequently hear nothing but praise for the trail
25 system. I mean, that's a statewide perspective. I

1 mean, people from out of state, and they come from as
2 far away as Maryland and Ohio and places like that, and
3 they're dispersed all over the state and they have, for
4 the most part, nothing but just glowing praise for the
5 trail system.
6 MR. BERGERON: Great, thank you.
7 MS. MILLER: I don't think any of us
8 have any more questions so we'll go on to redirect, if
9 there is any redirect.
10 MR. PETRUCCELLI: No redirect, thank
11 you.
12 MS. MILLER: Okay. Then thank you very
13 much, Mr. Meyers.
14 BOB MEYERS: Thank you.
15 MS. MILLER: So we'll move on to Group
16 5.
17 MR. PETRUCCELLI: Excuse me, this is
18 Gerald Petruccelli, Group 3, is Mr. Meyers now free to
19 go? He won't be asked any more cross-examination?
20 MS. MILLER: Yes.
21 MR. PETRUCCELLI: Thank you very much.
22 MIKE NOVELLO: Good morning.
23 MS. MILLER: Good morning.
24 MIKE NOVELLO: For the record, my name
25 is Mike Novello. I'm with Wagner Forest Management and

1 here representing Group 5. I gave a slide for this
2 morning, but I think it's just as easy to read without
3 putting it up there. So Wagner is not taking any
4 position for or against the project. Our sole comments
5 had to do with some of the photos that were being used
6 in the application as well as the photo simulations.
7 So appendix B, map three, photos 3-36,
8 37, 38 and 39 were taken from our client's private land
9 in The Forks.
10 MS. MILLER: Can you repeat that again,
11 I'm really sorry.
12 MIKE NOVELLO: Oh, sure, I'm sorry, I'm
13 going a little fast here. So four photos, so it's
14 Appendix B, map three, photos 3-36, 37, 38 and 39 were
15 all taken in The Forks from, as far as we can tell,
16 according to the map showing where they were taken
17 from, from our private land, from our client's private
18 land.
19 MS. MILLER: Which testimony is this
20 from?
21 MIKE NOVELLO: This is from
22 the Applicants -- this is from the application.
23 MS. MILLER: Thank you.
24 MIKE NOVELLO: Yup. Based off of those
25 photos, there were simulations made. Those are shown

in Appendix D of the application, photo simulation 16 and 17. There was no permission sought as far as we can tell from the Applicant to take these photos or to use them in the application or to use them based -- generate photo simulations from them. Since no permission was sought, obviously consent was not given to include them in the Visual Impact Assessment and it's our position that the scenic character from private lands should not be considered in the evaluation, understand obviously that it's different from other plans.

So that's essentially our testimony here is that these four photos and these two photo simulations are coming from private land taken without permission and not authorized to be used as part of a Visual Impact Assessment.

MS. MILLER: Thank you. Cross-examination by the applicant?

MS. GILBREATH: This is Lisa Gilbreath. Good morning, Mr. Novello.

MIKE NOVELLO: Good morning.

MS. GILBREATH: Lisa Gilbreath on behalf of CMP. Now, you represent Wagner, correct?

MIKE NOVELLO: That is correct.

MS. GILBREATH: And Wagner manages

1 timberland for large private landowners in the area
2 that the project crosses?
3 MIKE NOVELLO: That's correct.
4 MS. GILBREATH: And Wagner manages these
5 tracks of private land for forest operations?
6 MIKE NOVELLO: That is correct.
7 MS. GILBREATH: Does Wagner also
8 maintain miles of private logging roads to service
9 these commercial forest operations?
10 MIKE NOVELLO: Yes, we do.
11 MS. GILBREATH: Do you know
12 approximately how many miles?
13 MIKE NOVELLO: I don't have that number.
14 MS. GILBREATH: Okay. Wagner has
15 traditionally allowed the public to use these private
16 logging roads, correct?
17 MIKE NOVELLO: That is correct in many
18 areas. Also we do allow snowmobile or ATV use as well.
19 We have found that allowing our neighbors to be able to
20 recreate on the land is beneficial and fosters good
21 relations with our neighbors.
22 MS. GILBREATH: Wagner has traditionally
23 allowed the public to recreate on this land as well?
24 MIKE NOVELLO: That is correct.
25 MS. GILBREATH: Do you think it's

1 reasonable for the public to complain about the impacts
2 to use from private land?
3 MIKE NOVELLO: I do not.
4 MS. GILBREATH: Do you think it is
5 reasonable for regulators to consider visual impacts to
6 private client's land?
7 MIKE NOVELLO: No, I do not.
8 MS. GILBREATH: Do you think it is
9 reasonable for regulators to consider visual impacts to
10 private roads?
11 MIKE NOVELLO: No, I do not.
12 MS. GILBREATH: Thank you. I have no
13 further questions.
14 MS. MILLER: Thank you. Group 7
15 cross-examination?
16 MR. SMITH: No questions, thank you.
17 MS. MILLER: Thank you. Group 3?
18 MR. BUXTON: No questions, thank you.
19 MS. MILLER: Is Group 1 here yet? Yes,
20 Ms. Boepple?
21 MS. BOEPPLE: Good morning.
22 MIKE NOVELLO: Good morning.
23 MS. BOEPPLE: I'm Elizabeth Boepple.
24 I'm here to ask questions on behalf of Maine Wilderness
25 Guide Organization as well as Groups 2 and 10 and I

1 have just a few questions. I think that's the other
2 one. The first one on there, sorry. There we go. So,
3 I believe you just testified that your position is that
4 this is private land and that therefore, the public
5 doesn't have any rights to it; is that an
6 overstatement?
7 MIKE NOVELLO: I don't know if I would
8 go -- any rights, I'm usually hesitant to agree to
9 universally. I'm saying very little rights.
10 MS. BOEPPLE: Okay. But there is some
11 expectation perhaps by the public?
12 MIKE NOVELLO: I would say that there is
13 a historical expectation from some on the public, but I
14 guess I don't believe that that is warranted or
15 correct.
16 MS. BOEPPLE: Well, I'm going to show
17 you what we're going to label as actually Group 1
18 Cross. And this is taken directly from the Wagner
19 Forest Management'S website. Is that your logo?
20 MIKE NOVELLO: Yes, it is.
21 MS. BOEPPLE: Does this look like a page
22 from your website?
23 MIKE NOVELLO: That does.
24 MS. BOEPPLE: Okay. And so could you
25 just read to us what that says?

1 MIKE NOVELLO: Sure. Compared to other
2 regions, there is a relatively small amount of public
3 land in the northeast United States and therefore,
4 private forest land is used heavily by the recreating
5 public. In keeping with this tradition, most Wagner
6 Timberland in the northeast is open to the public for
7 low impact activities such as hunting, fishing and
8 hiking, along with the increasingly popular sports like
9 snowmobiling.
10 MS. BOEPPLE: So isn't it fair to assume
11 that Wagner Forest not only makes its lands somewhat
12 available to the public, but it actively invites the
13 public?
14 MIKE NOVELLO: I wouldn't -- no, I don't
15 believe it would be correct to say actively invites.
16 That would -- in my mind that would involve some sort
17 of marketing campaign, brochure, something along those
18 lines perhaps.
19 MS. BOEPPLE: Or a website perhaps?
20 MIKE NOVELLO: No, I don't believe that
21 there's any particular call -- I don't believe that
22 there's a call there. That doesn't -- that seems
23 fairly passive allowance as opposed to an active
24 invitation.
25 MS. BOEPPLE: So why don't we go to the

1 next page. And this, would you also agree, that's your
2 logo?
3 MIKE NOVELLO: Yes.
4 MS. BOEPPLE: In the upper right corner?
5 Does that look like a photograph that came your web
6 page?
7 MIKE NOVELLO: It looks like it could
8 be. I don't know for sure.
9 MS. BOEPPLE: And this page is captioned
10 recreation and sport?
11 MIKE NOVELLO: Yes.
12 MS. BOEPPLE: And I will represent to
13 you that this is taken from your website.
14 MIKE NOVELLO: I wouldn't contest that.
15 MS. BOEPPLE: And in fact, this is a
16 page that's labeled recreation and sport. In fact,
17 it's a link that a user can click on and it will take
18 you right to this page.
19 MIKE NOVELLO: Okay.
20 MS. BOEPPLE: And again, I'm going to
21 ask you to read to us what this says.
22 MIKE NOVELLO: Throughout the United
23 States, Ontario, Nova Scotia, individuals access Wagner
24 Forest on a daily basis for recreational sport, trails
25 abound for those interested in hiking, skiing,

1 photography, hunting, fishing and other low-impact
2 pedestrian activities. Vehicular access is available
3 to most lands. Snowmobile and ATV enthusiasts find
4 hundreds of miles of designated trail system
5 specifically meant for their use. Wagner works closely
6 with state agencies, private clubs and other
7 organizations to ensure that sensitive ecosystems
8 remain protected and that the recreating public can
9 easily identify trails for motorized activities. The
10 recreational availability of our forest also presents
11 commercial opportunities to locally owned recreational
12 or tourist-based enterprises. Wagner provides
13 opportunities and access for local business people who
14 provide world class sporting camps, exhilarating white
15 water rafting expeditions and a host of other
16 adventures.
17 MS. BOEPPLE: So you've just said that
18 you don't think that there's an active invitation to
19 the public, I would ask you, if don't you think that
20 this page could be generally perceived by a member of
21 the public that that's an active invitation to use some
22 of the trail systems that are on the Wagner Forest
23 lands?
24 MIKE NOVELLO: Yes, I think you could
25 probably characterize that as a description that

1 they're open for use.
2 MS. BOEPPLE: Okay. And that in fact,
3 that's been Wagner Forest Management's history --
4 MIKE NOVELLO: Correct.
5 MS. BOEPPLE: -- to be a good land
6 steward?
7 MIKE NOVELLO: I would characterize this
8 as a good land steward, yes.
9 MS. BOEPPLE: And is there a concern
10 about sustainability as well?
11 MIKE NOVELLO: Absolutely.
12 MS. BOEPPLE: And so it's -- you --
13 instead of being a private versus public, it's a real
14 partnership approach, would that be fair to
15 characterize it?
16 MIKE NOVELLO: No, I don't think I would
17 characterize it as a partnership.
18 MS. BOEPPLE: Not in a legal sense.
19 MIKE NOVELLO: Certainly not in the
20 legal sense. I would say that we certainly strive
21 to -- we strive to meet sustainability objectives.
22 MS. BOEPPLE: And to also encourage a
23 cooperative collaborative kind of use of the land?
24 MIKE NOVELLO: Where it doesn't conflict
25 with other requirements.

1 MS. BOEPPLE: Sure, understandable. All
2 right, thank you so much.
3 MIKE NOVELLO: Thank you.
4 MS. MILLER: Thank you. Group 4?
5 MS. ELY: We yield the rest of our time.
6 MS. MILLER: Okay. Department?
7 MR. BEYER: So, Mr. Novello, it's your
8 opinion that say another landowner adjacent to a Wagner
9 managed piece of ground could put up something big and
10 ugly and obnoxious and Wagner would not say anything or
11 not --
12 MIKE NOVELLO: I believe -- I believe
13 it's our history that if it's -- if it's on private
14 land and it's not a direct impact, then no, we would
15 not -- we would not make a -- we would not have a
16 position.
17 MR. BEYER: And Wagner would also take
18 the position that the regulator should not evaluate the
19 scenic impact of that?
20 MIKE NOVELLO: Not of the private land.
21 So we're not taking the position that from an area
22 that's publically owned, a state park or something of
23 national or regional significance as defined in Maine
24 law, that would certainly be appropriate to consider
25 the scenic impact according to the laws there, but from

1 the private land specifically, no, we would take the
2 position that the regulators should not be evaluating
3 the impacts, the scenic impacts from a private land.
4 MR. BEYER: Thank you.
5 MS. BENSINGER: Good morning, Mr.
6 Wagner, Peggy Bensinger from the attorney general's
7 office -- I mean Mr. Novello.
8 MIKE NOVELLO: That's okay, people are
9 having trouble with my name.
10 MS. BENSINGER: Are you aware of the
11 Department's position that a project under the site
12 location developed has to be evaluated for scenic
13 impacts in general?
14 MIKE NOVELLO: Yes, I am.
15 MS. BENSINGER: And did the Department
16 communicate with you about that the regulations
17 pertaining to that under the site location of
18 development law, specifically Chapter 375 that requires
19 the Department to make a finding of no unreasonable
20 effect on scenic character of the surrounding area of a
21 project?
22 MIKE NOVELLO: I am aware that we
23 received notices from the Department. I couldn't
24 specifically state what the notices pertained to
25 exactly.

1 MS. BENSINGER: Okay. I have no further
2 questions.
3 MS. MILLER: Okay. Before we move on, I
4 just want to clarify for the record. Ms. Boepple, you
5 had intended to introduce that particular website as
6 Group 1 cross?
7 MS. BOEPPLE: Yes.
8 MS. MILLER: Can we have copies?
9 MS. BOEPPLE: I can get them to you,
10 yes.
11 MS. MILLER: And for the parties as
12 well?
13 MS. BOEPPLE: Yes.
14 MS. MILLER: Thank you. Redirect?
15 MIKE NOVELLO: No.
16 MS. MILLER: So we're a little bit ahead
17 of schedule here. The next group we -- so thank you,
18 Mr. Novello.
19 MIKE NOVELLO: May I just ask a
20 clarifying question? I'm not scheduled to
21 cross-examine any other witnesses and is my presence
22 going to be required for the rest of the hearings?
23 MS. MILLER: No.
24 MIKE NOVELLO: Thank you. I didn't want
25 to disrespect anybody.

1 MS. MILLER: Thank you. Let's take
2 about a ten minute break and then I would like to move
3 on to Group 2 and 10, but I just want to make sure you
4 have all your folks here, Ms. Boepple.
5 MS. BOEPPLE: Give me ten minutes to
6 check, thanks.
7 MS. MILLER: Thank you.
8 (Break from 9:45 a.m. to 10:14 a.m.)
9 MS. MILLER: I think we're going to go
10 ahead and make some changes to the schedule, if it's
11 all right with the parties.
12 MR. BEYER: Roger just showed up. Are
13 you all set or do you want to --
14 MS. BOEPPLE: One second.
15 MS. MILLER: Okay, never mind. We were
16 going to swap the schedule, but now we're not going to.
17 We are a little ahead of schedule. We wanted to
18 accommodate for those who weren't quite here yet in
19 order to allow for them to be here when they were
20 scheduled to do so. With that we'll go ahead and we're
21 going to start with the direct testimony of Groups 2
22 and 10. This panel has Mr. Merchant, Ms. Caruso, Mr.
23 Caruso, Mr. Robinson, Mr. Prisendorfer and Mr.
24 Buzzell. Thank you.
25 ED BUZZELL: Hello, I'm Ed Buzzell and

1 I'm an Intervenor for Group 10 against CMP's NECEC
2 project. We're a group of local residents and
3 recreational users. In summary my testimony is that
4 the NECEC corridor will permanently fragment and
5 destroy the views of Coburn Mountain, Rock Pond and the
6 hike up Number 5 Mountain. These are exceptional --
7 MR. MANAHAN: I'm sorry to interrupt,
8 I'm just wondering, these witnesses, they may not have
9 been here earlier, so they may not have been sworn in.
10 MS. MILLER: Thank you, Mr. Manahan,
11 that's a good point. Before we go any further, I just
12 need to make sure that everyone has been sworn in, so
13 if you wouldn't mind raising your right hand for those
14 of you who might have been here. Do you swear or
15 affirm that the testimony you are about to give is the
16 whole truth and nothing but the truth?
17 (I do.)
18 MS. MILLER: Thank you. Sorry about
19 that.
20 ELIZABETH CARUSO: Could you start the
21 clock again?
22 MS. MILLER: Yeah, we can start over.
23 ED BUZZELL: Well, in summary, my
24 testimony is that the NECEC corridor would permanently
25 fragment and destroy the views of a Coburn Mountain,

1 Rock Pond and the hike up Number 5 Mountain. These are
2 exceptional area that I recommend to my guests to
3 experience and I do this because I want them to
4 experience the woods that is miles off the grid. For
5 them it's a chance in a lifetime to see a Canadian
6 lynx, bobcat, moose, or other wildlife. And what
7 traveler would want to see views that they can see in
8 an urban area they came to get away from?
9 The animal habitat will be destroyed
10 along the corridor. The deer that venture to the
11 proposed corridor find better feeding grounds and will
12 be easy targets for the hunters. This will diminish
13 that herd in an area that the deer are already faced
14 with harsh winters are just starting to recover.
15 Coburn Mountain is most affected by the
16 transmission corridor. Exceptional views of natural
17 surroundings from the top would be forever destroyed.
18 The corridor would be visible and cross the Old Canada
19 Road National Scenic Byway. The corridor would also be
20 visible from any area with an elevated view for miles.
21 I will be able to see it from my lodge 12 miles away.
22 My rebuttal testimony challenges that of
23 Robert Meyers who stated without any survey of his
24 membership that his membership would support or be
25 indifferent of the corridor. As a part -- as a past

1 MSA member and founder of a snowmobile club, I
2 certainly would not want to ride a power line to
3 Canada. I certainly would want to travel the Coburn
4 Mountain to enjoy the wilderness ride for its
5 spectacular views. These views will be greatly
6 diminished with the proposed corridor.
7 My testimony also challenges CMP's
8 assumption that directional drilling under the Kennebec
9 Gorge will have no impact to the surrounding area of
10 the crossing and I suspect the damage going under the
11 Kennebec will be worse than going over. My testimony
12 includes data about current usage on the Kennebec Gorge
13 and why I believe this industrial project will have an
14 unreasonable impact on those existing and growing uses.
15 And finally, my testimony discusses
16 Moxie Stream and the proposed corridor crossing that
17 will be in close proximity to my land. The visual
18 impacts will be significant. And I thank you for the
19 opportunity to provide my testimony and concerns at
20 this hearing process.
21 MS. MILLER: Thank you.
22 GARNETT ROBINSON: My name is Garnett
23 Robinson. I own Maine Assessment and Appraisal
24 Services, a valuation property tax assessing and
25 property tax mapping company located in Dixmont, Maine.

1 I am a CMA appraiser and former code enforcement
2 officer. I am -- I have performed over 20 municipal
3 equalizations in the State of Maine and the assessor or
4 assessor's agent for 15 towns, have a degree in land
5 use planning and then an additional three years of
6 classes directed at forest management and a longtime
7 instructor with Maine Revenue Services Property Tax
8 School, have taught numerous appraisal assessing and
9 assessing classes including a recent seminar on
10 valuation of utility assets and corridor, presented in
11 conjunction with a Dave Ledew, the former director of
12 Maine Revenue Services. I have appraised numerous
13 complicated industrial properties for use in taxation
14 including the Howland Enfield Dam; Benton Falls Hydro
15 in Benton; Uber Processing Plant in Easton; McCain
16 plant also in Easton. I am a former forest ranger. My
17 patrol unit was located in Jackman and they covered the
18 entire 53.5 mile area of the new segment, or segment
19 one in your plan. I'm a fourth generation Maine Guide
20 and I did the majority of my time in the area of the
21 corridor and I'm a long-time member of the Dixmont
22 Planning Board and actually reviewed the site plan
23 application for the reliability project, which is
24 mentioned heavily in their permit and I am here on
25 behalf of a Caratunk and West Forks as their agent, so

1 I've been asked to be here.
2 Honorable Commissioners, in summary, my
3 testimony is that the permit as presented by CMP for
4 the NECEC project is missing much analysis or support
5 for opinions by the Applicant and their experts and
6 that this project would not reputably harm the
7 character and viewsheds by the construction of this
8 corridor and installation of poles averaging a hundred
9 feet in height. It is clear that the Visual Impact
10 Assessment only considers a small swathe of a few miles
11 each side of the corridor, but does not consider these
12 currently pristine views and context of the regional
13 and statewide values that these viewsheds have.
14 The only other road system running east
15 west toward the Canadian border between Bingham and
16 Jackman is the Lower Enchanted Road and its arteries,
17 which is impacted by views of the wind project on many
18 high points, especially once you get in by Grand Falls
19 where when viewed at night are easily located by rows
20 of blinking red lights.
21 The same is true for the overlook on
22 Owls' Head, which is mentioned in their assessment, and
23 201 driving north to Jackman where large wind projects
24 in Canada just over the border are visible across the
25 entire horizon. Just as pristine are the views on the

1 eight mile section of the Kennebec River running from
2 Harris Station to the Gauging Station just above the
3 so-called ball field in the West Forks.
4 This is the only long section of the
5 Kennebec River between Indian Pond and Atlantic Ocean
6 not impacted by roads, power lines and manmade
7 development. To destroy these last vestiges of intact
8 viewsheds in the boundary mountains and Kennebec River
9 will undoubtedly do great harm to the scenic character
10 and diminish the enjoyment of our visitors and
11 residents' life.
12 Clearly the Visual Impact Assessment in
13 Section 6.1.7 working population are missing needed
14 studies for the applicant to prove that destruction of
15 use in scenic character will not be unreasonable as
16 viewed by the general public. For the entirety of
17 northern Maine, the applicant considered the working
18 population to be only employed at commercial timber
19 harvesting and overlooked that the primary employers in
20 the 53.5 section of line in segment one are in the
21 tourism industry with hundreds of jobs included, but
22 not limited to various types of guiding, sporting
23 camps, lodging, restaurants, snowmobile and ATV
24 rentals, small stores, campgrounds, time shares, etc.,
25 but almost all of those jobs depended on tourists

1 visiting with views being a significant part of the
2 reason.
3 The applicant and their experts did not
4 conduct any four season visitor impact studies to
5 estimate the number of visitors, what drew them, leaf
6 peeping, snowmobiling, ATVing, hunting, fishing,
7 rafting, hiking, etc., amount of money they spent, the
8 perception of proposed impacts and the likelihood to
9 revisit the area after a viewshed altering project like
10 the NECEC project.
11 Additionally, within the mitigation and
12 compensation analysis, it appears to only consider the
13 effects of the Kennebec River crossing, but largely
14 avoids analysis of many other businesses affected by
15 this project, analysis of regional jobs by type and
16 economic impacts of any loss of revenues both long-term
17 and during construction should have been performed.
18 Additionally, the applicant in Section
19 2.3.2 of the application, transmission alternatives,
20 does not list burying the line in the 53.5 mile new
21 section of the corridor. CMP rejected this alternative
22 with a simple statement that burying the cable costs
23 four to ten times more than aboveground costs, but it
24 is not supported by any documentation or analysis, is
25 clearly required by DEP 310.5A, a project will not be

1 permitted if there is practical alternatives that would
2 meet project purposes and have less environmental
3 impacts. Without a thorough analysis of costs to bury,
4 and likewise an analysis of projected revenue over the
5 life of the project, there is no way for the Applicant
6 to demonstrate that the alternative of burying, which
7 would largely mitigate impacts to views and fire
8 hazards associated by aboveground lines is unreasonable
9 or not preferable.
10 In competing projects in New Hampshire
11 and Vermont, burying the cable was not only analyzed,
12 but chosen as the preferred construction method. My
13 rebuttal -- should I gone on to my rebuttal? My
14 rebuttal testimony challenges Robert Meyers' statement
15 that the membership would support or be indifferent
16 with little or no opposition to the corridor. Mr.
17 Meyers presented his opinion as fact, despite having
18 never polled, taken a poll, as other large in-state
19 organizations did such as Sam, who polled its members
20 or rescinded its score for the NECEC.
21 Mr. Meyers contradicts this statement,
22 as shown in my rebuttal testimony exhibit, I don't know
23 the numbers of these now, in an article written by Fred
24 Beaver on Maine Public where he says he has seen
25 contention in the group before when a development

1 called Plum Creek was proposed in the Moosehead Lake
2 region, but that this year's contention over the CMP
3 has a certain edge. This is literally the first time
4 we've had somebody say I don't like what you're doing
5 so much, I'm going to quit.
6 Additionally he cannot in good faith say
7 that there is no little or no opposition when he has
8 been actively trying to squelch the voice of members
9 and the opposition of this project. Stephen and Monica
10 McCarthy, now former Maine Snowmobile Association
11 members, were asked to leave the MSA's Maine snowmobile
12 show for wearing their say no to the corridor t-shirt.
13 Monica is present, so if you wish to -- that concludes.
14 Well, thank for the opportunity to
15 provide my testimony and concerns through this hearing
16 process.
17 MS. MILLER: Thank you.
18 JUSTIN PRISENDORFER: Time check?
19 APRIL KIRKLAND: Ten minutes, ten
20 seconds.
21 JUSTIN PRISENDORFER: Thank you. Good
22 morning, my name is Justin James Prisendorfer. I'm a
23 witness for Groups 2 and 10, an expert witness on
24 outdoor recreation planning and management.
25 In 1828, six generations ago, my

1 ancestor Galen Newton moved to Moose River with his
2 brother Jacob. My grandfather Linwood Moore was born
3 in Moose River in 1930. When he passed, he asked to
4 have his ashes scattered in the woods where he roamed
5 as a boy.
6 Maine has our country's largest
7 contiguous block of undeveloped forestland east of the
8 Mississippi and that undeveloped landscape is essential
9 to Maine's brand. Roughly 36.7 million tourists
10 visited Maine in 2017 and the primary reason when
11 surveyed was beautiful scenery.
12 They leave development behind to enjoy
13 the undeveloped landscapes Maine has to offer. The
14 postcards they send home do not contain images of
15 utility corridors.
16 Nature-based tourism and outdoor
17 recreation is affected by scenic impacts. In the White
18 Mountains the forest service approved development of
19 the northern pass across more that 50 miles of scenic
20 public land because line burial resolved scenic issues
21 with the Appalachian Trail. Even though line burial
22 for this project would address most concerns with
23 scenic values and existing uses, CMP has made no effort
24 to truly determine if it is practical for any section
25 of the project area other than the Kennebec River

1 Gorge, not when unfragmented forest land, not when
2 crossing any of the designated scenic river segments,
3 not when bisecting a National Scenic Byway and not when
4 crossing the Appalachian National Scenic Trail. It's
5 clear to me that an alternative should have been
6 analyzed that includes line burial along the greater
7 extent, if not the entirety of segment one.
8 The State of Maine has more than 20
9 million acres of land and those who visit them are both
10 local residents and visitors from afar. When surveyed,
11 over 50 percent said they visited private lands for
12 recreation in the last two years. Based on the Great
13 Ponds Act, the public has legal access to ponds over
14 ten acres in size. Visitors are not transported
15 magically to these water bodies. They often travel to
16 these public resources over private roads. Many of the
17 private lands that are impacted by the NECEC proposal
18 have high recreation value where the scenic integrity
19 is essential to the experience and a scar on the
20 landscape looks the same regardless of who owns the
21 land you stand on.
22 For this reason I believe CMP should
23 have analyzed the impacts of scenic character along
24 those primary routes that lead to great ponds, even if
25 that water body itself is outside the five mile survey

area.

The project records contains a plethora of information on impacts to wildlife, habitat and it's easy to draw conclusions on what that means for wildlife populations and the businesses that are based on them, such as hunting, fishing and wildlife viewing.

I ask you to consider issuing a permit that is going to have a major impact on the outdoor recreation economy, which is a growing part of Maine's greater economy. Thank you.

MS. MILLER: Thank you.

GREG CARUSO: Hello, name is Greg Caruso. I'm a citizen of the town of Caratunk and owner of The Maine Guide Service, LLC. For the past 27 years I've worked as a master Maine Guide, white water guide in the outdoor industry. Many of those years was as a year-round manager in charge of hiring, training, staffing, scheduling for one of the largest outfitters in New England. I brought hundreds of guests up to Johnson and Coburn Mountain for hunting and snowmobiling. I've brought thousands of guests through the Kennebec River Gorge for rafting and fishing. I have logged thousands of hours as a snowmobile trail groomer operator, many of them on Coburn and Johnson Mountain areas. I've also worked as

1 a contractor for the ADC on the Appalachian Trail for
2 over 6,000 hikers in the last three years. When
3 considering who would be affected by the scenic impact
4 and dramatic change of views, it would most certainly
5 be me and my family.
6 CMP has failed to provide alternatives
7 better suited to the nature of the existing uses that
8 are critical to the environment in our local economy.
9 By not considering an underground option in areas such
10 as Coburn and Johnson Mountain, they have instead
11 placed the corridor in a fashion that seemed dramatic
12 elevation gain and descent exposing high visibility to
13 it.
14 It also zigzags across major snowmobile
15 trails at least eight times in only a few miles from
16 the Judd Road to the north shoulder of Coburn. That
17 location is in close proximity to the headwaters of an
18 important cold water fishery. It literally goes
19 through the center of the old Enchanted Mountain
20 parking lot, a major intersection for snowmobile
21 traffic and entrance to popular hunting and fishing
22 areas. Most people stop here and admire the
23 surrounding terrain and contemplate the climb to the
24 summit of Coburn Mountain.
25 I have submitted an exhibit that clearly

1 demonstrates this point. There is also a camp that is
2 in close proximity to the project on ITS89, directly
3 opposite the proposed line between the two mountains,
4 not surprisingly, it's for sale, counting awesome views
5 to the unweary buyer that will have awesome views of a
6 hundred foot transmission tower.
7 A 53 mile long transmission line will
8 severely impact the nature and character of the area to
9 the point that it no longer gives the intended remote
10 feel, an effect unique to Maine. There's no price that
11 we can put on Maine's most critical natural resources,
12 which give us our livelihood and quality in place and
13 the wow factor.
14 It's unreasonable to think that because
15 someone may not be in favor of a 53 mile long
16 transmission line that they are not respectful or
17 appreciative of large landowners. As a sportsman and a
18 guide, I've never met anyone in this remote working
19 forest who felt like they owned it. Certainly users to
20 some of these areas may feel like they have a personal
21 connection to it and one would hope that they treat it
22 like it is their own, but nobody in the public truly
23 thinks they own it.
24 Of course there may be waterways, ponds,
25 streams, lakes and conservation lands in some of these

areas that do belong to the public. I think I can speak for everyone who visits the remote areas that we are grateful for the access. In my opinion, however, the landowner should be allowed to do what they please so long as it does not adversely affect abutting landowners, the environment or constitute a major change in existing use.

CMP's corridor does all of the above. My rebuttal testimony challenges the testimony of Bob Meyers claiming he's never heard a single complaint about seeing or snowmobiling in the vicinity of a power line and the fact he has an uncaring attitude towards his membership, the local snowmobile economy and a fundamental lack of understanding of the importance of the Coburn Johnson Mountain trail system to the area.

There are other intervenors who state that they are accustomed to seeing traveling and transmission corridors and others stating that the characterization of the Coburn Johnson Mountain area is pristine, untouched and natural is misleading. Both of these statements ignore the existing use of the 53 miles in question in favor of an industrial line.

Today Bob Meyers mentioned that there was an MSA meeting in Caratunk. It is likely that he never heard any complaints due to the meeting because

1 no one knew about it. It's also mentioned that there
2 was significant amount of power line on ITS87, opposite
3 of the Coburn Mountain area, the total in my opinion of
4 that area he's referring to would amount to about two
5 miles.
6 Anyone who guides a client for a living
7 knows that the quality of their guest's experience is
8 the most important factor in them returning and having
9 positive reviews and referrals by locating this
10 corridor in an area that relies heavily on a high
11 quality, remote experience, the very fabric of this
12 setting is put in jeopardy.
13 I am confident that you guys will
14 recognize the value of this place.
15 MS. MILLER: Thank you. We're a little
16 ahead of schedule. So, you know, an extra five or so
17 minutes is fine.
18 MR. MANAHAN: I would object, Ms.
19 Miller, for the record that the other parties kept it
20 in their timeframe. We all planned for this week
21 within a certain amount of time and to allow these
22 other parties to have more time is frankly not fair to
23 the other parties.
24 MS. BENSINGER: Well, this intervenor
25 group was -- we required a very large number of people

1 to be in one intervenor group, so given that fact and
2 the fact that we have a little extra time, we're going
3 to give them the extra five minutes. The objection is
4 noted.
5 MR. SMITH: Group 7, Ben Smith. I
6 understand we're not as large a group as the panel
7 before you right now, but if a similar accommodation
8 could be granted to Group 7 witnesses because there's a
9 lot of -- obviously there's a lot of information. As I
10 understood it at the prehearing process, because they
11 actually had individual testimony, they would be given
12 ten minutes. Unfortunately the schedule doesn't allow
13 that right now, so if they could just be given a
14 similar accommodation, that would be helpful.
15 MS. ELY: Group 4, I was looking at the
16 schedule, it appears that the witnesses were only given
17 3.3 minutes each whereas Group 7 got 5 each in the
18 allocation, so it seems like adding a couple of minutes
19 to their time would actually even it up.
20 MS. BOEPPLE: If I could just respond to
21 all of this, please. The other thing that occurred
22 with the scheduling is Groups 2 and 10 got combined.
23 We have been trying very, very hard to accommodate the
24 very restrictive time constraints that we've had
25 yesterday trying to cram in all of the intervenors

1 before the LUPC was incredibly restrictive and
2 bordering on unfair due process for these particular
3 intervenors simply because back in the day at the
4 beginning of this process they were trying to be
5 accommodating to all the needs and agree to this very
6 large group being condensed into these two different
7 groups. So we don't think it's unfair to give a little
8 bit more time. We appreciate that you're considering
9 that and that you would do that here today and so I
10 don't think it's necessary to provide additional time
11 for anyone else in this unique situation.
12 MR. MANAHAN: Just one quick comment,
13 which is we had eight witnesses in our panel and both
14 panels finished ahead of schedule and frankly we were
15 rushed because we were worried about losing time and so
16 I don't think it's fair to say that because our
17 witnesses fished ahead of schedule within their
18 timeframe these witnesses get extra time.
19 MS. MILLER: I'm going to go ahead and
20 grant an extra five minutes for this group and this
21 group only and I've noted the objections. Thank you.
22 ROGER MERCHANT: I'm Roger Merchant,
23 licensed professional forester 727 from Glenburn,
24 Maine. I've observed forest changes in segment one
25 over the past 54 years starting in 1965 with forester

1 boots on the ground in Township 5, Range 6,
2 multi-generational legacy in my family of outdoor
3 recreation. You could say the Upper Moose River Basin
4 is my extended neighborhood.
5 My submitted testimony makes clear the
6 character of the forest landscape and segment one
7 between Quebec and Moxie. Forest fragmentation,
8 habitat fragmentation, scenic viewshed fragmentation
9 are the key points of emphasis in my testimony and in
10 my rebuttals.
11 Briefly, over the summer of 2018 I
12 conducted field review of forest conditions and scenic
13 views along the Quebec Coburn section of segment one.
14 You have three interpreted aerial photographs in
15 Exhibits 1 through 6 in my testimony and it illustrates
16 the complex forest conditions and patterns that exist
17 there of existing fragmentation as well as what that
18 may be like with the permanent fragmentation of the
19 NECEC line.
20 The slippery slope in fragmentation is
21 that one on top of another feeds into cumulative
22 fragmentation and associated cumulative impacts and I
23 think that is going to be maximized by this power line
24 and not minimized as CMP seems to insist concerning
25 scenery and habitat.

I appreciate their attention to mayflies, salamanders, brook trout and deer. I'm not a wildlife biologist. I am a forester, but I find their testimony lacks attention to other important species of forest-dependent wildlife such as breeding song birds, which need food cover, breeding and nesting, as well as territory provided by a diversity of forest conditions, species, sizes and ages.

I don't see anything in their testimony that addresses the impact of this project upon those important species that Maine is also a key important habitat for them in their annual cycles north and south. What about American marten, an umbrella species requiring over continuous forest cover for travel? As an umbrella species, if a habit is supporting pine marten, then things are likely going well for 70 percent of other vertebrae wildlife species. I see no assessment of the related habitat along NECEC and a thousand feet deeper in the woods where the deepest edge effect occurs from an open power line. I see no assessment of that, no field work done to evaluate the presence or lack of pine marten in this project.

Furthermore, in my testimony on Page 13, comments on non hearing topics in my testimony was submitted. I identify and document scenic views along

1 and adjacent to segment one. In my rebuttal to CMP, I
2 identified two high value views not included in their
3 scenic assessment, Green Law Cliffs and west of
4 Tumbledown Mountain and Peaked Mountain. If there was
5 any place that is most scenic along this section in
6 question, I would argue the case that from Rock Pond
7 over the Notch over the next valley into Peaked
8 Mountain to the south branch of the Moose River is
9 highly deserving of being buried and not visibly up
10 there.
11 When I reviewed the photo simulations, I
12 appreciate the attention to that because I'm also a
13 professional forester -- sorry, photographer in my
14 retired life. But as it is, I found that the photo
15 simulations for the large part, not completely, were
16 taken at low elevations, which minimizes, if you will,
17 from a landscape view, minimizes impact, particularly
18 around Beattie, particularly around those low elevation
19 sites that are documented that shows up a little bit in
20 the Rock Pond one.
21 As a photographer there's no boundaries
22 on Beattie or scenery, and what's missing, it all
23 should have showed up in the Palmer assessment that was
24 submitted to DEP, was the fact that there seemed to be
25 some inattention to documenting what they call higher

1 risk sites and in the case of this project, those
2 higher risk sites are documentation from high elevation
3 such as Green Law Cliffs, such as Tumbledown Mountain,
4 which are a part of the base of natural assets that
5 support tourists and outdoor recreation based
6 activities. I think the CMP testimony over-minimizes
7 fragmentation for its habitat, scenic impacts.
8 If allowed to go forward, it would be a
9 huge loss for all of us, residents and visitors alike
10 who appreciate the wild and scenic as it exist in these
11 woods, waters and mountains on a quiet starlit night.
12 I hope that any permitting by -- for NECEC by DEP is
13 respectfully denied.
14 MS. MILLER: Thank you. Ms. Caruso? I
15 think you probably only have about 30 seconds or so
16 left.
17 ELIZABETH CARUSO: So just some
18 highlights, currently there are no industrial
19 infrastructures in the area of the new corridor, so
20 that's a complete change of use. The visual rendering
21 that we saw showed uninhabited ponds, mountains and
22 closed in roads. The photo rendering is theoretical
23 and does not display real life textures and scenes from
24 the naked eye. We all know that photos rarely do
25 scenic landscapes justice when compared to in-person

viewing with the real eye.

MS. MILLER: Thank you very much. Okay. So we're now on to cross-examination of panel Groups 2 and 10. We'll start with the Applicant.

MR. MANAHAN: Good morning, my name is Matt Manahan from CMP. Ms. Caruso, you had the shortest presentation, but I guess I'll start with you.

ELIZABETH CARUSO: Okay.

MR. MANAHAN: On Page 3 of your rebuttal testimony you say that it may be common for snowmobilers to see transmission lines in some areas; however, this area has no, and you capitalized the word no, industrial infrastructure. What's located at the top of Coburn Mountain?

ELIZABETH CARUSO: What would you call it?

MR. MANAHAN: Is there a radio tower there?

ELIZABETH CARUSO: I haven't been there in a few years, so. I know there's weather equipment towers.

MR. MANAHAN: Is there a communications building there?

MS. MILLER: Hang on a sec, could you just turn the microphone towards you?

ELIZABETH CARUSO: Sure.

MS. MILLER: Thank you.

MR. MANAHAN: Are there solar panels there?

ELIZABETH CARUSO: I think so.

MR. MANAHAN: So you wouldn't classify that as industrial infrastructure?

ELIZABETH CARUSO: Well, I'm talking about all of the area from -- in the new corridor. I guess you could say in the very top there is, but there's nothing on all the other lands around.

MR. MANAHAN: I see. And on Page 3 of your testimony, again, your rebuttal testimony, you wrote visitors ride from all over Maine to summit Coburn for the 360 degree view of unfragmented nature. Did you see the photos prepared by Amy Segal that presented views from the top of Coburn Mountain?

ELIZABETH CARUSO: I did.

MR. MANAHAN: Could you see any logging roads fragmenting the landscape?

ELIZABETH CARUSO: I wouldn't call that fragmenting the landscape. They're a part of the Maine woods. Maine is known for logging, we all expect to see that. That is part of Maine's landscape.

MR. MANAHAN: And could you see any

1 forestry cutting operations other than just logging
2 roads that fragment the landscape?
3 ELIZABETH CARUSO: I didn't see anything
4 being operated, but I didn't look that carefully if
5 there was a logging truck there.
6 MR. MANAHAN: Did you see any clear
7 cutting operations?
8 ELIZABETH CARUSO: I did, and again,
9 that is what we expect to see. The clearcuts have
10 trees and stumps and leaves and dirt and that is
11 natural -- it's a natural part of the woods, just in a
12 different form.
13 MR. MANAHAN: Does the snowmobile trail
14 to the top of Coburn Mountain, does that fragment
15 nature on the mountain?
16 ELIZABETH CARUSO: No, I wouldn't say
17 so.
18 MR. MANAHAN: You don't think any lines
19 of development, either logging roads, forestry
20 operation, snowmobile trails, you don't think those
21 fragment nature in any respect?
22 ELIZABETH CARUSO: I don't believe so.
23 I mean, the deer can cross, the animals cross. It's
24 not holding back nature or anything from growing. It's
25 not like they're paving those roads like we do 201 to

stop.

MR. MANAHAN: Will the proposed transmission corridor be paved like 201?

ELIZABETH CARUSO: No, but there will be herbicides poured all through it and it will be much wider than any logging road, any hiking trail, any snowmobile trail, and as experts have shown that not all habitat will be able to maintain their current, you know, habitat. The animals will not be able to maintain their current habitat and cross that corridor.

MR. MANAHAN: Are you a wildlife biologist?

ELIZABETH CARUSO: No, I was referring to the experts that I was -- in reading.

MR. MANAHAN: Okay. We'll get to your experts in a minute. Do you know when the trail up Coburn Mountain was built?

ELIZABETH CARUSO: I do not know exactly. There was -- there have been trails up there, but I do not know when -- are you talking about the snowmobile trails?

MR. MANAHAN: The snowmobile trails that are currently used, right.

ELIZABETH CARUSO: I don't know.

MR. MANAHAN: Do you know whether it was

1 permitted?
2 ELIZABETH CARUSO: I don't know anything
3 about that.
4 MR. MANAHAN: On Page 4 of your rebuttal
5 testimony you say that the VIA posed pictures of
6 desolate areas, void of scenic attributes in attempt to
7 paint it unattractive and not luring to recreationists.
8 Are you familiar with the DEP's standards for
9 preparation of Visual Impact Assessment?
10 ELIZABETH CARUSO: I have not read it,
11 no.
12 MR. MANAHAN: Have you read the
13 methodology used for the VIA?
14 ELIZABETH CARUSO: I may have. I'm
15 not -- I can't remember. There's a lot of things to
16 read.
17 MR. MANAHAN: Well, do you believe that
18 the VIA did not comply with the DEP's requirements for
19 preparation of VIAs?
20 ELIZABETH CARUSO: I don't believe I
21 testified to that. What I said was the pictures of the
22 places that we know that tourism goes were not
23 depicted -- they were depicted in a way that shows that
24 there is no scenic value. There was no human activity.
25 There was no recreation and some of the roads that had

1 spectacular views just had really narrow, narrow shots
2 with a covered canopy that you couldn't see anything,
3 but if you went down part of the road, you would see a
4 beautiful landscape, and that's what I would expect a
5 proper interpretation of what the land, the scenic
6 value of the land is.
7 MR. MANAHAN: Okay. But you don't have
8 any basis to believe that the VIA didn't comply with
9 the DEP's requirements in preparation for VIAs?
10 ELIZABETH CARUSO: No, I didn't testify
11 to that.
12 MR. MANAHAN: Right. On Page 4 also in
13 your testimony, direct testimony, you say the
14 Department doesn't have to quantify the impacts because
15 CMP bears the burden or proof to demonstrate there
16 won't be impacts. Is it your belief that the DEP can't
17 permit a project unless the application proves there
18 won't be any impacts at all?
19 ELIZABETH CARUSO: No.
20 MR. MANAHAN: Has there ever been a
21 project in fact ever built in Maine that would meet
22 that requirement?
23 ELIZABETH CARUSO: That's not something
24 that I know.
25 MR. MANAHAN: Okay. On the bottom of

1 Page 5 of your direct testimony you say the project
2 will have, and I'm quoting, red blinking lights and 150
3 to 300 foot scars, is that still your testimony?
4 ELIZABETH CARUSO: Well, I believe that
5 the 150 foot corridor right now that they're asking for
6 is a scar and that the potential is there for the 300,
7 and it has been our understanding that when structures
8 are high enough there has to be blinking lights at
9 higher elevation, yes.
10 MR. MANAHAN: Okay. So are you aware,
11 or are you not aware, that aviation warning lights will
12 not be required for any portion of the new corridor,
13 segment one of the project?
14 ELIZABETH CARUSO: I don't believe
15 that's been confirmed, no.
16 MR. MANAHAN: So you're not aware
17 whether there are or not, you think there might be?
18 ELIZABETH CARUSO: From what I
19 understand, there's a high enough elevation, there has
20 to be, and I know that the towers are going to be quite
21 high. They're going to be -- the base is going to be
22 quite high.
23 MR. MANAHAN: So what is your expertise
24 in FAA warning light matters, do you have any such
25 expertise?

1 ELIZABETH CARUSO: No, I don't need to
2 as long as someone else does.
3 MR. MANAHAN: So your testimony is
4 someone else may have said there needs to be aviation
5 warning lights and so that's your testimony as well?
6 ELIZABETH CARUSO: No, that's not what
7 I -- I'm saying I don't have to determine where they
8 go. That's the job of the regulation.
9 MR. MANAHAN: You can just say it here?
10 ELIZABETH CARUSO: That's not what I'm
11 saying. It was -- it was told to us that there
12 would -- in fact, in public hearings or public
13 information meetings, it was never said that there
14 wouldn't be orange balls or lights.
15 MR. MANAHAN: On Page 8 of your
16 testimony you say the landowners that manage the
17 working forest are excellent stewards of the land and
18 we just heard Mr. Novello this morning talk about his
19 concerns about use of private land, Visual Impact
20 Assessments, photo simulations. Have you read Mr.
21 Fyfe's letter on behalf of Weyerhaeuser in the record
22 when she states any scenic impacts on Weyerhaeuser's
23 land from the CMP project will be minor, reasonable and
24 in keeping with the working forest?
25 ELIZABETH CARUSO: I'm not sure that I

1 have.
2 MR. MANAHAN: Okay. Well, do you think
3 that the landowners' view of what constitutes a
4 reasonable impact from the landowners' land should be
5 given more or less weight than the views of some of the
6 people who the landowner allows to recreate on the
7 landowners' land?
8 ELIZABETH CARUSO: I'm sorry, can you
9 repeat that?
10 MR. MANAHAN: Do you think that the
11 views of the landowner on what constitutes a reasonable
12 impact should be given more or less weight of the views
13 of the public who are allowed to recreate on that land?
14 ELIZABETH CARUSO: Well, I think it's
15 different. I think that the, you know, what they care
16 about the view of a working forest is different than
17 when people are looking at the scenic view. I don't
18 think you can compare.
19 MR. MANAHAN: You don't think the
20 landowners' view should be given more impact, more
21 weight than the public views of who recreate on that
22 landowners' land?
23 ELIZABETH CARUSO: No, I think we have
24 to respect what is done on their land and they have to
25 be -- it is their land, but I don't think that the

1 agency would necessarily have to give more weight.
2 MR. MANAHAN: Okay. Let me turn to Mr.
3 Caruso. Mr. Caruso, have you prepared a Visual Impact
4 Assessment to assess the change to the view from the
5 Old Canada Road Scenic Byway?
6 GREG CARUSO: No.
7 MR. MANAHAN: Did you conduct a VIA to
8 support a conclusion on Page 9 of your direct testimony
9 that, and I'm quoting, literally the poles and lines
10 will be observable from every scenic viewpoint along
11 ITS86 and 89?
12 GREG CARUSO: I'm sorry, repeat the
13 question.
14 MR. MANAHAN: Did you prepare a VIA to
15 support your conclusion that literally the poles and
16 lines will be observable from every scenic viewpoint
17 along ITS86 and 89?
18 GREG CARUSO: No.
19 MR. MANAHAN: What's the basis of that
20 conclusion?
21 GREG CARUSO: Well, I think when they --
22 when they provide a -- when they provide those photos,
23 they're not necessarily -- they're not guiding there.
24 They're not there every day. I know they put some time
25 in up there, but they don't specifically know all the

1 different areas that I guide in and know, I think,
2 intimately.
3 MR. MANAHAN: Okay. On Page 10 of your
4 testimony you say the project poles are high enough to
5 require blinking lights, as I just discussed with Ms.
6 Caruso, and you say that they would be a desecration of
7 the viewshed and outdoor experience. Is that still
8 your testimony?
9 GREG CARUSO: Well, if those are put
10 there, I would say yes. I'm not an expert on whether
11 or not they're needed. It seems to be kind of back and
12 forth from what I keep hearing, but.
13 MR. MANAHAN: So are you now aware that
14 aviation lights will not be required for this portion
15 of the project?
16 GREG CARUSO: Well, that remains to be
17 scene, I think. I'm not sure that's confirmed.
18 MR. MANAHAN: On Page 2 of your rebuttal
19 testimony you say as a groomer, snowmobiler and MSA
20 member for well over 20 years, I can attest that power
21 lines when used on snowmobile trails are only used as
22 means of egress to a destination when absolutely no
23 other option exists. Isn't it true, Mr. Caruso, that
24 the existing ITS87 trail note in your testimony is
25 co-located with the existing CMP overhead transmission

1 line?
2 GREG CARUSO: That's true.
3 MR. MANAHAN: And how many miles of
4 ITS87 is co-located in the existing transmission line?
5 GREG CARUSO: If I had to guess -- the
6 entirety of ITS87, is that what you're asking me?
7 MR. MANAHAN: Yup.
8 GREG CARUSO: The entirety?
9 MR. MANAHAN: Yes.
10 GREG CARUSO: Are you aware of how
11 long ITS --
12 MR. MANAHAN: Is co-located, right.
13 GREG CARUSO: How many miles is it?
14 MR. MANAHAN: I'm asking you the
15 question. Do you know how many miles -- are you saying
16 you don't?
17 GREG CARUSO: I'm aware of -- in our
18 area I would say from The Forks area north towards, I
19 would say as far as Jackman, I would say on ITS87, five
20 miles, ten miles maybe tops.
21 MR. MANAHAN: Okay. So have you read
22 the Maine Forest Products Council's January 18, 2019
23 letter that's in the record in this proceeding?
24 GREG CARUSO: No.
25 MR. MANAHAN: It doesn't ring a bell?

1 Are you aware that the Forest Products Council is
2 concerned in imposing development restrictions based on
3 views from their members' private land might lead to
4 private landowners eliminating a public right of entry
5 and use of that land?
6 GREG CARUSO: I'm not aware that, but I
7 think I stated earlier that anybody that goes on
8 private land expects to use that land in a manner
9 that's respectful to the landowner.
10 MR. MANAHAN: Okay, thank you. Mr.
11 Merchant?
12 ROGER MERCHANT: Yes?
13 MR. MANAHAN: Maybe I could ask you a
14 few questions.
15 MS. BENSINGER: Mr. Merchant, could you
16 pull the microphone closer to you?
17 MR. MANAHAN: On Page 2 of your rebuttal
18 testimony you wrote that going under the Kennebec may
19 reduce visual impacts, but it will not be impact-free
20 with the presence of riverside cooling stations for the
21 buried line. What are riverside cooling stations?
22 ROGER MERCHANT: I'm sorry, I didn't
23 recall that that was in my testimony.
24 MR. MANAHAN: If you want to look at
25 your testimony, it's on Page 2, lines five and six of

1 your rebuttal testimony. Do you have that in front of
2 you?
3 ROGER MERCHANT: No, I don't.
4 MR. MANAHAN: Do we have Mr. Merchant's
5 rebuttal testimony?
6 MS. BOEPPLE: Here we go.
7 MR. MANAHAN: If you look at your
8 rebuttal testimony, Page 2, lines five to six, do you
9 see where it talks about going under the Kennebec may
10 reduce visual impacts?
11 ROGER MERCHANT: Yes.
12 MR. MANAHAN: And then could you read
13 the rest of that sentence for me?
14 ROGER MERCHANT: Could argue that going
15 under the Kennebec may reduce visual impacts, but it
16 will not be impact-free with the presence of riverside
17 cooling stations with the buried line.
18 MR. MANAHAN: Thank you. So my question
19 is what are riverside cooling stations?
20 ROGER MERCHANT: My understanding was
21 that there would be cooling stations adjacent to where
22 this power line goes under the river.
23 MR. MANAHAN: Do you mean the transition
24 stations?
25 ROGER MERCHANT: I don't know what

1 transition station is. I understand there will be
2 cooling stations. There will be stations adjacent to
3 where the power line goes down under the river. That's
4 what I was speaking to.
5 MR. MANAHAN: Okay. Are you aware that
6 the transition stations will not be visible from the
7 river?
8 ROGER MERCHANT: Evidently not.
9 MR. MANAHAN: Okay. Are you aware that
10 there will be no transmission infrastructure visible
11 from the river?
12 ROGER MERCHANT: That's my understanding
13 in terms of what's been proposed.
14 MR. MANAHAN: And are you aware of the
15 fact that there will be no clearing down to the river?
16 ROGER MERCHANT: I'm aware of that.
17 MR. MANAHAN: On Page 2, lines 11 to 13
18 of your rebuttal testimony, you say I would argue that
19 CMP photo simulations, mostly taken at lower elevations
20 on moderately flat terrain, tend to minimize the visual
21 impacts of the corridor and power line. Are you
22 familiar with the DEP standards for preparation of
23 Visual Impact Assessments?
24 ROGER MERCHANT: I'm not familiar with
25 the DEP standards. I'm aware of the critique that was

1 rendered by Palmer for DEP in the document in 2018 that
2 raised questions about the completeness of the visual
3 assessment that was conducted.
4 MR. MANAHAN: Are you aware of the
5 follow-up discussions between DeWan and Associates and
6 Palmer with respect to resolution of those issues?
7 ROGER MERCHANT: No, I'm not.
8 MR. MANAHAN: You're not, okay. Have
9 you read the methodology used for the VIA?
10 ROGER MERCHANT: I've scanned through
11 the procedures and definitions, etc.
12 MR. MANAHAN: Do you believe the VIA did
13 not comply with the DEP's requirements for preparation
14 of VIAs?
15 ROGER MERCHANT: I cannot address that.
16 MR. MANAHAN: In your photos in Exhibit
17 R9, did you add the yellow dots to indicate that the
18 project will be highly visibly from elevated
19 viewpoints?
20 ROGER MERCHANT: I added the yellow dots
21 to indicate the track of the power line through the
22 landscape at that time.
23 MR. MANAHAN: So not necessarily the
24 visibility of the project?
25 ROGER MERCHANT: That record -- the dots

on the photograph represent where the power line track will come through and across the landscape.

MR. MANAHAN: Did you prepare a photo simulation to determine where the yellow dots would actually be visible?

ROGER MERCHANT: Again, those yellow dots were not intended to create the actual visibility that I think you are addressing here. It does indicate where the power line will pass through the valleys, the mountains, etc., of the landscape to provide guidance to, for example, when you look at the view of Tumbledown west toward Peaked Mountain, that dotted line represents where the power line will come through. That is the extent of what that visual aid is about.

MR. MANAHAN: Okay. Did you follow the DEP's requirements for VIAs in preparation of your exhibits?

ROGER MERCHANT: No, I did not follow that. I followed my instincts as a photographer who goes out on the landscape looking for scenic beauty and when I find it, I photograph it.

MR. MANAHAN: Got it, okay. Let's talk about fragmentation for just a minute. How many -- do you know how many miles of logging roads are in the western Maine mountains?

1 ROGER MERCHANT: It's extensive, if I
2 remember from Janet McMahon's testimony.
3 MR. MANAHAN: And how much vegetation
4 remains on those existing roads?
5 ROGER MERCHANT: It's highly variable.
6 For example, in the scope of this project, if you take
7 the Spencer Road out on the front end by 201, that is
8 almost a two lane gravel highway now going west from
9 there and the ditches are kept clear, I've seen it
10 expand over the last 57 years from a scratch track to a
11 two lane gravel road on the front end. That is
12 approximately, from my rough calculations, about 50
13 feet wide to the far end there. That's kept vegetation
14 free.
15 As you move further west, it
16 incrementally narrows into a single lane permanent
17 gravel road. By the time you get to the Beaudry Road
18 where it goes west of Lowelltown, that is one rough
19 piece of road. Yes, it's a logging road. There's been
20 activity there. That section would have lesser impact,
21 but it won't stay that way because the equipment you
22 likely will need to get into the power line and
23 construction through there, I can't imagine you're
24 going to be wanting to run trucks and long equipment
25 down that stretch of the Lowelltown Road without

1 expanding that and widening it, so I'm making an
2 assumption granted, but those narrow roads will be
3 widened up on the primary access into the project in
4 and amongst the preexisting network of gravel logging
5 roads that are not a high level fragmentation factor,
6 but yet they do contribute to what I've framed as
7 cumulative fragmentation which becomes problematic as
8 more and more layers of expansion and fragmentation
9 show up in the landscape.
10 MR. MANAHAN: Would you say there's more
11 or less vegetation on say Spencer Road than there will
12 be in the corridor?
13 ROGER MERCHANT: Ask me that question
14 again.
15 MR. MANAHAN: Would you say there's more
16 or less vegetation remaining on Spencer Road than there
17 will be in the corridor?
18 ROGER MERCHANT: Let me see if I can
19 address it this way, it's my impression from looking at
20 the corridor in the plans for shrub and scrub, there
21 will be the wide open corridor, which will be distinct
22 and different from the adjacent forest cover, the
23 vegetation that is in the bottom of the corridor, scrub
24 and shrub, that will have but one layer of what the
25 preexisting forest cover that existed that had

1 mid-story and over-story. Down along the Spencer Road,
2 if I'm following the vegetation inquiry you're making,
3 it would seem to me that vegetation off the edge of the
4 gravel down into the ditch and over the far side of the
5 ditch, that will be kept open to not block the water
6 flow and drainage off that road that has a large
7 surface for capturing water.
8 MR. MANAHAN: So let's get to the crux
9 of the matter, utilizing -- wouldn't the NECEC
10 corridor, which utilizes the shrub, scrub vegetation
11 and has no regular vehicular traffic, wouldn't that
12 cause significantly less habitat fragmentation than the
13 existing roadways like Spencer Road?
14 ROGER MERCHANT: I'm not convinced of
15 that. In terms of habitat fragmentation, if that's
16 what I was hearing the direction of your question,
17 that's something that seems to be missing, in my
18 opinion, from the assessment, like if I can provide an
19 example. If I'm given a thousand acres of timberland
20 to conduct an assessment for, I'm going to go out
21 there, I'm going to look at aerial photographs, I'm
22 going to begin to make some discussion and decisions
23 about what types of forests seem to exist. I'm going
24 to lay out a grid of lines through that, run a compass
25 and record data periodically to document the forest

1 conditions to assess what exists. In the case of the
2 CMP power line project, in looking at habitat and
3 impact, I would want to, I can't do it because I'm not
4 a wildlife biologist, but I could conduct a forest
5 assessment in terms of is it coniferous, is it
6 vociferous, is it young, middle-aged, multi-aged, and
7 you begin to characterize that in that thousand foot
8 zone, which is adjacent potentially impacted habitat
9 from what the wildlife biologists have been saying.
10 So there appears to be no effort to
11 document that and associate that adjacent habitat with
12 who -- what wildlife species is that thousand foot of
13 this, that and the other thing associated with, and I
14 grant you, that's highly variable. You can't just
15 thumbprint that in one thumbprint and you've got the
16 answer, but there's no assessment of the cover.
17 There's no assessment of the associated wildlife
18 species that inhabit that and that's a piece that I
19 feel is missing.
20 MR. MANAHAN: Okay. And I just heard
21 you say you're not a wildlife biologist, what's your
22 expertise in wildlife biology?
23 ROGER MERCHANT: When I was a -- as I've
24 been in my career with extension for 30 years, let's
25 see, I am not a wildlife biologist, I talk with,

1 informed and worked with nonindustrial landowners on
2 forest management and their concerns were about
3 wildlife, how do we integrate. That's why I have a
4 general understanding of some of the things that I'm
5 talking about at this level that I have some knowledge
6 of. I also managed a hundred thousand timber -- a
7 hundred thousand acres of timberland in eastern Maine
8 in my first career working fork Dead River Timberland,
9 so I've had that base of experience in the field.
10 Granted, I'm not a wildlife biologist, but granted I
11 understand some of the principles and practices that
12 are employed in assessing what you have to assess if
13 you're going to look at wildlife in the forest.
14 MR. MANAHAN: Okay. And on the area of
15 your expertise, you did say that you're a photographer
16 now in your retirement?
17 ROGER MERCHANT: Yeah.
18 MR. MANAHAN: Do you feel that gives you
19 the expertise necessary to critique the Visual Impact
20 Assessment?
21 ROGER MERCHANT: With all due respect, I
22 certainly do because when I get in my truck and I go to
23 the Spencer Road, or I go over to the Beaudry Road
24 coming in the other way, I am on my professional
25 photography expertise and there's nothing that bounds

1 in who owns the scenic beauty, nobody owns that. What
2 is scenic, what is beauty is very subjective, I grant
3 you that. And then when I go out and I look for
4 opportunities, I find them and I feel that the
5 impressions that I have reflect what I see as scenic
6 beauty and I distilled that down into the views that I
7 immigrated with my documents that were submitted and I
8 stand by that professionally and personally.
9 MR. MANAHAN: And you just said that
10 these views are subjective?
11 ROGER MERCHANT: Yeah.
12 MR. MANAHAN: Isn't the point of Chapter
13 315, Visual Impact Assessment, to take that
14 subjectivity out of the assessment and make it more
15 objective?
16 ROGER MERCHANT: Probably that's where
17 we depart respectfully because as a photographer it's
18 as much instinct, it's much more instinct and
19 impression. I mean, when I'm traveling along, I'm not
20 expecting to see anything and it shows up, I respond, I
21 react, I says wow, let's capture that. So it doesn't
22 quite fit the constraints of the VIA assessment. I
23 understand what you're getting at. Well, there are
24 formalized ways of developing that and VIA does reflect
25 that, I would agree. But from the field perspective,

1 boots on the ground, I haven't got any VIA assessment
2 score card in my back pocket to make a decision, well,
3 this is high, medium or low. For me it's this is it,
4 period. And I believe that same level of response
5 exists in the visitors that come into this region to
6 experience the solitude, the beauty, however and
7 whatever that is. And they don't have a VIA card in
8 their back pocket. And one of the things that struck
9 me in all the discussion about visual and visitors is
10 there's no enduser document survey here that asked the
11 visitors to come in who come into this region, whether
12 they're hikers or recreationists or boaters or
13 fishermen, there's no documentation of what their
14 perceptions are of these proposed changes in landscape
15 and they are an important part of the social economic
16 fabric that's engaged with this project.
17 MR. MANAHAN: Okay. On that point of
18 visual impact or user surveys, are you aware that the
19 DEP rules don't require user surveys in this situation?
20 ROGER MERCHANT: I understand that.
21 MR. MANAHAN: In fact, are you aware of
22 whether a user survey has ever been done on a
23 transmission line project of this nature before now?
24 ROGER MERCHANT: Not that I'm aware of.
25 MR. MANAHAN: Okay. Maybe I could turn

1 to Mr. Buzzell and just ask you a question.
2 ED BUZZELL: Okay.
3 MR. MANAHAN: On Pages 4 and 5 of your
4 direct testimony you say that cutting to the river's
5 edge will destroy the natural wonder on a particularly
6 scenic section of the river. So you've heard some
7 discussion we've had, are you aware now that CMP is
8 proposing to bury the line beneath the upper Kennebec
9 River and not cut along the river's edge, or to the
10 river's edge?
11 ED BUZZELL: I am aware that they plan
12 on burying the line, yes, but I haven't seen a visual
13 assessment or anything like that to show what the
14 damage would do from a line going under the Kennebec
15 River.
16 MR. MANAHAN: So essentially you're
17 saying you don't believe Miss Segal's testimony where
18 she says there would be no impacts viewed from -- of
19 the project from the river?
20 ED BUZZELL: When they did the overhead
21 lines, they did do a Visual Impact Study so that we
22 could see exactly what it looks. There has been no
23 visual impact and I'm not sure, I guess from different
24 angles, I believe it probably will be seen.
25 MR. MANAHAN: Okay. Did you read her

1 rebuttal testimony in which she did say in her rebuttal
2 testimony that it will not be seen, there will be no
3 impacts seen from the road?
4 ED BUZZELL: I did see her rebuttal
5 testimony, but again, even though she's done that, I
6 haven't seen anything on paper that says it will not be
7 seen from the river.
8 MR. MANAHAN: Okay. Now, Mr.
9 Prisendorfer, on Page 7 of your testimony you say that
10 it's unclear to me how the proposed development would
11 not harm the scenic or aesthetic integrity of the area.
12 I'm just going to ask you the same question that I just
13 asked Mr. Buzzell basically, which is did you see the
14 presentation, were you here for the presentation by Amy
15 Segal and Terry DeWan about the Visual Impact
16 Assessment they conducted?
17 JUSTIN PRISENDORFER: I was.
18 MR. MANAHAN: And did you prepare a
19 Visual Impact Assessment?
20 JUSTIN PRISENDORFER: I did not.
21 MR. MANAHAN: Are you familiar with the
22 DEP standards for preparation of Visual Impact
23 Assessments?
24 JUSTIN PRISENDORFER: I did review them,
25 yes.

1 MR. MANAHAN: Okay. And have you read
2 the methodology used for this VIA?
3 JUSTIN PRISENDORFER: I did.
4 MR. MANAHAN: So, do you believe the VIA
5 did not comply with the DEP's requirements for
6 preparation of VIAs?
7 JUSTIN PRISENDORFER: I believe that the
8 VIA, the process should have included, as I mentioned
9 earlier, the access routes to public water resources,
10 and those were included. So I find it hard to make a
11 comprehensive assessment without survey of all those
12 meaningful places that the public has rights to access.
13 MR. MANAHAN: Okay. What methodology do
14 you use that determine that the visual impacts of the
15 project will be unreasonable?
16 JUSTIN PRISENDORFER: Because I don't
17 think that they -- actually the methodology did not
18 allow all of the viewpoints that the public would when
19 accessing those public resources. It did not include
20 those, so I don't think it was comprehensive.
21 MR. MANAHAN: I see, okay. Thank you
22 all. I have no further questions.
23 MS. MILLER: Thank you. We have Group
24 3.
25 MR. BOROWSKI: Group 3 has no questions.

1 MS. MILLER: Group 6?
2 MR. WOOD: Group 6 has no questions.
3 MS. MILLER: Group 7?
4 MR. SMITH: Good morning, just briefly,
5 if I could follow up, I think I heard a little bit of
6 conflicting testimony between Mr. Prisendorfer and Mr.
7 Caruso --
8 MS. MILLER: Could you speak more into
9 the mic? I know it's tough.
10 MS. SMITH: I think I heard a little bit
11 of conflicting testimony between Mr. Caruso and Mr.
12 Prisendorfer. This is Ben Smith for Group 7.
13 MS. MILLER: Thank you.
14 MR. SMITH: I think that what I heard
15 from Mr. Prisendorfer was that Great Pond Act permits
16 access to people who like to go on private land owned
17 by people provided that they are going to and from
18 water bodies of ten acres or more. The thing I just
19 want to clarify is that, you know, and I'll leave it to
20 either to you or Mr. Caruso, would you agree that the
21 Great Pond Act only applies to nonmotorized access?
22 JUSTIN PRISENDORFER: Yes, the Act does
23 specify on foot.
24 MR. SMITH: Okay, great.
25 JUSTIN PRISENDORFER: And if I could

1 expand on that, I think that --
2 MR. SMITH: That was my question.
3 JUSTIN PRISENDORFER: -- the access that
4 is customary to all of these places is by motorized
5 access for a majority, but I understand that; however,
6 if it was to be required on foot, I would expect people
7 to logically use those same access routes and their
8 exposure to these visual impacts would actually be
9 longer in duration.
10 MR. SMITH: So two issues, so one, this
11 is a yes or no, you agree that the access we're talking
12 about is only by foot and that it could be gated and
13 there would be no motorized access permitted, correct?
14 JUSTIN PRISENDORFER: Yes.
15 MS. SMITH: And then the second issue is
16 that the purpose of the Act is to allow people to enjoy
17 and take advantage of water bodies of ten acres or
18 more, hunting, fishing and related pursuits, correct?
19 JUSTIN PRISENDORFER: That's correct.
20 MR. SMITH: So that wouldn't necessarily
21 permit someone to want to go and enter private property
22 for purposes of taking an afternoon to go cross county
23 skiing, correct?
24 JUSTIN PRISENDORFER: I'd have to review
25 the language of the Act, but I don't think that it

1 necessarily excludes cross county skiing.
2 MR. SMITH: You're telling me that you
3 think that any recreational activity at all, even if it
4 doesn't have anything to do with water bodies is
5 something that could be done and you have a right to
6 that?
7 JUSTIN PRISENDORFER: Are you asking
8 about the mode of travel to get to those water bodies?
9 MR. SMITH: No, I'm talking about the
10 activity involved.
11 JUSTIN PRISENDORFER: When on the water
12 body or when on the access route? If you could maybe
13 state your question in a another way?
14 MR. SMITH: Sure. My question
15 originally was you recognize that the purpose of the
16 Act was to allow for uses that were done in connection
17 with water bodies of ten acres or more and that the
18 Great Pond Act doesn't necessarily entitle a person to
19 take an afternoon stroll on a piece of property or to
20 go cross country skiing, or some other recreational
21 activity that is not connected with those water bodies?
22 JUSTIN PRISENDORFER: Sure, I'll agree
23 with that.
24 MR. SMITH: Thank you. You answered
25 some questions from Mr. Manahan about Coburn Mountain

1 and some of the facilities on Coburn Mountain, let me
2 ask, is there anyone on the panel that recently hiked
3 or is familiar with the top of Moxie Mountain?
4 ROGER MERCHANT: Moxie or Moxie Falls?
5 MR. SMITH: I think it would be -- I
6 think it's Moxie or Moxie Mountain.
7 ROGER MERCHANT: Yeah, I was up that
8 about four years ago. I'm the maintainer on the AT.
9 MR. SMITH: Okay, very good. So at the
10 top of Moxie, would you agree that there are structures
11 that are manmade at the top of that mountain?
12 ROGER MERCHANT: Not anymore. The fire
13 tower that existed the day that I visited in 1983 was
14 taken down. The four iron plates that were in the
15 granite bedrock are still there, but all signs have
16 disappeared.
17 MR. SMITH: So you're not -- you haven't
18 seen the top of Moxie a communication tower?
19 ROGER MERCHANT: Are we talking about
20 the same Moxie? I'm talking about Bald Mountain.
21 Sometimes they get confused. Are we talking about Bald
22 Mountain or Moxie Bald?
23 MR. SMITH: What's your knowledge about
24 Moxie Bald?
25 ROGER MERCHANT: Moxie Bald, I'm talking

1 about Bald Mountain right adjacent to Bald Mountain
2 Pond on the east side of it -- sorry, west side of it,
3 and the Appalachian Trail going west or southbound goes
4 up over the side ridge. There's a side trail that goes
5 to the north peak of Bald Mountain and to the left it
6 goes to the foot of the highest point on Bald Mountain,
7 which showed up in one of those pictures yesterday, and
8 then the Appalachian Trail turns from there, there's a
9 side trail up to that highest point.
10 MR. SMITH: Can I approach the witness
11 and provide a document? If you could just orient
12 yourself --
13 MS. MILLER: Do you have extra copies of
14 that document so that we can all see?
15 MR. SMITH: Sure, it's part of the
16 application, but I can provide copies.
17 MS. MILLER: Thank you very much.
18 ROGER MERCHANT: Well, this is
19 interesting. Somebody else can speak to that because I
20 can affirm from looking at the map here I have not been
21 to the top of Moxie Mountain, which rests south of what
22 I was talking about where the AP crosses at Bald
23 Mountain.
24 MR. SMITH: So the mountain you were
25 talking about, just to be clear for the record, is not

1 the mountain that is depicted in this document, which
2 is part of the CMP application --
3 ROGER MERCHANT: This is not the same as
4 what I was referring to where the AT goes over the
5 mountain and ridge.
6 MR. SMITH: That's helpful. I
7 appreciate your clarity on that. Is there a witness
8 that is familiar with this particular location?
9 GREG CARUSO: I am.
10 MS. MILLER: For the record, that's Mr.
11 Caruso.
12 MR. SMITH: And Mr. Caruso, when is the
13 last time I guess you have been up to the top of Moxie
14 Mountain summit where it overlooks?
15 GREG CARUSO: Probably two years.
16 MR. SMITH: And have you seen this
17 document or reviewed this document in connection with
18 this case?
19 GREG CARUSO: No.
20 MR. SMITH: Would you -- based on your
21 memory and your personal experience, would you agree
22 that at the top of Moxie Mountain there's a
23 communications tower?
24 GREG CARUSO: I am not sure what it is
25 up there, but there is -- I wouldn't even call it a

tower. It's like a platform of some kind.

MR. SMITH: Let's go to Page 8. And on Page 8 there are three different photos that are actually depicted. I'm going to have you look to the lower right-hand corner, if I could. Do you have that in front of you?

GREG CARUSO: I have it.

MR. SMITH: Okay. So looking here, there's a photograph 15 that says view looking north toward a building with communication towers on the summit of Moxie Mountain and Caratunk; do you see that?

GREG CARUSO: I see them.

MR. SMITH: And do you see the towers in that picture?

GREG CARUSO: Yup.

MR. SMITH: And they're extending well above the tree line in that area, correct?

GREG CARUSO: They're not really. I mean, you can't see that from any viewpoint that I've ever seen of that mountain, and I've been all around it, above it, around it, every which way you can think of.

MR. SMITH: My question was, I'll go back to my question, from this vantage point right here when you are hiking up Moxie Mountain, are you telling

me that you can't see these towers?

GREG CARUSO: Absolutely not, not hiking the mountain, no, you can't.

MR. SMITH: So when you're standing right here, you don't -- you can't see from this vantage point that the towers are --

GREG CARUSO: Well, I can see it in the picture, if that's what you're referring to.

MR. SMITH: All right. And look to the lower right-hand corner of that same picture, do you see those wires laying on the ground?

GREG CARUSO: Yup, I see them.

MR. SMITH: And go to the photograph to the left of that, if you could.

GREG CARUSO: Yup.

MR. SMITH: Can you see photo 14, it talks about in the caption that this is a photograph that shows a solar array at the top of Moxie?

GREG CARUSO: Mmm-hmm.

MR. SMITH: Was that there -- is that a yes?

GREG CARUSO: Yes.

MR. SMITH: And are you familiar with that? Have you seen that the top of Moxie?

GREG CARUSO: I guess I -- I remember

seeing some equipment there. I don't remember exactly what it was. I didn't look that close at it. I wasn't really looking at the equipment.

MR. SMITH: Okay. You mentioned in response to an earlier question there was a large pad, are you aware that there is actually a helicopter landing pad at the top of the mountain?

GREG CARUSO: If there is, I wouldn't land my helicopter on it.

MR. SMITH: All right. Is that perhaps the pad you were referring to?

GREG CARUSO: I guess. I don't know what it is. It's a nice place to lay down, hang out and take a break. This isn't part of the project that I can see.

MR. SMITH: What's that?

GREG CARUSO: This isn't part of the project going around this mountain. It's not within the 53 miles, put it that way.

MR. SMITH: Last I'd like to direct you attention to -- actually I'll move to a different area. Just following up briefly on the snowmobile trail discussion that you had with Mr. Manahan earlier, have you reviewed the rebuttal testimony provided, Mr. Caruso, in the testimony by Central Maine Power?

GREG CARUSO: I believe I have, but I've been reading a lot of stuff and it's all kind of a blur to be honest.

MR. SMITH: Did you read perhaps the testimony of Mr. Tribbett on behalf of CMP?

GREG CARUSO: I don't recall that.

MS. BOEPPLE: I'm objecting only because that testimony is still subject to motions to strike and has been scheduled I believe for coverage in the May 9th hearing, so I would object on that basis.

MR. SMITH: I don't quite understand the basis for the objection. I think that certain issues were carried over for the hearing, but I think what I'm about to get into is something that's fair game and has been brought up in discussion at this hearing.

MS. MILLER: Give me a minute, I'd like to check my procedural order.

MR. SMITH: Sure.

MS. BENSINGER: Can you tell us what the topic is that you're going to discuss?

MR. SMITH: I'm following up on a snowmobile issue, co-location within the facilities, or within transmission facilities in general.

MS. MILLER: In the seventh procedural order, paragraph five, it states that the rebuttal

1 testimony from the Applicant's new witnesses, which
2 included Mr. Tribbett, which pertains to matters other
3 than the underground option and the cross-examination
4 of that witness will also be scheduled for the
5 spillover date in May, so I'm going to not allow it and
6 if you can hold that until May 9th, please. Thank you.
7 MR. SMITH: Thank you. Are you aware,
8 Mr. Caruso, that of the total transmission lines owned
9 by CMP that 600 miles of those are co-located with
10 existing snowmobile trails?
11 GREG CARUSO: I heard that this morning.
12 MR. SMITH: And with regard to trails in
13 and around where you do your grooming activities or
14 you're familiar, would you agree that there are other
15 additional trails that are co-located right within the
16 transition corridors including the entirety of Bingham
17 to The Forks?
18 GREG CARUSO: Ask me that question one
19 more time.
20 MR. SMITH: The entirety of ITS87 I
21 think Mr. Manahan asked you is co-located, right?
22 GREG CARUSO: Correct.
23 MR. SMITH: And that would include the
24 area Bingham to The Forks?
25 GREG CARUSO: You're speaking of ITS87,

1 the whole trail you're asking me how much -- what are
2 you asking me?
3 MR. SMITH: I'm just if -- I'm just
4 clarifying that you're aware that the entirety of
5 ITS87, which would include the area from Bingham to The
6 Forks, is co-located within a 115 transmission line,
7 that snowmobile trail.
8 GREG CARUSO: No, that's not true. I
9 mean, there's only a few miles of transmission line
10 that the trail exists on.
11 MR. SMITH: I thought that in response
12 to Mr. Manahan you agreed that the entirety of the
13 ITS87 is co-located.
14 GREG CARUSO: I don't believe I did say
15 that, nope.
16 MR. SMITH: There are other areas, such
17 as from Wyman Dam all the way to Bigelow Station, which
18 are co-located within transmission lines?
19 GREG CARUSO: Repeat that.
20 MR. SMITH: So there's a trail that runs
21 on a transmission corridor, isn't there, from Wyman to
22 Bigelow Station, Bigelow Substation along the Bigelow
23 Preserve?
24 GREG CARUSO: Yeah, I know there is some
25 transmission line over there. I don't know what parts

of the trail are on it. I don't ride over that way very often.

MR. SMITH: Okay. Are you aware that the MSA has established a trail network to intertie all of the wind power facilities, all the wind turbine sites?

GREG CARUSO: There's a trail called the -- I think they call it the wind loop or wind power loop.

MR. SMITH: So you're familiar with that?

GREG CARUSO: I am.

MR. SMITH: And the reason that that is created is because it's a popular destination for people snowmobiling, correct?

GREG CARUSO: I wouldn't call it -- I don't know about a popular destination, it's a loop.

MR. SMITH: Are you telling me that the MSA would establish a trail where people are unlikely to ride?

GREG CARUSO: I don't know if -- no, I'm not telling you that. I think that it's a curiosity. That's what that ride is.

MR. SMITH: It attracts people?

GREG CARUSO: Not necessarily. I think

they ride it because it's a -- the views from that point underneath the tower looking away.

MR. SMITH: Would you agree that snowmobiling in areas around wind towers or wind power facilities, they are not incompatible uses?

GREG CARUSO: Ask me again.

MR. SMITH: It's apparent by the fact that they are linking these trail networks and therefore, people to ride snowmobiles, you would agree that snowmobiling in the vicinity of these towers is not -- they're not incompatible uses?

GREG CARUSO: I would say that in some respects it is compatible so because you can -- the views from that point looking away are good.

MR. SMITH: And when you're at the sites, have you been up to them?

GREG CARUSO: I have.

MR. SMITH: And when you're at these sites, you see large towers that go 450 feet in the air?

GREG CARUSO: I do and I have ridden there purposely to get a sense of what my guests' reaction would be and their reaction is negative toward, you know, toward that project itself, but they are impressed by the views the other way.

MR. SMITH: And other people may go there because they enjoy looking at them?

GREG CARUSO: I don't think they're going to go hang out under a wind tower because they like to look at a wind tower, put it that way.

MR. SMITH: The last question I think I have with regard to Ms. Caruso, the town of Caratunk and its position, is the town of Caratunk currently being -- is it any proposed site for a facility involving NextEra?

ELIZABETH CARUSO: I'm not sure how you started that question, but NextEra did approach the town about putting a solar farm at the old U.S. Air Force radar base.

MR. SMITH: And that's still a possibility?

ELIZABETH CARUSO: I do not know.

MR. SMITH: When is the last time you talked to NextEra?

ELIZABETH CARUSO: About the solar farm? Years ago.

MR. SMITH: Start with that one, I guess. When is the last time you talked to them about the solar farm?

ELIZABETH CARUSO: I don't know what

1 year it was. It's been years.
2 MR. SMITH: Are they still interested in
3 that site that you're aware of?
4 ELIZABETH CARUSO: I do not know.
5 MR. SMITH: More generally when is the
6 last time you had discussions with any representatives
7 for NextEra?
8 ELIZABETH CARUSO: Just in passing,
9 attorneys in the proceedings.
10 MR. SMITH: Have they provided any
11 advice or any input to --
12 MS. HOWE: Objection.
13 MS. BOEPPLE: Objection.
14 MR. SMITH: What's the basis for the
15 objection?
16 MS. BOEPPLE: Well, first of all, this
17 is entirely irrelevant to the testimony that Ms. Caruso
18 is presenting and has presented. And secondly, to the
19 extent that she in her role as select person for the
20 town of Caratunk might have had any discussions related
21 to a different project, again, I question the
22 relevancy --
23 MR. SMITH: Can I respond?
24 MS. BOEPPLE: -- and it may in fact be
25 subject to privilege and discretion that the selectmen

1 may have in discussions with projects that may be going
2 forward in their town.
3 MS. MILLER: I would like to hear Group
4 8's objection first.
5 MS. HOWE: This is Emily Howe for Group
6 8, NextEra. I would just object that it's beyond the
7 scope of her testimony.
8 MS. MILLER: Thank you. Response?
9 MR. SMITH: Sure, thankfully beyond the
10 scope I don't think is a winning argument because bias
11 and credibility are always issued, period. And if
12 there is a potential relationship, or there could have
13 been a potential relationship that might influence the
14 witness' testimony, it is fair game.
15 Second, with regard to any privilege
16 issue, if I may, sorry, I don't think there's been any
17 basis for establishing any privileged relationship here
18 and I should be free to explore it.
19 MS. HOWE: I'd just respond to the bias
20 that it seems to be bias as to NextEra and Chris Russo
21 will be testifying tomorrow, so those questions can be
22 addressed to him.
23 MR. SMITH: But I'm cross-examining this
24 witness.
25 MS. BENSINGER: I would recommend that

1 the Presiding Officer allow the question to proceed.
2 MS. MILLER: I'll go ahead and allow it.
3 MR. SMITH: Thank you. I forget now
4 what my question was, but I think it was something
5 along the lines of when is the last time you had
6 discussions with any representatives for NextEra, and I
7 think you responded as part of this proceeding, or
8 these proceedings, and then I followed up by asking
9 have they provided any advice or any information or any
10 guidance or any other information to the town.
11 ELIZABETH CARUSO: No.
12 MR. SMITH: And when is the last time
13 you talked to counsel for NextEra?
14 ELIZABETH CARUSO: Incidentally just
15 small talk, you know, walking by her chair saying hi
16 yesterday. There's no substance to our conversation.
17 MR. SMITH: But you have talked to
18 NextEra about these proceedings?
19 ELIZABETH CARUSO: No, I'm saying when
20 we were in proceedings and we would -- just small talk.
21 MR. SMITH: No further questions. Thank
22 you.
23 MS. MILLER: Thank you. I'll go ahead
24 at this point and turn to the Department for questions.
25 MR. BEYER: Mr. Merchant, you had a fair

amount of testimony in terms of forced fragmentation and you've stated that there's been substantial amount of forced fragmentation since the 1960s. In your opinion, would the transmission line push the fragmentation impacts beyond some tipping point?

ROGER MERCHANT: That's a good question, and I don't fully know, but I can offer this much, in terms of my understanding of forest fragmentation where it becomes problematic, and this has showed up also in other testimonies provided by Janet McMahon and it will be provided by Matt Carr, where fragmentation becomes problematic is when one layer is in and then another layer comes across on top of that and another layer comes across and on top of that. Those are called multiple cumulative fragmentations that begin to create smaller and smaller isolated parcels. In my testimony and in my comments, I acknowledge that there is, in the forest landscape fragmentation patterns that are obvious that are on the aerial photographs that are delineated on those aerial photographs. There's some areas of forest that are on those photographs that are not fragmented and it's obvious that they have a smooth forest cover to them. My estimate in terms of forest fragmentation on the landscape in question indicates that there's about 40 percent of the landscape between

1 the Quebec border and Coburn Mountain, about 40 percent
2 of the landscape right along that power line is
3 fragmented forest from forest practices. The other 60
4 percent, and it varies a little from photograph to
5 photograph, is more continuous forest cover and when
6 you look on the photographs as evidence, you'll see the
7 continuous forest cover is obvious because it doesn't
8 have patches, strips and that kind of thing through it.
9 So in terms of just forest fragmentation from timber
10 harvesting practices, that's the mix of what exists
11 currently in the landscape.
12 Added into that factor, and I would back
13 up and say also, in all fairness, the jury is out in
14 terms of the negative impacts of that kind of forest
15 fragmentation. MNAP did some studies for the Maine
16 Forest Service back ten years ago looking at the impact
17 of clearcuts on the landscape, large clearcuts, small
18 clearcuts and there was nothing definitive about
19 specific wildlife habitat, but at the end of it there
20 was discussions about more and more small patch
21 clearcuts, adding more and more edge effects, squeeze
22 out interior forest habitat, and while it has not been
23 fully researched, the jury is out on that in terms of
24 well, whether that's neutral or negative.
25 So you take that and add in two more

1 things, we discussed earlier the existing, or the newer
2 base of permanent gravel logging roads, some are wide
3 like the Spencer Road out on the front end and some
4 over there in Lowelltown, they're pretty narrow
5 granted. So those narrow ones are going to have less
6 fragmenting impact, but in terms of landscape
7 vegetation change, I factor that into impacts that
8 begin to accumulate. You put the Central Maine Power
9 line through there and that is permanent and radically
10 different. And the other thing that goes with that
11 that I didn't point out on the photographs is when you
12 look at where that power line comes down across the
13 landscape, you can see how it begins to cut through
14 patches, there's patches of forest that are continuous
15 forest. When the power line cuts right through that,
16 that splits that chunk of deeper continuous forest in
17 half. That's fragmentation on top of fragmentation.
18 The last point I would bring in as less
19 important, but relevant anyway in terms of forest
20 change is I reference in my testimony the 1942, 2016
21 forest project that takes aerial photography in Central
22 Maine from 1942 and it compares it to the same scene in
23 2016. And back there during World War II consistently
24 on that project that was done in northern Piscataquis
25 County, granted it's not in the same counties here, but

1 the forest practices and the history of that at that
2 time were pretty much the same and the fact is that
3 there's continuous forest cover in the 1942
4 photographs, even with forestry operations occurring in
5 the landscape. You compare those exact same frames,
6 and they're on the website, with the exact same view
7 now and you see two very distinct patterns.
8 So that is a historic change in forest
9 cover that was also part of it and that's relevant to
10 forest impact because forest impacts don't necessarily
11 happen at the end of the next quarter. The forest
12 clock goes on for 70 to 300 years depending on the
13 species, life cycle and all of that.
14 So those kind of impacts that are
15 historic and also current are relevant to the
16 considerations of what is the impact here adding this
17 in top of and on top of all of that, I believe. That
18 is a relevant investigation.
19 MR. BEYER: So I heard you say there's
20 60 percent of contiguous forest in that area.
21 ROGER MERCHANT: That's what I said,
22 yeah.
23 MR. BEYER: Did you do any calculations
24 to figure out how much of a reduction the corridor
25 would cause in that 60 percent number? So you got 60

1 percent contiguous forest now, they put in the
2 transmission line, it goes to 40, 20, 10?
3 ROGER MERCHANT: Let me give that a
4 pause for a minute just to kind of process that through
5 because you add the power line on top of what's already
6 fragmented is fragmented and then it's fragmented
7 permanently, which is different than the prior, which
8 is a regioning forest, so -- I did not do a calculation
9 of acreage on that so I will stand accountable for
10 that, but where the power line cuts through areas of
11 contiguous forest, that's going to take that out of
12 contiguous forest and put that into a more fragmented
13 pattern.
14 MR. BEYER: I understand that. Thank
15 you. Would tapering vegetation, in other words, you've
16 seen the tapering, would that lessen the impact on
17 forest fragmentation?
18 ROGER MERCHANT: I would grant that it
19 might, and I'm not qualified -- I'm not a wildlife
20 biologist, thinking about that from the wildlife
21 perspective, that that might soften the effect, but I
22 don't really definitively know or have any basis to
23 really back that up, but I would want to look at that
24 in terms of what are the benefits of that. Are there
25 costs, and I don't know. The other thing that's

1 obvious in that is that the scrub and shrub that
2 they're talking about that goes with that, that's
3 adding vegetation back into the cleared landscape,
4 which can be seen as a plus. But also what I would
5 think about, I'm not sure how we would calculate that,
6 but comparing that to the adjacent forest cover, what's
7 missing in the scrub and shrub is obvious and that is
8 the younger, middle age and older ages that support
9 birds, habitat, etc., so that's totally gone missing
10 and so is the carbon storage that goes with that.
11 MR. BEYER: Ms. Caruso, in your
12 testimony you suggest that a project that's not for
13 reliability should be held to a higher standard than a
14 project that is for reliability, can you point to
15 something in either Site Law standards or Natural
16 Resource Protection Act standards that would support
17 that argument?
18 ELIZABETH CARUSO: Off the top of my
19 head I can't. I haven't memorized that, but I know
20 that with reliability corridors that leeway is given
21 because they are providing a benefit to our public,
22 something very important, and this is instead just an
23 elective transmission upgrade, which is something that
24 is just a for profit project for a company just like
25 Wal-Mart would put in a store and, you know, want to

1 get a permit.
2 MR. BEYER: Thank you.
3 ELIZABETH CARUSO: Also, can I add
4 something? This is -- this DC line is the first of its
5 kind in the State of Maine and it's the, you know, it
6 would be the first ETU in that area.
7 MR. BERGERON: Mr. Merchant, on Page 5
8 of your direct testimony, you had mentioned it earlier
9 about a MNAP center for conservation science study done
10 in 1997, and they found that, quote, in many small
11 clearcut strategy allowed more harvesting than a few
12 large clearcut strategy and that the many small
13 clearcut strategy led to greater fragmentation, end
14 quote. Can you help me understand, is one of those
15 strategies more prevalent in the at western Maine
16 mountains currently?
17 ROGER MERCHANT: That's a tough question
18 because like I haven't scanned the whole landscape from
19 one end to another, but I have looked at the landscape
20 in question between Coburn Mountain and the Quebec
21 border. There are visible patterns on the aerial
22 photographs of different sizes, complexities of patches
23 larger and smaller. The MNAP work, as I interpreted
24 that and understood what they were studying, it was in
25 response to the Forest Practices Act influence on

1 timber harvesting at that time. What I drew from that
2 was they were saying that actually if -- because edge
3 effect can be a concern in wildlife habitat, I
4 generally understand that piece, they were saying that
5 the larger clearcuts had less distance in edge effect
6 in contrast to where you remove the same amount of
7 timber from an area, but you do that through smaller
8 clearcuts with the protection zones in between each of
9 those clearcuts that when you do more and more patch
10 clearcuts to reduce the same amount of wood, that
11 has -- their concern was that that might create habitat
12 problems in those narrow zones between that if you put
13 more small patches in the landscape, it squeezes out
14 space for species that need deeper forest, like pine
15 marten needs a deeper forest, not sitting in a
16 landscape that is riddled with a plethora of 10 or 20
17 or 30 acre clearcuts. That's my understanding of what
18 came out of the MNAP piece that raised a concern for
19 me. And then I would look at the aerial photograph
20 examples that I had there and see well, we got the
21 roads cutting it this way, we got the timber harvesting
22 cutting it that way, we got some new timber harvest
23 here cutting it another way, and I looked at that and I
24 said that's not fragmentation impact neutral in my
25 professional opinion. And there's a lot more that

1 isn't defined in that, I will grant you, but I believe
2 that that is something that should be considered in
3 evaluating and assessing a bit deeper and wider what
4 the impact of this project will be immediately and
5 along the power line in that thousand foot zone of
6 influence that wildlife biologists calmly talk about.
7 They say well, you have species with limited mobility,
8 temperature changes on the edge, that can extend to up
9 to a thousand feet into the forest where things
10 neutralize with cooler moisture conditions. Other
11 species that are more mobile, I believe the standard is
12 they say 300 to a thousand feet, so assessing that on
13 either side of the power line would be a reasonable
14 assessment of what's going to change here, who's that
15 going to affect, but that's not obvious anywheres in
16 the data I've looked at in the testimony.
17 MR. BERGERON: Thank you. Mr. Caruso,
18 can you give me a sense of the amount or the types of
19 questions that your clients ask when you're guiding
20 them out in these areas? How many questions do they
21 have about working forest views, turbines, other type
22 of development? Do they seem to kind of focus on that
23 or do they focus on the undeveloped portions of the
24 landscape?
25 GREG CARUSO: They focus on all of it

1 really. I intentionally like to get some feedback from
2 people every time I go out there, just curious, you
3 know, I'm there all the time so I'm used to it. It
4 would be like me going down to Boston, I walk around
5 like wow, look all the stuff all around me, you know,
6 so it's obvious that they're going to have some
7 questions. A lot of times I'll talk about the
8 landowner. I'll talk about -- if they specifically
9 pick out places on the side of a ridge and say is that
10 a ski area over there, or what's that clearing over
11 there, I'll talk about, you know, the landowners and
12 how they manage the forest and how they allow us to
13 access this area and we got to be good stewards and all
14 that sort of thing.
15 With regards to wind towers in
16 particular, I have taken people out that way as well.
17 And generally speaking, they kind of look at it as a
18 bit of an anomaly, curiosity and then when they get
19 there, they look at the line of them, there's 62 of
20 them in that particular project in Bingham and their
21 views change suddenly, like uh, I can't believe that,
22 you know, we're looking at all of that. Why did they
23 allow all that? And so I turn at a different point and
24 I say look at the views in front of us here. We've got
25 the beautiful views in the opposite direction not

1 directed towards the coin towers, so it's kind of
2 interesting to me their feelings on it, so.
3 MR. BERGERON: And along those lines, in
4 general do you have a sense if development in general,
5 I won't pick out a specific type of development,
6 changes their experience or their willingness to return
7 to this area?
8 GREG CARUSO: I think it does because I
9 mean, that's the very reason why they're leaving where
10 they live. They come up there and they ride up there
11 specifically for that reason. And I'm just going to
12 use the example of when I do a guided snowmobile trip
13 when I leave The Forks, the destination that I go to is
14 Coburn Mountain and every single snowmobiler that goes
15 there, and I would guess there's probably 10,000
16 snowmobilers that go up there in the course of the
17 season, it's the absolute hub and heart of our area.
18 That's where they go. And the reason for that is
19 because when you get up there up you're in an upper
20 alpine environment. There's no construction of any
21 kind. There's no improvements of any kind. There's a
22 working forest there, sure. I mean, that's common.
23 Again, I stop and I talk about all of that, but the
24 very reason that we go there is not to see any
25 development and it really bugs me that the line's going

1 right through the center of that and there's no real
2 consideration for it really whatsoever.
3 I mean, standing in that parking lot,
4 the Coburn Mountain parking lot right where the old
5 lodge used to be, that power line with hundred foot
6 towers is going to be right over your head right as
7 you're looking at Coburn Mountain from the base. I
8 mean, it's going to be incredibly in your face, there's
9 no question. And the fact that it's crisscrossing in
10 such a short period of time and going over these
11 dramatic changes in elevation again is very disturbing.
12 And I know that for a fact that people
13 will comment, it will be negative comments on that
14 because if I'm -- I have a return guest and they're
15 coming back, I've taken them up there before, and they
16 always ask to go there. There's two places that they
17 always ask to go, that's Grand Falls and Coburn
18 Mountain, okay, and there's going to be a dramatic
19 change in their experience, no question.
20 MR. BERGERON: Thank you. And we heard
21 from Mr. Meyers this morning about the limited use, or
22 the use of transmission lines for snowmobile trails,
23 but on Page 10 of your direct you said there was
24 limited use of transmission lines and nobody enjoys
25 riding them, can you expound on that a little bit,

please?

GREG CARUSO: I'm not sure I would say that they don't enjoy riding on them all the time, but I would think it would be fair to say that they don't enjoy riding on them most of the time because I'm just going to use as an example, there's about a two mile section of the ITS86 that goes on the transmission line right on Moxie Pond, and the reason that it's there is because the improved road that, the Troutdale Road itself, they don't want traffic on that because there's camp owners and whatnot, so the trail jumps onto the transmission line for about two miles, and when it's in good shape, sure, people don't mind riding on it. Like I said, they use it as a means of egress. You're getting from, you know, you're getting from one section of trail to another, getting around the dam area on Moxie Pond and getting around the camp road, but most of the time that portion of the trail is terrible. It's not improved and there's rocks and stumps and spring holes and everything else that pop up all the time. So what ends up happening is people jump on the Troutdale Road, on the camp road and just shoot and bypass it, okay, intentionally. It's very difficult to groom in there unless we have a lot of snow and it doesn't hold snow very well. It's usually the first

1 thing to go because the exposure there, the sun when it
2 starts getting high, it just beats right on that thing
3 and melts off quickly, so yeah.
4 MR. BERGERON: Thank you. Ms. Caruso,
5 in your direct, you had noted the amount of your
6 residence, commercial guiding business and other
7 associated businesses that would depend on wild and
8 scenic landscape, can you give me a sense of the
9 percentage of Caratunk residents whose business or
10 income is derived from tourism or outdoor recreation?
11 ELIZABETH CARUSO: I haven't done a
12 calculation, but generally like just with words, I
13 would say that most of the year-round residents, they
14 are either -- they're guides who have their own
15 business, or they work for an outfitter as either a
16 guide, or works as a waitress, housekeeping, pumping
17 gas, works in the retail, answers the phones for a
18 company. I mean, really the tourism is where people
19 who are working there, like our family, we wouldn't be
20 there without tourism. It's not like it's a very
21 convenient place to live. You're there because of the
22 natural resources and you're trying to make a living
23 within that industry. There are a few other -- and I
24 will say that a lot of our non -- our seasonal
25 residents have homes there because of the natural

1 beauty, the resources of our area. It's a booming
2 population during the summer. All people that are camp
3 owners are there, they're on Pleasant Pond, they're on
4 the Kennebec River and they're there to go hike and
5 snowmobile. They bring their clients there for
6 weekends. They're buying fishing trips. They're going
7 to the area of restaurants and they're spending a lot
8 of money in our town because of tourism.
9 There are some other residents who work
10 as carpenters. They do work on -- camp owners, they're
11 roofers. They are catering to the needs of all the
12 landowners in our area, whether it's in Caratunk or
13 Moxie or The Forks because there are a lot of people
14 that need work done. So these are in the service
15 industry catering to people who are all there because
16 of the natural resources. I don't know if that helps
17 you.
18 MR. BERGERON: Yup, thank you.
19 MR. REID: I have a question that I
20 think is primarily for Mr. Prisendorfer. You mentioned
21 several locations and lying segments that you urged be
22 given additional consideration for burying the line and
23 I was wondering if you'd be willing to rank those and
24 prioritize those for us in terms of those specific
25 locations and line segments where you believe burying

1 the line would provide the greatest mitigation benefit
2 either to existing uses or scenic impact or something
3 else.
4 JUSTIN PRISENDORFER: Yeah, that would
5 be -- I would love to do that. That would be a tall
6 order. I'm not sure that I'm best position to speak to
7 all of the values, but I think that we've heard
8 concerns with the project's impacts on both habitat
9 fragmentation and resulting on wildlife populations and
10 then areas of scenic importance and so the areas that
11 rank high on my personal list would be some of the
12 areas that have already been designated by the State to
13 have scenic qualities, things like the designated
14 scenic river segments, it was discussed, the National
15 Scenic Byway, the Appalachian National Scenic Trail.
16 And I understand that the scenic
17 qualities of many of these areas have -- they have
18 impacts by existing infrastructure, but there are
19 cumulative effects by expanding what is -- on what is
20 there. Just because one utility line was there right
21 now does not mean that adding two, three, four, ten
22 would not have an increased impact. So I think those
23 designated areas -- those areas we designated scenic
24 qualities would be very important.
25 And then with segment one, the issue of

1 habitat fragmentation, as I thought about it, you know,
2 it seemed like one possible alternative that hadn't
3 been assessed is a combination of burial in some
4 portions, maybe even HDD in some portions to try and
5 retain as much vegetation on the surface as possible,
6 but trying to do it in a very calculated way that
7 maintains habitat connectivity, which is really the
8 core piece of habitat fragmentation. And as someone
9 who is not a professional wildlife biologist, I would
10 defer to folks in that field to define where those --
11 those most valuable linkages would be.
12 MR. REID: Okay. Thank you. Does
13 anybody else on the panel want to take the opportunity
14 to engage in that sort of ranking? I understand, while
15 you think about that, that your preference may be that
16 the application be denied in its entirety, or if it's
17 approved that the line be required to be buried in its
18 entirety, but what I'm asking is if given the chance,
19 you'd like to try to rank those specific locations or
20 line segments that you think would provide the biggest
21 mitigation benefit. This is your chance to do that if
22 you'd like.
23 GARNETT ROBINSON: I know nobody wants
24 to talk to me it seems like here, but -- and just to
25 give some qualification, I was born in The Forks. I

have a Social Security card that says The Forks I would probably guess. My camp is actually given to me by my grandparents, came from his grandmother, which was out of the Kennebec Purchase, so that should give kind of some weight to where I'm coming from.

As a forest ranger, this entire corridor was in my unit and so when we start -- and I'm only going to give it from my personal because I am not the person that's going to say, you know, for scenic character and quality, I'm not the person who would say how did you rank that, but I can tell you from -- as a guide and the places I've taken people, that notch that comes between Tumbledown and Three Slide Mountain where you see it from Rock Pond, is absolutely completely and utterly scenic. You go up there, there's a turnout, I've brought hundreds of people snowmobiling. We go look for antlers, and I've made a lot of money showing that view because you feel like you're out west. The same thing here in Rock Pond, it's that, you know, I almost want to cry, even though I'm here as an expert witness, because that pond is absolutely scenic as you look off towards Tumbledown and Three Slide and you look at those gaps and that. That's a place that's absolutely beautiful.

So that whole area, instead of having

these elevated poles, I mean, we hear people talking lights and all that, just to give you some significance here, these poles that are around a hundred feet are much higher, are taller than some of the cell towers that I appraise, you know, so when you're talking scale, I've traveled to Quebec, I've been to -- I've been under these power lines coming from the north fishing, you know, I wasn't up there recreating just to visualize, but I've been under them, had my hair stand on end and hear the humming, look at these poles.

They seem to try to tell you that because they're not lattice type, that there's not an effect. These are giant poles that are going to be landscape -- so this is one area, I would say Coburn Mountain where you come up through there, absolutely should be looked at.

As you come along Bear Hill, they talk about private roads, so like, if I can address that, I'd be happy to have them cross me too after this, but when you're talking private roads, going in there, as you go in along Enchanted, there's over 200 landowners that own along Coburn Mountain. They bought because of views and for the first ten miles they all have right of ways and easements that go -- that allow them to travel that. There are people that go in there.

1 The other thing is that there's this,
2 you know, and I absolutely agree that people need to be
3 aware of landowners and how they use their property,
4 but we -- every state -- every taxpayer in the State of
5 Maine reimburses towns and townships for revenue loss
6 because of tree growth. All of those owners that are
7 in these townships pay a little bit more to their
8 county for the county rate because of tree growth. And
9 I can tell you as the assessor in Caratunk and West
10 Forks that all of their land in those townships are in
11 tree growth. So those towns have to get reimbursed for
12 a portion of that. So that's the first of those areas.
13 I'd say Coburn Mountain, we just talked
14 about how beautiful it is. From a personal standpoint,
15 I've got the only camp I think will be looking at
16 Johnson Mountain, so I don't know that my ranking would
17 be fair to the people who will say Johnson Mountain,
18 but I'm on Pierce Lane, which is off old 201 that looks
19 at the whole face of Johnson Mountain. You can see
20 portions of that as you come up Route 201, so I would
21 say Route 201 Scenic Byway and all of that, if you can
22 cover the areas that he talked about, absolutely. You
23 know, to say that you shouldn't take views into account
24 on private roads, as you turn in, as he's talking
25 about, up to the old ski area, you know, my family, we

1 used to -- I mean, I was really young when that was
2 there and then taken out, but when you go there and you
3 look and it's grown back, it's just -- it's one of
4 those views that if it goes, you know, we have Mr.
5 Caruso, who a lot of people that aren't part of the
6 Western Mountains and River Foundation, that are going
7 to be affected by this. He has thousands of guests
8 that go through and go there and they -- and I would
9 say are affected greatly by that view. I'm glad
10 they're burying under the Kennebec River, that would be
11 another one. These other guys can add to the --
12 MR. REID: If anyone wants to briefly
13 address the question.
14 ROGER MERCHANT: I'll briefly address
15 it. That's a good question because none of this has
16 ever been fully assessed anywheres in this region.
17 It's been off the charts. We've always assessed
18 timber, but scenery, man, we can't talk about that, but
19 I'm glad you raised the question because when I put my
20 photographer's lens on, I'll tell you, here's the short
21 story of what comes out. You're looking for where is
22 the wow factor.
23 For me if starts after I cross Fish
24 Stream going down into Spencer Pond and start upgrade
25 towards Rock Pond just east of Rock Pond. When I go

further up to where the road up to Number 5 is, I'm taking pictures of Number 6 and then I'm starting to look for, I go around Rock Pond and head towards the Notch.

Everybody has got their thing, but when you head the towards the Notch, you know you're going into something that is not found elsewhere in the landscape scenic and geologic wise. And when you get almost to the top of the Notch, there's this little turnout there and you just got room for a pickup truck there, but the brush is all cut there and over there you're looking at Green Long Cliffs. I can't figure out why anybody missed this one because it is so obvious. And Green Long Cliffs, yes, it does not have a trail through it, but it's going to have my footprints on it this summer because when I looked at it, I said man, nobody has captured this one. This has got some wow to it.

Briefly, on the other side, instead of following the Spencer Road, I turn off on the logging road that goes up over that ridge to the north, the bottom of the north slope, the Tumbledown Mountain that in my testimony photograph shows that viewshed west looking past Peaked Mountain up in the next valley and beyond the south branch Moose River. So from eastern

1 Rock Pond to the South Branch Moose River, I think that
2 definitely deserves some consideration for being kept
3 visually quiet.
4 GREG CARUSO: If I had to kind of frame
5 something in, I would say from the time the line, the
6 corridor crosses Route 201 until it reaches the Spencer
7 Road. That's a really important area, and also the
8 Rock Pond area for sure, very dramatic in there. The
9 photo simulation doesn't do any justice whatsoever for
10 either area.
11 GARNETT ROBINSON: Can I add one more?
12 MR. REID: Quickly.
13 GARNETT ROBINSON: I'll do it really
14 quickly, but I would say Bear Hill when you get on the
15 Spencer Road. Bear Hill looks all the way up to
16 Beattie and very similar to Beattie and Overlook, all
17 the landowners that go in there, I mean, that first ten
18 miles, I don't know if they have to do the whole
19 section, but where you would be visually looking at it
20 from that Bear Hill out I think should be included
21 because it's, you know, if I took you there on a tour,
22 that's another wow just starting in on that road, so, I
23 mean, if that area -- when you got out to the Spencer
24 Road, there's an area we call Bear Hill, locals, and
25 I'm not sure if that's identified on the road itself,

1 but it's -- you would know when you get to it because
2 you come there and the road slopes down for many miles
3 and all you're looking at is Beattie and Number 5 Bog,
4 Number 5 Mountain and it's a complete landscape view.
5 So like if some years that they don't
6 plow, that's part of the snowmobile trail, it's just
7 areas that you end up looking at long distance views
8 for miles and miles. And all of those camp owners that
9 are in that area have that view, purchased it because
10 of that view. Lots of people are saying that they're
11 going to sell if they lose that view.
12 ELIZABETH CARUSO: I just want to
13 qualify that as much as white water rafting is critical
14 to our area during the summer, much as what that means
15 to the tourism industry, snowmobiling means just as
16 much. Snowmobiling is just as busy. It is critical
17 that we take -- that we have the hunting, the rafting,
18 the fishing and snowmobiling thriving industry up
19 there. So anything that threatens that, like he said,
20 anything that can be seen from, you know, Coburn and
21 all the trails that are going around that, it would
22 need to be buried.
23 MR. REID: So I have one additional
24 question. I don't want to cause us to fall too far
25 behind, Presiding Officer.

1 MS. MILLER: That's fine.
2 MR. REID: But if one or a couple of you
3 would like to react to this, I would appreciate your
4 feedback. As I understand the testimony we've heard so
5 far, if any portion of the line were to be buried,
6 there would still be a need to maintain the clear
7 corridor because of the impact of the routes. Do you
8 have a preference as between a buried line and a
9 cleared corridor or an above ground line and tapered
10 vegetation to mitigate the benefit the impacts that
11 you're concerned about?
12 GARNETT ROBINSON: My opinion would be
13 that you'd have a combination of both. I don't
14 understand why you have to -- so I mean, you should
15 have buried line in the really significant areas and I
16 think some of the other areas should have tapered
17 vegetation, whatever is allowed that doesn't, you know,
18 become a forest fire hazard, I guess, if this stuff is
19 too tall close to transformers, you know. But I think
20 tapered vegetation in almost of it because your --
21 ATVing, snowmobiling, all of these depend on -- are
22 depending on views. Protect the most significant ones
23 with burying, and if you had tapered vegetation, which
24 would be in other areas that, you know, didn't make
25 that list as top would --

ROGER MERCHANT: Very briefly, track from east to Rock Pond up over the Notch to the South Branch Moose River. A cleared zone for a buried line would have less visual impact than what's proposed width, power lines, towers.

GREG CARUSO: I'm not an expert in this area, but --

MR. MANAHAN: Can I just object, Ms. Caruso just consulted with her attorney about this answer and then discussed it with Mr. Caruso and her attorney has been consulting with -- also consulting with Mr. Merchant. I would object for the record to the attorney consulting with the witnesses during the witness panel's ongoing presentation.

ROGER MERCHANT: No.

MS. MILLER: Did you want to respond to that, Ms. Boepple?

MS. BOEPPLE: Yes. Yes, to the extent I've done any consultation, I have not been talking with Mr. Merchant throughout any of this testimony. I came up to the table to show him his testimony. That is the extent of communications I've had with him. With respect to Ms. Caruso, she simply came and asked me can we make reference to prior testimony and I said yes, of course you can.

1 MR. MANAHAN: I would just object to
2 consulting with the attorney during the presentation.
3 MS. MILLER: That is noted. Thank you.
4 GREG CARUSO: So when thinking about
5 burying versus overhead, I'm not sure I understand
6 first of all why that you couldn't bury it and have
7 some type of vegetation there, tapered or whatnot, to
8 minimize that visual impact of the fragmentation
9 itself, but I think -- I'm not a hundred percent sure
10 on this, but it seems to me that burying a line
11 wouldn't require as big a footprint either, so -- and,
12 you know, a combination of both in certain areas if
13 necessary, so.
14 ELIZABETH CARUSO: From what I
15 understand if you're burying it, it's much narrower and
16 therefore, fewer herbicides are going to be polluting
17 all the wetlands and all the wildlife and all the
18 fisheries and that to me is huge. So we just don't
19 want to have that pollution and corruption of the
20 creation that's there.
21 MR. REID: Thank you.
22 GARNETT ROBINSON: Can I just add one
23 thing?
24 MR. REID: Very briefly.
25 GARNETT ROBINSON: Okay. Burying the

line for whole 53.5 miles, why is that not being considered? I mean, their testimony is what's reasonable, so I mean, in part of the reasonableness they have to prove --

MR. REID: Everything is being considered.

GARNETT ROBINSON: Okay. I'm just saying like the combination isn't the preferred. I would think burying it all for that section that's never had it would be --

MR. REID: I understand your concern.

MS. MILLER: Thank you. Ms. Bensinger?

MS. BENSINGER: No, I don't have any questions.

MS. MILLER: What we'll do, we're running a little behind in terms of a lunch schedule, but we're ahead in terms of the rest the schedule, so we'll take an hour for lunch, but before we do that, we'll do redirect when we get back, if there is any, and then what I'd like to do is have the counsel for the Applicant and Intervenor groups and counsel for myself to sit down together and discuss the schedule for the rest of the week because it does look like we're running ahead, and it may be that if it's appropriate, and it's okay with all the parties, that

1 we might be able to, you know, shift so we can wrap up
2 a little earlier on Friday. So I'm going to request
3 about 15 minutes for you to all meet at that point once
4 we're done with this panel so that folks on this panel
5 who need to leave can leave, you know, shortly after
6 lunch. So it is now 12:20, so we'll come back about
7 1:20 to start at 1:20. Thank you.
8 (Lunch break from 12:21 p.m. to 1:21 p.m.)
9 MS. MILLER: So what I wanted to do
10 first was call up the witness panel that was just up
11 here for redirect and recross if there is any. Do we
12 have everybody?
13 MS. BOEPPLE: We do, thank you.
14 MS. MILLER: Let's go ahead and get
15 started on redirect.
16 MS. BOEPPLE: Thank you. So, again,
17 counsel for Groups 2 and 10, Elizabeth Boepple, and I
18 just have a few redirect questions. This won't take
19 too long. First to you, Ms. Caruso. During Matt --
20 Mr. Manahan's questioning of you about whether or not
21 you had conducted a certain scenic review, did you --
22 are you an expert on -- a scenic expert?
23 ELIZABETH CARUSO: No.
24 MS. BOEPPLE: And were you presenting
25 your testimony as such?

1 ELIZABETH CARUSO: No.
2 MS. BOEPPLE: What about as a wildlife
3 biologist?
4 ELIZABETH CARUSO: No.
5 MS. BOEPPLE: And are you a legal expert
6 on the standards that the DEP has to apply?
7 ELIZABETH CARUSO: Definitely not.
8 MS. BOEPPLE: Okay. How about an
9 aviation expert?
10 ELIZABETH CARUSO: No.
11 MS. BOEPPLE: And was your testimony
12 intended to represent yourself as any of those?
13 ELIZABETH CARUSO: No, it was not.
14 MS. BOEPPLE: Could you briefly state
15 what the intent of your testimony was then?
16 ELIZABETH CARUSO: So -- well, I was
17 speaking on behalf of, you know, residents and the
18 welfare of our town and as a guide. I've been guiding
19 for the last 26 years. I live there. I moved there
20 specifically for the resources.
21 MS. BOEPPLE: So, a person, a person who
22 has --
23 ELIZABETH CARUSO: Yes.
24 MS. BOEPPLE: -- firsthand? And still
25 to you, Ms. Caruso, there was questions about the top

1 of Coburn Mountain, is there a structure on top of that
2 and could that be an observation tower?
3 ELIZABETH CARUSO: I think it was.
4 There was a structure on top of it, yes.
5 MS. BOEPPLE: To you, Mr. Caruso, same
6 kinds of questions, are you holding yourself out as an
7 aesthetic or scenic expert?
8 GREG CARUSO: From a guiding standpoint?
9 MS. BOEPPLE: No, from a -- you're hired
10 out to do that and you do Visual Impact Assessments and
11 you provide an expert opinion in that area.
12 GREG CARUSO: No.
13 MS. BOEPPLE: Aviation expert?
14 GREG CARUSO: No.
15 MS. BOEPPLE: And you're also not a
16 legal expert?
17 GREG CARUSO: Definitely not.
18 MS. BOEPPLE: Okay. So the basis of
19 your testimony again as well?
20 GREG CARUSO: The basis of my testimony
21 is to show that, you know, this whole line is a major
22 effect on the residents here and myself and my business
23 and other guides in the area and the snowmobile world
24 and recreation in general.
25 MS. BOEPPLE: Thank you. Mr. Merchant.

ROGER MERCHANT: Yes?

MS. BOEPPLE: Would it be fair to characterize your expertise, your particular expertise is based on your many, many years in the woods and in timber forest management and as a forest manager?

ROGER MERCHANT: As a forester, forest manager and an educator with U. Maine Cooperative Extension for 32 years.

MS. BOEPPLE: And in that capacity, is that an isolated field or does something about wildlife and wildlife needs come into that expertise and -- experience?

ROGER MERCHANT: If I'm following your question, all of that is fundamental important, what applies to Maine woods, rural communities and our way of life including tourism as well as forest products.

MS. BOEPPLE: So you gain certain knowledge about --

ROGER MERCHANT: Yup.

MS. BOEPPLE: -- the needs of wildlife, even if you're not a wildlife biologist?

ROGER MERCHANT: I'm not a wildlife biologist, I grant you that.

MS. BOEPPLE: Thank you. I don't have any other questions for any of you.

MS. MILLER: Thank you. Any redirect or cross? Mr. Manahan?

MR. MANAHAN: Ever so briefly, I hope. Ms. Caruso, Ms. Boepple just asked you whether you know the structure on the top of the Coburn Mountain is an observation tower, you said you haven't been there in a long time, you don't know. When I spoke to you earlier, I think you went through what's up there, is it clear that that structure is not an observation tower or you don't know?

ELIZABETH CARUSO: That word does ring a bell, so I have heard that it is an observation tower. It does sound familiar to me, so I'm comfortable with that. Have I been up there in the last few years, I have not.

MR. MANAHAN: Okay. Do you know whether there's a communications building at the top of Coburn Mountain?

ELIZABETH CARUSO: I know there's communications mechanisms up there.

MR. MANAHAN: And a tower is up there, a communications tower and solar panels? Could you answer for the record?

ELIZABETH CARUSO: Say that again.

MR. MANAHAN: Are you aware that there

is a communications tower on the top of Coburn Mountain?

ELIZABETH CARUSO: Well, there's varying levels, so I'm not sure about just on the summit.

MR. MANAHAN: Okay. On Coburn Mountain?

ELIZABETH CARUSO: In general?

MR. MANAHAN: Yes.

ELIZABETH CARUSO: Yes.

MR. MANAHAN: And solar panels as well?

ELIZABETH CARUSO: I believe so because I have pictures. I mean, I'm not an expert on every bit of metal that's up there.

MR. MANAHAN: Okay. Thank you. No further questions.

MS. MILLER: Thank you. Any other recross?

MR. BOROWSKI: Group 3 has a short bit.

MS. MILLER: Yup.

MS. BOEPPLE: Just a point of order, Group 3 didn't do cross.

MR. BOROWSKI: We didn't waive our rights. We have recross concerning a line of questioning on cross.

MS. MILLER: I'll allow it.

MR. BOROWSKI: Thank you. Benji

1 Borowski on behalf of Group 3. As I just said, I have
2 some questions related to a line of questioning from
3 Mr. Smith earlier. I have a document and I'd like to
4 approach Ms. Caruso. I only have a document on my
5 computer right now, but I'd be happy to provide copies
6 later, but since it just came up on cross.
7 MS. BENSINGER: Is this a document that
8 is already in the record?
9 MR. BOROWSKI: No, but it's related to
10 impeachment purposes.
11 MS. BENSINGER: Can you tell us what it
12 is?
13 MR. BOROWSKI: It's a PUC filing,
14 comments to the PUC in the official capacity of the
15 town of Caratunk.
16 MS. BENSINGER: Okay. Are you going to
17 be able to produce paper copies for us?
18 MR. BOROWSKI: Absolutely. I just don't
19 have them right now.
20 MS. BENSINGER: Okay.
21 MS. BOEPPLE: Could I see it before
22 he -- before he approaches my witness?
23 MS. BENSINGER: Sure.
24 MS. BOEPPLE: Thank you. Okay.
25 MS. BENSINGER: Are you objecting to

1 this?
2 MS. BOEPPLE: If this is in the record
3 at the PUC, I don't object to it coming into the
4 record. I don't know what the purpose of the
5 questioning is going to be, so it's hard for me to
6 object to the exhibit coming in at this point in time.
7 MR. BOROWSKI: May I approach the
8 witness?
9 MS. MILLER: Yes.
10 MR. BOROWSKI: Ms. Caruso, if I gave you
11 my computer, would you be comfortable scrolling up and
12 down the PDF so I wouldn't have to do it for you?
13 ELIZABETH CARUSO: I guess. Can I read
14 it?
15 MR. BOROWSKI: Sure, I'm not going to
16 have you read it at all, though, so just glance at it
17 and make sure you're generally familiar with it and I'm
18 going to have you read one short section.
19 ELIZABETH CARUSO: Okay.
20 MR. BOROWSKI: Thank you. Is that
21 Caratunk's official letterhead?
22 ELIZABETH CARUSO: Yes. I'm not sure.
23 I think this is a -- our original --
24 MR. BOROWSKI: I'll get there, is it --
25 ELIZABETH CARUSO: -- letter of

1 intervention, letter to request intervention maybe.
2 MR. BOROWSKI: I'll get there. Is that
3 Caratunk's official letterhead?
4 ELIZABETH CARUSO: Yes.
5 MR. BOROWSKI: Would you mind reading
6 the RE line, please?
7 ELIZABETH CARUSO: The regarding line?
8 MR. BOROWSKI: Yes.
9 ELIZABETH CARUSO: Regarding comments on
10 CMP's application permit for the New England Clean
11 Energy Connect, NECEC, from the Quebec, Maine border to
12 Lewiston and related network upgrades.
13 MR. BOROWSKI: Thank you. Would you
14 verify that it's your signature at the end of the
15 document?
16 ELIZABETH CARUSO: I'm waiting to get
17 there. Yes.
18 MR. BOROWSKI: And would you please
19 scroll up to paragraph three and could you read
20 beginning with the second sentence of paragraph three
21 to the end, please.
22 ELIZABETH CARUSO: You mean number
23 three?
24 MR. BOROWSKI: Yes, number three
25 beginning with the second sentence, please.

ELIZABETH CARUSO: Caratunk has already twice supported NextEra for a solar farm within its boundaries, this DC line blocks access to solar or other energy projects in Caratunk and Somerset County. One such solar project belongs in direct competition to the NECEC's evaluation benefit from CMP's additional transmission line does not even compare to a large solar project. Caratunk is again the -- is against the NECEC project. It prevents future renewable energy opportunities to provide for a huge tax benefit to all landowners and significantly increases the Caratunk's valuation. Caratunk sees this project as reducing its tax revenue.

MR. BOROWSKI: Thank you. That's all I have.

ELIZABETH CARUSO: So this is one of the many reasons that we had to apply for intervention.

MS. MILLER: Thank you.

MR. BOROWSKI: I will offer the exhibit and I'll give you copies, but it is not an intervention petition.

ELIZABETH CARUSO: I sent the same one to DEP.

MS. MILLER: This exhibit will be --

MS. BOEPPLE: Wait a minute, I don't

1 understand what this is being introduced for. How is
2 this relevant to the proceedings before the DEP if it
3 was related to --
4 MR. BOROWSKI: It --
5 MS. BOEPPLE: Let me just finish. My --
6 what I'm trying to get at is I don't understand why
7 this is being introduced at this point in the
8 proceeding, particularly since it's a document that was
9 filed on behalf of the town of Caratunk at the PUC and
10 what's before the DEP has to do with the relevant
11 criteria to the DEP.
12 MR. BOROWSKI: As already ruled upon
13 earlier based on Mr. Smith's line of questions, this is
14 related to bias and credibility and is being used for
15 impeachment purposes. I believe Ms. Caruso testified
16 to the nature of the relationship between NextEra and
17 the town of Caratunk and this goes to that relationship
18 and that of NextEra as well.
19 MS. MILLER: I'll allow it.
20 MR. BOROWSKI: Thank you.
21 MS. MILLER: So we will label that
22 document when we get. Make sure to get copies to all
23 the parties and to everyone at this table. It will be
24 Group 3, Cross 1. No, hold on a second, hold that
25 thought. Yes, we'll call it Group 3, Cross 1.

1 MR. BOROWSKI: Thank you. Would it be
2 okay to provide the copies tomorrow?
3 MS. MILLER: Yes. Next on the agenda we
4 were going to -- we have Group 7, but before we get to
5 that, I wanted to have all the spokespersons or counsel
6 for the Intervenor groups and the Applicant meet to
7 discuss the rest of this hearing.
8 So this panel, we're finished with your
9 testimony, we appreciate your time and thank you very
10 much.
11 I think what we'll do is we'll set up
12 the tables back there so we can sit a little closer
13 with the spokesperson for each of the groups and the
14 Applicant and just discuss the scheduling and a few
15 other items that have come up, so it's almost like a
16 mid-hearing conference.
17 (Break from 1:36 p.m. to 1:56 p.m.)
18 MS. MILLER: I wanted to just review for
19 the record what the parties discussed during the
20 mid-hearing conference. We're not making any drastic
21 changes to the schedule, but we did have a suggestion
22 to start a little later tomorrow. We'll start at -- as
23 a compromise we'll start at about 8:30 in the morning
24 instead of 8 o'clock. And I wanted to mention that the
25 location tomorrow has changed. We were originally

1 slated to be in the auditorium for the daytime portion
2 and we felt that was going to be a little difficult
3 just with the setup, so now we're going to be in The
4 Landing, which I don't know if you noticed when you
5 were in the Student Center, but if you kind of go
6 around past the cafeteria down the stairs, there's like
7 a little area down on the lower floor and that's The
8 Landing. So that's where we're going to be tomorrow at
9 8:30 in the morning.
10 The other thing that was discussed was
11 one of the witnesses for Group 4, Dr. Calhoun had some
12 unexpected extenuating circumstances and we're going to
13 split her from the rest of the panel for Group 4 and
14 see if she's going to be able to testify on May 9th.
15 If she's not able to testify on May 9th, then her
16 testimony will be withdrawn and perhaps submitted as
17 comments into the record. Any questions about that?
18 So we'll go ahead then and start with
19 the testimony for Group 7.
20 JOSEPH CHRISTOPHER: Good afternoon, Joe
21 Christopher, Western Mountains and Rivers Corporation,
22 Group 7. I don't want to just repeat my testimony from
23 yesterday, so I'll try to be a little more
24 conversational. My name is Joseph Christopher, board
25 member at Western Mountains and Rivers Corporation with

1 a clear vision to work with the most prominent business
2 leaders, recreational outfitters and community planners
3 in The Forks to work toward a positive growing economic
4 future for northern Somerset County.
5 I do own Three Waters White Water and
6 the Inn By the River in The Forks, other seven -- seven
7 other tourism-based companies in Maine and I employ
8 over 250 people in Maine, a lot of them year-round with
9 benefits and so on. I'm also assigned on the
10 negotiated settlement for the FERC license at the
11 Harris Station Dam and studied the infrastructure
12 tourism and otherwise in the area for my entire adult
13 life.
14 We heard a lot of comment about the
15 snowmobiling and so on today. I'm the long time
16 previous vice president of the Coburn Scenic Summit
17 Riders. Also on our board, Pam Christopher, she is the
18 secretary of the Coburn Summit Riders. My business
19 partner, Kim Christopher, is the treasurer of the
20 Coburn Summit Riders. The Coburn Summit Riders hasn't
21 filed any testimony here and does not have a position
22 on the NECEC, and I want to make that very clear. Its
23 board, its membership is divided on these folks and in
24 opposition of my friends, I respect them, but that is a
25 very divided organization on this matter and it doesn't

1 have a position, I want to make that clear.
2 Also on the board of Western Mountains
3 and Rivers from the town of Caratunk, you have the two
4 largest business owners in Caratunk, John Philbrook,
5 the owner of Adventure Bound, he is a resident and
6 employer and a large business owner in the town of
7 Caratunk. Ben Towle owns Maine Lakeside Cabins and
8 Maine Outdoor Recreation, which is a motorized rental
9 company for snowmobiling and ATVing. He is one of the
10 largest business owners, also a wedding facility, very
11 nice on the lake there. He is on our board of
12 directors as well representing Caratunk, which has Kim
13 Christopher, who I just mentioned, she's a resident of
14 Caratunk. There's 60 -- I think 69 residents of
15 Caratunk by census, Suzie Hockmeyer on our board, she's
16 a resident of Caratunk, so there's a lot of
17 representation on our board from there.
18 I've always been a life-long
19 environmentalist and steward. I donate to a lot of
20 outdoor stewardship groups. The corridor, the NECEC is
21 well designed to achieve the environmental benefits and
22 a large amount of renewable energy. The corridor and
23 transmission lines themselves have been designed in a
24 way that is consistent with the current uses and the
25 industrial forest, hydropower dams, wind farms and

electrical transmission facilities in the area.

I don't believe that the negative effect of the scenic and aesthetic value to an unreasonable level that will prevent that business from happening. You see my exhibits here, we operate around these facilities regularly, agreements with Central Maine Power and then subsequent dam owners actually provide the releases and always have for the 40 years for the rafting industry. Also the snowmobiling, Inn By the River is a year-round very active snowmobile location and a lot of people ask us how to get to the wind farms so they can view that. It's, you know, it's dramatic, so people want to see it. I don't necessarily think it's a great attraction, but a lot of people do want to see it that are snowmobiling and we have trails that lead there.

My guests have never negatively expressed themselves about them, or these facilities on the Kennebec or Penobscot. I've guided for 27 years with these folks, I understand how that a power line might not be the first thing people would expect to see, but I've never received negative comment from them while I guide those rivers.

We appreciate the private landowners and them allowing us to utilize their lands. Access to

1 these lands is threatened and it is in my opinion
2 imminent that a lot of them will be closed, and this
3 provides us an avenue by which a connectivity for these
4 activities, that would be very important to us.
5 The WMRC completely agrees with the
6 current and former governor and their assessment of
7 this project. This is a needed infrastructure for our
8 electrical system and I don't think it unreasonably
9 affects the scenic and aesthetic values of the region
10 to gain those environmental benefits.
11 I have a great deal of concern about the
12 burial of line subsequent anything that's further than
13 what we agreed to in undergrounding the Kennebec River
14 to -- I thought that was a good move to get rid of
15 those aesthetic issues, but then I'm concerned about
16 other environmental damage of digging trench or further
17 boring and those things if we prefer to the bury the
18 line. Thank you very much for the opportunity.
19 MS. MILLER: Thank you.
20 LARRY WARREN: My name is Larry Warren.
21 I've introduced myself before, so I won't repeat it.
22 The adverse visual impacts of the project doubted by
23 opponents are substantially without merit as evidenced
24 by the Visual Impact Analysis.
25 Mitigation measures to screen the few

areas along 201 and other areas with the transmission line may be visible appear more than reasonable. The tapered vegetation management plan proposed by NECEC from viewing areas on Coburn and Rock Pond provides a significant reduction in visual impact and we applaud the introduction of this practical and effective alternative.

Fragmentation of the forest in this area is substantially a byproduct of the forest management practices that are an essential and historical part of the region's economy. The real risks to western Maine's nature-based recreation are climate change and the potential loss of public access to privately owned lands.

Recent trends in the recreation business in the recreational future of The Forks show the region's economic viability is in jeopardy. The rafting industry's visits are down 45 percent in the State of Maine. The numbers for the Dead and Kennebec River indicate a decrease of 70,000 in the year 2000, down to 38,500 last year, again, a 45 percent decrease.

The snowmobile business is projected by climate scientists to become diminishing, if not vanishing industry due to rising temperatures and decreasing snow conditions in the northeast. The

1 average skier and snowmobiler days are projected to
2 decrease 25 to 50 percent, depending upon the regional
3 elevation and latitude.
4 Past winter experiences verify these
5 predictions on our region with recreational days
6 decreasing approximately 25 percent from the late
7 1990s. This year's weather is an anomaly with
8 consistently good conditions from mid-December; 2017 on
9 the other hand was a complete washout.
10 Over the long term, Caratunk, The Forks
11 and the West Forks should develop a regional
12 cooperative plan to move from a reliance on rafting and
13 snowmobiling to a broader nature-based year-round
14 economy with less dependence on snow and a focus on
15 more diverse recreational and cultural pursuits.
16 Our A goal is for a greater
17 collaboration between these three communities, although
18 it may be challenging because the population of each of
19 the three is about 50 residents each. We have made
20 significant progress in bringing together on the board
21 of Western Mountains and Rivers Corporation a diverse
22 group of community and business leaders, many of whom
23 are fierce competitors with an agenda to create and
24 implement a plan for the region's future, a plan
25 predicated on leveraging local and regional resources

1 and capitalizing on the significant environmental,
2 societal and economic resources of the region.
3 This enthusiasm has been created by the
4 opportunities and promise of the NECEC project for our
5 region. The land area of northern Somerset County, an
6 area north of Solon, is about 2,460,000 acres, of which
7 827,000 are classified as conserved lands by the State
8 of Maine. This indicates that over 40 percent of the
9 land base is currently classified as conserved. The
10 region has unique and substantial environmental and
11 outdoor and recreational resources.
12 The 980 acres that CMP plans to develop
13 on its transmission line property is not significant in
14 the context of these overall conditions in Somerset
15 County. What is significant is that only 37 acres of
16 the 980 is located in lands classified as conserved.
17 Central Maine Power Company has done a
18 remarkable job to -- of avoiding the conserved lands of
19 the various organizations that own these lands.
20 MS. BOEPPLE: Excuse me, I'm going to
21 object at this point. I've tried to give Mr. Warren
22 plenty of opportunity to do a summary of his testimony,
23 but he's now going beyond the scope of his testimony,
24 both direct and rebuttal and I ask that he either end
25 his summary of his testimony or get to the point of his

actual testimony.

MR. SMITH: May I respond, please?

MS. MILLER: Yes.

MR. SMITH: Ben Smith for Group 7. So, I think this has been ruled on twice and this is a third bite at the apple, permitted to provide additional testimony. I think that Mr. Warren can tie this all back to the potential benefits under the MOU. That was already ruled upon and that was already found to be within the scope of proper testimony.

MS. BENSINGER: Is what you're saying in either your direct or rebuttal testimony?

LARRY WARREN: I beg your pardon?

MS. BENSINGER: Is what you're testifying to right now either in your direct or pre-filed rebuttal testimony?

MR. SMITH: It's part of the MOU.

LARRY WARREN: It's part of the MOU.

MS. BENSINGER: But this is supposed to be a summary -- was the MOU an exhibit to your pre-filed or --

LARRY WARREN: Yes.

MS. BENSINGER: Okay, all right.

MS. MILLER: I'm going to allow it. I do think you -- the objection came about 15 seconds

1 before your time ran out, so I'm going to give you
2 about 15 seconds to wrap up. Thank you.
3 LARRY WARREN: This provides additional
4 lands and resources that would allow for trail networks
5 connecting Carrabassett Valley to The Forks and The
6 Forks to Moosehead Lake. This would provide
7 significant recreational-based opportunities to the
8 region and the state and it requires only one
9 additional land parcel acquisition.
10 We urge the Commission to seriously
11 consider the significant offerings that have been made
12 by NECEC to all Maine people, recognize the promise of
13 lower electrical rates for all New England residents,
14 endorse the move for its decarbonization of New
15 England's power grid --
16 MS. ELY: This is also --
17 LARRY WARREN: -- and help to reduce the
18 rate of climate change in our region. Thank you.
19 MS. MILLER: Thank you. Ms. Ely, was
20 that an objection?
21 MS. ELY: The last part of his
22 testimony, the greenhouse gas issue has already been
23 ruled on. We have --
24 MS. MILLER: And I'm going to agree with
25 that and I am going to strike that portion of the

1 testimony. Thank you.
2 MR. SMITH: Just so I can be clear, this
3 is Ben Smith, Group 7, when you say that portion, is it
4 just the reference to greenhouse gas?
5 MS. MILLER: Correct, yes.
6 MR. SMITH: Thank you.
7 LARRY WARREN: Can I point out for you
8 and the audience where some of these resources are on
9 the map?
10 MS. MILLER: You've run out of time so
11 perhaps it will come up on cross.
12 LARRY WARREN: All right.
13 MS. MILLER: So cross-examination we'll
14 start with the Applicant.
15 MS. GILBREATH: Good afternoon, Lisa
16 Gilbreath on behalf of CMP. Mr. Warren, you ran out of
17 time I believe when you were discussing the benefits
18 that the memorandum of understanding between yourself
19 and the CMP provides to the surrounding area, is there
20 anything else you'd like to discuss?
21 LARRY WARREN: Well, I -- we had the
22 opportunity with -- we'd like to indicate basically the
23 adjacently and how they tie together.
24 MS. ELY: I'd like to object to this.
25 This has nothing to do with the criteria of the DEP

1 proceeding and is a private agreement between CMP and
2 the Western Mountains and Rivers Corporation. These
3 are side benefits that are not part of a mitigation or
4 a compensation package.
5 MR. SMITH: May I please speak? May I
6 respond as well? Okay. So I think this is the fourth
7 bite at the apple now, and these benefits don't have to
8 be part of the compensation package. This is part of
9 the reasonable standard and the balancing approach
10 under NRPA and there has already been rulings now,
11 twice in procedural orders and now a third one. So
12 what Mr. Warren would like to be able to do is testify
13 and provide responsive information as to what sort of
14 benefits there could be that would flow from the MOU.
15 MS. GILBREATH: May I also respond?
16 MS. MILLER: Yes.
17 MS. GILBREATH: I'm asking him questions
18 about an attachment to his rebuttal pre-filed
19 testimony, attachment one, and he also was permitted to
20 testify and was cross-examined yesterday on the
21 memoranda of understanding, so it's a live issue in
22 this proceeding.
23 MS. BENSINGER: Well, the Presiding
24 Officer did allow the MOU into record. I would just
25 caution the parties to focus on the statutory criteria.

1 MS. GALBREATH: Absolutely. Let me
2 rephrase the question.
3 Mr. Warren, in your opinion do the
4 benefits produced by the MOU outweigh any detriments to
5 the scenic and recreational values in the 53 mile new
6 corridor surrounding areas?
7 LARRY WARREN: Yes.
8 MS. GALBREATH: Can you please describe
9 those benefits?
10 LARRY WARREN: The benefits of the MOU
11 basically provide an opportunity for land contributions
12 that can enhance the creation of new recreational
13 trails between the regions of Flagstaff Lake and
14 Moosehead Lake. They provide opportunities for
15 materials --
16 MS. MILLER: Can you speak a little
17 closer into the microphone, please. Thank you.
18 LARRY WARREN: Sure. They provide an
19 opportunity for gravel to be used to build these trails
20 at no cost to the public. They provide financial
21 contributions to Western Mountains and Rivers
22 Corporation that can fund the plan, the development of
23 a plan, the acquisition of additional properties and
24 the construction of these trails. They provide
25 opportunities for Western Mountains and Rivers

1 Corporation to work with others to expand the broadband
2 internet and expanded wifi services of the region
3 and --
4 MS. BOEPPLE: I'm going to object. Now
5 we're getting way into things that have absolutely
6 nothing to do whatsoever with the mitigation and
7 compensation.
8 MS. MILLER: Response from --
9 MR. SMITH: This is part of the
10 testimony. It was in there. Now I don't think Mr.
11 Warren was going to go beyond what he just said.
12 MS. ELY: I would request that the
13 broadband piece be stricken. That's not part of the
14 Western Mountains Rivers Corporation agreement.
15 Central Maine Power is actually part of the
16 stipulation --
17 MR. SMITH: That's actually inaccurate.
18 Look at the MOU.
19 MS. MILLER: I would like to -- I'm
20 going to allow what was said in at this point in time,
21 but I'd really like to refocus this back to the
22 Department's criteria moving forward, so whatever we
23 can do to re-shift this to focus clearly on the
24 Department's criteria, it's appreciated. Thank you.
25 MS. GALBREATH: Would you like to finish

1 your response?
2 LARRY WARREN: I think I've
3 substantially outlined some of the major benefits of
4 the MOU.
5 MS. GALBREATH: And this visual that you
6 have on the screen before us, that was also attached to
7 your testimony?
8 LARRY WARREN: Yes, it shows the
9 relationship of some of the mitigation lands and how
10 they tie into a regional plan.
11 MS. GILBREATH: How do they tie into a
12 regional plan?
13 LARRY WARREN: Starting one, on
14 Flagstaff Lake, the Central Maine -- Flagstaff, right
15 there. The Central Maine Power Company has provided
16 985 acres of land approximately.
17 MS. MILLER: I'm just going to
18 interrupt, is this part of the corridor and does this
19 relate to the criteria along the corridor? Because I
20 feel like this is kind of far afield from what we're
21 here to listen to.
22 MS. GALBREATH: This is part of CMP's
23 compensation plan.
24 MS. MILLER: Okay.
25 LARRY WARREN: This is the location of

1 the major contribution elements to the DEP, the Land
2 Use Planning Commission and the Department of Inland
3 Fisheries and Wildlife, the 2,800 acres of land that
4 have been offered as mitigation for the impacts of the
5 NECEC corridor. And I think that we can demonstrate
6 how they are not only adjacent, but how they contribute
7 to an overall opportunity.
8 MS. MILLER: Proceed.
9 LARRY WARREN: On Flagstaff Lake and at
10 that particular site, there's an existing network of
11 trails that starts in Carrabassett Valley and it runs
12 to The Forks along the west -- along the east shore of
13 Flagstaff Lake, then proceeding down the Dead River to
14 the parcel at Grand Falls, which Maine Hudson Trails
15 has a bridge at, and then it goes down along the Dead
16 River past what's called the Basin Parcel. Right
17 there. That's approximately 670 acres of significant
18 deer wintering habitat and river frontage on the Dead
19 River that goes to the DEP.
20 Maine Hudson Trails then owns the north
21 bank of the Dead River between Grand Falls and the
22 Enchanted parcel. There's a mile of river frontage
23 that's being contributed to the DEP Enchanted. Maine
24 Hudson Trails then owns the balance of the Dead River
25 down to or close to The Forks and has easements there.

1 In 2011 Central Maine Power Company put
2 a conservation easement on the Kennebec Gorge as part
3 of its contribution on the MPRP project and they have
4 provided to Maine Hudson Trails a permanent easement
5 and three acres of land for a hut site in the Kennebec
6 Gorge.
7 The parcels -- the trail corridors then
8 run from Harris Dam up to Moosehead Lake on easements
9 that were contributed as part of the development of the
10 Plum Creek proposal that provides an opportunity for
11 nature-based tourism corridors for paddling, hiking,
12 mountain biking from Moosehead Lake to Carrabassett
13 Valley. All that's missing is a six mile piece that
14 now we're in negotiations with Weyerhaeuser to
15 complete.
16 In addition, the Department of Inland
17 Fisheries and Wildlife is in the process of negotiating
18 the transfer of mitigation approximately a thousand
19 acres of deer wintering habitat along the Kennebec
20 Gorge and along Pooler Pond in The Forks. So we think
21 that this is a significant combined resource with the
22 elements of the MOU and with the potential for two
23 entities to work together to basically create something
24 of significance for Maine people and for the
25 communities in this region.

1 MS. GILBREATH: Mr. Warren, in your
2 opinion do these compensation parcels in the MOU
3 outweigh any detriments to the scenic and recreational
4 values in the 53 mile new corridor and surrounding
5 areas?
6 LARRY WARREN: Well, as I stated in my
7 testimony, I think that the major threat is to climate
8 change and to the issues that relate to public access
9 on private lands. Those are the most significant
10 threats. The power line really doesn't create either
11 of those conflicts.
12 So the issues of whether or not the
13 suggested detriments for visual impact, I believe that
14 they've been adamantly compensated for by the offers
15 and the addressing of those issues by the Visual Impact
16 Analysis.
17 MS. GILBREATH: Thank you. No further
18 questions.
19 MS. MILLER: Thank you. Group 1, do you
20 have any cross-examination?
21 MR. HAYNES: We do not.
22 MS. MILLER: Ms. Boepple?
23 MS. BOEPPLE: I would just as soon
24 combine that with 2 and 10, if I could.
25 MS. MILLER: That's fine because that's

1 what's next anyway.
2 MS. BOEPPLE: Thank you. Good
3 afternoon. Elizabeth Boepple for Groups 2 and 10 AND
4 today for questions on behalf of Maine Wilderness
5 Guide, Intervenor in Group 1.
6 So I'm going to go over some of the same
7 territory we covered yesterday because this is a
8 different proceeding from yesterday. So I'll just
9 start with what you already know, Mr. Christopher.
10 JOSEPH CHRISTOPHER: Sure.
11 MS. BOEPPLE: One of my questions to you
12 yesterday had to do with an opinion you expressed at a
13 public meeting. Do you recall the question I asked you
14 yesterday regarding that?
15 JOSEPH CHRISTOPHER: I think it was a
16 question between burial and overhead solutions. Is
17 that the question you're referring to?
18 MS. BOEPPLE: Yes, and you made a very
19 strong public statement at a public meeting regarding
20 underground --
21 JOSEPH CHRISTOPHER: I think I just made
22 it again in my current testimony that I just gave. I
23 have significant concerns personally about the
24 environmental damage created by undergrounding. We're
25 on a directional bore that's proposed in the

application, I think that because of many of the controversies in the public feelings about an overhead up the Kennebec that we ended up with a directional bore underground solution.

Myself I thought that there were less environmental damage to an overhead solution because personally, and this isn't the view of the board, it's divided on it as Western Mountains and Rivers, but for myself personally, I think the environmental damage of boring or undergrounding the line is actually more and I think that the viewshed, which is an emotional issue, and is part of your criteria, and I understand that, and it's important, but to me that's less of an environmental issue, or not an environmental issue, it's a human issue. And to me an environmental issue constitutes salamanders, mayflies and otherwise and when we talk about boring holes in the ground or digging trenches, I get nervous.

MS. BOEPPLE: Okay. And so I want to follow up with that, Mr. Christopher. Are you an engineer?

JOSEPH CHRISTOPHER: No.

MS. BOEPPLE: Are you a wildlife biologist?

JOSEPH CHRISTOPHER: No.

1 MS. BOEPPLE: Are you an environmental
2 scientist?
3 JOSEPH CHRISTOPHER: No.
4 MS. BOEPPLE: So your concerns --
5 JOSEPH CHRISTOPHER: Are my own.
6 MS. BOEPPLE: -- are you own?
7 JOSEPH CHRISTOPHER: Yes, yes, ma'am.
8 MS. BOEPPLE: And they do not stem from
9 any particularized scientific background or --
10 JOSEPH CHRISTOPHER: No, and they're not
11 the opinion of my board either.
12 MS. BOEPPLE: Thank you. I just wanted
13 to put that in the right context.
14 JOSEPH CHRISTOPHER: Sure, no problem.
15 MS. BOEPPLE: Thank you. And Mr.
16 Warren, turning to you, I asked you some questions
17 yesterday regarding when your organization was formed
18 and I believe -- but I'll let you respond. This was --
19 you actually approached CMP, is that correct, before
20 you formed this organization?
21 LARRY WARREN: That's correct.
22 MS. BOEPPLE: And in the context of the
23 timing on that, I believe you set forth for us further
24 discussions that you had with CMP, and I believe you
25 also provided information regarding how much money CMP

1 has paid into the organization thus far; is that
2 correct?
3 LARRY WARREN: Would you repeat the
4 question?
5 MS. BOEPPLE: So I believe yesterday in
6 your testimony before the LUPC, and I can take you
7 through this question, I was trying to short circuit
8 this a little bit, but when did you first form the
9 organization?
10 LARRY WARREN: August 2017.
11 MS. BOEPPLE: And when was that in
12 relation to when you first approached CMP?
13 LARRY WARREN: I first approached
14 Central Maine Power Company I believe in the spring,
15 probably March of 2016 as a member of the board of
16 Somerset Economic Development Corporation.
17 MS. BOEPPLE: And the formation of WMRC,
18 I believe I asked you the question yesterday, did CMP
19 provide you any financial support?
20 LARRY WARREN: You asked -- I think you
21 asked me yesterday if CMP provided the monies to create
22 the organization and I said that I had gone to the
23 Secretary of State's office, paid the incorporation
24 fees, and then for the next ten months that
25 organization negotiated with Central Maine Power

1 Company and finally signed an MOU on May 30th in 2018.
2 MS. BOEPPLE: And has CMP provided you
3 with -- I believe your pre-filed testimony says this,
4 but if I could just confirm, CMP has provided you with
5 financial assistance that is in keeping with a
6 nonprofit, I understand, but also does go to providing
7 financial support for the organization?
8 LARRY WARREN: The memorandum of
9 understanding stipulated that Central Maine Power
10 Company would contribute $250,000 within the short
11 period of time, 30 or 60 days, which they did, and it
12 also indicated that they would provide $50,000 a year
13 for the succeeding five years to facilitate planning
14 and functions for the nonprofit.
15 MS. BOEPPLE: And what I didn't ask you
16 yesterday, but I'd like to ask you now is how has that
17 $250,000 been utilized?
18 LARRY WARREN: Well, we haven't spent it
19 all by any stretch, but we did use I would guess about
20 35 to $40,000 in filing with the Internal Revenue
21 Services the application for 501C3 status and for
22 revisions on some of our bylaws or articles of
23 incorporation.
24 MR. SMITH: Sorry, this is Ben for Group
25 7. This is not within the scope. I understand that

1 Ms. Boepple wants to get into all the financials of
2 WMRC, but that's not really germane or before the
3 Department. So I guess -- he's given a partial answer,
4 but I would object to having to get into any additional
5 information at this time.
6 MS. MILLER: Response?
7 MS. BOEPPLE: Given the extent to which
8 the MOU was introduced and the monitor and compensation
9 was then been provided by CMP to WMRC I think is
10 perfectly well within the scope of questioning on
11 cross-examination and also goes to the bias of the
12 organization.
13 MS. MILLER: I'll allow it.
14 MS. BOEPPLE: Thank you. So could you
15 continue with how the $250,000 has been expended?
16 LARRY WARREN: I think we have about 160
17 or $170,000 in an account held by Somerset Economic
18 Development Corporation. Somerset Economic Development
19 Corporation serves as the fiscal agent for Western
20 Mountains and Rivers Corporation.
21 MS. BOEPPLE: And is -- okay, thank you,
22 I was going to ask you. And what is your affiliation
23 with Somerset County Economic Development?
24 LARRY WARREN: I'm a board member.
25 MS. BOEPPLE: So you're a board member

1 with that and your position with WMRC is?
2 LARRY WARREN: I'm a board member.
3 MS. BOEPPLE: And what about your
4 affiliation with Maine Trails and Huts?
5 LARRY WARREN: I'm a founder and board
6 member.
7 MS. BOEPPLE: And is Maine Trails and
8 Huts also benefitting from this?
9 LARRY WARREN: Not yet, no.
10 MS. BOEPPLE: And they're not
11 benefitting in any way under the MOU?
12 LARRY WARREN: Only if it's -- only if
13 the results provide a permit for the project to move
14 forward.
15 MS. BOEPPLE: So there have been
16 discussions and there is probably some sort of
17 compensation going to Maine Trails and Huts as well?
18 LARRY WARREN: Well, there are
19 provisions where leases that Maine Huts and Trails has
20 with Central Maine Power Company will be released and
21 lands that are part of the trail system and the hut
22 system owned by Maine Huts and Trails will be
23 transferred to the DEP, the Land Use Planning
24 Commission, or the Department of Inland Fisheries and
25 Wildlife.

1 MS. BOEPPLE: And how about you
2 yourself, do you have any lands that are involved in
3 any of this?
4 LARRY WARREN: Personally?
5 MS. BOEPPLE: Mmm-hmm.
6 LARRY WARREN: No.
7 MS. BOEPPLE: Any company that you have
8 an ownership interest in?
9 LARRY WARREN: No.
10 MS. BOEPPLE: Same question for you, Mr.
11 Christopher.
12 JOSEPH CHRISTOPHER: No. I'm assuming,
13 I can answer it if you'd like, if you're referring to
14 the MOU lands and leasing.
15 MS. BOEPPLE: Yes, I am.
16 JOSEPH CHRISTOPHER: You want to dig
17 into it? Because you might as well get it done in the
18 interest of time for these folks, okay?
19 MS. BOEPPLE: Yeah.
20 JOSEPH CHRISTOPHER: So no, I don't have
21 any benefit personally, neither do my companies.
22 Number one, the MOU says that any entity in The Forks
23 area, personal or business or otherwise would have the
24 option of purchasing at market value, which would get
25 rid of any conflict of interest of course, but

1 purchasing at market value if they possess a lease or
2 adjacent lands to Central Maine Power. That was
3 actually introduced in the conversation in our board's
4 discussion by myself because of previous Harris Station
5 1licensing issues for these types of proceedings.
6 There was a concern that Central 7.
7 Maine Power could use those lands
8 against the community or against those businesses or
9 against those personal people that own lands or lease
10 lands from them, that they would then use that as
11 leverage to recuperate mitigation dollars or otherwise
12 and I and the organization wanted it off the table as a
13 leverage point for them. It was actually a competitive
14 issue that we wanted removed. It's actually, you know,
15 in the process anyone in The Forks, I already mentioned
16 that, CMP also has to agree to selling it if they don't
17 need it for their purposes, which means they've had the
18 land for 70 years now, they, you know, do have to
19 release the land for that sale to say that it's not for
20 purpose. There is a concern that they would say that
21 they would need it for mitigation so they could hold
22 you up in that process, but it also -- for me
23 personally, if I was to purchase those lands, because
24 this has come up a lot, not me personally, but my
25 companies, or one of my companies. It's really

1 potentially not really good business to do so because
2 land is non depreciable, this is a tax issue, but I'm
3 sure you probably understand, you probably own
4 property. Land is non depreciable under taxes. And
5 even land improvements has a 39 year depreciation.
6 The lease expects that I pay Central
7 Maine Power right now for the campground is about
8 $16,000 per year in total. I could never achieve that
9 level of depreciation because the land is non
10 depreciable, so for any one of the entities in The
11 Forks, not just for WMRC members that went to purchase
12 that land, they may not do so because it's not
13 necessarily financially beneficial, but we did that to
14 remove it from members leverage, or at least in
15 negotiations and discussion. Is that helpful?
16 MS. BOEPPLE: That is. Thank you.
17 JOSEPH CHRISTOPHER: You're welcome.
18 MS. BOEPPLE: So if I were to ask you if
19 any one of the intervenors or any business in the --
20 let me back up for a second. How extensive is the
21 geographic range of businesses or property owners who
22 want to run a business associated with the tourist
23 industry in this area, how large is the geographic
24 range for the people who might want to get involved in
25 the agreement and the opportunities that you are

representing are presented by the MOU?

JOSEPH CHRISTOPHER: The WMRC and our board's conversation is immediately affected area of the new corridor, so basically we had to find as our board, we couldn't expand on that. It's not a hard line, but from Wyman Lake out to Grand Falls up to Parlin Lake over to Indian Pond, Moosehead Lake and back down to Wyman Lake, the general area that is affected by the new line and the tourism businesses in our area.

MS. BOEPPLE: So the entire length of the 53 miles, is it fair to say, everyone within that or no, it's less than that?

JOSEPH CHRISTOPHER: I don't think the MOU defines that.

MS. BOEPPLE: Is it possible that it could be extended to include a greater range of businesses?

JOSEPH CHRISTOPHER: It might possibly. It's not defined. I don't think it's defined, no.

MS. BOEPPLE: All right. Let me move on to a few other questions that I have related to some of the opinions that have be expressed. In particular to you, Mr. Warren, you have given in your testimony and here again this morning, this afternoon, an opinion

regarding the views, are you -- do you have a degree in landscape architecture?

LARRY WARREN: I do not have a degree, no.

MR. SMITH: I'm sorry, this is Ben Smith for Western Mountains. I don't know why the witnesses are being asked about degrees and certain things. As I understand it, under the Department's rules, it is totally fine for people to testify as lay people, so I see it as being badgering.

MS. BENSINGER: You see it as being badgering, is that what you said? I'm sorry.

MR. SMITH: All of the witnesses here, I mean, I think there are few people who are, quote, unquote, experts, and I don't know why the Department can't simply hear from lay people and why we have to put up with an examination that's questioning people as to whether or not they hold a degree in something.

MS. BOEPPLE: Could I respond to that?

MS. BENSINGER: Sure.

MS. BOEPPLE: If I'm going to be held to that standard, then I think that the Applicant should be held to the same standard.

MS. BENSINGER: I agree with counsel that no one is qualified as an expert here. No one

1 needs to be qualified as an expert in the same way you
2 get qualified as an expert in a court or trial
3 proceeding, but it is a fair question to ask about a
4 witness' educational background.
5 MS. BOEPPLE: So let me continue. So
6 your opinion is obviously not offered as one who has
7 done an Visual Impact Assessment; is that fair, Mr.
8 Warren?
9 LARRY WARREN: I have done Visual Impact
10 Analysis.
11 MS. BOEPPLE: Have you -- are you
12 offering your opinion in that capacity as someone who
13 has done that and is qualified to testify as a Visual
14 Impact Assessment expert?
15 LARRY WARREN: I conduct Visual Impact
16 Analysis for projects that I work on. I do not sell my
17 services in that area.
18 MS. BOEPPLE: And so for example, you
19 don't hold degrees the way Mr. DeWan does or Dr. Palmer
20 does?
21 LARRY WARREN: That's correct.
22 MS. BOEPPLE: So you're not suggesting
23 that your qualifications are at the same level of
24 theirs?
25 LARRY WARREN: That's correct.

1 MS. BOEPPLE: And would that also be
2 true for your opinion when it comes to forest
3 management?
4 LARRY WARREN: That's correct.
5 MS. BOEPPLE: And what about the
6 climate?
7 LARRY WARREN: That's also correct.
8 MS. BOEPPLE: Okay. Thank you. So I'd
9 like to ask you a couple of general questions. You've
10 said that there is a difference of opinion among the
11 various businesses along the 53 mile corridor, some who
12 are opposed to this project, some who are in favor of
13 it, some who signed on with WMRC; is that correct?
14 LARRY WARREN: Yes.
15 MS. BOEPPLE: That's a fair statement?
16 JOSEPH CHRISTOPHER: Yes, that's
17 correct.
18 MS. BOEPPLE: I'm not trying to catch
19 you in anything.
20 JOSEPH CHRISTOPHER: Give it a shot,
21 that's correct.
22 MS. BOEPPLE: So would it also be fair
23 to say that honest people can disagree?
24 JOSEPH CHRISTOPHER: That's correct.
25 MS. BOEPPLE: And, you know, one side

1 may not be one hundred percent correct and the other
2 side may not be one hundred percent correct?
3 JOSEPH CHRISTOPHER: Most definitely
4 true.
5 MS. BOEPPLE: Okay. And that one of the
6 goals here is for the Department to sort through those
7 different perspectives; is that also fair?
8 JOSEPH CHRISTOPHER: They'd have to
9 answer that, but I think that's probably their job,
10 yeah.
11 MS. BOEPPLE: So, is it also fair to say
12 that while your opinion may be that the project is not
13 going to have this negative impact, that's your opinion
14 and you're absolutely entitled to have that opinion,
15 but the individuals who are involved in Groups 2 and 7,
16 their opinion that differs from you, that also may be
17 equally valid; is that fair?
18 JOSEPH CHRISTOPHER: Everybody is
19 entitled to their opinion, yes.
20 MS. BOEPPLE: All right, thank you.
21 Now, if -- you heard some questions earlier today, I
22 believe you were here -- oh, were you here this
23 morning?
24 JOSEPH CHRISTOPHER: Yes.
25 MS. BOEPPLE: And you probably heard

1 some of the questions that the Department was asking
2 the Intervenors in Groups 2 and 10 regarding possible
3 other areas where the line could be undergrounded or
4 where different changes could be made to the route so
5 that it would be less evident, would you agree to some
6 of those as well? I'm not asking for any specific
7 locations, I'm just saying in general terms, are those
8 concepts that you could also agree to?
9 LARRY WARREN: When the concept of woods
10 and alternatives first was considered, I contacted
11 Cianbro Corporation in Pittsfield, Maine and asked one
12 of the vice presidents of the Cianbro Corporation if
13 going under the Kennebec River would be a viable
14 alternative as opposed to going over it.
15 MS. BOEPPLE: Mr. Warren, I'm just going
16 to interrupt you.
17 MR. SMITH: I'm sorry, can the witness
18 please provide a complete response?
19 MS. BOEPPLE: He's not responding to my
20 question.
21 MR. SMITH: I think he was and you
22 interrupted him.
23 MS. MILLER: I'm going to allow him to
24 go forward.
25 LARRY WARREN: The question that was

1 asked of me by the vice president of Cianbro was
2 whether I knew specifically where the crossing would
3 have to occur and I told him that I did. He said well,
4 get me the information because we happen to have three
5 companies downstairs in Cianbro's office right now
6 preparing bids for comparable HDDs, and I said well,
7 what's an HDD and he said well, you just can't go under
8 a river the 300 feet or the 400 feet, whatever the
9 width of the river is.
10 He said when you create a hydraulic
11 directional drill, he said the problem with putting
12 power lines underground is extracting the heat. And so
13 he said in an area that you're talking about in the
14 Kennebec Gorge, he said there's also considerable
15 vertical elevation differences, and he said when we do
16 a hydraulic directional drill, we have to locate that
17 hydraulic directional drill in a location where the
18 slope of the bore does not exceed a two percent grade.
19 He said so normally what we do is we do
20 we a three foot diameter bore and then we have to line
21 that bore with concrete so that it will not be prone to
22 either collapse or erosion. Once that bore is
23 completed, we can then install the underground cable,
24 but it has to be encapsulated in either a liquid or a
25 gas that has been cooled and circulating to heat

1 exchangers at one or either end.
2 MS. MILLER: Can we tie this back to the
3 question, which was related to the specific locations
4 that Group 2 addressed? Ms. Boepple, if you want to
5 clarify that little bit, but she had asked if the
6 locations that Group 2 addressed, you know, would be
7 something you would consider. Can you tie what you're
8 saying back to that, please?
9 LARRY WARREN: Well, I think underground
10 placement of 1200 -- 1.2 gigawatt transmission lines,
11 whether they're in the Kennebec Gorge or whether
12 they're on Route 201, or whether they're at Rock Pond,
13 are all going to have to address the issue of how you
14 get the heat out.
15 MS. BOEPPLE: Mr. Warren, I wasn't
16 asking you to either give your opinion or to try and
17 recreate a conversation you might have had from someone
18 who was qualified to talk about the technology
19 involved. My question simply goes to the issues that
20 you have raised in your testimony about the land that's
21 possibly being conserved, about the mitigation
22 measures. That's where my question -- that's why I
23 asked the question. And that is relevant to the
24 testimony you heard and the questioning you heard from
25 the Department of Groups 2 and 10.

1 So my question was just the types of
2 suggested areas where there might be some changes that
3 could reduce or minimize the impact of the project.
4 JOSEPH CHRISTOPHER: You asked about
5 siting right, that was the question?
6 MS. BOEPPLE: Yes.
7 JOSEPH CHRISTOPHER: And it's my opinion
8 and ours that there was a lot of time spent by the
9 Applicant siting the line that's in the application,
10 that they moved the line several different times to get
11 around wetlands and others, and we felt the siting was
12 good.
13 MS. BOEPPLE: That was not my question
14 about the siting. I wasn't asking about the
15 alternative. I was talking about the compensation. I
16 was talking about the compensation and the mitigation.
17 And I was talking about the adjustments that the
18 engineers have talked about and we heard a lot of
19 testimony from the applicants and from the applicant's
20 visual impact experts about changes that were made to
21 the design of the line where poles were lowered where,
22 what's the term where the -- tapering, thank you, of
23 the vegetation minimizes the impact, those were the --
24 that's the type of mitigation the Department was asking
25 Groups 2 and 10 about this morning, that perhaps

1 burying the line in certain areas if that would help.
2 And what we were hearing was yes, it would. My
3 questions to you are would you object to some of those?
4 Would that be a problem for you?
5 LARRY WARREN: It would depend, I
6 believe, on what would be the requirement and the
7 extent of the mechanisms and the mechanical systems
8 necessary to cool the underground --
9 MS. BOEPPLE: Let's just assume that the
10 experts, the engineers, they can handle the technology,
11 they can figure that out.
12 LARRY WARREN: There will be a visual
13 impact associated with the additional structures and
14 the additional mechanical requirements.
15 MS. BOEPPLE: And let's assume that they
16 can also deal with that.
17 LARRY WARREN: Then, you know, I would
18 have to see the results and review the conclusions.
19 MS. BOEPPLE: So let's just assume that
20 CMP has hired the best possible engineers that they can
21 to develop -- to figure out the technology that can
22 make this work underground. They can take care of the
23 cooling issues. They can address the visual impact.
24 Let's assume they can accomplish those.
25 JOSEPH CHRISTOPHER: The Applicant has

1 brought up the financial matter of that. We believe
2 that it's an important project and the mitigation --
3 the items that were put in place for lowering of towers
4 and so on was significant and good and we think that we
5 want to see the project happen because of the merit of
6 the project and we think those mitigations were good,
7 so we would probably say no unless we saw a perfect
8 application that had those items in it.
9 MR. MANAHAN: This is Matt Manahan. I
10 would just object for the record to the questioner
11 asking the witness to make an assumption that is
12 expressly inconsistent with CMP's pre-filed rebuttal
13 testimony that will be the subject of testimony on
14 May 9th.
15 MS. MILLER: I'll allow Ms. Boepple to
16 ask a hypothetical question maybe a little bit more
17 clear.
18 MS. BOEPPLE: Thank you. I think you
19 responded. I think -- where I was going with this was
20 all things being equal, if technology issues can be
21 resolved, would you agree to modifications, and
22 apparently the answer is no, you're happy with it the
23 way it is and that's it?
24 JOSEPH CHRISTOPHER: I'd have to see the
25 modifications obviously.

MS. BOEPPLE: Okay. But if modifications could be made that are acceptable and will work for all parties concerned, would you agree to those modifications?

JOSEPH CHRISTOPHER: We'd have to see the modifications and see that all parties agreed.

MS. BOEPPLE: Okay. Thank you. No other questions.

MS. MILLER: Thank you. Group 3?

MR. BOROWSKI: No questions, thank you.

MS. MILLER: Group 4?

MS. JOHNSON: My name is Cathy Johnson. I'm here on behalf of Group 4. Mr. Christopher, I believe you said you're the owner of the Three Rivers White Water in The Forks?

JOSEPH CHRISTOPHER: Yes, that's correct.

MS. JOHNSON: And that's a commercial business?

JOSEPH CHRISTOPHER: It is.

MS. JOHNSON: You also serve as a board member of the Western Mountains and Rivers Corporation?

JOSEPH CHRISTOPHER: Yes.

MS. JOHNSON: And prior to May 2018, you participated in negotiations with Central Maine Power

1 concerning this transmission line proposal?
2 JOSEPH CHRISTOPHER: Could you say the
3 date again, please?
4 MS. JOHNSON: Prior to the signing of
5 the MOU in May 2018, you participated in the
6 negotiations?
7 JOSEPH CHRISTOPHER: Between the
8 formation of -- I met them in the process of the
9 formation of the WMRC, so there was conversation
10 between that time and the signing of the MOU, yes.
11 MS. JOHNSON: And in May 2018 an
12 agreement was signed between CMP and this new
13 corporation that's called Western Mountains and Rivers
14 Corporation on the board you serve, correct?
15 JOSEPH CHRISTOPHER: I'm assuming the
16 date is correct, yes.
17 MS. JOHNSON: That's what it says on the
18 MOU.
19 JOSEPH CHRISTOPHER: Yeah.
20 MS. JOHNSON: So the Western Mountains
21 and Rivers Corporation was set up primarily for the
22 purpose of entering into this agreement with CMP; is
23 that right?
24 JOSEPH CHRISTOPHER: Our mission is to
25 conserve land in The Forks and advance the economic

development of northern Somerset County. That's our mission.

MS. JOHNSON: But the primary purpose of setting up the corporation was this particular project; is that right?

JOSEPH CHRISTOPHER: We have our mission. We set up the corporation in a timely fashion to be able to deal with this issue inside of our mission.

MS. JOHNSON: And this is the major project that the organization is working on?

MS. SMITH: Objection. This is Ben Smith. It's asked and answered now.

MS. JOHNSON: I'll move on.

MS. MILLER: Thank you.

MS. JOHNSON: At the time that the agreement was signed, Western Mountains and River Corporation was not even eligible to file for 501C3 status yet; is that correct?

JOSEPH CHRISTOPHER: I would defer to Larry, but those things do take time and applications were filed timely.

MS. JOHNSON: And did I understand your testimony here today that the --

MR. SMITH: I'm sorry, excuse me,

1 because they are testifying as a panel and because Mr.
2 Christopher did refer, or defer to Mr. Warren, I guess
3 I would want to allow Mr. Warren to provide a response
4 if a more complete response is being asked.
5 MS. MILLER: So the question had to do
6 with the timeliness of the 501C3 filing; is that
7 correct?
8 MS. JOHNSON: Yeah, the question was at
9 the time -- I'll ask Mr. Warren.
10 MS. MILLER: Thank you.
11 MS. JOHNSON: At the time the agreement
12 was signed, Western Mountains and River Corporation was
13 not eligible yet to file for 501C3 status with the IRS;
14 is that correct?
15 LARRY WARREN: No.
16 MS. JOHNSON: Doesn't it say that in the
17 MOU?
18 LARRY WARREN: It says in the MOU that
19 we would file in a timely -- we would file --
20 MS. JOHNSON: That you would file, but
21 you had not yet filed?
22 LARRY WARREN: We had filed and --
23 MS. JOHNSON: At the time you signed the
24 agreement you had not filed?
25 LARRY WARREN: We have not been granted

1 status. I can't remember the exact date of the filing.
2 I believe it was prior to May 30th.
3 MS. JOHNSON: And did I understand, Mr.
4 Christopher, you say today that you still don't have
5 5013C status, the SEDC is serving as your physical
6 agent?
7 JOSEPH CHRISTOPHER: They're our
8 physical agent now in transition. I'd have to ask our
9 attorney if that came in yet.
10 MS. JOHNSON: And the agreement of the
11 memorandum of understanding, or the agreement, required
12 CMP to give Western Mountains and River Corporation
13 $250,000 within ten days of the signing of the
14 agreement, correct?
15 JOSEPH CHRISTOPHER: I believe that's
16 correct.
17 MS. JOHNSON: And I assume you received
18 that $250,000?
19 JOSEPH CHRISTOPHER: I didn't receive
20 it, it went into the account, Somerset Economic
21 Development Corporation.
22 MS. JOHNSON: The organization that --
23 JOSEPH CHRISTOPHER: Yup.
24 MS. JOHNSON: So is it fair to say that
25 CMP is the primary funder of this organization?

1 JOSEPH CHRISTOPHER: We have a very
2 large and long investment plan that we're working on
3 and this is planning dollars and it's spread out over
4 time for us to plan those investments for the benefit
5 of the community.
6 MS. JOHNSON: But at this point in time
7 is CMP the primarily funder of Western Mountains and
8 Rivers Corporation?
9 JOSEPH CHRISTOPHER: I would say at this
10 point that's true.
11 MS. JOHNSON: And is some of the money
12 that CMP gave to the Western Mountains and River
13 Corporation the funds that are being used to hire an
14 attorney to represent you in this process?
15 JOSEPH CHRISTOPHER: I believe we used
16 those funds for legal dollars as well and we'll
17 continue through the planning process with consultants
18 and otherwise.
19 MS. JOHNSON: Did you draft --
20 JOSEPH CHRISTOPHER: Some of that is tax
21 attorney as well as we file our for our 501C3 and so on
22 to make sure we're within the law. We're not legal
23 experts.
24 MS. JOHNSON: Did you draft your own
25 written testimony in this case?

1 MS. SMITH: Objection.
2 JOSEPH CHRISTOPHER: Yes, I did and
3 some --
4 MS. MILLER: Did I hear an objection?
5 MR. SMITH: The witnesses already
6 answered, it's fine.
7 JOSEPH CHRISTOPHER: Yes, I did, and
8 some people helped me edit it because my grammar is not
9 that great.
10 MS. JOHNSON: Can you explain to me why
11 there are multiple paragraphs in your testimony and Mr.
12 Warren's testimony that are identical?
13 JOSEPH CHRISTOPHER: I'll have to review
14 the two of our testimony.
15 MS. JOHNSON: Did your lawyer or some
16 other member of CMP's team help you draft your
17 testimony?
18 JOSEPH CHRISTOPHER: Our organization
19 and myself have always negotiated and been competitive
20 with Central Maine Power for our community's purpose
21 and to make sure that the community had what it needed
22 to be safe in this process. They haven't assisted me
23 with this.
24 MS. JOHNSON: In addition to the
25 $250,000, the agreement requires CMP to give Western

1 Mountains and Rivers between 5 and $10 million if the
2 project is constructed, correct?
3 JOSEPH CHRISTOPHER: Yes.
4 MS. JOHNSON: And it also requires CMP
5 to give Western Mountains and Rivers $50,000 a year for
6 five years if the project is approved?
7 JOSEPH CHRISTOPHER: Yes, those are
8 specifically planning dollars.
9 MS. JOHNSON: And under the agreement
10 CMP has also agreed to negotiate in good faith to
11 donate several parcels of land for which they have no
12 use; is that correct?
13 JOSEPH CHRISTOPHER: I would ask them if
14 they have use for it, but there are other parcels land
15 in there.
16 MS. JOHNSON: It does say in the
17 memorandum of understanding that it's parcels that they
18 have no use for --
19 JOSEPH CHRISTOPHER: Okay.
20 MS. JOHNSON: -- do you agree with that?
21 And at least one of the parcels there in The Forks
22 plantation directly abuts your commercial campground,
23 does it not?
24 JOSEPH CHRISTOPHER: The Pooler Ponds
25 parcel, is that the one you're referring to?

1 MS. JOHNSON: You tell me which one
2 directly abuts your commercial campground.
3 JOSEPH CHRISTOPHER: Well, I don't think
4 it directly abuts certainly, but I'm assuming because
5 you're referring to it, it's south of my property on
6 Route 201 along the Pooler Ponds, which is a key duck
7 and moose habitat in the area and why that's in there
8 to be marked for conservation.
9 MS. JOHNSON: And if this project does
10 not get approval and is not constructed, these lands
11 and these additional funds for Western Mountains and
12 River Corporation won't happen, isn't that right?
13 JOSEPH CHRISTOPHER: If the project
14 doesn't move forward, no, but I would hope they would
15 put them in conservation at some point. They're good
16 pieces of --
17 MS. JOHNSON: But under the agreement
18 they are not required to?
19 JOSEPH CHRISTOPHER: Not that I'm aware
20 of.
21 MS. JOHNSON: And in return for the
22 money and the land that would directly to benefit your
23 business, you agree to testify as a Western Mountains
24 and Rivers Corporation board member in support of CMP's
25 proposed transmission line, correct?

1 MS. SMITH: Objection, Ben Smith,
2 Western Mountains, is a mischaracterization and assumes
3 facts not in the record.
4 MS. MILLER: Response?
5 MS. JOHNSON: Page 6 of the agreement,
6 can I read it? It says, quote, the essence and extent
7 of Western Mountains and Rivers Corporation's testimony
8 will be that the mitigation packages for the crossing
9 described in Section 4A, 4B of this MOU are appropriate
10 offsets to the environmental natural resource and
11 community impacts of the project, closed quotes.
12 MR. SMITH: That's a different statement
13 than I was objecting to. If she wants to reask the
14 question, withdrew her prior question and ask it in a
15 different way, that would be fine.
16 MS. MILLER: Can you rephrase the
17 question, please.
18 MS. JOHNSON: So you agree as part of
19 the memorandum of agreement to testify in support of
20 CMP's project in June?
21 LARRY WARREN: No.
22 MS. JOHNSON: I was asking Mr.
23 Christopher.
24 LARRY WARREN: Western Mountains --
25 JOSEPH CHRISTOPHER: No.

1 MS. JOHNSON: And you are here
2 representing Western Mountain and Rivers Corporation,
3 correct?
4 JOSEPH CHRISTOPHER: I am.
5 MS. JOHNSON: And so the agreement
6 specified as a member of Western Mountains and Rivers
7 Corporation is exactly what you would say in this
8 hearing, did it not, the language I just read?
9 LARRY WARREN: If you had made -- if you
10 completed the reading of that section, it would say
11 that Western Mountain and Rivers Corporation would
12 opine as to legitimacy of the mitigation offered if the
13 line was approved for an overhead crossing of the
14 Kennebec River in that Central Maine Power Company
15 would contribute $22 million as mitigation. Central
16 Maine Power Company -- and that was the extent to what
17 we agreed to testify about at the DEP, the LUPC or the
18 PUC hearings, period.
19 MS. JOHNSON: Would you agree, Mr.
20 Warren, that Section 7A of the memorandum of
21 understanding says, quote, at the request of CMP,
22 Western Mountains and River Corporation will provide
23 written and/or oral testimony to one or more regulatory
24 agencies with the power to issue one or more of the
25 required approvals. The essence and extent of Western

1 Mountains and River Corporation testimony will be that
2 the mitigation packages for the crossings described in
3 Sections 4A and 4B of this MOU are appropriate offsets
4 to the environmental natural resource and community
5 impacts of the project because the benefits of the
6 packages to the region are substantial and long
7 lasting, correct?
8 LARRY WARREN: That's what it says.
9 MS. JOHNSON: That is what it says.
10 LARRY WARREN: And it doesn't that we
11 endorse or support the project.
12 MS. JOHNSON: But it does set forth what
13 your testimony will be, which I would note is
14 consistent with what you have said here today, isn't
15 that right?
16 JOSEPH CHRISTOPHER: If we think that
17 the mitigation environmental offsets were correct, and
18 that's what it says, and I believe the idea of the
19 question is to question our earnest in the process and
20 I think that the Department and, you know, the people
21 that hear us testifying know that we're in earnest as a
22 nonprofit for the community and I hope other people
23 understand that.
24 MS. JOHNSON: I think the DEP folks can
25 read the section themselves, so.

1 MS. MILLER: We need to start to wrap up
2 the cross-examination questions.
3 MS. JOHNSON: Can I just ask one other
4 quick question? Mr. Warren, the parcels that are
5 proposed for mitigation, on Flagstaff Lake and on Grand
6 Falls, along Grand Falls, those are both under huts
7 that Maine Huts and Trails is leasing from CMP at this
8 point and the proposed sites of Chase Stream and Indian
9 Stream, I think the top one is called, those are sites
10 where you plan to build huts for Maine Huts and Trails?
11 MR. MANAHAN: Could I just ask, where
12 does this exhibit come from? Is it marked as an
13 exhibit, is it in the pre-filed testimony?
14 MS. JOHNSON: I would offer it as
15 cross-examination Exhibit 3.
16 MR. MANAHAN: And where does it come
17 from?
18 MS. JOHNSON: CMP document, mitigation
19 grants to Western Mountains and Rivers Corporation.
20 MR. MANAHAN: Was it -- where did you
21 get it? Was is in the pre-filed testimony, where does
22 it come from? What's the foundation? Do you have a
23 witness who can establish it comes from CMP?
24 MS. JOHNSON: It came from the PUC
25 proceedings.

1 MS. ELY: It was an exhibit that CMP
2 provided in response to a data request that the Natural
3 Resources Counsel of Maine asked in the proceeding.
4 It's in the docket.
5 MR. MANAHAN: Well, I would object to
6 the admission of this document. We have no evidence
7 here other than the statements we've just heard that
8 it's actually a CMP document and we have no witnesses
9 who established any foundation for it and so I would
10 object to the introduction of this exhibit.
11 MS. JOHNSON: Mr. Warren, does this
12 document accurately represent a portion of the parcels
13 that CMP has agreed to negotiate in good faith with the
14 Western Mountains and Rivers Corporation about?
15 MS. MANAHAN: And Mr. Warren should be
16 allowed to review his pre-file testimony first because
17 he has a document that's similar to this, but not quite
18 the same as this.
19 MR. SMITH: I agree with that.
20 MS. MILLER: Mr. Warren I think can
21 answer the question whether this map accurately
22 depicts, or the other map accurately depicts. I think
23 we're talking generalities at this point, so I'm going
24 to allow Mr. Warren to answer the question.
25 LARRY WARREN: The contribution and

1 mitigation elements were different before the
2 application was revised to go underground.
3 MS. JOHNSON: As that relates to the
4 extra funds and that Maine Rivers and --
5 LARRY WARREN: No, it relates to the
6 land.
7 MS. JOHNSON: So, then educate me here,
8 it's my understanding that these parcels in pink are
9 the parcels that CMP has agreed to sell to Western
10 Mountains and Rivers Corporation, or whomever in return
11 for Western Mountain Rivers Corporation agreeing to
12 testifying in support of this project. Is my
13 understanding incorrect?
14 LARRY WARREN: It's incorrect. The --
15 MS. JOHNSON: Well, just tell me which
16 one -- this map is very, very similar to the one you
17 just had up before.
18 LARRY WARREN: That's right.
19 MS. JOHNSON: And the only reason I put
20 this one up is because it was a little clearer. The
21 other one was quite fuzzy. But as the DEP staff person
22 said, in general -- I'm not very worried about the very
23 specific boundaries, but in general these are the
24 parcels that were shown on the previous map, are they
25 not?

1 MR. MANAHAN: I would just object again
2 because they are different. I mean, for Ms. Johnson to
3 basically make a statement for the record that they're
4 close enough ignores the fact that they're different
5 and they have different keys and they talk about
6 different land.
7 MS. MILLER: And we need to wrap your
8 testimony because you're way over time, your
9 cross-examination, sorry. Thank you.
10 MS. JOHNSON: So Mr. Warren, just to
11 summarize the end, these parcels by the existing huts
12 and the two proposed huts for Maine Rivers and Trails,
13 those are part of the mitigation lands that CMP has
14 agreed to negotiate with you about; is that correct?
15 MR. SMITH: Sorry, objection, Ben Smith
16 for Western Mountains. I thought that the end of the
17 examination just occurred and the presiding officer was
18 ruling that that was done.
19 MS. MILLER: Hold a few seconds for us
20 to have a quick discussion.
21 MS. BENSINGER: We're trying to
22 establish, and I believe we need input from Mr. Warren
23 about the accuracy of this exhibit, and can you say
24 whether this exhibit reflects, as far as you understand
25 it, what the proposal is from CMP?

LARRY WARREN: The most accurate representation that I believe that exists is the map that I -- that we were referring to in my testimony earlier this afternoon.

MS. BENSINGER: And which map is that?

LARRY WARREN: The one that was up a little while ago.

MS. BENSINGER: Can you give us a number for that?

LARRY WARREN: Larry Warren, Number 2, I believe, and it's a PDF.

MS. BENSINGER: And this map is hard to read and fuzzy.

LARRY WARREN: Well, this map is a 36 by 42 PDF digital, and if you blow it up and print it, 36 or 32 by 40, I think you'll find a significant clarity.

MS. BENSINGER: My copy is fuzzy.

LARRY WARREN: When you print it at 8 and a half by 11, it loses its clarity.

MS. BENSINGER: And what are the differences that you see?

LARRY WARREN: Basically what happened was when Central Maine Power Company revised its application to go under the Kennebec Gorge, all -- a significant number of the parcels that were going to be

1 contributed to Western Mountains and Rivers Corporation
2 no longer had to be contributed and --
3 MS. BENSINGER: So the answer is this
4 does not reflect CMP's current proposal?
5 JOSEPH CHRISTOPHER: Not accurately.
6 LARRY WARREN: And so what happened was
7 Central Maine Power Company then began negotiations and
8 discussions with the DEP, the LUPC and the Maine
9 Department of Inland Fisheries and Wildlife. And
10 during those conversations indicated that they were --
11 they defined approximately 2,800 acres of land that
12 would be contributed for mitigation and indicated to
13 the DEP, the LUPC and the Department of Inland
14 Fisheries and Wildlife what existing uses and leases
15 were included in those parcels.
16 MS. MILLER: Okay, thank you. We're not
17 going to let this in as an exhibit.
18 MS. JOHNSON: Thank you. I have no
19 further questions.
20 MS. MILLER: I'm going to ask -- I would
21 like to take a ten minute break. Witnesses, we'll need
22 you back up here after for Department questions and
23 then any redirect and recross. Thank you.
24 (Break was 3:10 p.m. to 3:27 p.m.)
25 MS. MILLER: So right now we have

1 questions from the Department.
2 MR. BERGERON: Mr. Warren, in your
3 direct testimony, I believe it was on Page 4, there was
4 information about snowmobilers and their continued use
5 of snowmobile trails, hikers' experience, I just want
6 to understand that information was based on the
7 information provided by CMP, or did you or your
8 organization provide any other user surveys or
9 information from those types of parties to gather that
10 information?
11 LARRY WARREN: This is my direct
12 testimony filed when?
13 MR. BERGERON: I think it was the end
14 of February.
15 MS. BENSINGER: February 28th.
16 LARRY WARREN: And I don't recall. I'd
17 like to see -- I don't know if I can see the document.
18 MR. BERGERON: Yeah, the bottom of Page
19 3 and the top of Page 4 of your February testimony.
20 LARRY WARREN: Okay.
21 MR. BERGERON: Essentially just reading
22 from it, you can still view it, as noted by CMP,
23 snowmobilers are accustomed to seeing transmission
24 corridors and traveling within the cleared corridor, so
25 it is unlikely that the project would have an impact on

1 their continued enjoyment of snowmobilers or snowmobile
2 trails. Hikers' experience should also not be
3 adversely impacted by the project. I guess I just
4 wanted to confirm that that was based on information
5 that CMP provided and not additional studies that you
6 had done.
7 MR. SMITH: I'm sorry, I just got into
8 the document, what page again?
9 MR. BERGERON: Bottom of Page 3, top of
10 Page 4, specifically the top of Page 4.
11 LARRY WARREN: Yeah, you're correct,
12 that's information provided solely by Central Maine
13 Power Company.
14 MR. BERGERON: Great, Thank you. While
15 you still have that, if you could flip to Page 8 of
16 that testimony. In the conclusion section, section
17 four, about the middle of that paragraph, the sentence
18 says the record provides substantial evidence that any
19 interference associated with scenic, aesthetic,
20 recreational or navigational uses will be minimal and
21 will be more than offset by the significant benefits to
22 Somerset County, Western Maine and Maine in general.
23 Could you help me understand under the
24 Site Location Development Act and the Natural Resources
25 Protection Act where that balancing of impacts and

1 benefits can be derived, please.
2 LARRY WARREN: Western Mountains and
3 Rivers Corporation's discussions and negotiations with
4 Central Maine Power Company were limited to the area of
5 the Kennebec Gorge. All of our focus was primarily on
6 the crossing of the Kennebec River. The memorandum of
7 understanding substantially addressed the impacts and
8 our concerns about what would happen to the Gorge.
9 So at that time while CMP was proposing
10 an overhead crossing, we were suggesting that the land
11 contributions, the incoming contributions and the
12 financial contributions, which at the time were $22
13 million, provided significant and we felt reasonable
14 compensation and mitigation for the overhead crossing.
15 MR. BERGERON: Okay, thank you.
16 MS. BENSINGER: I have a question for
17 you, Mr. Warren. In discussing today the compensation
18 plan, when you said certain parcels of land will go to
19 DEP, you don't mean -- you didn't really mean the land,
20 ownership of the land, ownership of those parcels of
21 land will actually be transferred to DEP, did you?
22 LARRY WARREN: That was my impression,
23 yes.
24 MS. BENSINGER: Okay, that's it. Thank
25 you.

1 MS. MILLER: I just have one question.
2 Both of you I think mentioned in your statements that
3 you felt one of the biggest threats to recreation in
4 area was the lack of access to private lands from
5 private landowners, which is always a threat, but it
6 struck me that you both mentioned that it's very
7 eminent, and I was just wondering is there something
8 else going on that makes it this more eminent that
9 maybe I'm not aware of?
10 LARRY WARREN: Well, as you probably
11 surmised, we do a lot of -- we have a lot of
12 conversations with landowners in the State of Maine.
13 The number of parcels that the corridor from
14 Carrabassett Valley to Moosehead Lake crosses
15 represents a significant cross-section of Maine's large
16 and small landowners and I think all of probably the
17 state is very familiar with what we call the changing
18 face of land ownership that's occurred since -- on a
19 regular basis since approximately 1999 or 2001 when the
20 10,000 or 10,500,000 acres of land was transferred from
21 the paper industry to the REITs, TIMOs, ERISA-based
22 investment companies, high network individuals in the
23 foreign national corporations.
24 That continued subdivision and transfer
25 of lands since then continues on a regular basis and it

1 becomes a significant threat to the traditions that
2 have been part of the hundred year history of public
3 access to private lands, and it's not -- we don't see
4 it slowing down. We see that it's continuing, that the
5 concerns about how the functioning and the operations
6 of the Maine woods are going to continue to be
7 compatible with the demands and the requirements for
8 nature-based tourism and public access, and so it's in
9 that context that we offer those concerns.
10 MS. MILLER: Thank you.
11 JOSEPH CHRISTOPHER: There's a couple
12 that I think -- you're asking about eminent and current
13 issues. As part of the conversation with Central Maine
14 Power for the MOU, the access issue was key to us, and
15 some of that was coming from that we have a couple
16 times been -- the roads to the Kennebec River on the
17 Indian Pond Road and the Red Road on Enchanted Road to
18 the Dead River are privately owned and they've
19 increased our fees. We had one meeting where this was
20 discussed, but the County had let the road to the
21 Indian Pond go for unpaid taxes and it was purchased by
22 a competitor to our industry who tried to increase the
23 fee. This was in recent time.
24 Also, Mr. Strout's from the Forest
25 Products Council recent letter, this proceeding

1 actually fueled their fire a little bit and said hey,
2 listen we'll close these parcels of land if they become
3 controversial. Weyerhaeuser took over the Plum Creek
4 lands in the area. Their land in the rest of the
5 country in a lot of the areas is closed to recreational
6 traffic, so they have continually said, and through
7 communication with Ben Towle and our board, they have
8 the ATV club and the snowmobile clubs, that they would
9 prefer that they were closed in many areas without
10 extremes measures of funding from these clubs and
11 entities to maintain those roads and trails because of
12 DEP permitting and concerns about erosion and things
13 like that.
14 So these issues keep coming up and some
15 of them are current and eminent, and that's why I was
16 expressing the opinion that it's continuing to slide
17 down hill and really in my mind eventually you're going
18 to be either public lands or lands like these that are
19 assured a perpetuity, otherwise they'll be gone.
20 MS. MILLER: Thank you very much. So
21 now we have -- is there any redirect?
22 MR. SMITH: Hopefully briefly, yes.
23 MS. MILLER: Thank you.
24 MR. SMITH: There was several questions
25 about the relationship between CMP and WMRC and

1 potential parcels of land that could be conveyed; do
2 you recall that line of questioning?
3 JOSEPH CHRISTOPHER: Yes.
4 MR. SMITH: And I think these are maybe
5 for Mr. Warren, but I'll let either of you speak to
6 them. Explain, I guess, number one, whether or not
7 there are any transactions that are currently in
8 process or in progress.
9 LARRY WARREN: I don't.
10 MR. SMITH: And explain what would
11 happen in the event that the need subsequently would
12 arise and how they would be reviewed.
13 LARRY WARREN: I think if the land
14 contributions that have been outlined were to come to
15 fruition, the surveys would have to be completed and
16 board review and agreements finalized. I would assume
17 that documents prepared for filing with the Registry of
18 Deeds and approval by the board of both companies that
19 these are the final negotiations.
20 MR. SMITH: And how many board members
21 are there?
22 LARRY WARREN: Right now 15.
23 MR. SMITH: And to the extent that there
24 was some sort or potential conflict, would that be
25 vetted at that time by the board?

1 LARRY WARREN: I'm sure it would.
2 MR. SMITH: Mr. Warren, are you
3 compensated at all for your work with Maine Huts and
4 Trails?
5 LARRY WARREN: No, I am not.
6 MR. SMITH: There was a question by Ms.
7 Johnson, I believe, about when you first approached
8 CMP, I just want to clarify to make sure we're talking
9 about the same project here, or we are not. So I think
10 that there was testimony about you first approaching
11 CMP in 2016 in the Spring, did that have to do with
12 this project?
13 LARRY WARREN: No.
14 MR. SMITH: And were you approaching
15 them as a WMRC member or director?
16 LARRY WARREN: No.
17 MR. SMITH: Okay. There was some
18 questions from the Department about statements in your
19 testimony about snowmobilers, explain, and maybe this
20 is for both of you, explain the membership of WMRC and
21 what sort of members are involved or had connections
22 with the snowmobiling industry.
23 JOSEPH CHRISTOPHER: The snowmobiling
24 industry, that might --
25 MR. SMITH: Well, snowmobiling in

1 general.
2 JOSEPH CHRISTOPHER: Snowmobiling in
3 general, of the 15 board members here, you have Russell
4 Walter, Northern Outdoors, they're heavily in that
5 industry; Suzie Hockmeyer of Northern Outdoors, that's
6 heavily that industry; Rachel Crommett, 15 Mile Stream,
7 that's heavily snowmobile industry; myself, that's
8 snowmobile industry; Larry Warren, no; Peter Mills, no;
9 Lloyd Trafton, public servant, no; Pam Christopher,
10 that's -- they're in the snowmobile industry, lodging;
11 Judith Hutchinson is public servant; Ben Towle, two
12 businesses, snowmobile industry; Robert Peabody, that's
13 Crab Apple White Water, not in the winter activity
14 anymore; Chris Savage is Somerset FEDC, so no; Tom Cole
15 is LandVest, so that's no as well.
16 MR. SMITH: The last line of
17 questioning, or actually let me ask you some follow up
18 on that. Given the involvement of some of those
19 members, how did that form WMRC's position with regard
20 to snowmobiling?
21 JOSEPH CHRISTOPHER: How did that form
22 our opinion about it?
23 MR. SMITH: Well, I mean, did these
24 people provide input or did they -- I mean, they are
25 members of the board, so does that affect --

JOSEPH CHRISTOPHER: We have bimonthly board meetings where probably all these topics are discussed and obviously this -- these proceedings are predominantly the conversation at this point, but.

MR. SMITH: Lastly, moving to some questions by Ms. Boepple about the undergrounding and she made a couple of different assumptions, and one of the things she said is assume that the technological things can all be taken care of, and then she said further assume that the visual impact of undergrounding can also be taken care of. I want to just explore that briefly are.

Are you familiar with what sort of termination and conversion points and what sort of facilities are needed based on your review of the application and the company's proposal for the undergrounding portion along the Kennebec?

JOSEPH CHRISTOPHER: Pretty basic layman understanding of it.

MR. SMITH: So what's the role?

JOSEPH CHRISTOPHER: A transition station on either end from underground to overhead.

MS. SMITH: And buildings?

JOSEPH CHRISTOPHER: I think there is a building on either end to house the cooling.

MR. SMITH: And do you have to have a cleared area for that?

JOSEPH CHRISTOPHER: Cleared area with a permanent road is the way I understand from reading the application.

MS. SMITH: Okay. So let's assume that there were additional undergrounding points that people were trying to argue for along the remainder of the 53 mile corridor, based on what you described as being necessary termination points and conversion points, what sort of impact would that have on the aesthetics of the scenic views?

JOSEPH CHRISTOPHER: Yeah, additional infrastructure I would assume would be negative, but I would refer to CMP really on what would be required. It seems as though it would be extensive for additional undergrounding.

MR. SMITH: Thank you.

MS. MILLER: Recross?

MS. BOEPPLE: No questions.

MS. MILLER: Anyone else, recross?

MS. GILBREATH: None by the Applicant.

MS. MILLER: Okay. All right, well then, I think we're ready to wrap up today. A couple of announcements for tomorrow as we wrap up for the

1 day. Thank you again for your participation today.
2 Thank you both groups and witnesses.
3 So like I said, we'll start tomorrow at
4 8:30 in The Landing, so one thing we need to do is
5 bring all of our belongings. We can't leave them
6 overnight here because they need this room for
7 something tomorrow and they're not going to be able to
8 set up the room in The Landing until tomorrow early in
9 the morning for us, so I apologize for that, but
10 everybody please bring your stuff with you and we will
11 see you at 8:30 in the morning. Thank you.
12
13 (Concluded at 3:44 p.m.)
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1 CERTIFICATE

2 I, Lorna M. Prince, a Court Reporter and
3 Notary Public within and for the State of Maine, do
4 herby certify that the foregoing is a true and accurate
5 transcript of the proceedings as taken by me by means
6 of stenograph.
7
8 and I have signed:
9
10
11
12 /s/ Lorna M. Prince
13 Court Reporter/Notary Public
14
15 My Commission Expires: February 6, 2026
16
17 Dated: May 3, 2019
18
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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 4
THURSDAY, APRIL 4, 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 4, 2019, at the University of Maine at Farmington Campus, 111 South Street, Farmington, Maine, commencing at 8:30 a.m.

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TRANSCRIPT OF PROCEEDINGS

MS. MILLER: Okay. We're going to go ahead and get started right now. We're going to call this to order, so I now call to order the fourth daytime portion of the public hearing of the Maine Department of Environmental Protection and Land Use Land Planning Commission on the New England Clean Energy Connect project. As a reminder, this hearing is to hear evidence and evaluate the application submitted by Central Maine Power pursuant to the Department's requirements under the Natural Resources Protection Act and Site Location of Development Act as well as the Commission's Site Law Certification process.

Starting at 6 p.m. this evening we will hear additional testimony from the public on the Department's hearing topics. We have extra copies of today's agenda at the chair at the back of the room. Just as a reminder, I ask everyone to silence or turn off your phones and electronic devices so there aren't any interruptions. Again, with the microphones, just a reminder to turn them on and off when you're speaking, off when you're not so that the side conversations aren't heard and also so that there is no additional feedback.

So this morning we have Group 4 witnesses

and in the afternoon we have Group 8 witnesses, so I'm going to ask our Group 4 witnesses to stand and raise your right hand so I can swear you in. Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

(Witnesses affirm.)

MS. MILLER: Thank you. All right. So let's go ahead and get started with Group 4's direct testimony.

DAVID PUBLICOVER: All right. I've been elected to lead off here. My name is David Publicover. I'm a Senior Staff Scientist with the Appalachian Mountain Club.

The western Maine mountains is the heart of a globally significant forest region extending from northern New Hampshire to northern Maine that is notable for its natural forest composition, lack of permanent development and high level of ecological connectivity. The Maine Department of Inland Fisheries and Wildlife has stated, Northern Maine is unique, it's the largest area of undeveloped natural land in the eastern United States. And the Land Use Planning Commission stated, the forest of the jurisdiction are part of the largest contiguous block of undeveloped forest land east of the Mississippi.

It is one of the few areas in the eastern United States that is sufficiently intact and natural to maintain viable populations of almost all native species. The region's value has been recognized by a wide range of analyses and initiatives. Exhibit 1. It is one of the largest blocks of relatively intact tempered hardwood and mixed forests in the world.

Next slide, please. It is the largest globally significant important bird area in the continental United States identified by the National Audubon Society. Next slide, please. It is one of the largest areas in the eastern United States of above-average climate change resilience identified by The Nature Conservancy. And next slide please. It was identified as a priority ecological linkage by the Staying Connected Initiative, a regional partnership that includes Maine Department of Inland Fisheries and Wildlife and Maine Department of Transportation. These recognitions have been made with the full understanding that much of the region is managed timber land. However, despite the presence of ongoing harvesting, the area maintains a high level of ecological connectivity with a very small number of large permanent fragmenting features such as major roads spanning the region.

In contrast, the Applicant has completely failed to recognize the value of the area and consistently minimizes its value as merely intensively managed industrial forest. However, to a large degree -- I don't have any more slides, so you can take your time.

MS. PEASLEE: Okay.

DAVID PUBLICOVER: However, to a large degree, these forests are managed using natural regeneration and maintain a relatively natural species composition, although the age/class structure has been significantly altered towards a younger overall condition. The great majority of harvesting retains some level of overstory trees. The photographs included with the Applicant's Visual Impact Assessment show a dominantly forested landscape with harvest units as patches within a matrix of more continuous forest cover. This project would create a permanently non-forested 150 foot wide corridor across the entire region, one of the largest fragmenting features in this mostly undeveloped landscape.

The effects of fragmentation on forests have been well documented and the continued loss and degradation of intact forests is one of the major

threats to biodiversity worldwide. Fragmentation has multiple adverse effects on forests in addition to the direct loss of habitat, the most significant include edge effects and the barriers to species movement. As noted by the Matlack and Litvaitis reference cited in my testimony, quote, recent investigations have described radical changes in community structure at edges suggesting serious problems from a biodiversity perspective, end quote. Edge effects include increased penetration of light and wind, increased temperatures, lower humidity and soil moisture, increased blowdown and increased growth of understory and early successional vegetation in the edge zone. These effects can extend hundreds of feet into the forest adjacent to the edge and in effect an area many times the size of the corridor footprint. The edge zone favors more common general species but reduces habitat for species dependent on interior forests, species which may be less common. The edge is created by most timber harvesting is fuzzy and is ameliorated by the partial retention of overstory vegetation. Clearcuts have similar effects but these edges are temporary, shift across the landscape and are quickly softened by the growth of the regenerated forest.

In contrast, the edge created by the corridor will be distinct and permanent and the linear configuration maximizes the amount of edge that's compared to a more compact shape. Utility corridors also create barriers to species movement. Not all species will be affected and many will cross the corridor without difficulty. However, the corridor will reduce the permeability of the landscape for species such as marten and many other species that require minimum levels of mature forest cover and avoid early successional habitat in non-forested openings. The vegetation that would be maintained in the corridor even in the stream buffers will not maintain connectivity or provide travel corridors for these species. Features such as coarse woody debris that can provide habitat refugia or bridges within early successional habitat will not be maintained in the corridor.

The Applicant's assessment of forest fragmentation is rudimentary and lacking in any analysis of impacts. It consists primarily of general statements that are contradicted by the literature and unsupported by any evidence in the application. Statements to the effect of some species will benefit while others will not are

followed by a discussion of the habitat benefits of utility corridors while avoiding any discussion of which species are adversely affected. In the end, the Applicant's argument amounts to little more than this landscape is already trashed and this is just another clearcut so there will be no impact. The Applicant has fallen far short of satisfying the burden of proof required by law of demonstrating no unreasonable impact on wildlife habitat.

The alternatives to the new corridor considered in the application are not realistic. The application contains no discussion of the alternative of burial along existing corridors, an approach considered by other projects in the region including Northern Pass. The increased cost of burial of 52 miles of Northern Pass line along public roads proposed by Northern Pass was no impediment to this project's initial selection in the Massachusetts Clean Energy RFP process.

Finally, the Applicant has provided no compensation for the unavoidable or unmitigated impact that would result from this project. If compensated for things such as wetland impacts is required by law but provide no compensation for the major landscape level impacts. The small amount of

land proposed for conservation have no nexus to the fragmenting impacts created by the corridor and do not compensate for the reduction of the interior forest habitat or loss of connectivity created by the project. For these reasons the proposed project constitutes an unreasonable adverse effect on the natural environment and DEP should deny this permit. Thank you.

MS. MILLER: Thank you.

JEFF REARDON: Could you skip back to the first slide in the Group 4 presentation? Sorry, it's slide number 4. It's my first exhibit. Okay. And the second slide I'm going to show is two slides on from that.

MS. PEASLEE: It's 6, right?

JEFF REARDON: I think that's right. Right there. Thank you.

Good morning. My name is Jeff Reardon. I live in Manchester and I have worked for Trout Unlimited in Maine since 1999. Much of my work has been in the Kennebec watershed representing TU and the licensing of ten hydroelectric dams in Somerset County, including the Indian Pond Dam on the Kennebec and the Flagstaff Dam on the Dead River. In that role I have participated in multiple fishery studies

in the Kennebec and Dead River watersheds. For more than five years I've worked with the State of Maine on the Trust for Public Land on the state purchase of the 8,200 culturing forest parcel.

Through my participation in these projects, I'm deeply familiar with the fisheries values and the streams that will be crossed by the new 53 mile long corridor. I have also worked on two major or projects assessing riparian buffers to protect cold water fish, one for Atlantic salmon on the Sheepscot River and one for brook trout in high elevation streams in Western Maine. In both, a key finding was that mature intact trees in riparian zones are needed to provide shading, overhead cover and large woody debris inputs. That's fish speak for big dead trees that fall into the brook. All of these are critical elements for in-stream habitat and for cold water fish to depend on. My testimony represents my assessment of the impact of the NECEC project on brook trout and Atlantic salmon based on my understanding of how trout and salmon populations in impacted watersheds use habitat.

The National Fish Habitat Partnership, the slide in front of you, identified the region through which the proposed NECEC project will be completed is

the heart of the least impacted aquatic habitat in the northeast. The Eastern Brook Trout Joint Venture calls it -- go forward two slides, please. The Eastern Brook Trout Joint Venture -- there we go -- calls it the last true stronghold for brook trout in the United States. This project will cut a new 53 mile long by 150 foot wide corridor from Beattie Township to Moxie Gore. For comparison, Route 201 from The Forks to the Canadian border is 42 miles long and its cleared corridor is about 55 feet wide measured on Google Earth. Route 6 and 15 from Jackman to Rockwood is 28 miles long and 55 feet wide. Those are the only two major paved roads in an area of almost 2,000 square miles that stretches from just west of Moosehead Lake to the Canadian border. The NECEC corridor is longer and wider and its fragmenting impacts will be similar to and additive to these existing disturbances. The Applicant has significantly understated the impacts of the project on brook trout and brook trout habitat. The primary impact will be the new clear corridor that will remove forested buffers that include large trees next to streams and replace them with vegetation no taller than 10 feet in the wire zone and no taller than 20 feet anywhere within the 150 foot wide corridor.

The Applicant cites two studies as evidence to minimize the impact that loss of buffers will have for brook trout. The first of these is a 2008 study by N.C. Gleason examines streams 30 to 50 years after the riparian areas have been cleared and noted that the stream could likely recover from the initial disturbance but still concluded, and I quote, overall the elements show a decrease from ideal salmonid habitat conditions. That quote was not the quote used in CMP's application. The second, a 1993 study by A.M. Peterson examined 12 physical habitat parameters such as stream width, stream depth, bank vegetation, et cetera and found that of those parameters 8 of 12 investigated were statistically different under the transmission right of way than in adjacent forested stream reaches; in other words, cleared right of way have a profound impact on physical in-stream habitat.

The Applicant has calculated that its stream crossings represent 11.02 miles of forested conversion and riparian buffers where that impact will occur. And their compensation plan cites 12.02 miles of streams on three preservation parcels on the Dead River as mitigation for these impacts. Compensation Plan Table 1-2 Page 6. The impacted

streams are primarily small, high elevation, cold headwater streams like Forest Brook, Cold Stream, Tomhegan Stream, the South Branch of the Moose River and literally dozens of others with fisheries populations that based on studies I've participated in consists of native brook trout, sculpins and a few native minnow species like blacknose dace. By contrast more than half of the mitigation miles, 7 of 12, are on the Dead River, a large, low elevation, valley bottom, mainstem river is much warmer is severely impacted by non-native small mouth bass and has a brook trout population supported by annual stocking.

Based on extensive studies of radio tagged brook trout in the Kennebec and Dead Rivers conducted during the licensing of the Indian Pond Dam, we know that although brook trout occupy the mainstem of the Kennebec and Dead Rivers seasonally there is virtually no brook trout spawning or juvenile habitat in the mainstem of these rivers. Adult brook trout migrate well upstream into smaller tributaries for spawning and rearing. CMP's proposed mitigation parcels therefore protect only seasonal habitat for brook trout not the cold spawning and juvenile habitat that is critical to maintain the native brook

trout fishery for which the region is famous. Protecting these low elevation parcels will do nothing to offset the NECEC's impact on headwater brook trout streams.

Finally, the application has considered and adopted alternatives to cleared riparian corridors to protect other resources. On Gold Brook and Mountain Brook taller structures were used to maintain a crown closed forest canopy to protect Roaring Brook Mayfly and Northern Spotted Salamander. Why won't CMP do this for brook trout as well? CMP's own expert, Lauren Johnston, in her rebuttal testimony to Group 4 witness Todd Towle noted that the measures at Gold Brook, quote, will also protect brook trout and other cold water fishery species by avoiding and minimizing secondary impacts within the riparian buffer. CMP clearly understands that its lack of buffers impact brook trout habitat that maintaining buffers in the two places where they've done so provide substantial benefits to brook trout populations, but they have chosen not to implement or even consider these measures at the other brook trout streams they are crossing other than those two.

The failure to consider options to avoid and minimize impacts to brook trout, the inadequate

compensation for brook trout impacts that could have been avoided or minimized require me to make a finding that the Applicant has failed to consider all reasonable alternatives to its proposed action and that the project as proposed would have unreasonable adverse impacts on brook trout habitat. Thank you.

MS. MILLER: Thank you.

JEFF REARDON: Can we just get a quick time check for the folks behind me?

MS. KIRKLAND: 21 minutes 22 seconds.

MR. MANAHAN: Could I just ask is that how much they've used or how much is left?

MS. KIRKLAND: Left.

MR. MANAHAN: How much time did they have for their summary presentations?

MS. KIRKLAND: It was 30 minutes.

MR. MANAHAN: Okay. Thanks.

RON JOSEPH: Good morning. My name is Ron Joseph and I live in Sidney, Maine. I earned my Bachelor's of Science degree in Wildlife Management at the University of New Hampshire in 1974. I earned a Master's degree in Zoology at Brigham Young University in 1977. From 1978 to 2010, I worked as a wildlife biologist for the Maine Department of Inland Fisheries and Wildlife and the U.S. Fish and Wildlife

service. In 1978, I began my career as a deer yard biologist for the Maine Department of Inland Fisheries and Wildlife in Ashland. From 1988 through 1990, I worked as the state's Regional Wildlife Biologist in Greenville. My assistant and I spent 90 percent of our time documenting deer yards in the Moosehead Lake region and in western Maine. Our data was submitted to the Land Use Regulation Commission which then zoned each deer yard as a P-FW on LURC maps. Now retired after a 33 year career, I can truthfully say that fighting to protect deer yards was the single most controversial program I ever worked on.

Ninety-six percent of Maine is considered deer habitat, but only 5 percent is suitable as winter deer habitat and much of that has been destroyed. Simply stated, the deer yard or deer wintering area is habitat mainly stands of mature spruce, fir and cedar where deer seek shelter from cold winds and deep snows, which are often half the depth that you find in hardwood stands. In short, deer yards are critical because they help deer conserve energy during Maine's long winters when food quality and abundance is limited.

According to CMP's compensation plan

submitted to DEP, the proposed transmission line would cross 22 deer yards. Of those, CMP's proposal would increase deer fragmentation in 11 deer yards by clearing multiple acres of trees.

There are numerous examples of the detrimental effects of forest conversions and fragmentation in and around deer yards. The Chub Pond deer yard, a few miles south of Whipple Pond where the transmission line would pass, has undergone numerous timber harvests within and adjacent to the deer yard. We do not know if the deer died or moved elsewhere, but we do know that the deer yard no longer supports wintering deer. The Mud Pond deer yard in Parkman serves as a stark reminder of their critical importance. Timber harvest within and adjacent to the Mud Pond deer yard during the winter of 1979-80 killed between 90 and 100 deer according to the Maine Warden Service. Surrounded by deep snows and clearcuts the stranded deer died of starvation.

My point in mentioning these is to stress that the loss of deer wintering areas and the fragmentation and the loss of habitat connectivity between deer wintering areas and the surrounding forest land are the major limiting factors for deer

populations in northern, western and eastern Maine. CMP's proposed project further contributes to deer yard degradation and fragmentation. The continued loss of our remaining deer yards is a significant economic impact on traditional Maine sporting lodges in rural communities that depend on income from deer hunters.

For example, Claybrook Mountain Lodge located in Highland Plantation in western Maine opened in the mid-1970s. For 20 years, the owners, Pat and Greg Drummond, earned the bulk of their yearly income from deer hunters. By the mid-1990's as deer populations plummeted following a series of hard winters combined with a loss of deer yards, deer hunting stopped -- deer hunters stopped coming to the lodge. To survive economically, the couple had to reinvent themselves by transitioning from a hunting lodge to a cross-country skiing, moose watching and bird watching lodge. Cobb's Camps on Pierce Pond, one of Maine's most renown sporting lodges located across the river from The Forks is no longer open in November due to the lack of deer following significant loss of deer yards.

CMP's transmission line would further contribute to the economic decline of rural Mainers

dependent on nature-based businesses. CMP's impacts to the deer yard near The Forks called the Upper Kennebec deer wintering yard would be especially significant because it would occur in a region of Maine already suffering from low deer densities due to difficult winters and the dearth of deer yard. In fact, this deer yard is the only remaining substantial deer yard in the entire length of CMP's proposed new stretch of corridor. That makes it incredibly important to the remaining guides and sporting camps that count on these deer as an economic resource. The lack of deer yards has forced residents of The Forks to operate emergency feeding stations to help the deer survive during the winter.

A recent University of Maine study found that forest fragmentation in deer yards breaks up habitat connectivity to the surrounding landscape and the loss of mature conifer forest is a major limiting factor on the efforts to increase deer numbers in western, northern and eastern Maine.

According to CMP's Compensation Plan, 39.2 acres of tree clearing would occur in the Upper Kennebec deer wintering area. In June 2017, a letter from IF&W to Lauren Johnston of Burns and McDonnell IF&W wrote, and I quote, any clearing within the

project area corridor would severely limit deer's ability to get across the right of way to the other side of the deer wintering area and could be a complete barrier during significant snow. CMP's transmission line proposal does not avoid or minimize impacts of the Kennebec River deer wintering area. The transmission line would fragment the forest running right through the deer yard instead of avoiding it and will act as a deep snow barrier for deer accessing the entire soft wood cover. It would also create a wind tunnel that would result in blowdowns further degrading the deer yard. The company proposes to mitigate impacts to the Kennebec River deer wintering area by preserving the remainder of the deer yard and implementing eight deer travel corridors in the proposed right of way. However, these corridor -- these travel corridors will not have older stands of softwood trees because CMP will cut all of the trees that encroach on the overhead line stating that its management of tree height will vary based on the height of the power line. There is no guarantee that these travel corridors will function as replacements for the deer yards that would be destroyed or allow deer sufficient movement to the intact deer yard.

In all 11 deer yards where CMP plans to clear trees they are proposing to revegetate disturbed soils with a wildlife seed mix. CMP failed to recognize that its wildlife seed mix will be buried in open areas beneath 3 to 4 feet of snow during Maine's long winters and thus provide no benefit to deer. In the summer when CMP's seed mix will be available to deer natural food is not a limiting factor. CMP downplays the deer yard impacts in sections of its proposed corridor that it widens claiming that, quote, corridor construction will only widen the existing non-forested transmission line corridors and conclude by saying that, quote, it will not significantly affect habitat functional attributes of the deer intersected by the project and that after construction deer yards, quote, will function similarly to the way they currently do. This claim is simply preposterous.

We know from the University of Maine research and my own deer yard work that loss of deer yard and loss of connectivity between deer yards and surrounding habitat are detrimental to deer survival. Wide non-forested strips in deer yards are barriers to deer and the additional width of 75 feet would make them an even greater barrier. Deer can't walk

or bound through deep snows without burning precious fat reserves needed to survive until snow depths decrease in April.

In summary, as IF&W's regional wildlife biologist in Greenville from 1988 to 1989 -- 1990, excuse me, I'm well aquatinted with the habitat requirements of deer in CMP's proposed transmission line corridor. The greatest threat to deer in western Maine continues to be the fragmentation and cumulative loss of deer yards from timber harvesting and utility rights of way. Unlike timber harvesting, the fragmentation and the loss of deer yard habitat from the utility line corridors is essentially permanent. This project, if approved, would be significant and a permanent additional burden to the struggling deer population in Western Maine. It could cause negative impacts to deer wintering areas. Without strong proof of substantial offsetting environmental benefit such as significant reduction in greenhouse gases, I do not believe this project meets the standard of no unreasonable adverse impacts to fisheries and wildlife in the State Site Law and rules.

MS. MILLER: Thank you.

TODD TOWLE: Good morning. My name is Todd

Towle, King Fish and River Guides. I have worked and recreated in the region proposed --

MS. MILLER: Can you -- can you pull the mic a little closer to you?

TODD TOWLE: Closer?

MS. MILLER: Yeah, thank you.

TODD TOWLE: I have worked and recreated in the region proposed by this project for over 20 years. The region crosses the new corridor from Beattie Pond to the Kennebec River is a special and remote place for both my clients and myself. The scenic value combined with a diverse recreational fishery for wild brook trout in a remote setting is very important to my business. My clients seek out a much different experience that isn't available in some of Maine's destination fishery areas.

My fishing and guiding depends on cold water and good habitat. Without them, my -- the brook trout in my business will suffer. I know wild brook trout populations are already stretched, they seek cold water refuge for most of the summer. Spawning areas are very limited in some areas. Warm and dry summers mean a high death mortality and reduced populations. I see this in my season to season fishing and guiding. Intact canopy and cover and

clean cold water provide the best protection available against this. The project will remove that from places that I know to be important such as Horse Brook is a prime example. During lengthy and extreme droughts brook trout use that habitat for survival. Compromising these habitats degrades the fish, the experience and future generations of Mainers and visitors like of this country's best stronghold for wild native brook trout. Thank you.

MS. MILLER: Thank you. So we'll start with the cross-examination of the Group 4 panel and we'll start with the Applicant.

MR. MANAHAN: Good morning. My name is Matt Manahan. I'm representing Central Maine Power. Why don't we start with Mr. Reardon. First, Mr. Reardon, I heard you just mention you referenced the Peterson study and I think that if I heard you correctly you said that it shows statistical differences and I'm wondering did he conclude that those statistical differences were significant?

JEFF REARDON: Which ones? And to be clear, I was referencing Table 2 on Page 583 of the Peterson study, which was attached to my rebuttal testimony. Some of them were significant and some weren't and they were significant at different levels of

significance.

MR. MANAHAN: Okay. So it's your testimony that there were some that in your view were significant?

JEFF REARDON: There were some that he determined based on a P value of less than .05 were significant, 8 of the 12 as having habitat parameters.

MR. MANAHAN: Got it. Okay. On Page 7 of your direct testimony you wrote that you are concerned that the NECEC corridor will become a pathway for motorized vehicles including ATVs. Do you want to find that? It's on Page 7. And this increased motorized use around Beattie Pond will substantially increase the risk that invasive fish species become established in Beattie Pond, a designated state heritage fish water for brook trout. Are you aware that CMP corridor in Lowelltown Township is subject to existing access restrictions and a gate agreement limiting vehicular access near Beattie Pond?

JEFF REARDON: I -- I have seen that in the rebuttal testimony to my direct testimony, yes. May I elaborate a little bit?

MR. MANAHAN: Yes, or course.

JEFF REARDON: I am deeply familiar in the north Maine woods with the gates around remote ponds and with how frequently they are breached. I frequently fish several ponds that have gates that are the required half mile that routinely are established in the spring and are moved by mid-May to early June by somebody who goes with a truck and a come-along and either breaks the gate or moves the boulders that are blocking them. There's those -- those gates, and I don't know the particular gate on Beattie Pond either today or in the future, but I do not see those gates as an effective barrier, particularly as we heard in testimony from some folks earlier in the week this becomes a motorized corridor, ATVs are traveling the corridor, find that gate a half a mile away, it is very easy to get around the gate with an ATV.

MR. MANAHAN: Have you reviewed Exhibit CMP 7.1-A?

JEFF REARDON: No, but do you have a copy I could review?

MR. MANAHAN: No, I don't. It's the gate agreement that we just talked about.

JEFF REARDON: Okay.

MR. MANAHAN: Have you reviewed the gate

agreement?

JEFF REARDON: I have not.

MR. MANAHAN: Okay. So you don't know what it says about the obligation to ensure that the gate does limit vehicular access to Beattie Pond?

JEFF REARDON: I don't. I'm testifying about my experience with physical gates with in the north Maine woods.

MR. MANAHAN: You say on Page 6 of your direct testimony that CMP has failed to adequately mitigate the impacts of the NECEC project on brook trout habitat?

JEFF REARDON: I do.

MR. MANAHAN: Yup. Are you aware that CMP addressed the recommendations of IF&W by incorporating additional minimization and compensation recommendations for brook trout habitat and cold water fisheries generally into the project application materials, vegetation management plans and the comprehension plan?

JEFF REARDON: I am aware that you had that consultation with IF&W. I addressed at some length in both my -- my initial testimony, my pre-filed testimony and my rebuttal testimony that my professional opinion is those measures are inadequate

and in particular with respect to the mitigation parcels that are not in-kind. You're essentially replacing wild brook trout habitat with stock brook trout habitat. Those values on the Dead River -- those parcels on the Dead River have many values, but -- but high value habitat for brook trout production is not one of them.

MR. MANAHAN: Are you aware that CMP is proposing to avoid all in-stream work proposing only temporary crossings that completely span the resources for the purpose of constructing the transmission line?

JEFF REARDON: I do. The impact I'm referring to are the lack of riparian buffers in all of your stream crossings. That's not -- I did not allege that you were putting structures in the middle of a stream. I'm pretty sure you wouldn't have done so.

MR. MANAHAN: Okay. Well, are you aware that CMP has expanded the riparian buffers to 100 feet for cold water fisheries habitat?

JEFF REARDON: Yes. And as I've testified in both my pre-filed and rebuttal testimony, I honestly do not believe the width of the buffer is particularly important if the buffer does not include

the closed canopy trees that provide the buffer functions that will be missing both immediately after construction and permanently for the life of the corridor.

MR. MANAHAN: Okay. Let's talk about the comprehension plan for just a minute. You're aware that it includes habitat enhancement measures including a culvert replacement program, preservation of lands that contain cold water fishery habitat and monetary compensation to the Maine Endangered and Nongame Wildlife Fund to be used at the discretion of IF&W for cold water fisheries habitat protection. Are you aware of that?

JEFF REARDON: I am. Let me take those one at a time, if I may.

MR. MANAHAN: Please.

JEFF REARDON: With respect to the compensation parcels and I've addressed this pretty extensively and I did earlier today, but in those compensation parcels the vast majority of the stream miles that are protected are either on the Dead River or immediately adjacent to the Dead River and they are different in habitat, type, kind and quality from the impacted resources. I do not believe there is very much value there. In particular, the mainstem

Dead River gets extremely warm because it's coming out of warm, shallow, large Flagstaff Lake and is heavily impacted by an illegal introduction of small mouth bass about 40 years ago. It is not a place one goes to look for brook trout in mid-summer. It's a pretty good place to go bass fishing in mid-summer when the brook trout have fled to the upstream tributaries that will be crossed by the corridor.

With respect to the two funds that are created, and please correct me if I'm wrong, Mr. Manahan, there is a $200,000 fund for work on culverts?

MR. MANAHAN: Right.

JEFF REARDON: My experience, I've done multiple culvert projects. I have not done many of them in this county. One of them might have been in midcoast Maine, but a typical culvert project on paved road is going to cost $100,000 or more, so you're talking about the ability to conduct one, two or maybe if you pick your project right three or four culvert replacement projects. In my experience, that will not regain you access to 12 miles of high quality streams. And even if so, it's not addressing the direct impacts on the streams that may now be better accessible. On -- the costs may be somewhat

lower if what you're addressing are impacts on forest roads, but still 25 to $50,000 per project is what is typically in the range for say a waste block bridge or similar appropriate crossing structure for those sites and so maybe you're doing six or eight of them, but this is not going to result in a significant amount of mitigation.

The other funds for $180,000, I don't know to what use it might be put. I know there was some early talk about large, woody debris additions, which may or may not, but they no longer -- may or may not have addressed the issues depending on where they went. That's no longer part of your proposal. I have no idea what those $180,000 will be spent on, so I can't speak to what they would do, but, again, in my experience with large, wood habitat restoration projects on streams like Cold Stream, which will be affected by this, where we worked with licensee then NextEra, now -- well, then FPL maybe NextEra and now Brookfield on a large habitat restoration project, the cost of that single project was over $200,000, that was one project that addressed about a quarter mile of the stream.

MR. MANAHAN: Thank you. I'm going to hand you what's been marked already as Exhibit CMP 4.1-A

and I am going to ask you to just read a couple sections from it. If anybody -- if folks need this it's in the record.

MS. BENSINGER: Mr. Manahan, is this an Applicant's exhibit or is it from Mr. Reardon's exhibits?

MR. MANAHAN: Applicant's exhibits.

MS. MILLER: It's a rebuttal exhibit too just for clarification.

MR. MANAHAN: Correct. Mr. Reardon, I'm sure you had a chance to take a brief look at this. This is an email exchange from IF&W -- between IF&W and CMP from March. It's attached to Ms. Johnston's rebuttal testimony marked as Exhibit 4.1-A. If I could ask you to turn to Page 2 of this exhibit and if you could just turn to the bottom of Page 2 and ask you to read the two sentences in the last full paragraph on Page 2 starting with the December 7 comprehension plan. If you look at the last full paragraph under Dear Gerry starting with IF&W and then goes to the sentence that starts with the December 7 comprehension plan, could I ask you to read --

JEFF REARDON: That's actually the third to the last sentence, but that's okay. The December 7

Comprehension plan and supporting documents appear to provide closure on most of the issues under review by MDIFW. We have appreciated your willingness to work with us to resolve closure on most of the issues under review by MDIFW. Sorry. We have appreciated your willingness to work with us to resolve them.

MR. MANAHAN: Okay.

JEFF REARDON: The items below are the remaining issues currently under review by Department staff and we look forward to closure of these as soon as practical.

MR. MANAHAN: Thank you. And could I then ask you to go to the top of that page, the second full paragraph starting with to ensure. This is from an email from Gerry Mirabile in return to Robert Stratton of IF&W. Could I just ask you to read that paragraph?

JEFF REARDON: To ensure that we're all on the same page, CMP requests that MDIFW confirm the attached clarification materials address all of MDIFW's remaining concerns and that MDIFW is satisfied with the latest January 30, 2019 NECEC project comprehension plan as supplemented by these attached clarifications, provides satisfactory mitigation for the NECEC project impacts. Thank you

for your continued assistance.

MR. MANAHAN: And then the last one I'm going to ask you to read is the first two sentences -- three sentences on the first page starting right after Gerry and starting with thanks for.

JEFF REARDON: Gerry, thanks for the March 11 email as follow-up to address the Department's -- the Department remaining resource impact concerns for the NECEC project. Sorry, how much farther do you want me to read?

MR. MANAHAN: Just keep going. The next two sentences.

JEFF REARDON: We appreciate your willingness to work with us to finalize the complex fish and wildlife resource issues. We have read your response and accept the explanations provided in the March 11 email as sufficient to allow DEP to apply applicable natural resource law to the permitting process.

MS. TOURANGEAU: Excuse me, is there a question or are we just having him read CMP's testimony into the record?

MR. MANAHAN: Thank you, Mr. Reardon. So my question for you is do you think that IF&W is wrong

in making these conclusions?

JEFF REARDON: To be honest, I actually reviewed this at length when it was submitted to the record after I actually filed my rebuttal testimony because it came quite late and when I first reviewed this exchange of emails the -- the key phrase here I believe was one of the ones that you asked me to read, and just a second, let me find it. There was a reference to attachments, I believe, in Bob Stratton's December 21 email -- no, I'm looking at Gerry Mirabile's email. Yes. To ensure that we're all on the same page, CMP requests that MDIFW confirm that the attached clarification materials address all of MDIFW's remaining concerns and that MDIWF is satisfied that the latest January 30 NECEC comprehension plan as supplemented by these attached clarifications, that's the important phrase, provides satisfactory mitigation of NECEC's project impacts. I do not see here those attachments, so I can't speak to what -- whether I would agree with them or not as addressing the concerns I have. I don't believe they do, but I don't have them in front of me. And as I recall, they weren't -- those attachments were not part of the package that you filed, although I don't know if this is it the complete version as filed.

MR. MANAHAN: I'll just represent to you that it's not. That is the first four pages of Exhibit 4.1-A. So your testimony is you have not reviewed the other materials in Exhibit 4.11-A which are those attached clarifications?

JEFF REARDON: I do not recall.

MR. MANAHAN: Okay.

MS. BENSINGER: I'm sorry, can I just --

JEFF REARDON: If -- if you have them, I'd be happy to speak to them here.

MR. MANAHAN: They're -- they're in Exhibit 4.1-A.

MS. BENSINGER: Okay. In CMP's rebuttal?

JEFF REARDON: Can you display those?

MR. MANAHAN: Yes. Yes, in -- it's Ms. Johnston's rebuttal testimony in 4.1-A.

MS. BENSINGER: Okay.

JEFF REARDON: Ms. Johnston's rebuttal testimony?

MR. MANAHAN: Ms. Johnston's, yes. I'm not asking you to review them right now, Mr. Reardon. I asked you if you had reviewed them and your testimony was you had not.

JEFF REARDON: I -- I did review Ms. Johnston's rebuttal testimony, yes.

MR. MANAHAN: Okay.

JEFF REARDON: I'm sorry, I didn't remember that that reference was to the materials part. Would you like me to address those?

MR. MANAHAN: Well, my question to you is simply if you have reviewed Exhibit 4.1-A --

MS. ELY: Is it just the compensation report? There is a lot of exhibits and so just asking him if he's -- he's reviewed a numbered exhibit is a little difficult, so I have --

MR. MANAHAN: Well, I've said several times that it's Ms. Johnston's rebuttal testimony.

MS. ELY: I'm --

MS. MILLER: I'm going to interrupt right now. It is difficult to keep up with all of the exhibits, so if we could just be a little patient with one another and trying to identify what's what as we go through this I'd appreciate it. Thank you.

MS. ELY: Jeff, I have it here.

JEFF REARDON: If I may, I -- I just dug through the pile and I have Ms. Johnston's rebuttal testimony. If you refer me to the page numbers in question, I am sure I can find it quickly.

MR. MANAHAN: My question for you is whether you disagree with IF&W's conclusion that based

upon -- that those materials that you have in front of you that the -- that you believe IF&W was incorrect in concluding that CMP has adequately addressed IF&W's concerns with the comprehension plan and the cold water fishery impacts in particular.

JEFF REARDON: I do unless there are additional mitigation measures other than the ones you and I have already exchanged about, but I believe those mitigation measures are three. Number 1, 12.023 miles largely on the Dead River, a little bit on the lower branch of Enchanted Stream and a variety of unnamed and in some cases unmapped streams that are tributaries to the Dead River on the compensation parcels. Number 2, the $200,000 for culverts and, number 3, the $180,000 into the Maine Nongame Fund. Those in combination, I believe, are inadequate to address the impacts of the lack of buffers, buffers on 11.02 miles of high quality cold water streams that are highly productive of brook trout and I've testified to that in my direct testimony, my rebuttal testimony today and in response to several questions from you this afternoon and this morning.

MR. MANAHAN: So it is also your testimony, Mr. Reardon, that you believe that IF&W does not have sufficient expertise or willingness to properly

manage fisheries and wildlife in Maine?

JEFF REARDON: You're -- you're putting words in my mouth. I said I disagree with their assessment.

MR. MANAHAN: Okay. Why don't we turn to Mr. Towle.

TODD TOWLE: Towle.

MR. MANAHAN: Towle, excuse me, Mr. Towle.

TODD TOWLE: That's okay.

MR. MANAHAN: On Page 5 to 6 of your direct testimony you express concern regarding adverse impacts to Gold Brook. Are you aware that CMP has proposed taller structures at Gold Brook after consulting with IF&W to allow full height vegetation within the 250 foot riparian buffer management zone to protect Roaring Brook Mayfly and spring salamanders?

TODD TOWLE: I am -- I am aware of it now.

MR. MANAHAN: Okay. Are you aware that this will allow the species to utilize intact streamside vegetation for feeding and cover during the various life stages?

TODD TOWLE: I am now.

MR. MANAHAN: Okay. Are you aware that this proposal will also protect brook trout and other cold

water fishery species by avoiding and minimizing secondary impacts and tree clearing within the riparian buffer?

TODD TOWLE: I would say yes, but I am in disagreement with it.

MR. MANAHAN: Okay. Why don't we move to Mr. Joseph. Mr. Joseph, good morning.

RON JOSEPH: Good morning.

MR. MANAHAN: I think I heard you testify this morning that deer will -- are willing to or will go around clearcuts; is that correct? Did you testify to that this morning?

RON JOSEPH: Um...

MR. MANAHAN: I thought that's what I heard you say.

RON JOSEPH: Well, I don't remember saying that, but.

MR. MANAHAN: Well, do you think it's true, will deer generally go around clearcuts?

RON JOSEPH: Well, they will in the summertime, yup.

MR. MANAHAN: Okay. Won't they also go around the deer -- or go through or use the deer travel corridor that IF&W asked for and that CMP has provided, the 10 new deer yards in the Upper Kennebec

deer wintering area -- deer travel corridors in the Upper Kennebec deer wintering area?

RON JOSEPH: I consider those experimental and as such you heard my colleague, David Publicover, talk about once that transmission corridor has been constructed and you've got 150 foot wide swath in the Upper Kennebec River deer yard there is no guarantee that those trees are going to stay standing. There will be -- there will be blowdowns, so. And while we're on that subject, I think that I agree with what my colleague here said that CMP has looked at and claimed that there is going to be 39 acres, 39.2 acres of trees cleared in the Upper Kennebec River deer yard, however, it doesn't make any mention about the incidental losses of blowdown on the hard edges of that corridor, so I have questions about whether those crossings that IF&W has agreed to that will provide deer with access to it whether -- whether it will even remain standing.

MR. MANAHAN: Okay. On Page 1 of your rebuttal testimony you say that the transmission line will act as a conduit and the spread of invasive non-native plants. Does the practice of forestry operations contribute to the spread of invasive species?

RON JOSEPH: It does.

MR. MANAHAN: And do recreational vehicles that are already used in the western Maine mountains contribute to the spread of invasive species?

RON JOSEPH: Yes, but this is an additional impact. This is an additional additive to that.

MR. MANAHAN: Okay. Are you aware that the project will be required to follow specific timber map requirements to reduce the potential for the spread of invasive species?

RON JOSEPH: No, I am not.

MR. MANAHAN: Well, do similar requirements apply to forestry operations?

RON JOSEPH: What do you mean?

MR. MANAHAN: Do -- do forestry operations -- forestry operations required to follow specific timber map requirements to reduce the potential spread of invasive species?

RON JOSEPH: I am not aware of that.

MR. MANAHAN: You're not. Okay. Do those similar requirements apply to recreational vehicles used in this area?

RON JOSEPH: I'm not sure.

MR. MANAHAN: Okay. On Page 2 of your rebuttal testimony you say the project will also

fragment the most important remaining DWA in The Forks region and that CMP's proposed deer corridor mitigation will not prevent this, but wouldn't the proposed NECEC corridor which utilizes a scrub/shrub vegetation and no regular vehicular traffic cause significantly less habitat fragmentation in the existing roadways?

RON JOSEPH: Well, we're talking -- we're talking about running a transmission corridor through a deer yard in The Forks that's one of the last remaining deer yards in that part of the state and my argument is that will act as a barrier to deer movement across there in deep snows.

MR. MANAHAN: Okay. Does commercial forestry result in habitat fragmentation?

RON JOSEPH: What do you mean, with respect to deer yards?

MR. MANAHAN: Yes.

RON JOSEPH: Okay. Well, this is how I would answer that, there is -- for the zoned deer yards that I have worked on throughout my career there has been forest activities permitted within those deer yards and that creates early successional forest, but unlike the -- but unlike the transmission line those forests can mature over a period of time.

The CMP's proposal to construct corridors, those are going to remain essentially shrub/scrub habitat indefinitely or for the length of the project, so I don't see how that can be compared.

MR. MANAHAN: So -- so how long does it take for those forestry operations for the trees to regrow to the maturity that you're hoping for?

RON JOSEPH: Well, it depends on the soils and the forest cover type, but generally speaking, forest harvest cycles are 50 years, 40 to 50 years.

MR. MANAHAN: So longer than the life -- at least several generations of the deer that you're worried about?

RON JOSEPH: Come again?

MR. MANAHAN: So the time that would be required will be longer by several generations than of the life of the deer that you're concerned about?

RON JOSEPH: I -- I am not following your question, I'm sorry.

MR. MANAHAN: Okay. Well, how about this, is there any commercial forestry operation in the vicinity of the Segment 1, which is the new corridor portion of the NECEC project?

RON JOSEPH: Is there any forestry? Of course there is.

MR. MANAHAN: Okay. And do you know how many acres of commercial forests are harvested each year in the western Maine mountains region?

RON JOSEPH: No, I don't. But I do -- but I do know this, since we're on the topic of deer wintering areas, I do know that much of those deer yards along the corridor not related to your project but they've been essentially eliminated.

MR. MANAHAN: Okay. Do you know how many miles of edge effect are caused by those commercial forestry operations?

RON JOSEPH: I don't.

MR. MANAHAN: Is the Upper Kennebec deer wintering area currently subject to a conservation easement?

RON JOSEPH: Yes.

MR. MANAHAN: For the entirety of the deer wintering area?

RON JOSEPH: Well, this is what you're proposing, right, is to put it in a conservation?

MR. MANAHAN: Yes, we are proposing to put some of it --

RON JOSEPH: Right.

MR. MANAHAN: -- into a conservation easement. So would you consider that conservation

easement that we're proposing to be an improvement of the protection of the deer wintering --

RON JOSEPH: Well, I don't -- I don't think what CMP is proposing is adequate compensation for the damages that are going to be caused by extending a corridor through the Upper Kennebec deer yard. As my -- my -- my -- one of the purposes of my testifying here today is I don't think CMP has done an adequate job of demonstrating an alternative that would avoid the deer yard all together.

MR. MANAHAN: So what I'm getting at is whether the -- without a conservation easement in that area now that that area could currently be clearcut to adversely affect the deer wintering area?

RON JOSEPH: Well, it would be subject to the Forest Practices Act.

MR. MANAHAN: Are you aware of how much acreage CMP is proposing to protect by conservations in that area?

RON JOSEPH: Yeah, 717 acres. Am I correct?

MR. MANAHAN: Yes, you are. Are you aware that IF&W had significant input into development of the deer travel corridors in the comprehension plan for impacts in the Upper Kennebec DWA?

RON JOSEPH: Yes, I do.

MR. MANAHAN: And that DW- -- and the IF&W determined that the 10 proposed travel corridors along with the preservation of the 717 acres you just referred are adequate to avoid undue adverse impacts and to offset unavoidable impacts to the deer wintering area?

RON JOSEPH: Yes, I am, but here is the issue. This is an indeterminate deer yard meaning that is protected by regulations, so IF&W is sort of hamstrung on what it can ask for for mitigation. If it had been a regulatory deer yard or a significant wildlife habitat or PFW, IF&W in my estimation would not have gone along with this, but there is very little leverage.

MR. MANAHAN: Let's turn to Mr. Publicover or Dr. Publicover, excuse me.

DAVID PUBLICOVER: Excuse me, Publicover.

MR. MANAHAN: Publicover. Thank you. Dr. Publicover on Page 4 of your rebuttal testimony you say the project's riparian buffers may allow for movement of many species across the corridor. They are insufficient to provide habitat to species to avoid areas without forest cover or adequate height and density. Are you aware that Group 1 witness Janet McMahon has testified that the western Maine

mountain region encompasses 5 million acres?

DAVID PUBLICOVER: Yes.

MR. MANAHAN: And how many acres of Segment -- will Segment 1 of the NECEC occupy?

DAVID PUBLICOVER: I believe about a thousand acres.

MR. MANAHAN: And are you aware that that's maybe 2/10,000 of the habitat of the western Maine mountain region?

DAVID PUBLICOVER: Yes, but any impact can be made insignificant if you look at it on a large enough scale. You can look at an interstate highway that scales the State of Maine it's probably a similar percentage but nobody would claim it's an insignificant impact.

MR. MANAHAN: Okay. Then would you agree that there are hundreds of miles of roads in the western Maine mountains area?

DAVID PUBLICOVER: Yes.

MR. MANAHAN: Thousands?

DAVID PUBLICOVER: I don't know what the number is. Most of those roads are relatively narrow logging road corridors. There are a few major logging roads that are somewhat wider, but not nearly as wide as the transmission line corridor and there

is a couple of state highways.

MR. MANAHAN: Well, so let's talk about one of the bigger roads, Spencer Road, which is sort of an east/west significant road. Well, let me ask you, do you consider the Spencer Road to be a significant road and does it contribute to habitat fragmentation?

DAVID PUBLICOVER: It does, but even the road -- the Spencer Road is a narrower corridor than the transmission line that results in a narrower break in forest canopy and it's probably the major road in the Moose River Valley.

MR. MANAHAN: How much -- how much vegetation will be on -- will there be more vegetation on the Spencer Road than in the corridor?

DAVID PUBLICOVER: No. So for species that are able to cross scrub/shrub habitats, the Spencer Road may be a bigger barrier than the corridor, but for species that don't like crossing non-forested openings then the corridor will be a bigger barrier.

MR. MANAHAN: Well, let me ask you this, how does the amount of vehicle traffic on area roads that we just talked about compare to traffic in the proposed corridor?

DAVID PUBLICOVER: Well, I don't believe there will be very much traffic at all in the

proposed corridor, but compared to, you know, public roads, I think the traffic on Spencer Road is probably fairly minimal. I'm not aware that road mortality on logging roads is a major concern of, you know, major fragmented concern. That's usually associated with public roads that have higher traffic.

MR. MANAHAN: Is there any commercial forestry operations in the vicinity of Segment 1 of the NECEC?

DAVID PUBLICOVER: Of course there is.

MR. MANAHAN: And I asked this question earlier of Mr. Joseph, but do you know how many acres of commercial forests are harvested each year in the western Maine mountain region?

DAVID PUBLICOVER: No.

MR. MANAHAN: Do you know how many miles of edge effect are caused by those forestry operations?

DAVID PUBLICOVER: No. I know that most of the harvesting is partial harvesting that retains canopy, so those edges are fairly indistinct and probably wouldn't even be considered, you know, true edges. The amount of harvesting that's conducted by clearcutting, again, is as I testified in my testimony and as Mr. Goodwin testified in response

under cross-examination only about 6 to 7 percent of the harvested acres are clearcuts with a similar type of edge and that edge, again, is temporary.

MR. MANAHAN: You -- you heard Mr. Reardon read the portions of the email exchange between IF&W and CMP from this last March this morning, did you?

DAVID PUBLICOVER: I did.

MR. MANAHAN: And do you think IF&W has expertise in management of wildlife in Maine?

DAVID PUBLICOVER: Yes.

MR. MANAHAN: In the habitat fragmentation?

DAVID PUBLICOVER: They don't appear to have addressed that issue. I think they dropped the ball on that one.

MR. MANAHAN: Okay. On Page 8 of your rebuttal testimony you say in developed landscapes transmission line corridors can provide habitat benefits and then you say, and I'm quoting, that those benefits are not applicable to the landscape through which the new corridor would pass, which is comprised of extensive and relatively natural forest that is not being lost to development and from which species are not being excluded. Do you think any species are excluded from the thousands of acres that are subject to forest harvesting operations each

year?

DAVID PUBLICOVER: Temporarily, yes.

MS. ELY: I'm sorry, Mr. Manahan, can you point again to where you're talking about?

MR. MANAHAN: It's on Page 8 of his rebuttal testimony.

MS. ELY: Sorry.

MR. MANAHAN: Dr. Publicover, do you know how many camps are located off the Spencer Road and other woods roads off the western Maine mountain region?

DAVID PUBLICOVER: No, I don't.

MR. MANAHAN: Did AMC oppose the proposed revisions to the LUPC adjacency rules because it would lead to more development in those wrong places, if you will, those places?

DAVID PUBLICOVER: We opposed the proposed revisions to the adjacency rules. I was not one of the people involved in that. I'm not really sure what that has to do with this.

MR. MANAHAN: Well, do you deny that the certainty of no further development in the transmission corridor provides habitat benefits?

DAVID PUBLICOVER: The fact that somebody won't build a camp in the middle of the corridor. I

think if it does, it's fairly minimal. I don't think there is much chance that there would be camps constructed out in the middle of the woods there whether there was a corridor or not. People tend to construct camps on lake shores for the most part.

MR. MANAHAN: Right. Okay. No further questions. Thank you.

MS. MILLER: Thank you. I'm going to call for about a 10 minute break and then we'll resume with the cross-examination of the Witness 4 panel. Thank you. Group 4 panel.

(Break.)

MS. MILLER: Okay. I think we're ready with the sound and everything, so we'll go ahead and get started. So we're still continuing cross-examination of Group 4 witnesses and next we have on the agenda is Group 6.

MR. WOOD: Hi. Rob Wood representing Group 6. So I had a few questions for folks on the panel starting with Mr. Reardon. So I'd like to discuss mitigation for cold water fisheries impacts. You mentioned the potential for additional mitigation measures to address cold water fisheries impacts specifically raising pole heights to allow more full forest canopy cover under the wires. From your

perspective would this address impacts if applied more broadly throughout Segment 1?

JEFF REARDON: Yes.

MR. WOOD: Would you have any concerns about the visual impacts of raising pole heights more extensively throughout Segment 1?

JEFF REARDON: Well, first of all, I am by no means a visual expert. From my perspective, which is typically streamside, the poles wouldn't be visible because they would be obscured by intact canopy. Visibility from other points may be an issue but not one in which I have any expertise.

MR. WOOD: Okay. Are you also familiar with the vegetative tapering approach proposed to reduce visual impacts from Coburn Mountain?

JEFF REARDON: I recall testimony about it earlier in the week and I read some of the segments of the application that dealt with it. Would you like me to...

MR. WOOD: Could you describe what that might entail based on your understanding?

JEFF REARDON: As I understand it, it -- it would allow for -- for some tapering from mature trees at the edge of the corridor to taller and taller vegetation tapered to reduce largely visual

impacts, but I believe in the case of corridors for deer that there was some discussion that they might also provide values for deer. Mr. Joseph would be a better person to talk to about that question.

MR. WOOD: Okay. So I'll describe briefly my understanding just so we're on the same page. So you would have 35 foot trees next --

MS. ELY: We're going to object to this question because it's outside of Mr. Reardon's --

MR. WOOD: Okay.

MS. ELY: -- expertise and his testimony.

MR. WOOD: Okay. So just one additional follow-up question, would the additional vegetation created by tapering in the manner that you describe throughout a greater portion of Segment 1 mitigate impacts to cold water fisheries?

JEFF REARDON: I don't believe so. And if I may elaborate, largely because if what the -- the primary two functions that we are not getting with the buffers as proposed are recruitment of large wood by definition say in the state's -- in the state standards for a large wood addition projects, chop and drop projects. Large wood is pieces of wood that are 1.5 to 2 times the wetted channel width and the wetted channel width here is the wetted channel width

at the annual flood, what they call the bankfull flow. So for a 20 foot wide stream, a 20 foot wide during a flood period would be needing pieces that were 40 feet wide and with a diameter of 8 inches or larger to do any good and you're not going to get that with 25 to 35 foot high vegetation.

MR. WOOD: Thank you. So, Mr. Joseph, you say that there is no guarantee that deer travel corridors will work and that they are experimental. What would be needed in terms of a guarantee of average tree heights and ground cover to ensure from your perspective that these deer travel corridors would be affected of fulfilling the purpose of allowing deer to cross under vegetation?

RON JOSEPH: What height?

MR. WOOD: So average -- if you were to state an average -- is there a requirement for an average tree height and average amount of ground covered under the wires, what -- what would you --

RON JOSEPH: This information is available on Maine Fish and Wildlife in numerous reports on best practices for deer wintering areas and a minimum of 35 feet and up. I take that from, as I said, the state's deer management plans.

ROB JOSEPH: Okay. Thank you. And then

lastly for Dr. Publicover, so you're familiar with the Spencer Road near the proposed corridor, correct?

DAVID PUBLICOVER: From aerial photography. I haven't traveled its length.

MR. WOOD: Okay. Is it fair to say that the Spencer Road is probably the largest fragmenting -- linear fragmenting feature between Routes 201 and 27?

DAVID PUBLICOVER: I believe it probably is, yes.

MR. WOOD: So are you familiar with how wide the Spencer Road is specifically?

DAVID PUBLICOVER: Yeah, I've measured it on the high resolution Google Earth imagery. The -- I think the -- the actual travel corridor itself is 24 to 28 feet wide, which is about the maximum you're going to get for a logging road except for something maybe like the Golden Road. You know, you add 8 feet on either side for ditches, so, yeah, you're probably talking a cleared area of 40 feet in areas where the forest comes up to the road, so that's probably about, you know, the maximum I'd say 40 to 50 feet would be the width of the break in the forest canopy. Obviously in some places where you have big landings or, you know, clearcuts on either side of the road it gets extended, but, yeah, I would say at -- in

forested conditions the break in the forest canopy is probably 40 to 50 feet wide.

MR. WOOD: And does the Spencer Road narrow as it approaches the Canadian boarder?

DAVID PUBLICOVER: Well, I think -- yeah, I think the major portion of the road is what I can -- what I can tell is it gets out somewhere in the vicinity of the South Branch of the Moose River and then it sort of disperses into narrow roads.

MR. WOOD: Any idea how wide --

DAVID PUBLICOVER: The Spencer Road does not continue at that width all the way to the Canadian border as far as I can tell. Some of the -- a couple of the roads up in the St. John River Valley do river crossings at the border.

MR. WOOD: Okay. So would it be accurate to state that the proposed transmission corridor would be three to four times as wide as the Spencer Road at its kind of wider points near Jackman?

DAVID PUBLICOVER: In terms of the break in the forest canopy, yes.

MR. WOOD: Some folks have raised the issue of the lack of vegetation in logging roads. With perspective to vegetation and logging roads, is there any way to meet the purpose and need of a logging

road while retaining vegetation on the road?

DAVID PUBLICOVER: Not if it's something that's regularly used. I know many of the secondary roads get put to bed for 10 or 15 years in between for use of harvesting so they will revegetate to shrubby vegetation and cover stand, but something like the Spencer Road, no, you cannot have a vegetated Spencer Road.

MR. WOOD: And can the purpose and need of a transmission corridor be met while retaining significant vegetation in the corridor?

DAVID PUBLICOVER: A certain type of vegetation. Shrubby vegetation.

MR. WOOD: So could more vegetation be retained than the currently proposed, for example, by significantly expanding vegetative tapering in Segment 1?

DAVID PUBLICOVER: I don't know. I can't speak to that. You know, I don't know what their needs are or what they can -- what they can do. I know you can put vegetative tapering in the way they did in some of the other areas for something like Pine marten it would have limited effectiveness. If the sort of maximum height of the tapered vegetation is 35 feet, the marten needs at least 30 feet high

vegetation and a certain density, so you wouldn't get very far in from the edge of the corridor before you, you know, you might narrow the corridor by 10 feet even with tapered vegetation for something like marten.

MR. WOOD: And if tapering as you describe were combined with travel corridors similar to what is described in the Applicant's approach for the deer wintering area in Segment 1, would that allow for canopy sufficient for marten to potentially cross the travel corridors?

DAVID PUBLICOVER: You know, I -- would it make a bad situation better? Possibly. I'd have the same concerns as I would that Mr. Joseph expressed with the deer yards, you know, how wide would they be, how tall with the vegetation, you know, maybe subject to blowdown, so, you know, there is a lot of concerns, but would it be a marginal improvement? Probably.

MR. WOOD: Okay. And then lastly just on the -- just going back to the issue of permanence of logging roads versus transmission corridors, is it your estimation that a typical logging road would be considered impermanent and not -- so not permanent?

DAVID PUBLICOVER: Excuse me?

MR. WOOD: Would it be your opinion or estimation that a typical logging road is not permanent?

DAVID PUBLICOVER: I would say as long as its managed timber land it's permanent, but as we know across the region ownership changes, management changes, a lot of land has come into conservation and roads get retired. Roads can be revegetated. On our property, AMC's 75,000 acres in Maine over a third of that is ecological reserve and the logging roads are going away. So logging roads, again, can be retired if the ownership and management objectives change. I am not aware of too many transmission line corridors that have gone away.

MR. WOOD: Okay. Thank you. That's all.

MS. MILLER: Thank you. Group 7.

MR. SMITH: No questions. Thank you.

MS. MILLER: Group 3.

MR. BUXTON: On the way.

RON JOSEPH: Could you refresh my memory of who Group 3 represents?

MR. BUXTON: I'll be happy to do that. Good morning. I'm Tony Buxton from the Industrial Energy Consumer Group, the IECG. And Group 3 is composed of the Maine Chamber of Commerce, the Industrial Energy

Consumer Group, the City of Lewiston, the Greater Lewiston/Auburn Metro Chamber and the International Brotherhood of Electrical Workers. I am not sure who asked the question, but that's the answer.

MS. MILLER: Thank you.

RON JOSEPH: I did. Thank you.

MR. BUXTON: Since I'm not the first to ask any of you questions, I'm going to try to avoid repetition, but let's hope we can be successful. I have a few questions for Mr. Joseph. Is it correct that you believe that timber harvesting is not a permanent factor affecting deer wintering areas?

RON JOSEPH: Well, if it's done in a -- in a proper manner it can be a benefit. Let me elaborate on that. In this region we're talking about in western Maine deer were hardly there at all in the late 1800s, but as timber harvesting moved north, I'd say by the 1950s was the year of -- the golden era of deer all the way to 1970 when there was a perfect balance between timber harvesting in which created early successional forests for deer to feed, but there was also an adequate number of deer wintering areas left. Those were the bonanza years for deer and then shortly after that the deer declined as the deer wintering areas were harvested.

MR. BUXTON: The period 1950 to 1970 was the golden era for many of us, wasn't it?

(Laughter.)

RON JOSEPH: I was born in '52, sorry.

MR. BUXTON: I withdraw the question. From your knowledge of deer, what's the life span of a typical deer?

RON JOSEPH: Well, they can live to be about 20, but I'd say probably life -- average life span is probably about 8 to 10.

MR. BUXTON: And from your knowledge when an area is clearcut, how many years does it take assuming successional growth --

RON JOSEPH: Right.

MR. BUXTON: -- for that area to grow tall enough to provide an adequate deer wintering area?

RON JOSEPH: Well, as I mentioned earlier the minimum height for deer wintering area usually is 35 feet or up and I guess it would depend on what soils and what types of trees, but I know that forest cycles, harvest cycles are 40 to 50 years, so probably in 40 to 50 years it would be -- it might become suitable again. Now, I may add to that. We do know as I mentioned in my testimony the Trout Pond deer yard, it's -- it was a deer yard and for some

reason the deer have left and I think it's as a result of they just died off. That's -- that's my own feeling because if they don't have enough cover -- deer are at the northern limit of the range in Maine and they can't -- winter is a bottleneck. If they don't have winter cover they can't survive. And since you mentioned you're representing the Maine Chamber of Commerce, I would hope that the Maine Chamber of Commerce would be interested in -- in the rural Maine economy as well as the economies -- and people in -- in Jackman and The Forks depend on a healthy deer population to keep their businesses going and we don't have that now.

MR. BUXTON: Thank you. I'll pass the message on. In fact, they may be listening and live-streaming today. And your comment about the northern limit of the deer heard, would you agree that Section 1 is just about at the northern limit of the northern limit?

RON JOSEPH: Well, it extends about another 80 miles north into -- into Canada for the deer range.

MR. BUXTON: But you acknowledge that the number of deer has been decreasing in that area?

RON JOSEPH: Well, we do know probably in

the 1950s that there were an average of maybe 15 deer per square mile in that section and now western Maine has some of the lowest deer densities in the state. When I was with the Maine Fish and Wildlife Department in 1988 to 1990, we estimated that the deer population in western Maine mountains where this project is located is two to four square -- two to four deer per square mile.

MR. BUXTON: Thank you. Let's go back to the time that it takes for a clearcut to become a deer wintering area and the life of the deer in Maine. Since the life of the typical deer as you say is considerably shorter than the time it takes to restore a deer wintering area by successional growth, isn't it a fact that timber harvesting activities create a permanent obstacle at least from the perspective of the deer?

RON JOSEPH: No, I would not agree with that.

MR. BUXTON: Really. So if you -- let's do a hypothetical then, if we may. We have a deer wintering area and --

RON JOSEPH: Well, let me just add to that. We -- he have a number of zoned deer yards on the landscape and --

MR. BUXTON: Well, I understand that, but --

RON JOSEPH: -- and timber harvesting is allowed in those -- a certain percentage of timber is allowed to be cut and we're dealing with a public resource on private land and we can't -- and when I worked for the Maine Department of Inland Fisheries and Wildlife we recommended zoning or protecting the core region of the yard not the entire deer yard and -- and that's -- and to reduce the economic burden on landowners, we tried to be conservative and recommend only the minimum amount of area that we could get to protect the deer and then they would then apply to us or approach LURC and say we want to do timber harvesting and we would allow that. So to answer your question, timber harvesting if it's done properly is not damaging to deer provided that the deer yard itself remains intact.

MR. BUXTON: Well, let me -- so your testimony is that part of the deer wintering area has to remain intact for timber harvesting not to be a problem in regard to deer wintering areas?

RON JOSEPH: I guess I'm not following you.

MR. BUXTON: Well, let me go back to my question and then we'll go to your question, all right.

RON JOSEPH: All right.

MR. BUXTON: If you have a hypothetical deer heard in a hypothetical deer wintering area --

RON JOSEPH: Right.

MR. BUXTON: -- from your testimony any deer in that group is going to live no longer than 8, 10, 12 years; is that correct?

RON JOSEPH: Well, they're different age classes.

MR. BUXTON: Yes, but even the youngest in that deer wintering area is going to pass on for whatever reason within 10, 12 years; is that correct?

RON JOSEPH: Yes.

MR. BUXTON: Okay. And that means the lifetime of that deer and every deer in that heard will be considerably shorter than the time required to restore that deer wintering area by successional growth; is that not correct?

RON JOSEPH: Well, the population is replenished. I mean, when there is adequate cover does can produce two to three fawns and the population can grow, but if there is not adequate cover does absorb their embryos. They give stillbirth, so.

MR. BUXTON: In the meantime, Mr. Joseph,

and let me acknowledge that you know far more about this than I do. In the meantime from your own testimony, that deer heard is exposed to deep snows if it cannot find another deer wintering area; isn't that correct, and that happens because of timber harvesting?

RON JOSEPH: No, it's because of the depth of the snows that they're confined.

MR. BUXTON: Well --

RON JOSEPH: When snow depths get to be 16 inches or greater deer are restricted in their movements and having deer yards create these trails, networks of trails through the deer yard to lessen their energy expenditure.

MR. BUXTON: Right. Thank you. Thank you for all your answers. I'm going to move to a different area, if I may. In your opinion, if the winter weather in northeastern Maine experiences greater extremes than has been the case let's say since the 1950s more frequently in the future, for example, greater snow fall and harsher cold snaps will this further imperil the deer heard?

RON JOSEPH: Well, it will if we don't do a better job of recovering deer wintering areas. And I think that's been identified in a plan that the Maine

Department of Inland Fisheries has come out with. It's called Maine's Plan for Restoring Deer in Western Maine.

MR. BUXTON: You commented, did you not, in your presentation this morning to the agency that you did not believe this project reduced the greenhouse gas emissions in Maine; is that correct?

RON JOSEPH: Greenhouse gas emissions overall, this is Maine.

MR. BUXTON: I'm sorry, could you repeat your answer?

RON JOSEPH: Overall, I mean, you can't -- I mean, it's -- the atmosphere moves.

MR. BUXTON: But it's still your belief that this project does not reduce greenhouse gas emissions?

RON JOSEPH: Correct. Yes, it is.

MR. BUXTON: And are you aware of the testimony of representatives of some of the fossil fuel opponents in this project in other proceedings in which they admit that this project would shut down those fossil fuel plants to such an extent that it would reduce the contribution to Maine's electricity sector to greenhouse gasses in Maine by --

MS. BOEPPLE: Objection.

MR. BUXTON: -- one-third?
RON JOSEPH: I'm not --
MS. BOEPPLE: Objection.
RON JOSEPH: -- an expert on --
MS. MILLER: Please, please hold your comment.
MS. BOEPPLE: Objection. This is on the greenhouse gas. This question is obviously directed specifically to the greenhouse gas emissions topic, which is not part of the hearing and which has been ruled on repeatedly and we're not covering it here. Thank you.
MS. MILLER: For the record, did I hear another objection out there? Would you like to respond, Mr. Buxton?
MR. BUXTON: I would. And I want to make sure the record heard the finish of my question, which was that the testimony that I was referring to indicated that the operation of the NECEC would cause existing fossil fuel power plants of Maine to reduce their greenhouse gas emission by one-third.
MS. TOURANGEAU: Objection. Objection. You're just getting the testimony in --
MR. BUXTON: Well, I'm not a witness and so therefore --

MS. TOURANGEAU: But your question is getting in the answer.

MR. BUXTON: It sounds like you're afraid of some facts.

MS. BENSINGER: Excuse me, Mr. Buxton, can you simply respond to the question --

MR. BUXTON: Certainly, I will. Thank you.

MS. BENSINGER: -- as to why such a question is relevant?

MR. BUXTON: Mr. Joseph opened the door on this with his comment this morning to you that the project does not reduce greenhouse gas emissions and I'm merely asking the basis for that and whether he actually knows anything about the issue.

RON JOSEPH: Well, the basis for that is look at --

MS. BENSINGER: Hold on. Hold on. Hold on. We have to rule on the objection, please.

RON JOSEPH: Okay.

MS. BENSINGER: My recommendation is that the Chair sustain the objection because the topic of greenhouse gasses was not one of the hearing topics.

MS. MILLER: I will sustain the objection for that reason.

MR. BUXTON: Thank you. I think that's all

my questions of Mr. Joseph. Thank you, Mr. Joseph.

RON JOSEPH: You're welcome.

MR. BUXTON: Dr. Publicover, if we could chat a minute. Once again, Mr. Manahan has asked a lot of the questions that I had hoped to ask. Holding him responsible for that let me ask you this, before you prepared your testimony, did you visit the area of the project called Section 1?

DAVID PUBLICOVER: No.

MR. BUXTON: You did not. Would you agree as a forester and a graduate of the Yale School of Forestry that the area does not contain what you would call as a forester any mature forest?

DAVID PUBLICOVER: No, I wouldn't agree it doesn't contain any mature forest. I think it contains a fairly limited amount of mature forest.

MR. BUXTON: How do you determine that if you haven't visited?

DAVID PUBLICOVER: Well, as I indicated, I believe, in my rebuttal testimony, I did an extraction of the U.S. Forest Service inventory analysis data in that region around the corridor, pulled out the data from the plots within that region separated by age, class and density. And I can't remember the number, but I think it was about 7

percent of the plots in that region came out to be well stocked stands over 100 years old.

MR. BUXTON: Okay. And those are mature forests what you believe is required for proper habitat for the pine marten; is that correct?

DAVID PUBLICOVER: It's not so much age, it's structure and cover. You know, age is -- in stands that are partially harvested repeatedly, you know, the stand age is really not, you know, you can have a stand that's heavily harvested but has a few residual hold trees, but it's more a matter of what is the cover density, what is the height of the canopy and does it have the diverse structure in terms of dead wood.

MR. BUXTON: And are you saying today that you can determine the answer to those questions without visiting the area?

DAVID PUBLICOVER: I'm familiar with the industrial forest landscape throughout Maine. I don't know that this one is specifically that much different.

MR. BUXTON: I see. Thank you. Would you agree that your testimony at Page 9 Line 19 describes the NECEC in this area has, quote, carved through managed timber land rather than pristine wilderness?

DAVID PUBLICOVER: Yes.

MR. BUXTON: Did you perform a scientifically based fragmentation study to support your testimony or to derive your testimony?

DAVID PUBLICOVER: Which part of my testimony?

MR. BUXTON: Your part about fragmentation.

DAVID PUBLICOVER: No, I didn't, but then I don't have the burden of proof.

MR. BUXTON: And do you consider fragmentation analysis to be a science or is it qualitative and not quantitative?

DAVID PUBLICOVER: There are -- there are measures that can be used to determine fragmentation patterns on landscape in terms of edge to area ratio, size of openings. I am not an expert in those types of analyses. I've seen them done. And in a landscape in terms of this where the harvesting patterns are so diverse, you look at things, I mean, you know, if it's a matter of just clearcuts versus mature forest those types of analyses can probably tell you something. When you have a landscape that consists of partial cuts, strip cuts, clearcuts, group selections, I am not sure that you can derive specifically meaningful numbers out of that.

MR. BUXTON: Okay.

DAVID PUBLICOVER: You can look at -- yeah, some of those things that I have done in that regard are trying to map the large areas of interior forest, you know, true roads within interior forest habitat across the region and they're fairly limited, pretty much concentrated around large protected lands or mountain areas. There is very little of that type of habitat in terms of large areas, 5,000 acres or more, but there are -- there are certainly areas of mature -- of at least, you know, you don't always know the age, but interior forest habitat that would be crossed by the corridor just looking at aerial photos can tell you that.

MR. BUXTON: And you did look at Google, did you not?

DAVID PUBLICOVER: Google Earth, NAIP imagery.

MR. BUXTON: So what we have is your testimony on this issue, we don't -- is it correct we do not have the kind of fragmentation analysis that you have said can be done by someone?

DAVID PUBLICOVER: Yeah, I mean, it's just a simple matter of looking along the length of the corridor to some distance out on either side how much

of a forest is -- is not going to be something that we harvested.

MR. BUXTON: But we don't have that in this record?

DAVID PUBLICOVER: They don't have -- there is nothing in the record. There is not even the most limited or minimal type of assessments.

MR. BUXTON: Okay. Is it correct that you testified for AMC against the proposed Northern Pass project in New Hampshire?

DAVID PUBLICOVER: Yes.

MR. BUXTON: And one of your objections was the extent of fragmentation?

DAVID PUBLICOVER: Yes, so it's 32 miles of new corridor in the northern part of the route.

MR. BUXTON: And you were undergrounding of Northern Pass?

DAVID PUBLICOVER: Undergrounding along Route 3 along an existing highway not undergrounding in that corridor.

MR. BUXTON: Okay. Okay. Thank you. And when the project agreed to some 60 miles of undergrounding, did that change your position? Did you just became --

DAVID PUBLICOVER: No. No. You can finish.

MR. BUXTON: So you were still opposed? Thank you for being so polite here.

DAVID PUBLICOVER: No, because that 62 miles of undergrounding was to avoid the crossing of the White Mountain National Forest because they knew they were unlikely to get a permit, but it did not affect the northern part of the route, which would be the new corridor, they did not agree to underground that, so, no, that didn't --

MR. BUXTON: So it didn't change your position.

DAVID PUBLICOVER: Well, it changed AMC's position in regards to the impact on the National Forest and the Appalachian Trails. It did not change our position in regard to defragmenting intact of the northern part of the corridor.

MR. BUXTON: Okay. I'm going to give you a document and ask if you can identify it.

MS. BENSINGER: Mr. Buxton, is this a document that is already in the record?

MR. BUXTON: It is not and -- and I'm not going to try to put it in the record. I'm going to read from it, but I wanted to give him the courtesy of being able to see what I was reading.

DAVID PUBLICOVER: Yes, it's my pre-filed

direct testimony on the Northern Pass process.

MR. BUXTON: I have copies if you'd like to distribute them, but I -- I don't think we're going to sit down and sign on it.

MS. MILLER: I would like to have a copy and I think if you have enough for the parties that would be helpful.

MR. BUXTON: We do. That may just take a moment.

MS. MILLER: Thank you.

MR. BUXTON: I would just note for the record that the Industrial Energy Paper Group includes paper companies, so we're pleased to provide copies of documents.

MS. MILLER: Go ahead with your question, Mr. Buxton.

MR. BUXTON: Thank you. If would you please turn to Page 10 of your testimony in the New Hampshire proceeding. In outline 10 there is a couple of sentences, which reads in the end any -- is it correct that there is a statement that reads as follows: In the end, any quantitative assessment of fragmentation will be inconclusive. While it can indicate the extent of additional fragmentation that will take place from construction of the new

corridor, parentheses, as measured by reduction in total and interior forest, increase in edge and changes in forest block size, closed paren, an assessment of the severity of this impact will remain a judgement call; is that correct?

DAVID PUBLICOVER: That is what it says.

MR. BUXTON: And do you stand by that statement today?

DAVID PUBLICOVER: Yes, but it doesn't mean that a quantitative assessment can't inform that decision. You can have statistics on --

MR. BUXTON: Yes.

DAVID PUBLICOVER: -- you can have statistics how many deaths occur on highways at different speeds and that may inform your decision as to what the speed limit should be but it does not in and of itself give you the answer.

MR. BUXTON: And if you did that, just using your example, you could compare one road to another in terms of its safety; is that correct?

DAVID PUBLICOVER: You probably could.

MR. BUXTON: Yeah. So as you have indicated, we don't have an analysis in this case indicating that there is unusual fragmentation of any kind happening in this instance?

DAVID PUBLICOVER: We don't have any analysis that tells us how much interior forest habitat will be impacted by the project. I think that's a critical piece of information in making a judgement as to whether the fragmenting impact will be significant.

MR. BUXTON: And that's to be distinguished from mature forests which you said was 7 percent, for example, in Segment 1?

DAVID PUBLICOVER: You can have a small patch of mature forest, but it's not interior forest habitat. You can have interior forest habitat, you could have a 40 -- a large even aged 40 year old stand, closed canopy 40 year old stand, some species might see that as interior forest habitat, not all will, but it will not be considered mature forest habitat, so there are two different concepts.

MR. BUXTON: Well, so I am -- just to be clear here, is it your testimony that the --

MS. ELY: Excuse me. I think Mr. Buxton's time is up, but I didn't want to interrupt him in the line of questioning but I heard the alarm go off.

MS. MILLER: Yeah, I'm going to ask him to wrap up.

MR. BUXTON: I will be happy to. Thank you.

If I may just look for a second and make sure I get the questions that I want. You've indicated a concern for pine marten, are you aware that it is lawful in Maine to trap and kill pine marten?

DAVID PUBLICOVER: Yes.

MR. BUXTON: And are you aware that on average about 2,000 pine marten are trapped and killed in Maine each year?

DAVID PUBLICOVER: I have no idea what the number is.

MR. BUXTON: Okay. Thank you. I have no further questions. Thank you for your time, sir.

MS. MILLER: Thank you.

MR. SMITH: Hi. Thank you. Ben Smith for Intervenor Group 7. I -- in light of the questioning, I would like to actually have a few questions for Mr. Joseph or -- I did reserve follow-up.

MS. MILLER: Yup, that's fine.

MR. SMITH: Okay. Is it Mr. Joseph or Dr. Joseph?

RON JOSEPH: No, Mr. Joseph.

MS. MILLER: Can you pull the mic up, I'm sorry. Thank you.

MR. SMITH: So I have a few questions to

follow-up on Mr. Buxton's examination and it's with regard to the deer mortality caused by the winters. You would agree that winter is fat storage reserves and feed are not the only factors that are causing mortality for deer, right?

RON JOSEPH: What are you getting at? I'm not sure what your question is.

MR. SMITH: Well, would you agree that there are other factors that affect deer mortality?

RON JOSEPH: Yes.

MR. SMITH: All right. And one of those --

RON JOSEPH: Such as predation, is that what you're getting at?

MR. SMITH: Yes, exactly.

RON JOSEPH: Yes.

MR. SMITH: And the primary predator when we're talking about deer is the eastern coyote, right?

RON JOSEPH: Yes. And bobcat.

MR. SMITH: Right. Okay. And with regard to the coyote populations, they were not native to Maine back in the -- prior to the 1930s, correct?

RON JOSEPH: Correct, but wolves were.

MR. SMITH: I understand. I understand.

RON JOSEPH: Yup.

MR. SMITH: But coyotes were not?
RON JOSEPH: Correct.
MR. SMITH: And, in fact, they really only started to gain population in the 1960s, you would agree?
RON JOSEPH: Correct.
MR. SMITH: And there is a correlation, I guess, between when this balance -- the perfect balance was occurring that you were discussing before and when the coyote population started to increase, right?
RON JOSEPH: Mmm Hmm.
MR. SMITH: Is that a yes?
RON JOSEPH: Yes.
MR. SMITH: Okay. And since 1970, there has been a further explosion in the coyote population as well, right?
RON JOSEPH: And a decrease in deer wintering areas. It coincided with that.
MR. SMITH: Do you -- that wasn't my question. I mean, forestry has been going on for generations, correct?
RON JOSEPH: It's accelerated.
MR. SMITH: No, but follow my questions. Forestry has been happening for a long period of

time. What I'm asking you about --

RON JOSEPH: Yes.

MR. SMITH: -- is the impact of coyote populations on deer?

RON JOSEPH: I think it's -- I think it's insignificant. When you have inadequate deer shelter it's -- it's insignificant. I've maintained that all along. Let me give you an example. We've got a deer yard on the Golden Road called Big Smart Brook. It's 5,000 acres in size. It has 500 deerling. There are coyotes that kill deer, but those numbers stay consistent year after year because they have adequate escape cover. So if you're implying that -- that deer -- other mortalities are related to deer predation I disagree.

MR. SMITH: So is one of the ways that the IF&W -- and you agree -- first of all, let me back up. The IF&W has expertise when it comes to managing the population of animals, correct, and that's why they have hunting permits and a certain number that's given out, right?

RON JOSEPH: Correct. And those -- those --

MR. SMITH: Yeah. Well, let me -- let me continue. And when it comes to coyote there is no limit --

RON JOSEPH: Correct.

MR. SMITH: -- on hunting permits that are given out for coyotes, correct?

RON JOSEPH: Correct.

MR. SMITH: And even allowed for night hunters, correct?

RON JOSEPH: Correct.

MR. SMITH: And the reason is that they're trying to reduce the population, correct?

RON JOSEPH: Yes.

MR. SMITH: Okay. Are you familiar --

RON JOSEPH: Well, they're trying to reduce the population because the public is asking for that.

MR. SMITH: Okay. Can I -- can I present a document just so that the witness could read it, please?

MS. ELY: I'd like the opportunity to see it first.

MR. SMITH: I don't have a paper copy. It's a document that I reviewed while Mr. Buxton was conducting his examination. I'd like to present it on the screen if I could. I have it on a flash drive.

MS. BENSINGER: This is a new document?

MR. SMITH: It's a report by IF&W and I want

to ask Mr. Joseph about that.

MS. BENSINGER: And you don't have any copies for --

MR. SMITH: I will provide it just like has been customary with other people, but I don't have a copy right now. It will be up on the screen for people to read.

MS. MILLER: Yes.

MS. TOURANGEAU: We were strictly instructed to bring copies for everyone to look at and looking at it up on the screen is going to be a bit of a disadvantage.

MS. MILLER: I would agree with that, however, we have already set a precedence in the past few days allowing several groups to do this, so I'm going to allow it.

MR. SMITH: Thank you. And I know I reserved a fairly short amount of time, but I'll be as brief as I can going through the report, if I may. Just going to the first page of that --

MS. ELY: So it isn't already labeled at --

MR. SMITH: Yup. Thank you. Can you reduce the size, ma'am, just so that I can try to see a little bit more of the page.

MS. PEASLEE: You want it in full screen?

MR. SMITH: Yeah, that would be... Perfect. Thank you so much. Mr. Joseph, are you familiar with Walter Jakubas?

RON JOSEPH: I know, Wally very well.

MR. SMITH: Okay. Is he an authoritative source?

RON JOSEPH: Yeah, I'd say so.

MR. SMITH: Okay. Did you in any way -- were you affiliated with IF&W when this report would have been created?

RON JOSEPH: No, I was not.

MR. SMITH: Okay. But you wouldn't question the accuracy of that report, right?

RON JOSEPH: Well, I -- I'm not sure what you're getting at.

MR. SMITH: Okay. Well, I guess let's move on. But you recognize that Mr. Jakubas is an authoritative expert, right?

RON JOSEPH: Well, he's got a PHd and he's pretty knowledgeable, yes.

MR. SMITH: Okay. And --

RON JOSEPH: But this report was written in 1999. That's 20 years ago.

MS. MILLER: Is there an objection?

MS. ELY: Yeah, I guess all of the other

exhibits that have been allowed in have been, you know, are one page and at times attorney's were -- the panels has been allowed to see it and it's an -- it's an entire document that I have no idea of knowing what's in this or looking at it. And also it's already labeled it looks like for the Western Mountains and Rivers Corporation, so it -- they clearly have had this.

MR. SMITH: No. No. This is inaccurate. I just put that label on the PDF while I was sitting there listening to Mr. Buxton and I put it on my flash drive. This is not something that I was sitting on. I just did it. Moreover, if you want to Google it you can do it on your computer right now, which you have in front of you and the report right in front of you. So, I mean, I'm not trying to surprise the witness here, I'm just trying to get the truth out.

MS. BENSINGER: How many pages long is the report?

MR. SMITH: I'm not going through much of the report. I think it's 67 pages, but I'm only going through a couple.

MS. BENSINGER: And are you going to offer it as an exhibit?

MR. SMITH: I will. That's why it's labeled at the top WMRC Exhibit 1 Cross.

MS. BENSINGER: I have a problem in that the witness hasn't had a chance to look it at.

MR. SMITH: I -- I understand and this is why I'm offering it and I want to question the witness about it on cross-examination. He's going to have a chance to be redirected by -- by his counsel.

RON JOSEPH: But I haven't had a chance to really consider it.

MR. SMITH: That's what cross-examination is.

RON JOSEPH: Yeah, but usually cross-examination I've had a chance to look at what the -- what's being offered.

MS. MILLER: Are you just going to refer to a few sentences here or there or large areas of this report?

MR. SMITH: I -- I think it will become apparent that I'm only talking about a few excerpts of the report which are relevant to his testimony.

MS. TOURANGEAU: Didn't WMRC have a full opportunity to submit pre-filed rebuttal testimony just like everyone else that could have included this report from 1999 and then the witness would have had

a chance to look at it?

MR. SMITH: So this is a hearing. WMRC provided pre-filed testimony on the first hearing issue. There is nothing that prevented us from being able to examine other witnesses on these issues and I can establish on cross-examination facts for the record.

MS. BENSINGER: I would recommend that the Presiding Officer allow the questioning to go forward. The lack of the opportunity of the witness to read the record in advance is noted and will be taken into consideration or can be taken into consideration in assessing the witnesses answers.

MS. MILLER: I will allow it, but if there are certain sections you're going to refer to I would ask that the witness have a few seconds to at least take a look at it and evaluate what is being referred to.

MS. BENSINGER: Or we could take a break and allow the witness to -- but it's 60 pages long, so it really wouldn't be very beneficial.

MR. SMITH: Okay. I'll be very brief. I mean, I actually think I've spent more time responding to objections than my examination would have been. So I guess I'd like to take you to Page

5. Page numbered 5.

MS. TOURANGEAU: I can't even see it.

RON JOSEPH: Yeah, right.

MR. SMITH: Is there a way to blow up the document more? Well, let me read it.

MS. PEASLEE: The more you blow it up the fuzzier it's going to get.

MS. BENSINGER: You can -- they probably can just come up.

MS. MILLER: You can come up closer, that's fine.

MR. SMITH: Mr. Joseph --

RON JOSEPH: I'll walk up and read it.

JEFF REARDON: All of us?

MR. SMITH: So on Page 5, I'll start reading.

MS. PEASLEE: Which part of it so you can see that part?

MS. MILLER: Is that the part you're going to be asking questions about, Mr. Smith?

MR. SMITH: I'm trying to find it now. Okay. It's actually -- it's on page -- the bottom of Page 6.

MS. MILLER: Under food habits?

MR. SMITH: So the food habits, yup.

Exactly. I'll read this and, Mr. Joseph, you can tell me if I'm reading it correctly. Coyote food habit very seasonally ranging from omnivores, i.e., opportunists -- opportunistically eating vegetative or animal matter during the summer and fall to strict carnivore eating meat in the winter. In Maine, common summer and autumn foods include fruit and berries, blueberry, raspberries, beechnuts, apples, serviceberry, white-tailed deer and snowshoe hare. And there is a cite to a Hilton and Harrison and Harrison report. Unlike coyotes in western states, eastern coyotes feed relatively little on small mammals such as mice, moles and squirrels. Predominant foods of Maine coyotes in winter and late spring are white-tailed deer and snowshoe hare. Similar to coyotes in other areas --

MS. ELY: Is there going to be a question in here?

MR. SMITH: I am just reading it. I want to -- I'll get to the question after. Similar to coyotes in other areas --

MS. ELY: I'm just going to formally object to continuing to read this report into the record without a question.

MR. SMITH: I'm -- I'm reading the report.

I'm going to ask the witness. The witness doesn't -- the witness said that he didn't see the report. I'm reading it and I'm going to ask him a question afterwards.

MS. BENSINGER: How much are you planning to read?

MR. SMITH: This paragraph right here. Can you read -- can you see that, Mr. Joseph?

RON JOSEPH: I can't. Which paragraph? Starting with similar?

MR. SMITH: Yes. I'm up to that part right here.

RON JOSEPH: Okay. I'm with you.

MR. SMITH: So similar to coyotes in other areas in North America, Maine coyotes may hunt in packs, are capable of killing deer and readily feed on deer carrion. In Maine, the consumption of deer by coyotes increases in late winter. During this time of year deer are vulnerable to predation because their energy reserves are low and --

MS. TOURANGEAU: This is blatant testimony by the cross-examiner reading a report into the record of multiple paragraphs.

MR. SMITH: Can I finish my examination? I'm reading the report. I'm going to ask him --

MS. TOURANGEAU: You're reading the report, which is not asking a question.

MS. BENSINGER: Mr. Smith, you can ask the witness would he disagree -- you can ask the witness would he disagree if a person believed such and such and you don't have to read the whole report -- large sections of the report into the record.

MR. SMITH: What I was trying to accommodate is that people here are complaining that they haven't had a chance to read the report. Some people are claiming that they can't even see it, so I'm trying to make sure that in the context of my questioning people understand what I would be asking him. And I can lead into that right now for him.

MS. MILLER: Please ask the question.

MR. SMITH: So, Mr. Joseph, you've seen the report now, you've heard what I've summarized in the way of the report, is it fair that one of the main predations or one of the main mortality causes to deer based on what this individual had found and what the Department found was --

MS. ELY: I would -- sorry.

RON JOSEPH: If your question is do coyotes predate on deer the answer is yes.

MR. SMITH: And -- and that was actually --

it's found that there is a correlation here when you're talking about wintertime and the reason that they're actually being killed and the reason that there is such a high mortality of deer is they have a combination of low reserves, right, and you have coyotes which have been introduced and have expanded into new areas, populations have exploded and they are feeding on deer, correct?

RON JOSEPH: Coyotes --

MS. ELY: I object to this question.

RON JOSEPH: Coyotes have not --

MS. ELY: Mr. Joseph, hold on. Hold on. Mr. Joseph, sorry, I object to this question. It is asking specifically if the -- if my witness agrees with the findings of this report that we have just seen and it has not been established. If he wants to ask him a question -- my client a question about his professional experience then that's different.

MS. BENSINGER: I might just say that the question mischaracterized the portion of the report that was read. The question said that the report said that the -- one of the main causes of mortality in deer is coyotes and that portion that you read didn't say that, so I would recommend that the question be stricken.

MR. SMITH: Mr. Joseph, would you agree that one of the main causes for the deer heard hurting in Maine is in the impact of the coyotes?

RON JOSEPH: No.

MR. SMITH: You disagree?

RON JOSEPH: Correct. Deer -- coyote predation on deer is insignificant when deer have adequate winter shelter.

MR. SMITH: And if deer -- if they had more than suitable reserves, food reserves, fat reserves, and obviously that's not the case, but if they did, they may survive, right?

RON JOSEPH: Correct. They can escape.

MR. SMITH: But -- but this is a compounding factor and we can't ignore the fact that coyotes are leading to deer mortality, correct?

RON JOSEPH: I've dealt with this question throughout my whole career and my answer remains absolutely the same and I'll repeat myself. Where deer have adequate winter shelter they have escape cover and coyote predation is insignificant. Yes, they do kill coyotes, but it's not a limiting factor for deer.

MR. SMITH: You mean they kill deer?

RON JOSEPH: Yes, they do.

MR. SMITH: Okay.

RON JOSEPH: What did I say?

MR. SMITH: You said they kill coyotes. No, coyotes -- well, they kill each other too, but coyotes do kill deer.

MR. SMITH: Okay. Thank you. WMRC would offer hearing Exhibit 1 into the record.

MS. ELY: And Group 4 would object strongly to the admission of this document.

MS. MILLER: We will admit it as Group 7 Cross.

MS. TOURANGEAU: Can we clarify whether you're submitting the whole report or just the paragraphs referenced?

MS. MILLER: It will be the whole report. I expect copies to be provided to all parties and it will be Group 7 Cross 1. And I'm going to suggest a short break.

(Break.)

MS. MILLER: All right. We're going to go ahead and get started. We're going to continue with the Group 4 witness panel. Right now, we are on to Department questions, but before we get started I just want to let everybody know that Commissioner Reid had to step out for a little while for a phone

call, so he has left questions with us so we can get his questions asked and answered as well. So we'll go ahead and start with Jim.

MR. BEYER: Good morning. I'm going to start with Mr. Reardon. In your testimony on Page 3 you discuss that Indian Pond Fisheries Habitat Committee work, which plan restoration projects for the Harris -- Harris Dam FERC permitting process. My question is are there projects that were identified in that plan that still need to be completed?

JEFF REARDON: I'm sorry. You're talking about Page 10 of my direct testimony?

MR. BEYER: Page 3.

JEFF REARDON: Sorry. Thank you. Can I give you a little -- just a little bit of background?

MR. BEYER: Sure.

JEFF REARDON: Thank. So that's a settlement agreement that was signed if I remember right in 2002. It created a habitat settlement fund of about $750,000 that was put in an account and it has borne interest. We did, if I recall, two projects. There was one project on Cold Stream. There was another on one of the Dead tributaries. I can't remember which one, but I could look it up if

anybody needs to know. If I remember correctly, those two projects combined cost something like 250 or $300,000, but don't quote me on the numbers. It was quite a long time ago. At the end of the completion of those two projects and a detailed assessment of Cold Stream and other tributaries the IF&W and the consulting biologist who was hired by the licensee suggested to us that we use the rest of that fund for habitat protection of high quality habitat. The committee decided to focus -- it was about $500,000 left in the fund at that time including the interest on Cold Stream. The money was parked while we worked on the Cold Stream project with that as seed money for what we originally thought would be a small project on Cold Stream that morphed into a much larger project with Forest Legacy and other funding. There was an $8 million project and at the end of the day we couldn't spend that money on it because of federal reasons for Forest Legacy. So we're now at the completion of Cold Stream just coming back to considering what to do with the approximately 550 or $600,000 left in that fund. We probably will go back and look at what other projects might have been identified in 2005 or 6, but it's been that long since I've looked at it so

I can't tell you what was in the works.

MR. BEYER: Okay. And the point of my question was just if there was -- if you had a list of projects out there that needed funding or that's kind of where I was going with that.

JEFF REARDON: To give the short answer I probably should have started with, and I apologize, the -- the recommendation from then Forest Logging who was a fisheries biologist for IF&W working on the group and Kyle Murphy, who was the consulting biologist for I think then NextEra, who at that point was the licensee for the Indian Pond Dam they said, and I quote, you have excellent high value habitat in these tributaries to the Kennebec and the Dead River and your money would be better spent on protecting it than trying to restore those portions of it that have some level of degradation.

MR. BEYER: Thank you. Would it be possible in your opinion to build an overhead transmission line and not have an unreasonable impact on brook trout habitat and, if so, how?

JEFF REARDON: Yes. And I agree with Ms. Johnston where you were maintaining full canopy height vegetation under the lines with tall poles, which I believe is at Mountain Brook and Gold Brook,

I am satisfied that brook trout is protected, but that's two of the brook trout stream crossings on a very long corridor. You could do it on all of them technically and my concerns about lack of buffer would be -- I don't know if they would be zero, there would still be some impact but much, much lower. I don't know what the cost of that would be.

MR. BEYER: On Page 22 and 23 of your direct testimony you discuss the proposed compensation parcels as being primarily having a recreational fisheries benefit and we also heard that this morning for adult brook trout fish -- adult brook trout. And I heard you say that you would prefer protecting headwater streams as a more of a one to one compensation. Do you have particular parcels in mind?

JEFF REARDON: Yes. In the context of trying to spend the remaining $500,000 in the fund, I have identified some parcels and discussed with at least one landowner a parcel we would like to protect. It happens to be a parcel the landowner wouldn't talk about because this corridor goes right through the middle of it. So there is one we had a conversation with a landowner that didn't go very far and I knew why once this application came in. It

would have protected the section where the crossing goes across Tomhegan Stream, which is a very important tributary to Cold Stream in part because it's colder than Cold Stream at the confluence and in part our radio telemetry data showed that at least some of the brook trout that we had tagged in the Kennebec River swam far enough up Cold Stream, which is quite remarkable given one of the waterfalls they've gone over to get there and into Tomhegan Stream to spawn, which was an indication to us that it was a very significantly important piece of habitat. Cold Stream was in the same category as are several of the Dead River tributaries, Salmon Stream -- and Salmon Stream, Kibbie Brook, Spencer Stream, Little Spencer Stream. But that Tomhegan piece is really special.

MR. BEYER: Do you have -- do you know of specific stream crossings, logging road culverts primarily, which could be replaced and provide fish passage and aquatic insect passage, do you have a particular -- particularly high value crossings -- have you identified high value crossings, you know, high priority crossings in order to -- that would benefit habitat connectivity in -- I'll say out the Spencer Road or in that particular part of the state?

JEFF REARDON: I don't. Again, there was some work done about that -- regarding that by that committee that was looking at tributaries to the Kennebec and Dead to spend that enhancement fund that was targeted at that area. That work was happening soon after the settlement, so I'm just going to estimate, you know, 2002 to 2005 or 6, which is 12 or 13 years ago and a lot has changed since then. As I recall, the highest priority site they assessed at that point were several crossings on Route 201. There are tributaries to the Kennebec that immediately cross under 201 and directly into the Kennebec River and we did not pursue any of those in part because of the expense and difficulty of working on Route 201 we weren't going to get very far with a $500,000 fund. And I -- I have no idea how those crossings may have changed. DOT has changed a lot. DOT is doing is a much better job with culverts now than they were 15 years ago and those culverts may have been fixed in the meantime.

MR. BEYER: In your testimony you also there again on Page 3 you discuss that the compensation parcels are largely for the -- the brook trout habitat there is largely for adult brook trout, stocked brook trout and angling opportunities.

Doesn't supporting angling opportunities or protecting angling opportunities help advance the goals of your organization?

JEFF REARDON: A mantra for my organization is our job is to take care of the fish and we will let the fishing take care of itself. If I've got to choose between protecting habitat and providing an access for people to wet a line, protecting habitat is at the top of my list every single time. And, for example, projects like not to say that we don't work on access projects, but the access is secondary or incidental to the habitat protection. That Cold Stream project is a great example. That provides for all kinds of angler access, but we did it to protect the watershed and maintain the habitat integrity in Cold Stream and those headwater ponds.

MR. BEYER: You had asked Ms. Johnston on cross-examination how much shade on an 80 foot wide stream, I believe it was a 10 or a 12 foot tall shrub would provide. How much shade on an 80 foot stream would a 40 foot tall tree provide?

JEFF REARDON: Well, I guess it depends on the angle of the sun, et cetera, et cetera, but did you say 40 versus 10?

MR. BEYER: Yes.

JEFF REARDON: Four times as much. I mean, it's pretty obvious it's four times as much. Don't ask me to do trigonometry. It's been a while, but four times more, I know that -- I know it would be proportionally. If I may, the other thing that you would get is that you would, you know, at 40 feet you'd have much larger wood. And, again, a large part of our preservation work where we look at a land conservation for brook trout and salmon is about maintaining intact forests, and this is where fisheries, biologists and foresters sometimes disagree, they see a tree getting old and dying is a lost opportunity, we see it as habitat creation. And sometimes those trees are pulled into the stream on purpose, that's what the chop and drop projects are. In the long run, we would like to restore that as a natural function and that's a long-term job, but you get this by maintaining buffers and allowing those trees to grow big enough so they'll get derooted. At an 80 foot wide stream, 40 foot vegetation wouldn't do it, but at a 10 foot wide stream, which many of these headwater tributaries are, 30 to 40 foot, you know, 6 to 8 inch trees would provide a lot of habitat function that 10 inch alders would not -- I mean, 10 foot alders will not.

MR. BEYER: And I understand your argument concerning large, woody debris, however, if tapering was used in along the brook trout streams, would that reduce the impacts of insulation on the streams?

JEFF REARDON: To some extent -- again, I'm going -- I -- I confess I don't know how wide the area of tapering would be. If tapering is just at the edge of a 150 wide corridor, you know, the 10 or 20 feet on the east edge and the west edge of a north/south running corridor the impact would be minimal. If the tapering was 90 percent of the 150 foot width of the corridor, it would, you know, have more impact, but it's still only going to be vegetation that's 20 feet tall and that's giving twice as much shade as the 10 foot tall vegetation would be. 25 foot, you know, again, it's proportional and the increase in tree height is not particularly large. I really think until -- and when you get closed canopy over small streams, you may never get the closed canopy with mature forest over 80 foot wide stream, but at a 20 foot wide stream, you will get to the closed canopy with trees in the, you know, 40-50 foot height. You're not going to get there I don't think with vegetation that can be left under the, you know, in the 20 to 30 foot range

except or very small streams. And, again, that would be an improvement on those very small streams, not so much on the larger ones.

MR. BEYER: Thank you. What would be the benefits if, for example, and this is completely hypothetical, all of the culverts on the Spencer Road got replaced such that they were Stream Smart Crossings?

JEFF REARDON: I -- I don't know for a couple of reasons. Number 1, I know some of the streams that cross that and when you say all of them, I have no idea how many there are, one could look -- I wouldn't look at just the Spencer Road, I'd look at a watershed and pick some of the more important ones and I can give some thought as to what those are and I don't have -- beyond Cold Stream, which I know very well, I don't have ideas and I believe most of the crossings in Cold Stream are already on their way to being fixed. But, I mean, you could do that assessment and get to the idea of, you know, how much habitat replaces 12 miles. Again, it would require a detailed status of culverts. One of the issues is that all of the culvert data on those private timber lands is proprietary, so I don't know what the existing status of the culverts is. And I will say

some forest owners when I look at their lands have done quite a good job, other forest owners have not and I do not know the status of the culverts on that side of Route 210. On the east side, I have a little better sense.

MR. BEYER: Thank you. I'm going to now turn to Mr. Joseph. Do logging roads through a deer wintering area fragment that habitat?

RON JOSEPH: It could in the wintertime when the snows are deep, but it depends on if it's a winter road or a -- winter roads don't, but. You know, the difference of winter roads?

MR. BEYER: Yes. Yup. How narrow would that road have to be in order for it not to fragment the habitat? In other words, would a skid trail as opposed to something like the Spencer Road?

RON JOSEPH: I think, no, we have a number of skid trails that are in deer yards. In fact, we have a number of strip cuts that are in deer yards that -- it depends on the width.

MR. BEYER: Okay. In your testimony this morning you mentioned the deer yard in Parkman.

RON JOSEPH: Mmm Hmm.

MR. BEYER: Do you know if that deer yard has been rated?

MR. BEYER: Rated.

RON JOSEPH: I do not.

MR. BEYER: Okay.

RON JOSEPH: You mean either as a significant habitat or?

MR. BEYER: Right. Is it moderate or high value? Has it been rated as moderate or high value?

RON JOSEPH: That, I don't know. This is quite a few years ago.

MR. BEYER: Okay. Are any of the deer yards to your knowledge in the organized towns rated for moderate or high value?

RON JOSEPH: In the organized?

MR. BEYER: In the organized.

RON JOSEPH: I didn't work in the organized towns, I'm sorry. I don't -- I really don't know. I think the ones that are bisected by the transmission corridor -- the existing transmission corridor are indeterminate status is my understanding.

MR. BEYER: Okay. So you primarily looked at the new 53 mile corridor?

RON JOSEPH: I was most concerned with the impacts to the Upper Kennebec river deer yard, yes.

MR. BEYER: Okay.

RON JOSEPH: But that's not to say that

there aren't some impacts to the other 11 -- I think the application said there were possibly impacts up to 22 deer yards, but additional clearing would be done on 11 if my memory is serving me correctly here.

MR. BEYER: Okay. Dr. Publicover, on Pages 19 and 20 in your direct testimony you state the alternative of burying the line along the Spencer Road would have less damaging -- be less damaging to the environment. What about an overhead line adjacent to the Spencer Road?

DAVID PUBLICOVER: That would probably be even less damaging to the environment because you wouldn't be disturbing the soil with digging and trenching, but I suspect the scenic impacts would be pretty -- pretty severe.

MR. BEYER: If the 53 miles of new line, if that was tapered such as what they're doing along the stretch near Coburn Mountain, would that lessen the impact of habitat fragmentation in your opinion?

DAVID PUBLICOVER: It would lessen it to some degree. It would certainly be an improvement, you know, it would take a bad situation and make it somewhat less bad. It would reduce the edge effects because you would have less penetration of light and wind and things into the adjacent forest. It might

increase -- it would probably increase the ability of some species to get across the corridor. I would say I'm not sure it would have that much benefit for pine marten if vegetation was only 35 feet at the edges and they generally require forest 30 feet or above. So would it be an improvement? Yes. Would it solve all of the issues? No.

MR. BEYER: Okay. I am going to now ask this question for the Commissioner and it's for -- I'd like to hear a response from all of the panel members. Are there areas along the especially the 53 mile section that are particularly sensitive habitats where either undergrounding or tapering would provide benefits and can you prioritize those? And we'll start with Mr. Joseph.

RON JOSEPH: Well, as I -- of course, I'm here to focus my attention pretty much on the deer yard issue and so I'll concentrate on my -- or address my comments to the Upper Kennebec River deer yard. And I guess to answer the Commissioner if he was sitting here I would -- I would say I would like to see an alternative put forth in good faith by CMP that avoids the deer yard all together. Now, that doesn't entirely answer your question, but I think that's -- given the fact that we have so many deer

yards left and the ones that we do have are pretty significant, I would like to see more effort put into examining that alternative where it just skirts around the deer yard.

Now, in terms of minimizing that, I don't know, I suppose burying it would be less of an issue than putting 150 foot wide corridor through there, but that wouldn't be my -- but there would still be some impacts. It wouldn't be my druthers. I guess I'm -- I'm looking to DEP for hope that you can apply some kind of pressure, if you will, to encourage Central Maine Power Company since they're -- I understand earlier this week that the longevity of the life of this project is going to be 40 years or thereabouts as a minimum and they stand to make millions of dollars off this project that I don't see why they can't put more effort into avoiding the deer yard all together.

DAVID PUBLICOVER: Well, I would start by saying our preference is to see -- to eliminate the need for the new corridor entirely by co-location along existing roads. The problem -- many of the fragmenting impacts are not from the line, it's from the corridor. Now, to the extent that burial results in a narrower corridor and perhaps allows for more

places where you can maintain full height vegetation across the corridor that would be an improvement.

In terms of priorities, you know, I tend to think of the big scale, so I would -- to me, the stretch between say the western end of Beattie, the Attean area, you know, on the north and Tumbledown Mountain on the south and on the east to the eastern end of the Number 5 Bog area, you know, and Spencer Pond to the south. You know, you're talking about -- that's about a 20-25 mile stretch. I don't think in terms of a half mile here or a half mile here. I know TNC has presented its testimony where they have identified, you know, things at that type of segment. So, again, and that is also that -- that central stretch, the area -- the portions where the line most closely parallels the Spencer Road for -- for part of that, you know, basically the Spencer Road comes very close to the corridor between Coburn and Tumbledown Mountain and the Spencer Road drops down to the south towards Spencer Pond, the corridor goes across the street and then they parallel each other very closely.

MS. BENSINGER: Excuse me, could we use that map? If you could bring that to a place and maybe you could point to the map.

DAVID PUBLICOVER: Well, that map doesn't have the conservation lands on it. Maybe that one with the gap.

MS. ELY: This one, Dave?

DAVE PUBLICOVER: Yeah, probably that. And also actually if we can pull up my -- our exhibit, which I believe is DP 18 Group 4's pre-filed exhibits. Group 4 PowerPoint slides.

So essentially, you know, there is the conservation complex around Pooler, Attean and Number 5 Bog, TNC's whole preserve. And then to south you have Tumbledown Mountain and Spencer Pond. So that stretch in between there I think is a -- to me, is the most important stretch. You know, there are probably other places that, you know, I haven't looked at it in as much detail as TNC did. I think Cold Stream would probably be an important one, but if you bring up Beattie. Go way down. Way down. So you can see here, again, there is, you know, the Attean Pond, you know, and Number 5 Bog, so the whole conservation complex is here. You know, you have Spencer Pond here. You have Tumbledown Mountain over in this area and so you have this stretch where they parallel each other very closely and Spencer Road drops down and then you have another stretch where

they parallel each other very closely, so that seems to be the most logical place where you could do both a burial and a co-location. And, you know, if I had my druthers that would be my priority, but, again, the first priority is avoid the need for a new corridor entirely. You know, I would -- you know, I would guess the crossing of the South Branch of the Moose River might be a priority. Some people might have crossing of Route 201 as a priority for scenic reasons, that really hasn't been our issue, but that's how I would think of it.

MR. BEYER: Thank you.

DAVID PUBLICOVER: Do you want the others?

MR. BEYER: Yes, I do.

TODD TOWLE: For me, I think -- I'm kind of in line with Jeff here. I mean, there is -- if you took a sample of all of the streams, the crossings, you're going to find brook trout in probably every one of them of certain a age, you know, whether they're parr or whether they're adult. But I -- I feel like the Cold Stream area and the tributaries, but Tomhegan, that is an incredible valuable piece of brook trout habitat and not just in Maine, okay. That's -- that would be the east coast. That's one of the primary places for the last stand of these

fish. It's got everything going for it. So that would be -- as a -- as the fisheries would go, that would be my priority, that whole parcel.

MR. BEYER: Okay.

TODD TOWLE: Like I said before, the other one that's -- I've got probably a lot more experience and that probably a lot of people don't have is Horse Brook. It's another small brook that crosses and it goes into the Moose River, so it drains from Grace Pond to the Moose River. Brook trout actually will go back and forth from both of those fisheries -- from both of those waters in the summer for -- for refuge and that, you know, those types of waters that are interconnected where you have protection, natural protection, those to me seem to be a priority because you have migratory fish moving around. And a lot of those fish are -- they may be small, but they're also adults, okay, so just because a brook trout is 5 or 6 inches it can actually be an adult, all right, so that's a spawning fish, that is essentially a mature fish. So I would say anything that's connecting with -- if you had IF&W study, so which I'm sure that they have some, but they don't have all of them for every stream in Maine, but that's what I would prioritize.

MR. BEYER: Thank you. Mr. Reardon.

JEFF REARDON: Can you scroll backwards to the Reardon exhibit starting with Reardon 3-A, which is my, I think, third or fourth slide? There we go. So in my pre-filed -- first of all, let me step back and do the big picture. The question you asked, I believe, was are there places where I think undergrounding would be helpful as opposed to the proposal.

MR. BEYER: Undergrounding or tapering.

JEFF REARDON: Okay. You and I talked about tapering before, so these are all high priority areas. I will say with regard to undergrounding from my perspective -- and this comes from participation with the construction of a pipeline corridor through the Sheepscot. I'd want to think hard about the long-term impacts of a wider cleared corridor versus the short term impacts of the stream crossings and it would make a big difference whether those stream crossings were trenched or directionally drilled and on the Sheepscot we did both. The directionally drilled crossing was essentially zero impact to the West Branch of the Sheepscot River. The trench crossing had some pretty significant short-term impacts on the impacts on the East Branch of the

Sheepscot and I want to see what the application for trenching would look like. The details would really matter on the burial option.

However, to go to your question of particular places where mitigation measures would reduce the impacts I identified several in my pre-filed testimony and I'm going to walk through them kind of from west to east on the map. So the in big picture we're starting relatively far west on that 53 mile corridor where there is a crossing and -- and this is a section -- and this is one of the things that I focused on, there were places where just because of where the line was laid out rather than crossing one big stream once it crossed multiple small streams and one of the examples of that identified on habitat I know is quite high value was in Skinner Township there is a complex of 18 crossings; three permanent streams, 12 intermittent streams, three ephemeral streams on a combination of the West Branch of the Moose River, the South Branch of the Moose River and several tributaries near where the two branches come together. And that would definitely be a place where you consider rerouting to potentially avoid an area which clearly has a lot of streams coming together in a relatively short reach

and get to fewer crossings maybe on higher ground. It's a place where taller poles to span those crossings like was taken at Gold Brook or Mountain Brook could make a big difference and, again, I -- there may be options there.

The next one that I identified was on Piel Brook. Piel Brook, this is -- scroll two slides forward. There we go. So Piel Brook is the primary tributary to Parlin Pond. It drains sort of the east side of Coburn Mountain into Parlin Pond and then Parlin Stream which eventually goes down into the Moose River. Piel Brook is a nice little brook trout stream if you're high enough up on it. It gets warmer in its lower reaches down towards the pond. But near the four corners of Bradstreet, Parlin Pond and Upper Enchanted and Johnson Mountain Townships, again, just because of where the crossing goes through the stream -- the crossing there, there are 10 crossings; three permanent streams, five intermittent streams, two ephemeral streams right in the headwaters of Piel Brook, which are probably the most significant pieces. But I actually think a table on the next page -- hold on, go back. So each of these blue lines here is a crossing and I -- there is a table on the next page that identifies which

crossings those are. If I had them -- I could have flagged each of these if I had the GIS mapping in front of me, but as can you see, there is a pretty short reach here and that reach is -- can anybody read that? .09 point.

MR. BEYER: .09.

JEFF REARDON: So within a mile there is 10 stream crossings all on streams that go into Piel Brook all close to its headwaters. That is a lot of impact on small headwater streams that potential for sediment for multiple streams during construction, potential temperature impacts because each of those crossings by itself has some impact, but 10 of them close to each other on the highest and coldest part of stream has more impact. So I'd look here, again, is there a relocation that avoids this. Burying, again, comes with the trade-offs I talked about earlier or you can go to taller poles that span those crossings instead.

Two others that I'll flag and I will note that both of these were also flagged in the correspondence between IF&W and the licensee relatively recently that Mr. Manahan was asking me questions about earlier are the Cold Stream crossing. So go forward another slide. One more, please. So

the issue here is that we conserve and, in fact, I'm now feeling quite guilty having written a lot of applications for funding that said that we have conserved Cold Stream from source of mouth, but we didn't. We did not conserve the footprint of the Capital Road and that's where the corridor is crossing because they don't have to cross conservation there, although they're crossing between two conservation parcels. The upper parcel is one parcel in the Cold Stream forest unit, the lower green parcel there is the lower piece of that. Again, this is a place where just because of the line and they're squeezing between the road and two conservation parcels and they chose to go through that gap. That's a wet, marshy relatively flat area with a bunch of wetlands and intermittent streams that come into a relatively flat for Cold Stream -- section of Cold Stream. So, again, there is lots of impact on multiple streams in a fairly defined area that already has some temperature issues. I mean, we're down relatively low in Cold Stream here. This is a part of the stream that already warms and you can find brook trout there all summer, but not very far up stream from us here is the confluence of Mountain Brook and that's already a piece of the

stream that fish are migrating into Mountain Brook, which is colder when this warms up mid-summer and I think this will make that impact worse in this localized area.

Then the last one is probably the one where I have perhaps the highest level of concern. Go two more slides. And this is the crossing of Tomhegan Stream and there is considerable discussion of this in the back and forth between the Department about final details that's happened this winter since the -- as the comprehension plan was being finalized in that email exchange that ended a couple of weeks ago. But, again, they're relatively squeezed here. I believe that one they chose to cross Cold Stream where they did, they've got to find a place to cross Tomhegan Stream and get to the Kennebec, they're squeezed by that Cold Stream parcel again here, which is conservation land they can't go across. There is a heritage pond, I believe, in that corner of that parcel. And where this crossing is you can -- you could put it here and then you're closer to encroaching on conservation land. You can put it here, but just look at this complex of wetlands and small streams through here. All those small blue lines are separate streams. Again, I can't remember

the details. Some of those are ephemeral, some of them are intermittent, some of them are permanent. The actual main stem of Tomhegan stream is braided here. That may be an impact of old log driving. It may be an impact of that stream crossing. I don't know, but the stream is braided at this location, so it's multiple crossings. And, again, if you think about the temperature impact of opening up that 150 foot wide corridor, it's not having it on one small stream at this location, it's having it on multiple streams, all of which come together so the rest of Tomhegan Stream coming down here has that cumulative impact of multiple crossings. If there was a way to find a place that crosses fewer of these or, again, find a way to keep more canopy and more shade on those locations that would be it.

I will also say you were kind of asking me for a prioritized list. These happen to be streams I know well and when I look at the impacts they seem severe. I have not done a detailed assessment of every stream on the 53 miles, but that is something one could do with data.

MR. BEYER: Thank you. Here again this is for any of the panel members and it's a question from Commissioner Reid. What environmental benefits of

burying or tapering vegetation -- what would the environmental benefits be of tapering or burying the line have in the sensitive habitats you're concerned about?

JEFF REARDON: I'll start. We'll go the other way this time?

MR. BEYER: Sure.

JEFF REARDON: I'm warmed up. I would -- tapering, we talked about tapering. I don't think for brook trout those benefits are large. I can't speak for the wildlife or visual impacts. For streams, I have concerns about burying. It depends on how the stream crossings were done. If all of these streams were directionally drilled, the impact on the stream could be zero depending on how that was done. Again, I don't know what the cost would be. And I guess I -- were Commissioner Reid here, I would encourage him to ask -- to add to his list of things to consider taller poles to keep an intact canopy over the stream crosses.

TODD TOWLE: I really, I mean, I just can't see without the knowledge of drilling, you know, and the benefits and the difference between going over or under some of these, you know, valuable habitats. I guess from a guiding business perspective there is

going to be visual impact either way. If I took a sample of my client base from the State of Maine they're very accepting of a working forest. They grew up with it. They see it. I don't take them to places like this and -- and seeing a very large power line would be, I think, detrimental to their experience. Would it be different if it were a cooling station and underground? I don't know. I'd have to see it. I know by just kind of broadly looking at the size of the -- of a power line, it seems to me much more, I guess, the word would be intrusive to -- to what I do for work. And I know, again, from my business clientele, if I took a poll from people from away and I took them to a place with -- under a power line, I don't -- I wouldn't do it just because of the experience that I'm trying to provide. I'm trying to provide a remote fishing experience with -- logging roads are fine for most people. I guess that's the best way I can answer that.

DAVID PUBLICOVER: I would say, you know, thinking about the area that I highlighted with that stretch with Attean, Gold Brook, Number 5 Bog, that whole preserve on the north, Tumbledown Mountain, Spencer Lake to the south, you know, one of the core

principles of conservation biology is you have your core high value areas and then you want to maintain connectivity through them. In some cases, with corridors if there is inhospitable habitat, but in this case with the managed forest matrix. And those places I mentioned are some of the highest value habitats in this region as, you know, in terms of maintaining those larger blocks of more mature interior forest habitat. The area to the north is a very large IF&W habitat focus area. It's actually shown, I think, on some of the materials in the record. Some of that area is managed with preserve, a lot of it is managed certainly less intensively than the industrial land.

To the south, Tumbledown Mountain is a large block of 2- -- over 2,000 acres of high elevation unfragmented habitat. Whether that's because of operational concerns or just because of Plum Creek and Weyerhaeuser decided to stay out of it because it's become a source habitat, I can't say. And the area around Spencer Lake is a fairly large unroaded probably continuous interior forest habitat that that area is actually owned by John Malone, so I think, you know, he's -- for whatever reason that was one of his -- I think his first purchase and whether he has

special feeling for it, but it has not been harvested. It's not protected, but it has not been harvested to the extent of surrounding land.

So those are sort of three big blocks of higher value and maintaining connectivity between them, anything that, you know, the corridor as we've said I think would be a big break in forest connectivity. Anything that can minimize, you know, reduce that impact, you know, is obviously a benefit. As I've said, I'm not sure the tapering is all that effective. The burial would be effective to the extent that it could result in a narrower corridor, but especially if it could allow places of full height vegetation to be maintained across that corridor. I don't know if they can -- to do that you'd have to have at least some -- some gap, you know, to run the cable through, but maybe in places it doesn't -- they've talked about a 75 foot corridor and they've talked about the need to not let roots grow into the trench. Yet, I don't understand that because Northern Pass proposed burial, they were along an existing highway and they weren't talking about a 75 foot wide corridor. They were talking about much narrower corridors. You know, maybe it's a different technology, I don't know. But if you had

a 75 foot wide corridor that's better than 150 foot wide corridor. If that whole thing is scrub/shrub that still creates a gap for mature, you know, forest species like marten.

So there are ways to improve it. But I think we should be searching, you know, not to make an unacceptable solution somewhat acceptable, I think we should be searching for, you know, as I've said in a number of other venues as we build our 21st Century infrastructure let's look for 21st Century solutions. Let's look for the right way to do it, not make a bad project less bad. You can improve it, but there are ways you can make it even better and tapering doesn't get to that level.

MR. BEYER: Thank you.

RON JOSEPH: Well, I'll echo what David just said with respect to the deer yard. As I pointed out in my testimony that IF&W when they wrote to -- in a June letter to Lauren Johnston that putting the corridor through the deer yard would be -- could be very well be an impediment especially in deep snow, so whatever could be done to reduce that. And I suppose, I don't know what -- I don't know what the width would be if the -- of the corridor if there -- if the line is buried there, but I guess if the

Commissioner were sitting here, I would go back to what I said earlier and that is, I guess, my first druthers would be to ask CMP to seriously think about avoiding the deer yard all together.

MR. BEYER: Thank you all. Another Commissioner -- another question from the Commissioner for Mr. Joseph. What is the significance of the Upper Kennebec deer wintering area being classified as indeterminate?

RON JOSEPH: Well, that's a long, sad history there that we could take up the rest of this hearing if -- if you want me to go into that great detail. The State of Maine, mainly IF&W, has been working with landowners since probably the late 1950s to develop cooperative agreements to protect deer yards and that met with quite a bit of resistance because IF&W, mainly Chuck Benaziak (phonetic), who is really the father of deer management in the State of Maine sent an order for us to ensure a deer population in western, northern and eastern Maine we've got to have deer wintering yards. So as the Department tried to -- I'm going to get to your question. The Department tried to develop cooperative agreements in the '50s and the '60s and met with some success but a lot of resistance and

then when LURC came into existence and there was a mechanism to zone these deer yards as PFWs, that met with even greater resistance. And then I think after a period of about 30 years of battling with landowners and fighting over a PFWs, in 2007 the Department was lobbied very hard by the forest products industry to back away from zoning and instead let's give this cooperative agreement effort a try again and I think that has largely -- in some cases it's worked, but the problem with cooperative agreements is that there is no legal binding and when the property sells as we've seen a dizzying number of properties sell in the Maine woods, some of those agreements with the new landowners said, well, you know, I didn't sign this agreement and I've invested this amount of money into this property and the best remaining timber, the most valuable timber left is in the deer yard and I'm going to cut it. And so that in a nutshell is where we're at with deer yards in Maine. It's been an uphill battle and the deer have suffered because of it.

MR. BEYER: Right. So -- so get to the question about the fact that the Upper Kennebec deer yard is indeterminate.

RON JOSEPH: I -- I don't know why it is.

MR. BEYER: What's the significance of that though?

RON JOSEPH: What's the significance of it?

MR. BEYER: Yeah.

RON JOSEPH: The significance of it is it doesn't have legal protection. It's not legally protected, so the Department has to rely on the goodwill of the landowner to do what every -- he or she or the company to protect it and then look to DEP for some support as well.

MR. BEYER: Thank you.

MR. REID: Just one follow-up to that. In your view, does that mean that the Upper Kennebec deer yard has lesser value as habitat than regulatory deer yards?

RON JOSEPH: No, sir. It does not. It's just -- I mean, to the deer it doesn't matter really if it's regulated or not, it's a deer yard, so it's important to them.

MR. REID: Thank you.

JEFF REARDON: May I -- may I just add one piece of testimony regarding that? And if this is out of place, please tell me, but I will just say in the planning for the Cold Stream project I spent a considerable amount of time in the field with IF&W

fisheries biologists and deer biologists and staff from TPL and from then landowner Plumb Creek trying to sort out where the boundaries were. We had a very complicated project with an acreage limit where we were trying to squeeze in as much deer habitat as we could into that parcel and as much brook trout habitat as we could into that parcel and we spent a lot of time going back and forth arguing about the relative value of this piece of the Kennebec deer yard complex versus what piece of Tomhegan Stream versus what Plumb Creek was willing to sell. And I will say that given the amount of time that the IF&W staff and the region spent on trying to get as much of that complex into the Cold Stream unit as possible they think it has very high value.

MR. BEYER: I have no more questions. Thank you.

MS. MILLER: Commissioner, do you have any other questions?

MR. REID: No. Thank you.

MS. MILLER: Mark.

MR. BERGERON: Dr. Publicover, a few questions for you.

DAVID PUBLICOVER: Sure.

MR. BERGERON: With your experience as a

forester, could you give us some indication of the length of time that you think it might take for a tapering section on the edges of this corridor to establish itself because as I understand it, and maybe you have a different understanding, the 150 foot wide corridor would be cleared edge to edge and then allowed to regrow back up to the tapered width, can you give us an indication of how long you might think that might take?

DAVID PUBLICOVER: A rule of thumb that I recall in talking about some of the early sustainable management discussions was forests reach sort of maturity, you know, with the minimum level of when you start talking about mature forests is 40 feet or 40 years. So, you know, and hard woods will reach that level quicker, oftentimes, than soft woods. Again, it depends on the species. If you're talking about, again, soft wood trees growing up to a height of 35 feet, you know, unless you're doing, you know, spacing control and giving, you know, pre-commercial things giving them room to grow, again, I think you're probably talking 30 years thereabouts. A few decades.

MR. BERGERON: Okay. Thank you. You had also mentioned earlier about some of the widths of

the corridor or the underground portion of the corridor on the Northern Pass project. Do you have a sense of in general how wide that underground corridor was in those sections?

MR. PUBLICOVER: Well, I was trying to look that up recently, you know, that information is in the Federal Draft Environmental Statement. In some places it was actually going to be buried in the road, in a paved road. In other places it was going to be buried directly adjacent to the road in the -- on the shoulder of the road, but they were talking about, you know, trying to protect stone walls, you know, adjacent to the road, so I think they were talking about -- even if it was adjacent to road they're talking 10 or 15 feet, you know, in terms of how much room they needed to install it. And that may, you know, and then they may add in like one lane of the road, but they certainly weren't talking 75 -- 75 feet. And I think it probably varied in different places, again, in some places they were going to go -- they were going to basically close down and dig up one lane of a road and put it in, so, but. And I can't say for sure whether this is the exact same technology that -- that, you know, was discussed in some of the new witnesses here, so I wouldn't -- I

wouldn't guarantee that it's an apples to oranges -- an apples to apples comparison, but I would suggest looking at the Federal DEIS for the Northern Pass would give more detail on that kind of thing.

MR. BERGERON: Thank you. Mr. Reardon, in your direct testimony, I believe it was on Page 8, you were discussing some of the brook trout habitat in this area. Could you give me a brief description of what effect forestry activities have on brook trout habitat?

JEFF REARDON: Sure. Certainly forestry activities have impact on brook trout habitat. In this region probably the most significant impact was the impact that occurred when we were log driving. You can still walk just about any stream in the State of Maine and find places where the streams were bulldozed, where driving dams were built, those have habitat impacts. Some of the habitat restoration projects we've done were trying to address those impacts from a very long time ago.

The second, I think, most significant is the road network and particularly the stream crossings and that's getting better because we're paying more attention to both, sorry, landowners -- I'm too loud for microphones.

MS. MILLER: Can everybody else just turn their mic off while Mr. Reardon was talking.

JEFF REARDON: I think I did my whole testimony without a mic. Can everybody hear me without it? Is this okay? You can hear me? So that's getting better both because we're talking about improving regulatory standards. The LUPC is -- is doing a rulemaking on -- or they may have completed the rulemaking on improved standards for culverts. It wouldn't affect forest roads, but the landowners themselves are doing a better job. In general, right now the forest roads are in better shape than DOT or town roads.

MS. MILLER: Sorry. I guess you have to talk into the microphone for the live-streaming.

JEFF REARDON: I'm sorry. So that would be the secondary impact. Of course the impacts of timber harvesting on the streams directly in the sense of clearing, number one, they're temporary not permanent. And, of course, the landowner is trying to regrow trees and get them to marketable size quickly and you cannot clear all the way to the stream bank on most of the streams that we're talking about because you'd violate forestry standards if you did, so it's significantly lower. That said, as a

voluntary buffer management we are typically asking landowners on conservation lands to do less than what the law would allow them to cut in riparian areas and have talked about conservation easements or conservation purchases like Cold Stream to be able to do that so there is some impact, sure.

MR. BERGERON: Thank you. Also in your direct testimony you talked about Roaring Brook Mayflies and spotted salamanders and the protections -- the legal protections -- the regulatory protections they may have, are there any of those same protections or similar protections for any other species of brook trout in this area?

JEFF REARDON: No. I think the question you're asking me is have we -- have we identified brook trout habitat as significant wildlife habitat under the Natural Resources Protection Act?

MR. BERGERON: No. Are there other protections for threaten/endangered or other classifications by the Department of Inland Fisheries and Wildlife for brook trout?

JEFF REARDON: No. Brook trout are not a threatened and endangered species. They are a species of greatest conservation need as identified in the most recent state wildlife action plan, which

I think is dated 2015 and was finished in 2016.

MR. BERGERON: Okay. Thank you. One more question and I know it's probably in the record somewhere. I was hoping you might be able to briefly describe if the Maine Department of Inland Fisheries and Wildlife or the U.S. Fishery and Wildlife Service had any comment to impacts of potential impacts to Atlantic salmon habitat on the West Branch of the Sheepscot River.

JEFF REARDON: If -- if they -- if they did, I don't recall seeing it in the consultation. I will say, again, before I worked for TU I worked for Sheepscot Valley Conservation Association. That section of the West Branch of the Sheepscot River is already severely impacted by multiple power lines that don't cross the river at right angles, they parallel it, if I remember correctly, on both sides. The Maritimes and Northeast pipeline also crossed the West Branch of the Sheepscot River in that same reach and, again, created an additional corridor. At the time I worked for the Sheepscot Valley Conservation Association the then president of SVCA wanted me to spend all of my time working on a bill in the Maine Legislature about what he called corridor sprawl and how we should not allow one corridor to be next to

another one. That has not become the state policy in the intervening 22 years or so. But the -- I think the additional impact of this line while there is some because it will remove a little bit of what little bit is left isn't very high because so much is already gone.

MR. BERGERON: Great. Thank you. Mr. Towle, in your direct testimony you had talked about -- so maybe if you can describe a little bit more about the differences or the importance of the differences between wild brook trout and non-native brook trout, please?

TODD TOWLE: I guess the best way to describe it would be look. It would be a physical characteristic. If you look at a hatchery raised brook trout, even after they're put into a system whether it's a lake or a pond or a river from IF&W, the fish itself has a different look. It's the same species, but it will have fin wear. You'll have it on its pectoral and on its tail. It's usually from crowding in a hatchery, so it's not a -- what you would picture as it -- it looks like damaged fish and it takes a while for those fins to grow back. A wild brook trout in comparison no matter what the size, whether it's a parr, immature brook trout, or adult

anywhere's between 6 to 20 inches it's what you picture in your mind especially in the fall in September when spawning season occurs. I don't have any slides to show you the difference, but I can tell you from an angler's standpoint and this would be from a -- from my business from a traveling angler or a resident, if you give them the choice between catching wild fish over hatchery fish it's 2 to 1 wild fish. They would rather catch a wild fish, and these are my clients, and travel to catch wild fish than come and catch hatchery fish. Even though fish in the barrel mentality, if you've had a recently stocked pond, hatchery fish are a very easy target. The fish, for example, I think, can give you at Cold Stream, those fish no matter what the size and this is kind of a -- if you look at native fish throughout the country, Maine's native fish are brook trout and landlocked salmon. If you go out west, it's a cutthroat -- the amount of subspecies is a cutthroat. If you're a traveling angler, you're going to go out west and you're going to target cutthroat. If you're coming to Maine you're going to target brook trout. Even though we have rainbows and we have browns just like out west they have rainbows and browns, people want native wild fish. It's important to them. It's

history. It's not -- it's not a hybrid. It's not -- it's not a fake fishery. It's not a supplemented fishery, okay. So those -- having -- having that it's -- it's the background of hunting and fishing. You're not on a game farm. You're not on a fish hatchery. So that to me is, you know, that's the gist of it. It's the ethical part of fishing.

MR. BERGERON: Okay. Great. Thank you. And I don't know if you had mentioned it, I know it's in, Mr. Towle, in your testimony, but there is a few mentions this morning of other panelists about a state heritage fish water. Could you or somebody describe what -- what that entails, please?

JEFF REARDON: Can I -- you want to try, Todd?

TODD TOWLE: I'll take a crack at it. Basically the way I look at it -- and he can expound on it like he can. If you think about it, our state -- our heritage water, it's a fishery, a pond that never been stocked. It's the same remnant fish when Maine was -- was founded. So there is -- you don't see invasive species in them, so nobody has gone in and created a different fishery. So to give you an example, I have a -- my family has a camp on Grace Pond. It's heritage water. Now, it has brook

trout in it. Those are the same brook trout that have been in there over 100 years, okay. It's the same. It's never been stocked. It's never been supplemented. It's -- they usually have special regulations on them to protect them and it's not to say that every heritage water is a trophy water. It's -- don't get that confused, it's not. It's what makes heritage water incredibly valuable for the people of Maine and people from away. It's just that. They're wild fish. They're our heritage fish and they haven't been altered and manipulated. And it's not trophy water because if you go to -- a lot of these ponds a 12 inch fish is the absolute largest fish you will get out of there, but it is -- it a wild non-stock fish.

JEFF REARDON: And if I can add, the heritage fish waters were designated initially by legislation in 2005 or 2006. That legislation was subsequently amended. To qualify for heritage water, heritage status, it has to be a lake or pond. It has to be either have never been stocked or not stocked in at least 25 years, so it's a rolling list. A pond will qualify as they reach that threshold. And the legislation requires two things, one that the State of Maine may not stock fish there without removing it

from the heritage fish list. And number two, that the State of Maine must have regulations for at minimum no live fishing bait on those waters in order to prevent the introduction of non-native species that might compete with them, several of the bait fish species, smelts, golden shiners are very significant competitors with brook trout.

MR. BERGERON: Thank you. No further questions.

MS. BENSINGER: Mr. Reardon, would -- can you submit into the record a copy of that report or document you referred to, I believe it was a 1999 document that with a discussion of potential brook trout habitat improvement project?

MR. BEYER: Indian Pond.

JEFF REARDON: Yes, I -- I know what you're referring to and I'll tell you why I'm hedging. The only place -- I know -- I know I no longer have a hard copy of that because I lost it when I moved to my current house 10 years ago. There was a box of documents I've never found. And electronically that document could be found in the FERC archives, but I believe the file format there is one that I can no longer retrieve on my computer. I've tried. I can't remember what the file format is, but I think I can

find where the file is in the FERC docket, but whether I can create a format of it that I can print or share, I honestly don't know. And I'm -- I'm sorry to do that, but I just -- I don't want to promise I can't -- I will do my best.

MS. BENSINGER: Would you let us know, please?

JEFF REARDON: Yeah, I can definitely provide the link to where it is for somebody more technically savvy than me, but I'll do my best to get you a hard copy.

MS. BENSINGER: Thank you.

RON JOSEPH: Is this -- is this a FERC document?

JEFF REARDON: It is.

RON JOSEPH: Would it be available from Steve Shepard at Fish and Wildlife Service since he's the FERC biologist?

JEFF REARDON: It -- it might be. It also might be available in -- in the Department's records from the relicensing. Were Dana Murch still here, Dana would be able to put his fingers on that document in about 30 seconds. Whether Kathy Howatt can do that or not, I don't know. And I believe -- I am just trying to think, Steve Hippito (phonetic)

from IF&W, he has retired.

MS. BENSINGER: Please, if you can just let us know.

JEFF REARDON: I'll -- I'll do my best.

MS. BENSINGER: Thank you.

MS. MILLER: All right. Any other questions from the Department? We'll go ahead then and break from lunch. We'll do redirect after lunch. Same panel. Thank you.

(Luncheon break.)

MS. MILLER: Welcome back from lunch. So at this point, we have just a little bit longer with our Group 4 witnesses. Thank you very much. And we will start with redirect.

MS. ELY: I just have a couple of questions. Mr. Joseph, Mr. Manahan asked you some questions about forestry activity in Maine, do you recall that line of questioning?

RON JOSEPH: I do.

MS. ELY: How many forest projects -- forestry projects are 54 miles long and 150 feet wide?

RON JOSEPH: I can't think of any.

MS. ELY: Okay. Thank you. Mr. Buxton also asked you some questions, the ones I'd like to ask

you about are any deer hunting permits. When he was asking you those questions it sounded like you wanted to elaborate but the questioning moved on and I wanted to ask you if you wanted to elaborate on any deer permits?

RON JOSEPH: Well, the only --

MR. BUXTON: I'm sorry, if I may. I don't object to him answering the question, but I didn't ask a thing about deer permits.

MS. MILLER: I wonder if you can just clarify what this is about so then we just have a little context in mind?

MS. ELY: If I recall the line of questioning it was about whether there were -- whether deer permits were issued and I am honestly not where sure Mr. Buxton went, but it was truncated and so I wanted to let Mr. Joseph finish.

MR. BUXTON: I have great respect for counsel and less respect for my memory, but I believe none of us will remember my discussing deer permits.

MS. BENSINGER: Do you recall a question about that?

RON JOSEPH: Well, I don't -- I recall starting -- maybe he said something that triggered me to talk about winter severity and the increase and

decrease and the issuance of any deer permits. It has to do with winter severity, so. In years that there is a lot of deer mortality with high --

MS. BENSINGER: Well, let her ask the question.

MS. MILLER: So it sounds like Mr. Buxton -- just for clarifying the record, it sounds like Mr. Buxton -- Mr. Buxton did not ask any questions about any deer permits; is that correct?

MR. BUXTON: That's correct. I did ask a question about the effect of heavier snows on the deer heard.

MS. MILLER: Okay. Thank you.

RON JOSEPH: And that's probably what triggered my thought about any deer permits.

MS. MILLER: Go ahead.

RON JOSEPH: And that the state issues any deer permits and it varies from year to year depending on what the estimate of deer mortality is in the winter. This winter because we've had a really severe winter there will be high deer mortality rates and my -- my guess is that next spring or later in the spring or the summer when they do issue any deer permits it will be cut way back to save the does.

MS. ELY: Thank you. Mr. Reardon, Mr. Manahan asked you some questions about CMP Rebuttal Exhibit 4.1.A, do you recall that line of questioning?

JEFF REARDON: I do.

MS. ELY: And do you still have that exhibit handy?

JEFF REARDON: I do. I think it's actually the one on the bottom of the pile. I do. Is it the attachments to Ms. Johnston's rebuttal testimony?

MS. ELY: It is. So keep it -- keep it handy. First, can you look at the bottom of Page 2?

JEFF REARDON: Of her testimony?

MS. ELY: Of the attachment CMP 4.1.A Page 2. There is an email at the bottom of the page that Mr. Manahan had you read from, I'd like to ask you what the date of that email is.

JEFF REARDON: At the bottom of Page 2?

MS. ELY: Yup.

JEFF REARDON: The date on the email at the bottom of the page was December 21, 2018. Are we looking at the same document?

MS. ELY: Yes. And who is it from?

JEFF REARDON: From Bob Stratton at IF&W.

MS. ELY: And who is it to?

JEFF REARDON: To Gerry Mirabile.

MS. ELY: Okay. Could you look one page back on Page 1 of this exhibit to bottom, there is another email there, can you tell me who it's from?

JEFF REARDON: Gerry Mirabile, CMP.

MS. ELY: And who is it to?

JEFF REARDON: Sorry. To Bob Stratton at IF&W.

MS. ELY: And what's the date of that email?

JEFF REARDON: March 11, 2019.

MS. ELY: Thank you. And then just the top of the page again there is another email. Can you state who the email is from?

JEFF REARDON: The email is from Jim Connolly, who I believe is the Bureau Director at IF&W.

MS. ELY: And who is it to?

JEFF REARDON: To Gerry Mirabile.

MS. ELY: And what is the date on that email?

JEFF REARDON: March 18, 2019.

MS. ELY: Thank you. Mr. Manahan asked you -- sorry, back on Page 2. He asked you in this email where CMP is asking MDIWF if the attached clarification materials provided, quote, satisfactory

mitigation of the project impacts. Do you recall him asking you about that language in the email?

JEFF REARDON: I do.

MS. ELY: Okay. Again, back to Page 1, the top email. Can you tell me if the word satisfactory mitigation appeared anywhere in that email?

JEFF REARDON: This is the email from James Connolly to Gerry Mirabile?

MS. ELY: Yes.

JEFF REARDON: On March 18?

MS. ELY: Yes.

JEFF REARDON: Yes. It's going to take me a minute. And, I'm sorry, the satisfactory -- what was the second word I'm looking for?

MS. ELY: Satisfactory mitigation.

JEFF REARDON: I have read this quickly, but I don't believe the word satisfactory or mitigation appears in the email.

MS. ELY: Thank you. Switching gears now. Mr. Reardon, in some earlier questioning you mentioned that burying the line might have no impact on brook trout habitat and I wanted to ask what assumption did you make about vegetation over the buried portion of the line in making that statement?

JEFF REARDON: I made the assumption that if

the line were buried it would be done, number one, without direct impacts to the stream say by trenching, and number two, maintaining an intact riparian buffer with a full canopy for at least 100 feet back from both stream banks.

MS. ELY: Okay. Thank you. Dr. Publicover, Mr. Manahan asked you some questions about traffic on the corridor, do you recall that line of questioning?

DAVID PUBLICOVER: Yes.

MS. ELY: Okay. Were you referring to car traffic or any type of motorized traffic?

DAVID PUBLICOVER: No, I was referring to car traffic, which obviously there will be not be in the corridor. There will be snowmobile traffic. I understand that the corridor will be open to snowmobiling, which raises additional concerns of its own on -- especially on American marten. In the Grant Reliable Wind Power project in Maine I was involved, I was an expert witness in that proceedings and this was a wind power project proposed for a large block of unfragmented high elevation habitat and one of the primary concerns was on marten because in New Hampshire that is a state threatened species. As a result of that, AMC and New Hampshire Fish and Game worked out a settlement that involved very

significant land conservation, but also funded a study of what the impact of the project would be on American marten. That project was done by a graduate student, I believe, at UNH in cooperation with New Hampshire Fish and Game. It involved radio collaring a number of marten determining how their habitat use changed once the project was built and they found that a number of the marten that they had trapped had been killed by coyote and the assumption was that the coyote now had access to this area because the road up the wind turbines was packed by snowmobiles. Normally, coyote would not be able to access that area because of deep snow. So in this area the same concern remains that, you know, the snowmobile traffic will create a packed snow corridor that will allow access to generalist predators such as coyotes and potentially fox that will not only compete with marten but could potentially directly prey on them.

MS. ELY: Thank you. Mr. Buxton asked you if you had ever been to the region of the corridor and you said that you haven't. How is it that you're able to offer testimony on a place that you have not visited?

DAVID PUBLICOVER: That's a good question. Well, I have been involved in discussions,

conferences, meetings on forest management in the state, forest ecology in the state dating back to the Northern Forest Lands Council days of the early '90s. And for the last 15 years I have been responsible for land management planning on AMC's lands east of Moosehead Lake. I have traveled extensively throughout the region. I've been on industrial lands. I've been on forest management tours in northern New Hampshire, western Maine, downeast Maine, northern Aroostook County. I have been as far as Rockwood but have not been out into the Moose River Valley. However, I think my experience gives me the ability to look at things like aerial photography, understand the ecology of the landscape, the forest types and the patterns of timber harvesting in the area to the extent I can look at an aerial photo and picture very closely in my mind what is going on there.

MS. ELY: Thank you. Finally, Mr. Buxton also asked you if you were aware that Maine allows for the trapping of marten, do you recall this line of questioning?

DAVID PUBLICOVER: Yes.

MS. ELY: Does the fact that Maine allows for the trapping of pine marten mean that we should

have a concern for the species or its habitat?

MR. PUBLICOVER: Oh, not at all. You know, first I think it's important to remember that when we talk about marten we're not just talking about one species. Marten is one of the two primary umbrella species in the north Maine woods as determined by extensive research at the University of Maine and it is the umbrella species for mature forest habitat. The other one is lynx, which is the umbrella species for early successional spruce fir habitat. So when we talk about marten we're not just talking about one species, we're talking about the whole suite of species that share the same habitat needs. Now, with regards to trapping, again, marten is trapped and I think that increases the importance of not adding additional pressure onto the species by degrading its habitat. How many deer are killed in Maine by hunters? And we've spent a lot of time here talking about deer habitat management. So I don't think trapping -- the fact that a species is trapped or hunted does not mean that we should not be concerned about the habitat impacts.

MS. ELY: Thank you. That's all the questions I have.

MS. MILLER: Thank you. Any recross by the

Applicant?

MR. MANAHAN: Mr. Reardon, just a few follow-up questions. You had testified earlier today that you think chop and drop would be a useful addition to CMP's compensation proposal.

MS. ELY: Objection. This is not within the scope of my redirect.

MR. MANAHAN: Ms. Ely -- Ms. Ely just a minute ago asked you about IF&W's agreement -- the agreement between CMP and IF&W. Are you aware --

MS. ELY: I did not ask about the substance. I just asked about dates and the substance of the email. I didn't ask about the document.

MR. MANAHAN: Right, but you asked about whether or not the material that Mr. Reardon just looked at --

MS. BENSINGER: Mr. Manahan, please address your argument to the Presiding Officer.

MR. MANAHAN: Excuse me. Ms. Ely just asked about whether or not the materials that Mr. Reardon was reading indicated that there was a satisfaction I think was the word from IF&W and I'm exploring whether or not, in fact, Mr. Reardon is aware of the specifics of that satisfaction.

MS. BENSINGER: I would recommend then that

the Chair allow the question.

MS. MILLER: I will allow the question.

MR. MANAHAN: Thank you. Are you aware that IF&W specifically asked for chop and drop -- specifically asked that CMP not use chop and drop in its comprehension plan?

JEFF REARDON: Two things. First of all, one of the accommodations in your question that I had recommended at --

MS. BENSINGER: Can you please speak into the microphone?

JEFF REARDON: Oh, sorry.

MS. BENSINGER: Thank you.

JEFF REARDON: Two things, one, I believe one of the premises for your question was that I had recommended adding chop and drop to the mitigation plan. I do not believe I did so. I did discuss what the standards of wood size were for chop and drop projects in the context of what kinds of wood we would like to see recruited out of riparian buffer zones. So I didn't say that, that's not the question you asked me, but I wanted to address that premise of your question. I am sorry, can you repeat the question about the materials?

MR. MANAHAN: Are you aware that IF&W asked

CMP not to include chop and drop in its comprehension plan?

JEFF REARDON: I have reviewed correspondence between the two agencies. I can't remember seeing that in the IF&W communications. I believe I did see in some of the communications from CMP that you were confirming that they asked you to look at other alternatives than chop and drop.

MR. MANAHAN: Okay. And with respect to CMP's discussion with IF&W having to do with Tomhegan Stream, are you aware that CMP agreed to reevaluate Tomhegan Stream with IF&W for plantings following the initial cutting to determine if more shading is needed?

MS. ELY: I'd like to object to this question as well. This was definitely not anything that I asked about and I asked about whether the words were in the email not about the actual content of the other documents.

MR. MANAHAN: Ms. Ely opened the door to the IF&W agreement in her redirect and so I'm re-crossing on that IF&W agreement with respect to whether or not IF&W is satisfied.

MS. MILLER: I'll allow it.

MR. MANAHAN: Thank you. This will be

short. This is a -- do you need me to repeat the question, Mr. Reardon?

JEFF REARDON: You were asking me -- may I ask, are you asking me about the section of that correspondence headed issue three resolution?

MR. MANAHAN: No, I'm simply asking if you're aware that CMP agreed to reevaluate Tomhegan Stream with IF&W for plantings following initial cutting to determine if more shading is needed at Tomhegan Stream?

JEFF REARDON: I -- I am reading the paragraph that I believe you're asking about that deals with Tomhegan Stream and it does not say exactly that, but I'll read what that paragraph says to you if you'd like.

MR. MANAHAN: Well, as far as I know it's not in that paragraph. I'm asking generally what IF&W's discussion on the agreement with CMP --

MS. ELY: Objection. We're now talking generally about CMP's origin. You're admitting that it's not even in that document.

MR. MANAHAN: I didn't say it was in that document. I said it has to do with CMP's agreement with IF&W, which was the point of your question, which is --

JEFF REARDON: May I answer your question? With respect to the --

MS. BENSINGER: Hold on. Hold on. The Presiding Officer needs to rule on the objection. Thanks.

JEFF REARDON: Sorry.

MR. MANAHAN: This is simply following up on the same question.

MS. MILLER: I will allow it.

JEFF REARDON: With respect to discussions between CMP and IF&W regarding Tomhegan Stream, I am aware that in an email from Bob Stratton on Friday, February 21, he identified a number of issues that were still open issues at that time. Number three of which was, and I quote, MDIW&F and CMP agreed to evaluate all riparian issue areas post-construction and assess the need to augment the natural regrowth of vegetation within the respective buffers. As part of the post-construction assessment MDIF&W requests that the five streams labeled as PSTR-4401, 4401, and maybe those are the same streams, I don't know, 4405, 4406 and 4407, KMZ PIM 12 receive a higher level of consideration for potential plantings as they have elevated value as stream resources. MDIF&W does request that CMP provide additional planting plans

during this phase of the project for the resources is listed below, Sheepscot River where brook floaters are present and Montsweag Brook where brook floaters are present. Brook floaters are fresh water muscles. In follow-up, March 11, responses from CMP to MDIF&W the heading of the document is responsive to MDIF&W remaining issues from December 21, 2018 MDIF&W email and clarification regarding January 30, 2019 comprehension plan, March 11, 2019. If I read down to issue three, which I assume is the same identified issue three, it restates issue three as I just read it in substantially the same words. I won't read all of it and there is a, quote, issue three resolution. The statement that CMP agreed to evaluate all riparian areas post-construction and assess the need to augment the natural regrowth vegetation, all is underlined, with the respected buffers was inaccurate and has been clarified as discussed below. In consultation meetings, one stream complex PSR, those same numbers, I won't read them again, KMZ PIM 12, known as Tomhegan Stream was discussed and CMP agreed to revisit those areas with MDIF&W following construction to determine in plantings were warranted. It was also discussed in the course of these consultation meetings that plantings of the

non-capable species and stream buffers particularly in this area of the project where soils are rocky may not succeed and that natural revegetation is likely to outcompete plantings. Is that what you're asking me about?

MR. MANAHAN: Yes. Thank you. I have no further questions.

MS. MILLER: Thank you. Any other re-cross? Okay. We'll go ahead then and -- thank you for witness -- Group 4 witnesses. I appreciate your time. So now we'll go ahead and switch over to Group 8, Mr. Russo. Go ahead, Mr. Russo.

CHRISTOPHER RUSSO: Good afternoon. My name is Christopher Russo. I'm the Vice President of Charles River Associates in Boston and I'm here on behalf of NextEra Energy, who has engaged my firm to offer independent expert testimony.

What I'd like to do is provide a brief summary of my testimony and the key points contained within. I know some of you were here on Tuesday and for those of you have to listen to me recite it again, I offer my apologies. But let me give a brief introduction to myself and then summarize my testimony and then offer a few observations about some of the discussions that have gone on here and

what I think the situation is with regards to NECEC and some of the issues. My background --

MS. MILLER: Mr. Russo, can I just have you pull the mic a little closer?

CHRISTOPHER RUSSO: Better?

MS. MILLER: Yes.

CHRISTOPHER RUSSO: So I am by background an engineer and economist. I have spent a majority of my career analyzing power markets in one form or another working at everything from power plant engineer to an academic researcher to an economist analyzing the dynamics of these markets and the engineering and environmental impacts of generation transmission projects.

My testimony is fairly straightforward and really addresses two principle points. And so the first of which really is something which I think has been discussed at length in these hearings and at this point is generally agreed upon, which is that CMP did not consider undergrounding 53 miles of DC line through northern Maine. In testimony from CMP and especially that from Mr. Dickinson from CMP, he identified some of the reasons for that, which I will address a bit further along in my opening statement. The second principle point in my testimony, which I

think is important is that the characteristics of the DC line or the way in which NECEC is proposed to be constructed is atypical and somewhat unusual. A DC line, as you know, of course, is a high voltage direct current line and it is generally infeasible without great expense to interconnect in the middle. So it's essentially a toll highway from Quebec to Lewiston with one exit on either end and no exits in the middle.

DC lines can offer significant advantages in terms of efficiency over long distances and a DC line of some length is necessary to connect the power grids in Quebec and New England, but a DC line of 150 miles is unusual compared to those in which I identified in -- in my research. And in particular if we take the length of 150 miles there is only one other line I was able to identify that was also DC and of shorter length. The principle point of this being that construction of a DC line at this length is unusual. Let me pause there.

The third point I wanted to make is that with regards to the purpose of the line, and this is something which Mr. Dickinson touched upon in his testimony I thought was noteworthy, and I'll sort of elaborate on this with a metaphor I think which may

be useful in clarifying some of the issues after this. But in CMP's rebuttal testimony they asserted that it would be unreasonable to impose evaluation or consideration of all the available alternatives because if it were forced to or compelled in some way to underground the line it would not have won the solicitation -- the 83D solicitation for clean energy in Massachusetts, therefore defeating the purpose of the line.

MS. MILLER: Is there an objection?

MR. BUXTON: There is an objection. I -- I think this is rebuttal testimony by a witness who filed no rebuttal testimony.

MS. BENSINGER: Response?

MR. BUXTON: I think it's --

MS. TOURANGEAU: I think that -- sorry. Do you want to respond? I believe that Mr. Russo addressed this issue in his direct pre-filed as well.

MR. BUXTON: But he has just prefaced it by saying that he's responding to CMP's testimony.

MS. BENSINGER: Well, he can respond. If it's included in his original testimony and he can frame it as a response.

MR. BUXTON: Well, I guess we'll have to hear what he says. Thank you.

MS. MILLER: Proceed.

CHRISTOPHER RUSSO: To be clear, the issue about the purpose of the project is -- is, I think, very directly relevant to the two principle points in my testimony about the failure to consider alternatives and the unusual nature of this particular line. And so the purpose of the project in my opinion is, in fact, to be the most competitive offering into a competitive solicitation respecting all of the constraints and regulatory requirements that go along with it.

So with that, let me offer a metaphor which, I think, can clarify at least in my opinion summarizes some of the issues and then offer one or two final observations about ways in which potential alternatives could be considered. The differences and nuances between high voltage between AC and DC lines in the regulatory process are complex and I certainly recognize that and the language may seem somewhat arcane and inaccessible at times, but I think a metaphor that summarizes this reasonably well is if you hire a contractor to build a house. So you hire a contractor to build a house, you put it out for -- more to the point you put it out to bid. You get a number of bids back. The contractor takes --

you select the winning contractor for the lowest bid, that contractor then goes to the building department, the building department says, well, you know, I can't really approve this the way you've designed it. Maybe you're going to need a steel beam here instead of 2x10s, maybe I want a different R-value under the insulation. Maybe the connection to the pole out in the street needs to be underground instead of an overhead wire. Whatever it happens to be. At that point the contractor comes back to you and says, well, it's unreasonable to make me comply with these requirements in the building department because if I had to comply then I wouldn't have won -- then I wouldn't have been the lowest bid. That's essentially just in my opinion and my assessment with the state of affairs here with regards to NECEC and the additional requirements that could be imposed for considering all available alternatives or undergrounding the line.

The final thing I'll mention is that the -- much like a contractor, right, if he needs to -- if he or she needs to address additional requirements imposed by the building inspector that's typically on him and my understanding of the dynamics and what's been supported by the testimony of CMP witnesses that

if additional requirements were required by you or the Land Use Planning Committee or other entities in the State of Maine they would not result in any additional cost to either Maine or Massachusetts ratepayers. So with that, I will close and offer myself for cross-examination.

MS. MILLER: Thank you. So we'll start with the applicant.

MS. GILBREATH: Hello again, Mr. Russo.

CHRISTOPHER RUSSO: Good afternoon.

MS. GILBREATH: I'm not going to rehash our line of questioning from Tuesday because as I'm sure you're aware that was a joint proceeding before the LUPC and DEP, so I don't think they need to hear that line of questioning again. So I just have a few quick questions for you to keep us all moving along here. Now, your direct testimony and your live testimony both on Tuesday and today, your overall criticisms is CMP's failure to consider undergrounding transmission line, correct?

CHRISTOPHER RUSSO: As in our exchange on Tuesday, I consider it just simply a statement of fact rather than a criticism, but, yes, that was one of the points in my testimony on Tuesday and today.

MS. GILBREATH: And another one of the

points in your testimony Tuesday and today and in your pre-filed is that other transmission projects in New England are proposed to go underground but the NECEC is not, correct?

CHRISTOPHER RUSSO: That's one of the elements of my testimony, yes, that's correct.

MS. GILBREATH: We went through that chart on Page 4 of your testimony, the three other projects, the TDI project in Vermont, Green Line project in Connecticut and the Northern Pass project in New Hampshire, correct?

CHRISTOPHER RUSSO: We did indeed.

MS. GILBREATH: And we established on Tuesday that among all of those projects you compare the NECEC not one of them secured long-term transmission service agreements, correct?

CHRISTOPHER RUSSO: That is correct.

MS. GILBREATH: Now, you testified today that you are aware of only one other DC line of shorter length than the NECEC that is overhead, correct?

CHRISTOPHER RUSSO: That is correct, one other line of similar length that's overhead, yes, that's correct.

MS. GILBREATH: And is that the Malaysia

line you were talking about on Tuesday?

CHRISTOPHER RUSSO: The Thailand/Malaysia line.

MS. GILBREATH: The Thailand/Malaysia line, okay. And we went over a few other examples of lines that I proposed to you that are also HVDC of similar length, do you recall that?

CHRISTOPHER RUSSO: I recall that we discussed one line in Africa of which I had not previously been aware of, but if my memory serves was about 600 miles. So I would categorize that as something significantly longer in DC technology. And the other was the Maritime link to Nova Scotia of which I believe has significant portions under water.

MS. GILBREATH: Are you aware that 116 miles of the Nova Scotia project are overhead?

CHRISTOPHER RUSSO: I wasn't aware of the exact number until now, but I have no reason to dispute it.

MS. GILBREATH: Okay. And the chart on Page 4 of your testimony where you talk about Northern Pass, Northern Pass is an HVDC project as well; am I correct?

CHRISTOPHER RUSSO: A significant portion of it is HVDC.

MS. GILBREATH: And I see in your fifth column of overhead miles in the state said Northern Pass has 132 overhead miles?

CHRISTOPHER RUSSO: That's correct.

MS. GILBREATH: Now, this project is 145 miles, the NECEC, correct?

CHRISTOPHER RUSSO: Ah, some reports proposed said it was 145.

MS. GILBREATH: Okay. With about a mile underground?

CHRISTOPHER RUSSO: That sounds about right.

MS. GILBREATH: All right. So the Northern Pass is comparable, in fact, a bit shorter in its overhead portion, correct?

CHRISTOPHER RUSSO: Right. And for clarity for the Commission of course this was selected and then rejected because it -- well, it was rejected essentially by the State of New Hampshire because of what I think were principally environmental concerns.

MS. GILBREATH: What's the approximate cost differential in your experience between an overhead and an underground transmission line?

CHRISTOPHER RUSSO: With the caveat that every project is different somewhere between 75

percent to 100 percent more expensive. It depends greatly on the geography, on the particular circumstances of the line, but, you know, 70 to 100 percent more expensive is in the ballpark.

MS. GILBREATH: So that's about twice as expensive?

CHRISTOPHER RUSSO: Well, 100 percent would be, yes.

MS. GILBREATH: Okay. Are you familiar with Mr. Dan Mayers of NextEra?

CHRISTOPHER RUSSO: I have met him a few times.

MS. GILBREATH: Okay. And is he the Director of Transmission at NextEra?

CHRISTOPHER RUSSO: That was his title last I knew.

MS. GILBREATH: Do you believe that he would be someone who is familiar with the cost differential between overhead and underground transmission lines?

CHRISTOPHER RUSSO: I'm not sure I can testify to the limits of Mr. Mayers' knowledge, but at least in my experience he seems to be knowledgeable about transmission generally.

MS. GILBREATH: I have no further questions at this time. Thank you.

MS. MILLER: Thank you. Group 4.

MS. ELY: We don't have any additional questions.

MS. MILLER: Group 3.

MR. BOROWSKI: I have no questions.

MS. MILLER: Group 7.

MR. SMITH: No questions.

MS. MILLER: The Department.

MR. BEYER: Mr. Russo, why would it be typical to bury this transmission line such as this one in that less than 200 mile range? Why is that more -- practiced more often than overhead?

CHRISTOPHER RUSSO: DC lines are typically used in unique circumstances. Often they're needed to connect grids which are asynchronous like what we're talking about here, crossing under water or over very long distances. I think as a general matter, you know, burying lines usually has less visual impact, less environmental impact, that may be a case why -- that may be a reason why these particular lines were buried. You could certainly bury AC lines at this length, but to answer your question directly, which is, you know, why are the shorter lines typically DC and buried. I think it depends on, you know, the unique circumstances in

geography. Many of them are under water connecting different islands or bodies of water. The design of transmission lines that interconnect systems is very, very site dependent. I'm not sure that there is a rule of thumb that would say that, you know, that below certain lengths something needs to be buried in DC. What I can say is that an AC line of 150 miles is pretty common. A DC line of 150 miles is less common. But, you know, sort of the converse of the question you just asked is that, you know, could this be a buried AC line and the answer is yes or could it be an overhead line the answer to that would also be yes.

MR. BEYER: Okay. When you look at the 150 miles, did you also consider the portion that's in Canada?

CHRISTOPHER RUSSO: Not really. The portion that's in Canada I understand is probably pretty short. There needs to be a connection on the electrical border between the Quebec and New England systems, but that -- again, that conversion, I mean, a back to back HVDC converter could fit inside this building, so it's relatively small. But to answer your question directly, no, I didn't -- I didn't specifically at the overhead portion in Quebec.

MR. BEYER: In some of the research I've done, which is not a ton, on burying DC lines, can they be directly buried or do they have to be in a conduit and if they're directly buried do they need to have some protections so people don't dig them up or drive over them?

CHRISTOPHER RUSSO: So this is getting into specific engineering issues. I can offer a general answer, which is that most high voltage DC lines of this size or magnitude probably would need to be in a concrete vault. I can't imagine this would be direct buried, but I suspect that's a question that would be specific to undergrounding the line and I'm not sure that I've done enough research to be able to answer questions about this one specifically, but from experience I would imagine that a pretty significant concrete vault would probably be required.

MR. BEYER: Thank you. I have nothing more.

MR. BERGERON: Mr. Russo, could you give us some general descriptions of what sort of vegetation management over an underground line would be?

CHRISTOPHER RUSSO: There typically needs to be a corridor around underground line to prevent roots from interfering with the vault of the conduit. Beyond that, that probably goes into an area where I

am not sure I have the necessary expertise to comment about vegetation management, but the -- you know, I'm confident in saying that there does have to be vegetation management even if something is underground. It can't be just buried and then sort of covered over.

MR. BERGERON: Thank you. And in general is there a I'll say a rule of thumb for an underground corridor width through -- not under a road or a road shoulder through, let's say, a greenfield.

CHRISTOPHER RUSSO: Yeah. I'm not sure I have -- I want to go back and check on this. I am not sure I feel comfortable enough knowing what the corridor width is for an underground line to offer you a specific number today.

MR. BERGERON: Okay. Thank you. And do you have any general insight or information about an underground line going overhead and underground and overhead and underground, is there -- are there considerations or limits technologically speaking to either prohibit that or make that infeasible?

CHRISTOPHER RUSSO: Well, everything is feasible it if you have enough money, right. So underground or over ground there is a cost involved. There needs to be infrastructure built around it.

You would need cooling apparatus for underground lines as well, but, you know, there are lines which are not necessarily in Maine, but lines which go underground and over ground multiple times, so it's feasible. The question of course is what the cost associated with it would be.

MR. BERGERON: Okay. And along those lines of cooling it's been mentioned a few times by various panels, can you give us some general understanding of what's required for cooling of underground lines and what sort of, I'll say, above-ground structures or apparatus might be needed to take care of that?

CHRISTOPHER RUSSO: Yes. Again, you know, I'm not -- I have not done a detailed engineering study nor am I necessarily qualified to do so for undergrounding a NECEC line, but as a general matter, cooling is required for underground lines. If you're running 1,200 megawatts through a couple of lines it does tend to generate a fair amount of heat, so you need heat exchanges and cooling stations at various intervals along the, you know, along the route. What those intervals would be and the size of those cooling stations, I'm not sure I'd want to offer information without going back and doing some specific research on it, but there would be cooling

required for an underground line, I am confident of that.

MR. BERGERON: Okay. Thank you.

MS. BENSINGER: I have -- I have one question. So the cooling is required no matter which type of line you're putting underground and is the cooling required -- the same extent of cooling for each of the two types of lines?

CHRISTOPHER RUSSO: That gets to sort of matters of detailed, you know, electrical engineering that may be specific to this project, but as a general matter buried lines whether it be AC or DC lines both require cooling. I am not sure I know without going back and actually doing the numbers not that I would necessarily be the best one to do so of what the difference in cooling apparatus or load or for consumption would be.

MS. BENSINGER: Thank you.

MS. MILLER: Okay. Seeing no other questions from the Department, redirect.

MS. HOWE: I'm just going to give him a copy of his testimony.

CHRISTOPHER RUSSO: Thank you.

MS. HOWE: Emily Howe, NextEra, Group 8. Mr. Russo, do you recall Ms. Gilbreath previously

just asking you about the table of other proposals on Page 4 of your testimony?

CHRISTOPHER RUSSO: Yes, I do.

MS. HOWE: So I'd like to go back over that table with you. So the TDI line in Vermont, can you tell me how many buried cable miles there are?

CHRISTOPHER RUSSO: 57 miles.

MS. HOWE: And what about the Green Line, how many buried lines of cable?

CHRISTOPHER RUSSO: 20.

MS. HOWE: And the Northern Pass?

CHRISTOPHER RUSSO: 60. Although with the Green Line I would also like to add that there are -- the Green Line and TDI, they're also under water as well.

MS. HOWE: And how many are under water of the Green Line?

CHRISTOPHER RUSSO: The Green Line are 40 miles under water and for the TDI line they're 97 miles under water.

MS. HOWE: And how many buried cable miles are in the NECEC?

CHRISTOPHER RUSSO: About one under their Kennebec River Gorge.

MS. HOWE: Thank you. That's all I have.

MS. MILLER: Any recross?

MS. GILBREATH: No, thank you.

MS. MILLER: All right. Well, that's what we had for this afternoon. So for those of you who want to be at tonight's public testimony session, again, we recommend coming a little early and staking out some seats because, again, I don't know if we'll have a big crowd again, but this way you can be up front in case you did have any objections. For the public testimony you do have the opportunity to cross-examine should you desire to do so.

And so with that, I will -- that will be at 6 o'clock in the Lincoln Auditorium, the same place as last time. For those of you who do not wish to attend, we will be back in the other room tomorrow morning, so you've got to bring all of your stuff again with you. I apologize for that. So we'll start up again tomorrow morning at I believe it's 9. Yup, 9 o'clock. Thank you, everybody.

(Hearing continued at 2:30 p.m.)

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 by means of stenograph,

and I have signed:

_/s/ Robin J. Dostie_____

Court Reporter/Notary Public

My Commission Expires: February 6, 2026

DATED: May 5, 2019

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1 STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 AND
MAINE LAND USE PLANNING COMMISSION
3

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

6

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

9

10 EVENING HEARING - DAY 4

11 THURSDAY, APRIL 4, 2019

12
PRESIDING OFFICER: SUSANNE MILLER
13

14 Reported by Lorna M. Prince, a Notary Public and
15 court reporter in and for the State of Maine, on April
16 4, 2019, at the University of Maine at Farmington
17 Campus, 111 South Street, Farmington, Maine, commencing
18 at 6:00 p.m.
19
20 REPRESENTING DEP:
21 GERALD REID, COMMISSIONER, DEP
22 PEGGY BENSINGER, OFFICE OF THE MAINE ATTORNEY GENERAL
23 JAMES BEYER, REGIONAL LICENSING & COMPLIANCE MGR, DEP
24 MARK BERGERON, DIRECTOR, BUREAU OF LAND RESOURCES
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1 TRANSCRIPT OF PROCEEDINGS
2 MS. MILLER: Good evening, I now call to
3 order the second public testimony session of the joint
4 public hearing of the Maine Department of Environmental
5 Protection and the Land Use Planning Commission on
6 Central Maine Power Company's New England Clean Energy
7 Connect Project.
8 This hearing is to evaluate the application
9 submitted by Central Maine Power pursuant to the
10 Department's requirements of the Natural Resources
11 Protection Act and Site Location Development Act, as
12 well as the Commission's Site Law Certification
13 process.
14 This hearing is governed by the Maine
15 Administrative Procedures Act, 5 M.R.S. Section 9051 to
16 9064, the Department's rules concerning the processing
17 of applications and other administrative matters, which
18 is Chapter 2, the Department's rules concerning the
19 conduct of licensing hearings, which is Chapter 3, and
20 on April 2, 2019 only, that was Tuesday, the
21 Commission's rules for the conduct of public hearings,
22 which was Chapter 5.
23 Notice of this hearing was given in
24 accordance with the Maine Administrative Procedures Act
25 and rules governing hearings. Notice was published

1 twice in each of the following Maine newspapers, The
2 Lewiston Sun Journal, The Bangor Daily News, The
3 Kennebec Journal and the Portland Press Herald.
4 The New England Clean Energy Connect Project
5 is a proposed new high voltage direct current
6 transmission line that would run from the Maine border
7 with Quebec to a new converter station in Lewiston, as
8 well as additional construction on a separate line in
9 parts of southern Maine. The purpose of the New
10 England Clean Energy Connect line would be to deliver
11 up to 1,200 megawatts of electricity from hydropower
12 generating facilities in Quebec, Canada to the New
13 England power grid.
14 Portions of the proposed project would be in
15 the following municipalities, Alna, Anson, Caratunk,
16 Chesterville, Cumberland, Durham, Embden, Farmington,
17 Greene, Industry, Jay, Leeds, Lewiston, Livermore
18 Falls, Moscow, New Gloucester, New Sharon, Pownal,
19 Starks, Whitefield, Wilton, Windsor, Wiscasset, and
20 Woolwich.
21 In addition, the proposed project traverses
22 the following townships and plantations, Appleton
23 Township, Bald Mountain Township, Beattie Township,
24 Bradstreet Township, Concord Township, Hobbstown
25 Township, Johnson Mountain Township, Lowelltown

1 Township, Merrill Strip Township, Moxie Gore; Parlin
2 Pond Township, Skinner Township, T5 R7 BKP WKR, and
3 West Forks Plantation. Portions of the proposed
4 project would also abut the boundaries of T5 R6 BKP
5 WKR, Haynestown, The Forks Plantation, and Pleasant
6 Ridge Plantation.
7 This week's hearing is being conducted
8 jointly by the Department and the Commission. The
9 Commission's portion of the hearing took place on
10 Tuesday, April 2nd starting at 10:30 a.m., and extended
11 into that same evening with public testimony. The rest
12 of the week is testimony for the Department only.
13 The criteria for consideration at the
14 hearing are limited to specific Commission and
15 Department criteria. Testimony provided this evening
16 by the public must be limited to the following
17 criteria, one, scenic character and existing uses; two,
18 wildlife habitat and fisheries; three, alternatives
19 analysis, and four, compensation and mitigation
20 packages. Criteria for the Department are available
21 for you to look at on the table where you signed in.
22 My name is Susanne Miller. I am the
23 Director for the Department's Eastern Maine Regional
24 Office and I have been designated the Presiding Officer
25 for this matter by the Commissioner of the Department.

1 This designation is limited in its scope to the
2 authority necessary to conduct the hearing and
3 administer governing procedural statutes and
4 regulations in the development of the administrative
5 record. My role does not include the ultimate
6 decisionmaking authority on the merits of the
7 application, which the Commissioner expressly retains.
8 Joining me from the Department of
9 Environmental Protection this evening are, to my left,
10 Commissioner Reid, to my right, Mark Bergeron the
11 Director of Bureau of Land Resources, to my right, Jim
12 Beyer, the Project Manager for NECEC Project. We also
13 have April Kirkland, who's sitting up front, she's
14 going to be our timekeeper. We have Doris Peaslee,
15 who's outside helping everybody with the sign-in
16 process and then to my left I have Peggy Bensinger, who
17 is the Assistant Attorney General and Counsel to the
18 Department. Although not part of these proceedings, I
19 do want to mention that we have Jay Clement here from
20 the Army Corps of Engineers. He's here to answer any
21 questions anybody might have about the federal process
22 that impacts this application.
23 Our hearing today is being transcribed by
24 Dostie Reporting Service. Over to our right is Lorna
25 Prince and she's going to be transcribing this portion

1 of the hearing this evening. In order to ensure an
2 accurate transcript, I may ask you to clarify the
3 pronunciation or spelling of your name and ask you to
4 speak clearly, or more slowly as necessary.
5 If you wish to speak, please sign in on one
6 of the appropriate sign-in sheets that's just outside
7 in the hall. We have three, there's in support of the
8 project, opposed to the project, or neutral. I will
9 call names from the sign-in sheets for you to come to
10 the microphone and speak. I'm going to call about
11 three people at a time just to make this go a little
12 bit more efficiently.
13 If you spoke Tuesday night, you will not
14 speak again this evening. Also, if you plan to speak
15 on behalf of somebody, that's not going to happen
16 because we do need to be able to swear everybody in who
17 speaks and cross-examine them, or they have to be
18 available for the opportunity for cross-examination.
19 To ensure everyone gets an opportunity to
20 speak, people wishing to testify will have about three
21 minutes to speak. As I mentioned, we have a timekeeper
22 who will let me know when you are about to exceed that
23 time limit and I'll let you know when you need to wrap
24 up. When I tell you that your time is up, I expect you
25 to wrap up quickly. Please be concise so that

1 everybody has a chance to speak and please focus your
2 testimony on the Department's hearing criteria.
3 Prior to presenting your testimony, please
4 state your name, where you are from and/or who you are
5 affiliated with. Please direct all testimony to me.
6 Do not address or speak to the audience. In this
7 hearing there will be no signs, no booing, no clapping
8 or cheering allowed.
9 All participants in the public hearing this
10 evening are expected to conduct themselves
11 professionally toward the Department, each other, the
12 general public, and University staff and students. If
13 a member of the general public is unable to conduct
14 themselves professionally, I will take appropriate
15 action, which may include excluding the individual from
16 further participation or have them even escorted.
17 At this time, please silence or turn off
18 your electronic devices, including cell phones, so that
19 there are no interruptions. As a logistical matter,
20 the emergency exits are located in the back. The
21 restrooms are located out the back and towards the left
22 down the hall.
23 As I mentioned earlier, all witnesses at
24 this hearing will be sworn and all evidence already
25 entered into the record will be available during the

1 course of the public hearing for inspection by anyone
2 who wishes to do so. Witnesses testifying this evening
3 are subject to cross-examination by the parties and the
4 Department. I will expect the parties who are here to
5 let me know if they would like to cross-examine any of
6 the witnesses this evening.
7 A copy of the project file is located just
8 in the back to the right, my right, your left, over
9 there. After the hearing, the project file will be
10 available for public review by arrangement during
11 regular business hours at the Department's Bangor
12 Office.
13 At this time, I ask all persons who are
14 planning to testify to stand and raise their right
15 hand. Do you swear or affirm that the testimony you
16 are about to give is the whole truth and nothing but
17 the truth?
18 AUDIENCE MEMBERS: I do.
19 MS. MILLER: Thank you. Question?
20 AUDIENCE MEMBER: Yes, Tuesday night we
21 were told that we could only speak to the items that
22 the LUPC said we could speak to, so I did not speak the
23 full time, nor did I speak to every point that I wanted
24 to make because it was my understanding that the DEP
25 had certain criteria, so by not allowing us to speak on

1 behalf of the DEP's topics kind of restricts people to
2 be able to voice their opinion and concern.
3 MS. BENSINGER: If you felt that that
4 was one of the rules, that wasn't one of the rules on
5 Tuesday night, but if you felt that it was, we could
6 give you a limited amount of time tonight to address
7 the DEP criteria.
8 AUDIENCE MEMBER: Sure, okay.
9 AUDIENCE MEMBER: Yeah, the
10 communications director in Bangor, so perhaps he was --
11 but it was he who gave us the understanding that we
12 could speak to LUPC on Tuesday and DEP concerns
13 Thursday.
14 AUDIENCE MEMBER: I'm under the similar
15 circumstances. I didn't specifically say on Tuesday
16 night that I was just directing my comments to LURC,
17 but I was and I was told that that's what I had to do
18 and if I wanted to add comments for DEP, I could say
19 those as well. I didn't sign up as myself. I signed
20 up to speak for my wife just in case you brought up
21 what you said, are saying now, but I didn't
22 specifically speak to the points.
23 MS. BENSINGER: So you would be
24 testifying yourself tonight, not on behalf of your
25 wife?

1 AUDIENCE MEMBER: I would prefer to do
2 that, but I signed up to testify for my wife.
3 MS. BENSINGER: I think that would be
4 okay.
5 AUDIENCE MEMBER: Okay.
6 MS. BENSINGER: One other thing I wanted
7 to mention is the application and most all of the
8 substantive materials filed pertaining to the
9 application can be viewed on the Department's website
10 and Jim Beyer can speak to how you find out on the
11 website.
12 MR. BEYER: The easiest address for me
13 to give you is Maine.gov, and if you know go there, you
14 can search for any and all State agencies. You can
15 find the Department of Environmental Protection's page
16 and once you're at our home page, there's a tab that
17 says major projects before the Department. If you
18 click on that tab, you will get a list of those
19 projects that are currently pending with the
20 Department, one of them is the New England Clean Energy
21 Connect project. When you click on that link, you will
22 get more information than you will want to read, trust
23 me, because I've read it all, but everything, with the
24 exception of what's been submitted this week, because I
25 haven't been able to get to it, almost everything

1 that's in the public record is on the Web page.
2 AUDIENCE MEMBER: Can I just ask for
3 clarification again? Did you change it then so that
4 some of us who spoke on Tuesday night on one topic and
5 we are prepared on a different one topic, then we can
6 testify tonight or not?
7 MS. MILLER: Yes.
8 AUDIENCE MEMBER: Thank you.
9 AUDIENCE MEMBER: Do you have
10 opportunity to submit written testimony after this
11 meeting?
12 MS. MILLER: There is. I'll talk a
13 little bit about that at the close of the hearing, but
14 if you have something in writing you would like to
15 submit, we put that red chair right over there, you can
16 put it right on that chair and we'll collect it at the
17 end of the evening.
18 AUDIENCE MEMBER: Is it open for say two
19 days from now?
20 MS. MILLER: Yeah, it will be open after
21 the close the hearing. The hearing isn't actually
22 going to close until after May 9th.
23 AUDIENCE MEMBER: Thank you.
24 MS. MILLER: Yes?
25 AUDIENCE MEMBER: I'm sorry, I wasn't

1 aware of the limitations on what we could speak about,
2 but speaking about climate, we're speaking about the
3 outdoors and the northern woods and so forth, so is
4 that okay?
5 MS. BENSINGER: Generally speaking,
6 climate change and the effect on greenhouse gasses was
7 not included in the items to be discussed at the
8 hearing, although you may submit written comments and
9 information on that. We have given a little bit of
10 leeway on that for the evening sessions this week, so
11 there will be a little bit of leeway given on that
12 point.
13 AUDIENCE MEMBER: Thank you.
14 MS. MILLER: Okay. I'm going to go
15 ahead and call about four people at a time, if you
16 could just all line up behind that microphone. I would
17 ask if there's anybody that has mobility issues, if we
18 could just let them go ahead of the others so they
19 don't have stand there for too long. Okay, so we'll
20 start with Matt Wagner, Kim Lyman, Robert Bond and
21 Barry Dana.
22 And while everybody is lining up, I want to
23 just mention that we are being live streamed, and
24 that's the camera over to my right over there, so
25 people who aren't here can actually watch through the

1 UMF system as this all happens.
2 MS. BENSINGER: Are you an intervenor?
3 MATT WAGNER: LUPC.
4 MS. BENSINGER: Oh, okay, right.
5 MATT WAGNER: I'll get to that right in
6 the first opening remarks, I was going to get to that
7 right after. Good evening, I'm Matt Wagner, Registered
8 Maine Guide, lifelong conservationist, noble energy
9 professional. I'm also the spokesperson for LUPC,
10 Intervenor, Group 10 representing the Upper Kennebec
11 River Water Shed, local residents and recreational user
12 groups. Thank you for the opportunity to address you
13 formally. We missed the opportunity to become
14 intervenors in the DEP process.
15 What's most important to me tonight here is
16 my role as a father. My familiarity with the NECEC
17 corridor section one is deep. You've heard throughout
18 the hearing repeated threats with the loss of public
19 access to the surrounding working forest in attempt to
20 bully us into support. CMP's Visual Impact Assessment
21 never took into account the fact that Maine law
22 provides access to all great ponds, ponds defined as
23 being larger than ten acres to all foot traffic.
24 Our exposure to the undeniable impact of
25 NECEC should it be built would be expedientially more

1 frequent and longer in duration than the Dewan
2 Associates appear to have even considered. I remind
3 you that the Kennebec River log drives were stopped for
4 a similar loss of public access to a public resource by
5 a private for profit venture that obstructed that
6 public right. I'd also note that the idea of public
7 access to rivers and ponds is a wholly American idea.
8 The land mitigation deal negotiated on behalf
9 of my communities by Western Mountains and Rivers
10 Corporation makes me sick. Our community does not need
11 a private resort operated by Maine Huts and Trails.
12 Our idea of camping doesn't generally involve wine and
13 cheese. Our guiding industries require the clear cold
14 water and deer guards this project would endanger.
15 And finally in closing, and I hope I'm not
16 using too much of your time here tonight, my takeaway
17 from these proceedings, and I've been at every one of
18 them, is that there exists a reasonable alternative to
19 CMP that would minimize, not eliminate our concerns.
20 Thank you for your diligence in evaluating this
21 application. It's been a long week for all of us. We
22 urge you to move to deny the application for NECEC.
23 Thank you.
24 MS. MILLER: Thank you.
25 ROBERT BOND: I'm a little nervous,

excuse me. I don't represent anybody but me. My name is Robert Bond. I'm a retired school teacher. I live in Portland. I have a camp in the town of Carthage. I moved to Maine 30 years ago because it was the kind of place that didn't tear down its natural world. I moved here from Louisiana where they do.

I was kind of amazed at the name, this Clean Energy Corridor. I don't know how many of you have been there, but I've been to where Hydro-Quebec does all their clean energy and seen what it did to the native tribes in that area and it's disgraceful. I've also seen the power lines that come from there and go through Canada, which is vastly larger than Maine and it will ruin what we now have as the beauty of living in this place.

I don't know if I'm following all of your protocols and whatever, but it would be a disgrace to what's here to let it be destroyed by an organization that can't get its billing system straight. It's disgusting. And I don't know how much plainer to put it than that, other than think about what you're doing over the long haul and think about those who come after you and think about what you're destroying, or potentially destroying versus what you're getting for the people of Maine. Thank you.

1 MS. MILLER: Thank you.
2 KIM LYMAN: My name is Kim Lyman. I
3 live in Caratunk and I have 21 years of experience in
4 the tourism industry, so I know firsthand that this
5 region is special and worthy of protection. I am one
6 of the many who have this type of expertise who can
7 supply details and opinions based on thousands of
8 visits to an area, thousands of trips down a river,
9 hundreds of camping trips, not just one visit to a
10 number of areas by a consulting firm who then gives
11 their observations to submit as evidence that they
12 think should be held to a higher standard than the very
13 people who live, recreate and work in that area.
14 I can tell you that visitors come to our
15 region for remote nature experiences and scenic beauty
16 that are becoming harder and harder to find and
17 therefore, more precious and more worth preserving.
18 I'm concerned about the habitat and wildlife impacts of
19 fragmenting the north woods with a 53 mile power line.
20 I'm concerned that this power line will ruin the
21 character of the region and threaten our tourism
22 economy. Our livelihoods depends upon an intact forest
23 that gives our region its remote scenic character. A
24 long, tall power line through the north woods isn't
25 compatible with this.

1 I'm also a person who's very concerned about
2 the impacts of climate change, so I take issue with
3 CMP's claim that this power line will reduce greenhouse
4 gas emissions. CMP's spokesman, John Carroll, said at
5 a Wiscasset select board meeting in March, quote, so
6 the question about whether, whether this NECEC will
7 make a difference in climate change, CMP has no -- no
8 doubt that it will. We can't guarantee it. That's not
9 our job. That's not our business, end quote.
10 Not only that, there hasn't been a study that
11 looks at the effects of this power line in total carbon
12 emissions beyond New England's borders and the people
13 of Maine need to know this information before a
14 decision is made.
15 I also take issue with the fact that CMP has
16 helped create a nonprofit Western Mountains and River
17 Corp to give the appearance that people who live near
18 the power line support this project. I want the record
19 to reflect that Western Mountains and Rivers doesn't
20 speak for me and it doesn't speak for so many of us who
21 oppose this project and found out about it long after
22 they knew.
23 To the record I'm submitting articles and
24 letters of towns opposing CMP's power line or
25 retracting support. I've also included poll results

1 show that the majority of the people in Maine do oppose
2 this project. Thank you for your time.
3 MS. MILLER: Thank you. If you can put
4 any of the documents on that that chair and also, I
5 don't know if you've already done this, but if you
6 could identify your name on it somewhere so if we have
7 questions, we can call you. Thank you.
8 BARRY DANA: Good evening, thank for
9 this opportunity, Department of Environmental
10 Protection. My name is Barry Dana. I'm from the
11 Penobscot Nation. I'm not here representing the
12 Penobscot Nation, I'm here representing the people we
13 are descended from, which is the Abenaki, which is from
14 this very region that we're looking at on this map, so
15 I'm here representing 12,000 years of my ancestors and
16 I'm here representing future that my granddaughters
17 will one day be enjoying this area.
18 I think it's important that we understand
19 something here, that it's not all about money. Life is
20 not all about money. Life is about enjoying the
21 essence of living and in the native perspective, which
22 is what I'm here to share, a native perspective takes
23 in all living creatures as our very own relatives, as
24 you would your son and daughter, I consider the deer,
25 moose, eagle and the dragonfly as important in the

1 sacred circle that we all live in.
2 There's only one animal we can take out of
3 that circle and the circle is still healthy, and that's
4 us. But if you take out the bee or the dragonfly, or
5 any other insect, or any other animal because of
6 industrializing our forest, industrializing our lands,
7 you are insulting the very essence of a lifecycle that
8 was given to us by creation, not to destroy it, but to
9 preserve it, to protect it, to pledge stewardship in
10 the form of making sure in all areas of discussion and
11 decisionmaking we ask one very important question, how
12 does this project affect future generations? I don't
13 see it destroying our western mountains, the land that
14 we use for our canoeing, the land that we use for
15 running our dogs, I've been there, I've seen the color
16 of the trees that are not natural and I don't want to
17 see it more in a bigger project.
18 I want to be able to take my family in these
19 areas and not worry about drinking the water and not
20 having to worry about the air that we're breathing. We
21 should be able to enjoy this creation that creator gave
22 us.
23 So I ask the State of Maine, I ask the
24 Department, I ask everybody, let's leave something for
25 future generations that is worth leaving. We don't

1 need to leave them a legacy providing more electricity
2 to Massachusetts so they can enjoy air-conditioning.
3 We need our land here. We need our clean waters here.
4 We need our clean air here. My ancestors' spirits are
5 in that soil. My ancestors' DNA is in those
6 dragonflies. That needs protection. I ask you all to
7 deny this project on behalf of future generations.
8 Thank you.
9 MS. MILLER: Thank you. Tom Saviello,
10 Bob Woodbury, Sandra Swatsky, Becky Bartovics.
11 BOB WOODBURY: Good evening, ladies and
12 gentlemen, my name is Bob Woodbury. I am 81 years old
13 and I live in Winslow. I am a member of the Kennebec
14 Valley Chapter of Trout Unlimited, Maine's largest
15 chapter formed over 35 years ago. The chapter has been
16 inducted into the Fresh Water Fishing Hall of Fame in
17 Hayward, Wisconsin where I am also a charter member.
18 I am here to testify on behalf of brook who
19 aren't able to be here to testify this evening, nor
20 were they able to provide written testimony. Central
21 Maine Power claims a reduction of greenhouse gas
22 emissions would occur if Maine permits construction of
23 the New England Clean Energy Connect project. Would
24 it? We don't know. No one knows. That claim has in
25 no way been proven to anyone by anyone. We can make

1 the claim, but we don't have to prove it. Don't we
2 need to know for certain that this claim is valid? Do
3 we require proof of some kind of that claim or do we
4 take the money and run? I have wonder if the algorithm
5 is hiding somewhere. My main concern is the sanctity
6 of wilderness and its inhabitants, basically brook
7 trout, probably the most vulnerable creature in the way
8 of the corridor.
9 There's a page on the Maine Inland Fisheries
10 and Wildlife website titled wild brook trout. Please
11 let me quote a paragraph from that page. Maine is the
12 only state with the extensive intact populations of
13 wild self-producing brook trout in lakes and ponds
14 including some lakes over 5,000 acres in size. Maine's
15 lake and pond trout resources are the jewel of the
16 eastern range. Lake populations are intact and 185
17 water sheds, 18 percent of the historical range, in
18 comparison to only six intact water sheds among the 16
19 other states. Furthermore, Maine is the last true
20 strong hold for stream dwelling populations of wild
21 brook trout supporting more than twice the number of
22 intact sub water sheds as the other 16 states in the
23 eastern range combined.
24 What do all these statistics mean? Well, in
25 a nutshell Maine is only 97 percent of the wild native

1 naturally producing eastern brook trout remaining from
2 its historic range on the eastern seaboard. That's
3 since the ice age, ladies and gentlemen.
4 So how do we interact with this information?
5 One way is to say we have plenty of wild brook trout,
6 so if we kill a few thousand, it really doesn't matter.
7 So on one particular section of CMP's glorious power
8 line, we'll do that. We could go around, and there's a
9 reasonable way to do that, but that would be more
10 expensive, so let's endanger several thousand native
11 brook trout and their prodigy for many years to come
12 and save some money. After all, money is what this
13 corridor is all about, isn't it, and they're only brook
14 trout.
15 Why is it necessary to tear up wilderness
16 claiming it's for our own good and then refusing to
17 prove why? Why can't we leave the wilderness alone for
18 all to enjoy? Brook trout don't live in no ugly
19 places. Wilderness is beautiful. It was created
20 however your belief tells you how it was created to be
21 beautiful and appreciated for its beauty.
22 Point of thought for the only reason I can
23 think of, and not just in the cause about what which we
24 testified today, greed and money. I really do
25 appreciate your time and I do not envy the charge with

1 which you've been burdened. Thank you.
2 MS. MILLER: Thank you.
3 SANDRA SWATSKY: Good evening. My name
4 is Sandra Swatsky. I'm from Industry, Maine. I
5 graduated from UMO with my bachelor of science in
6 biology and I'm a medical laboratory scientist and I've
7 been a microbiologist for most of my career, and I just
8 say that because I want to explain that I do know how
9 to read a material safety data sheet and that I'm
10 opposed to CMP's NECEC because I'm particularly
11 concerned about the use of herbicides.
12 Here are some of the chemicals that I've seen
13 listed on the CMP website in use during the 2018
14 calendar year. These are brand names of course, Garlon
15 4 Ultra, Arsenal Powerline, Milestone VM, Rodeo and
16 Stalker. So I've looked them up. They're not benign
17 chemicals. Their safety data sheets include toxicity
18 for fish and/or aquatic lands, among other warnings
19 such as not being readily biodegradable. I've attached
20 one of them. They're very interesting documents. You
21 can find out an awful lot about them and it's pretty
22 scary.
23 CMP's herbicide plans that I have found for
24 the 2018 calendar year states that there will be a
25 minimum buffer zone of 25 feet maintained around open

1 water and a minimum 100 foot buffer around drinking
2 water supplies. I submit to you that this is not
3 sufficient. What about springs, vernal ponds, bogs and
4 when the rain washes the chemicals into ground water?
5 Who is testing the surrounding water sources for these
6 chemicals and how often will they be tested? Who will
7 monitor the effects on the deer and moose? Who would
8 want to drink that water or eat those blueberries that
9 have been sprayed?
10 Once damage is done to our environment,
11 it's awfully hard to fix, as I've heard other people
12 explain too. I believe we'd be better served by CMP
13 with the already existing dams were upgraded for power
14 generation, and all the land in the existing corridors,
15 which is already cleared, were put to use as solar
16 farms. We need to provide our own power to Maine
17 instead of sending it off to Massachusetts.
18 I can do little, but this Commission can
19 intervene and make the difference. In closing I'd like
20 to leave you with this quote from Joni Mitchell's Big
21 Yellow Taxi, and let's not have it happen to us. Don't
22 it always seem to go you don't know what you got until
23 it's gone and they paved paradise and they put up a
24 parking lot. And I'm afraid that's what's going to
25 happen here. Thank you very much.

1 MS. MILLER: Thank you.
2 BECKY BERTOVICS: That's a tough one to
3 follow. I think it's better if I come before Tom
4 Saviello. I'm Becky Bartovics and I represent 1,800
5 members of Sierra Club Maine. I live in North Haven
6 Island. Good evening, thank you so much for holding
7 this hearing and allowing me to speak. We stand
8 opposed to Hydro-Quebec's power and stand opposed to
9 the high voltage transmission line ruining the
10 landscape of Maine's unique environment and scenic
11 character and its current value for tourism.
12 Under the Natural Resource Protection Act,
13 the applicant is required to present all practical
14 alternatives. This application does not consider any
15 other alternatives than a huge transmission line.
16 Where in this plan can we find energy efficiency and
17 renewables that does not only benefit our economy, job
18 development and potential of local incomes to the
19 state, but also improve the health and our overall
20 environment.
21 For Maine practical alternatives already
22 exist. Efficiency comes first for any energy usage,
23 then renewable development insulation, both of which
24 enormously benefit local economies. The DEP and LUPC
25 need to evaluate the impact of fragmentation on file

1 though, contiguous forest for adaptation and hydrology,
2 how Mainers of this highway side swathe of corridor
3 through the region will impact streams and wetlands.
4 Our continuous forested lands are unique east
5 of the Mississippi River. Not only is this project
6 impacting forest, but it's also built on destroying the
7 forest of the eastern Canada. Therefore, there must be
8 a full environmental impact statement, EIS, on the
9 entire project before it is permitted only due to the
10 impacts of wetlands, streams and rivers.
11 We have serious questions about the lack of
12 demonstrated need in Maine for this project and the
13 benefits that will accrue for Maine citizens for
14 ratepayers, especially given that we pay the lowest
15 price for a prices for electricity in New England
16 already.
17 To develop Maine's forested lands for outside
18 energy projections is not going to benefit our economy
19 or the health of our environment. While CMP
20 Hydro-Quebec are -- a huge infusion of cash to Maine,
21 their compensation is inadequate at best. The 258
22 million represents 13 cents per kilowatt hour and it
23 pales in comparison to the funds that shareholders of
24 this international consortium will generate.
25 Mitigation is by the way by its very

1 nature a net loss of wetlands, so neither compensation
2 nor mitigation are adequate as far as we're concerned.
3 Seasonal withholding of release of water at periods
4 counter to norms behind the dams, flooding in wintering
5 depriving systems in spring and summer impact the
6 ecosystems in dire ways in Canada, removing microscopic
7 organisms that provide feed for this species in the
8 Gulf of Maine.
9 There's likely been a result in dramatic
10 impact on the important fishery resources that's
11 incomes in Maine as result of those dams. The St.
12 Lawrence River introduces nutrients in the ocean
13 current that feeds into the gulf of Maine. Our
14 fisheries are impacted by loss of food sources
15 throughout the food chain. These issues represent
16 costs to Mainers that Hydro-Quebec Power are currently
17 causing us. We do not need more of this.
18 The damage to Maine's environment for
19 Massachusetts to benefit from false clean power is huge
20 crossing 115 streams, 263 wetlands and numerous other
21 ponds that provide critical wildlife habitat while
22 dangling power lines over one of our most iconic
23 forested waterways.
24 CMP's transmission line rights of way will
25 clearcut and -- will be clearcut and maintained with

1 periodic herbicide and spray, which was already talked
2 about. CMP's transmission line is an onslaught of the
3 people and environment of Maine and our economy, the
4 opportunistic and blatant disregard for the functions
5 and values of the forested land in western Maine for
6 its current value, scenic use and values for tourism.
7 It's a travesty.
8 Our forest will provide benefit to clean
9 air and water that most corridor with no scar of a
10 transmission line kept open for years with herbicides
11 and cut over can possibly amend. To suggest that this
12 is a clean way for Massachusetts to don renewable
13 energy going into the future is highly ridiculous and
14 mendacious.
15 Meanwhile how does Maine benefit from this
16 project? How do our children and grandchildren
17 benefit? The benefits will only accrue to the
18 shareholders of CMP and Hydro-Quebec. The Sierra Club
19 of Maine urges that the DEP and LUPC reject this permit
20 on the basis of NRPA. Thank you very much.
21 MS. MILLER: Thank you.
22 TOM SAVIELLO: Thank you. I'm Tom
23 Saviello and I'm a recovering politician and I'm
24 speaking for myself, and I want to emphasize that I'm
25 not being paid by any dark money. In fact, if anybody

1 would like to make a donation to me, I'd be glad to
2 accept it. I welcome you to Farmington, especially
3 number 14, which he can explain to you later what it
4 means.
5 Some of you know my background, some of you
6 don't. I have a bachelor's degree in forestry, a
7 master's in agronomy and a Ph.D. in forest soils from
8 the University of Maine. I'm not a political science
9 major at all. Being old and that I've had 16 years
10 experience in the this other job called legislature, or
11 State Senator last year, I want to bring you to a
12 decision that the DEP made, which I don't agree with
13 because I believe it's part of an alternative analysis,
14 and that's to look at the greenhouse emissions and the
15 impact of MECA on these emissions. I disagree with
16 that decision and I believe that an alternative
17 analysis should be done.
18 As you know, Senator Carson has offered LD840
19 to look at the greenhouse emission impacts of this
20 particular power line. In number 14's testimony Mark
21 stated, and I'll just go to the bottom of it, that
22 there's a section of the Site Law, Chapter 375, Section
23 2, that requires the project not cause unreasonable
24 alteration to the climate. In his testimony, and this
25 is the privilege of being old and in the legislature a

1 long time, he forget LD845, an act in addressing
2 climate change sponsored by Representative Coffin in
3 the 121st legislature. That bill passed and it became
4 law as part of 38 MRSA, Chapter 237. I helped write
5 that bill unfortunately for all of you and I'll refer
6 to just one part of the section, paragraph 577 where it
7 talks about shall the -- State shall adopt a climate
8 change plan and allow a sustainable managed forest,
9 agriculture and other natural resource activities to be
10 used in sequestering gas emissions.
11 Let me point out that this law, we set goals
12 for Maine, not New England, so I can suggest this part
13 of the law should be addressed as part of the site
14 location permit before it can be issued. And let me
15 explain why, let me give you a little foresting story.
16 One tree can absorb as much carbon in a year as a car
17 produces while driving 26,000 miles. Over the course
18 of a life, a single tree can absorb one ton of carbon
19 dioxide. So if we take the 55 miles of the corridor
20 that's 150 feet wide and the rest at 70 feet wide,
21 we'll cut a lot of trees which will equate to about
22 800,000 pounds of car carbon emissions. Now I think
23 there are those that are out there saying that we'll
24 make -- actually reduce -- this project will reduce the
25 carbon emissions by an equivalent of 700,000 cars, yet

1 my good friend, Mr. Dickinson in his testimony against
2 LD640, he said the project will take roughly equivalent
3 to taking 5,400 -- I'm sorry, 54,140 passenger cars off
4 the road in Maine every year, quite a difference about
5 what's been -- so I give the proponents right now
6 the benefit of the doubt. It's a wash, or is it? If
7 only 54,000 cars are off the road, we're really losing
8 on our climate change carbon sequestration in the State
9 of Maine.
10 So based on this information that I just
11 presented, Chapter 237 and Chapter 275, Section 2,
12 reductions in carbon emissions are not being met and
13 the climate is being altered. The analysis proposed by
14 Senator Carson needs to be done before a permit can be
15 issued, so -- or you can issue the permit and agree
16 with John Carroll, I won't read his quote other than to
17 say we can't guarantee it, that's not our job.
18 So to me the question remains would you
19 rather have a mythical a 54,000 or 700,000 car
20 emissions gone or real trees cut that do sequester
21 carbon? Once cut, the future sequestration is gone.
22 The project does affect the climate change in Maine and
23 needs to be vetted before this permit can be issued.
24 I'll be glad to answer to any questions you might have.
25 MS. MILLER: Thank you. Okay. Tony

1 Marple, Peter Vigue, Lloyd from Wayne, I can't make out
2 the last name, Tom Nason, Steve Johnson and Cynthia
3 Soma.
4 LLOYD IRLAND: Good evening, my name is
5 Lloyd Irland, thank you for having me here.
6 MS. MILLER: I'm sorry, is that Earl?
7 LLOYD IRLAND: Lloyd Irland.
8 MS. MILLER: Can you spell that?
9 LLOYD IRLAND: Lloyd Irland,
10 I-R-L-A-N-D.
11 MS. MILLER: Thank you so much.
12 LLOYD IRLAND: Funny you should ask
13 because they misspelled it in the PUC report. I speak
14 for myself in two, a lot of time Maine conservation
15 leaders for whom I've worked in the past in Maine State
16 Government and elsewhere, together with Richard
17 Anderson and Richard Barringer, among us we have well
18 over a century of career involvement in these matters
19 of both land conservation and economic development.
20 We are sympathetic to those who like us value
21 and enjoy the Maine woods and live near the corridor,
22 but have drawn a conclusion about the NECEC. Their
23 hearts are in the right place. We share with them the
24 concern for the woods future, but we strongly endorse
25 the NECEC project.

1 Yes, there will impacts, as the PUC report
2 concludes, but the report goes on to state that the
3 significant benefits outweigh the impacts. Almost a
4 thousand acres will be harvested along the 53 mile
5 corridor covering ten townships that were just
6 mentioned. This is a drop in the bucket --
7 MS. MILLER: I'm sorry, can you slow
8 down a little bit for our transcriptionist.
9 LLOYD IRLAND: Pardon me. Yes, there
10 will be impacts, as the PUC examiner report concludes.
11 Almost one thousand acres will be harvested along the
12 53 mile corridor covering ten townships. This is a
13 drop in the bucket compared to the acreage harvested
14 annually in western Maine and our people and our
15 visitors are used to a working forest landscape.
16 By my calculations, almost as much is
17 harvested annually in each and every one of the ten
18 corridor townships, not to mention a larger area that
19 is there permanently as permanent roles to access all
20 that timber and all that recreation.
21 People traveling the roads snowmobiling or
22 hiking in the woods will not see the towers unless
23 they're close or nearby. From some ridges, ponds and
24 prominent heights, the line will be visible, so is
25 Route 201, a long permanent scar on the landscape and

1 likely -- not as wide as the New Jersey Turnpike.
2 This corridor will have a small impact on
3 resources and uses relative to the entire local
4 landscape. Will a power line damage prospects for a
5 stronger tourism economy? No evidence has been
6 produced. Huge increases in visitation to the new
7 Katahdin Woods and Waters National Heritage are
8 predicted, which is reached by driving under power
9 lines.
10 Not only is there no evidence that the area
11 of tourism is at risk, but these fears draw -- distract
12 attention on the real threat, which is climate change.
13 And one more thing, are three of us concerned about
14 brook trout? We sure are, but I believe that the brook
15 trout have worked here for climate change and for me
16 and other avid trout anglers than from this power. I
17 was going to bring my fishing rod, but I thought that
18 would be a little too -- I will forgo reading the
19 qualifications of us, which will be here. I know you
20 need more reading materials so I brought you some.
21 Would it be okay if I leave this? I doubt that you'll
22 want to cross-examine me.
23 MS. MILLER: Thank you. Go ahead.
24 TONY MARPLE: My name is Tony Marple.
25 I'm retired from a career in hospital administration

1 and four years as Medicaid director in Maine. We have
2 a farm that includes 30 acres of wild blueberries in
3 Whitefield and Whitefield is the town to which the
4 secondary line would pass, but I totally agree with the
5 governor's position on the NECEC. It's all about
6 climate change and, you know, I've been a hiker all my
7 life. I'm as concerned as anyone about the northern
8 forest and if you read the University of Maine climate
9 position, they're basically saying that the forest is
10 totally at risk from warming, that spruce and fir are
11 the most beautiful part of the mountain hike.
12 And secondly, the warming is going to bring
13 more southern insects that are going to create tree die
14 offs throughout Maine and meanwhile the warming of
15 course is going to kill fish, fresh water wish and salt
16 water fish.
17 So in my opinion in our town the opposition
18 for the power line is kind of a mean spirited ideology
19 and when you speak out in favor of it, you pay a price.
20 I've seen that in our town when I was selectman and
21 held a hearing on it, but I'm more concerned about our
22 granddaughters and the price they'll pay if we don't
23 act aggressively to mitigate climate change.
24 So CMP is constantly accused of lying and
25 Hydro-Quebec, which is the biggest source of clean

1 energy in eastern North America, is accused of green
2 washing. Meanwhile is anyone demonizing the owners of
3 the fossil fuel plant, and by the way, the biomass
4 plants, how many trees are they cutting? Those are the
5 biggest funders of the opposition.
6 So in New England, we're in a New England
7 grid, the electricity production is 51 percent fossil
8 fuel, 30 percent nuclear, 7 percent biomass and
9 garbage, 8 percent existing hydro and 4 percent wind
10 and solar. So Hydro-Quebec is being asked to do a
11 project that will reduce greenhouse gas emissions and
12 who's asking the natural gas companies who are sending
13 natural gas from track wells to leafy pipe lines to New
14 England, what's their impact on climate change? Nobody
15 is asking that.
16 So we need to replace the fossil fuel
17 component in New England -- well, in the world really,
18 cover the loss of closing old nuclear power plants and
19 at the same time when we need gear up for the
20 electrification of transportation and heating, so
21 that's going to require massive amounts of clean
22 energy.
23 So the open, you know, the Conservation Law
24 Foundation led a productive negotiation with CMP, the
25 governor, the public advocate and others and it

1 includes 50 million for electric vehicle charge and 50
2 million for expanded use of heat pumps and a lot more,
3 but of course somebody once called it a bribe.
4 MS. MILLER: I just need to ask you to
5 wrap up.
6 LLOYD IRLAND: Sorry, okay. I'll just
7 add that I think, you know, reaching that 80 percent
8 goal by 2050 is going to be a real challenge and can't
9 be done without some controversial project, even off
10 shore wind is going to come underwater cable and then
11 it's going to be an above ground power line and people
12 will object to that, so we need all the clean energy we
13 can get. Thank you.
14 MS. MILLER: Thank you very much.
15 PETER VIGUE: Good evening, my name is
16 Peter Vigue. I'm a resident of the town of Pittsfield,
17 Maine in Somerset County. This evening I brought some
18 pictures of the right of way and what is depicted as
19 being pristine forest, which it is not. What is shown
20 on these documents, and I can provide more if you'd
21 like them for the entire right of way from the Quebec
22 corridor all the way to Lewiston. These are scale with
23 the exact width of the right of way depicted as well as
24 the elevation as well as each structure that is planned
25 along the right of way.

1 My point here this evening is a proponent of
2 this project for Central Maine Power and there are
3 seven copies there, at least one for each of you, is
4 the fact that these pictures include Township Skinner,
5 Appleton, Bradstreet, Johnson Mountain and The West
6 Forks. Clearly as a result of the clearcuts that have
7 been done over a period of years and the amount of
8 trees that have been removed clearly indicate through
9 these pictures that this is not pristine forest. This
10 is a working forest with roadways going in every
11 direction that are utilized by people that want access
12 for snowmobiling, that are utilized by people who want
13 access to the ponds so that they can go any way in any
14 direction that they want and that is allowed on these
15 properties, which are privately owned, yet they are
16 accessible to all of us here in the State of Maine and
17 we should be grateful for that.
18 I'm prepared to answer any questions that you
19 might have ongoing and provide additional information
20 that supports my comments.
21 MS. MILLER: Thank you very much.
22 TOM NASON: Good evening, my name's Tom
23 Nason. I'm a lifelong Mainer. I was brought up in
24 beautiful downtown Leeds, one of the communities where
25 the power line is going to be extended. I also work

1 for E.S. Boulos Company, electrical contractors. E.S.
2 Boulos was established in 1920 and is Maine's largest
3 electrical contractor. Tonight I speak in favor of the
4 proposal of the New England Clean Energy Connect
5 project.
6 ESB is also a wholly owned subsidiary and let
7 me explain each company' working relationship with CMP.
8 ESB has constructed many of CMP's high voltage
9 substations as well as transmission and distribution
10 lines through some of Maine's most rugged, yet
11 sensitive terrain. Each project has been constructed
12 with the least environmental impact possible. That
13 fact does not change from town to town, county to
14 county or project to project.
15 Minimal environmental impacts before, during
16 and after completion are one of the most important
17 factors in constructing projects for CMP. They
18 resolute with Maine's specifications that no leaf, tree
19 or pathway is left in an environmental and unsound
20 condition. They fully plan each step to make sure
21 positive results for neighbors, partners,
22 recreationalists and New England's power route.
23 MYR, the parent company, constructed the
24 northern loop of the MPRP project that included over
25 1,100 poles and structures and 210 miles of 345 and 150

1 KV transmission lines. The project employed 2,100 plus
2 Maine and New England workers. That team included
3 linemen, engineers, planners, community relations
4 professionals, environmentalists and numerous Maine
5 subcontractors.
6 The environmental impact to that 210 mile
7 project, 60 miles longer than the proposed NECEC
8 project were zero. CMP and MYR worked closely with the
9 municipality and landowners to ensure the finished
10 project looked as it had at full construction. The
11 outcome provided a very a positive environmental
12 statement and a roadmap for the NECEC project.
13 We also had the need to consider the economic
14 impact of an environmentally sound construction
15 project. We put Mainers into high paying
16 apprenticeship programs to work and learn from our
17 construction professionals who invest in the economies
18 of the communities they work through and where they
19 live, release land from homeowners and tenants, the lay
20 down area for equipment and materials and remediate
21 those areas. Local stores, motels, gas stations, to
22 only name a few, saw increased revenues from
23 construction professionals utilizing their businesses.
24 Upon project completion, the MPRP corridors
25 were available for ATVs, snowmobilers and outdoor

1 recreationalists, that's a bad word, to access and
2 enjoy. Any construction project, whether it's a gas
3 station, hospital, school, strip mall or a transmission
4 line is going to affect the communities where they are
5 constructed.
6 My goal is to share our past experience in
7 how environmentally and economically sound the NECEC
8 transmission project will be for each community that it
9 passes through and for all of Maine. The environmental
10 impacts I believe will be minimal upon completion. I'm
11 also relieved when NECEC is completed and carbon free
12 power will be flowing into Maine and New England and at
13 that time the fossil fuel plant will have to quickly
14 and inefficiently ramp up to meet our energy needs
15 during very high electric demand periods in which
16 millions of tons of carbon into our air will no longer
17 be needed. That in my opinion is sound environmental
18 progress for the State of Maine and why I am in favor
19 of the NECEC project being permitted and constructed.
20 Thank you.
21 MS. MILLER: Thank you.
22 STEVE JOHNSON: Hello, my name is Steve
23 Johnson. I am from Solon, Maine. I am a relative
24 newcomer to the State of Maine. We've been here for
25 about a year so I am still trying to learn how to

1 become a Maniac, even though I -- I haven't figured it
2 out yet, but. Since I've been here I've been caught up
3 in the environmental concerns of this project and I
4 have to say that I am against the proposal to build
5 this corridor.
6 Mainly I see that Maine is at a tipping point
7 where the choices that we have as the people of the
8 State of Maine, choices are being taken away from us in
9 that we are now being told by out of state, out of
10 country outfits how we have to conduct our state, how
11 we have to run our state. We know in the news that
12 Emera Electric Company has been bought out by a
13 Canadian company. I understand that CM -- Central
14 Maine Power is owned by a Spanish company and now we're
15 talking about bringing down Canadian electricity
16 through our state. We have no control over what is
17 going to be happening in this state.
18 The voice of the people needs to be heard and
19 I would urge that this whole proposal be brought before
20 the people of the State of Maine in a referendum. Let
21 the people vote on this statewide, not just letting the
22 politicians, not just letting the corporate CEOs
23 dictate to us what they are going to do to our state.
24 Last summer I had the opportunity of bringing
25 my granddaughter up to the State of Maine. I was proud

1 to show her the vistas that we have in western Maine,
2 the mountains that we have. Are we going to be the
3 last generation to be able to observe an unblemished
4 vista? Are my grand kids going to be able to
5 experience coming to Maine enjoying the pristine
6 wilderness of this state?
7 I would say also that the State of Maine is
8 not allowed to build any new hydroelectric dams to
9 provide electricity for our state, whereas why then are
10 we going to be abetting this company from Canada to
11 exploit their resources up in Canada by abusing their
12 hydroelectric resources and allowing them to bring
13 their electricity down through our state? We don't
14 allow new hydroelectric power plants in our state. Why
15 are we abetting Canadian interest to run their
16 electricity through our state?
17 I would say that the alternative to this
18 project would be that for Massachusetts, which would be
19 the primary beneficiary of this project, but also the
20 New England grid, that there is American Green Energy
21 available from the midwest. I am a native from
22 Illinois and of the prairie states of this country
23 there are tens of thousands of turbine wind farms that
24 have been constructed, which is part of electric grid
25 of our country. There's no reason why Massachusetts

1 and a New England grid cannot tap into American Green
2 Energy.
3 I'd also say that New Hampshire has voted
4 down this same scheme. This scheme was tried to be
5 brought and approved by the State of Maine and the wise
6 people of New Hampshire voted down this same scheme of
7 bringing down Canadian electricity. There are other
8 alternatives. We do not want to give up our pristine
9 wilderness. Where else can you travel in the world but
10 to see what we have here in Maine? We have wilderness.
11 We have forests that are working forests that those
12 forests regenerate themselves.
13 Transmission lines are permanent. They do
14 not regenerate themselves, but they are a constant
15 eyesore and I would just urge you people involved to
16 allow this project to come before referendum before the
17 state. Thank you.
18 MS. MILLER: Thank you.
19 CYNTHIA SOMA HERNANDEZ: Can we stop the
20 runaway CMP train by moving from paper mills to hemp
21 mills? My name is Cynthia Soma Hernandez. I was a
22 Bernie Sanders national delegate. I am from North
23 Anson, Maine. I hope to inspire, insight and guilt CMP
24 into doing something constructive for the Maine
25 community.

1 First of all, we need to question why an
2 overwhelming statewide disapproval of the proposed CMP
3 line is being dismissed. Why would the disapproval
4 rates of 90 percent in Franklin County, 83 percent in
5 Somerset County and a statewide disapproval rate of
6 65 percent persist in this apparent following for the
7 love of energy?
8 Secondly, while agreeing a new deal in Maine
9 cannot happen fast enough, there is more that we can do
10 and we can't do it fast enough, that is the reopening
11 of a closed paper mill as an industrialized hemp mill.
12 When will Maine develop a sustainable industrialized
13 hemp industry? When will an economic feasibility study
14 be conducted to present to the legislature to request
15 funding? Could CMP underwrite this study as an act of
16 goodwill? Yes, yes, yes, they could.
17 We must do better. Why? Theory has it the
18 clock is ticking at 12 years and counting. Hemp is
19 biodegradable. We can maximize our farming industry.
20 We can employ our mill workers. We can process hemp
21 from the tri-state area and maintain a sustainable
22 green economy. An industrial hemp manufacturing
23 facility would activate businesses and soil -- fuel
24 production, building and construction materials such as
25 hemp -- semiconductors are stronger when they're made

1 with hemp. Plastics are cleaner when they're made with
2 hemp. Within ten years we could be manufacturing
3 hempmobiles in Detroit, Maine, can't buy that kind of
4 PR. Help us CMP. Do something really great for New
5 England. Have you heard the train whistle blowing?
6 Alternative analysis.
7 MS. MILLER: Thank you. All right, Hank
8 Washburn, Cliff Stevens, Troy Hull and Tim Bryant.
9 CLIFF STEVENS: Cliff Stevens, I'm a
10 resident of The Forks, a father of two who were born in
11 The Forks.
12 MS. MILLER: Can you speak into the mic,
13 please. Thank you.
14 CLIFF STEVENS: Cliff Stevens, I'm a
15 resident of The Forks, a father of two who were born in
16 The Forks. I've been a professional guide for
17 40 years. I own Moxie Outdoor Adventures, an outdoor
18 company and rafting company, and I also own Lake Moxie
19 Camps, a sporting camp on Lake Moxie. All my
20 properties and businesses directly abut the corridor
21 and the transmission lines.
22 Recently I've been, you know, thinking about
23 the Maine brand and I saw a TV commercial put out by
24 the Maine Department of Tourism. They're marketing a
25 brand new campaign for Maine, the this is me campaign.

1 It's a national TV ship campaign and it shows Maine is
2 a beautiful state made of unique individuals living and
3 working in spectacular locations, smiles on their faces
4 and content. They go through their activity and they
5 say this is ME, capitalizing on the abbreviation M-E,
6 this is me.
7 For example, a fisherman in a remote trout
8 stream turns and looks and says this is ME; an AT hiker
9 on the summit of the mountain screaming this is ME;
10 paddlers on the river, this is ME; an innkeeper with a
11 view, this is ME; and an snowmobiler in the wilderness,
12 this is ME. Their message is to live in or come to
13 Maine and you can live and feel this too. This is ME,
14 the Maine brand.
15 Imagine the same TV commercials, same
16 backdrops, only now 150 miles of 90 foot high towers
17 and 150 foot wide corridor, now the same scenes with
18 the transmission poles in the background. I am Matt,
19 I'm hiking the AT, this is me? I am Joe, the fly
20 fisherman, this is me? I am a paddler, this is me? We
21 are Tom and Jane, leaf peepers on the National Scenic
22 Byway, this is me?
23 The DEP is to consider potential impacts to
24 scenic character and existing uses, potential impacts
25 to the wildlife habitat and fisheries. This project

1 has a huge impact on both. I have heard many people
2 speak to the impact of the health of the animals in the
3 corridor were it to be approved. We as humans are one
4 of those animals in this wildlife habitat. This
5 wilderness area with the working forest that is part of
6 our heritage, this remote and scenic locations are
7 important to the health and well-being of us as humans.
8 The million people who live in Maine and the
9 millions who are attracted to come here from away come
10 to unplug, come to recharge, come to look around, Maine
11 is not a huge wilderness area. We look big in New
12 England, but nationally we rank in the low 40s. That's
13 40 out of 50 states. That is not a lot of wilderness
14 to play with. We need to protect this wilderness and
15 our jobs.
16 Maine's tourism jobs, Maine's guiding jobs,
17 there are 5,000 registered Maine Guides every year.
18 Those are renewable jobs over years, hundreds of years.
19 We need to protect our wilderness. I strongly
20 recommend and request the DEP request further studies,
21 request alternatives such as burying the line, but
22 mostly not approve this project at all as proposed. We
23 are M-E. We are Maine. Thank you for your time and
24 this long week.
25 MS. MILLER: Thank you.

1 HANK WASHBURN: My name is Hank
2 Washburn. I'm a retired elementary school teacher and
3 I don't envy you guys, your task. It's really a lot to
4 think about. Thank you for your service.
5 It's been claimed that hydropower from Quebec
6 is clean and that the New England Clean Energy Connect
7 would be clean energy too. We've talked a lot about
8 the effects of the corridor in Maine, but I was curious
9 to know where this power line would really be coming
10 from and how it would be created.
11 Here's some things I didn't know.
12 Hydro-Quebec is wholly owned by the province of Quebec
13 with subsidized the sale of electricity in the
14 province. It is, however, free to charge more for the
15 power that it exports. Seventeen percent of
16 Hydro-Quebec's power is currently exported mostly to
17 New England, New York and Ontario, but the exports
18 create 27 percent of the company's profits, so
19 Hydro-Quebec has a clear incentive to create more power
20 for export. What are the outcomes of this profit
21 margin?
22 Hydro-Quebec's latest scam, Romaine Number
23 Four, which completes the series of Romaine One, Two,
24 Three and Four on the same river is scheduled to be
25 completed in August 2020. Premier Legault and Prime

1 Minister Trudeau are on record as supporting building
2 more dams in Quebec once the main corridor is
3 completed.
4 The motivation behind the construction of
5 more dams is profit from exporting power, not just
6 power for domestic consumption. The problems with that
7 are briefly, enormous alterations of the natural
8 landscape, complete rerouting of rivers to create catch
9 basins, flood in some areas and be -- in other areas of
10 water. Displacement of a -- and disruption of their
11 traditional way of life and the release of methane and
12 methylmercury from flooding soils to vegetation to the
13 point where fish from the dam rivers are no longer safe
14 to eat.
15 The only remediation that anyone could think
16 of to do up there with the mercury and water was to
17 truck in chicken and fish to let people eat, but no
18 other remediation has been tried to my knowledge.
19 These environmental impacts of Hydro-Quebec's dams
20 ought to be taken into consideration when deciding
21 whether to go forward with this project in addition to
22 the more local effects of the transmission corridor in
23 our own state, its effects on brook trout, deer,
24 habitat disturbance and loss of connectivity and
25 habitat and the use of herbicides like Round Up to keep

1 the power line corridor clean.
2 A word more about the native tribes in
3 Quebec, they did enter into some agreements with the
4 province over giving up the rights to, you know, their
5 rights to their, you know, native lands, land that
6 they've been there for, as Mr. Dana said, 12,000 years.
7 Those negotiations took place in a spirit a lot like
8 negotiations with native tribes in the United States, a
9 great disparity of power and, you know, the tribes
10 managed to get a settlement out of it and they have had
11 some benefits, but it was not their idea that they
12 should be taken off their land.
13 In fact, when they were negotiating some of
14 the initial contracts, they would -- the construction
15 was supposed to stop during the negotiation, but it
16 went right on. So, you know, everything is connected.
17 We're all in the same biosphere here, Quebec and Maine,
18 and if we go ahead with this project, I think that, you
19 know, people in Maine will be complicit in the
20 destruction of more habitat and Quebec and then will be
21 responsible for creating more demand to build more
22 dams. That's all I have. Thank you.
23 MS. MILLER: Thank you.
24 TROY HULL: My name is Troy Hull. I am
25 a resident of Starks and a local business owner. I

1 graduated from Bassett College and chose to live in
2 western Maine because, like many, I love this land and
3 the people of this area.
4 The NECEC corridor will damage the integrity
5 of the western Maine landscape and experience and set a
6 precedent for further development. The east coast of
7 the United States is largely developed and more so
8 every day. Western Maine and its working forest are to
9 protect, especially from a false solution to climate
10 change and a skewed interpretation of public need.
11 NECEC evolved out of an RFP from
12 Massachusetts for energy that would help reduce global
13 greenhouse gas emissions by 2050. The problem is that
14 Hydro-Quebec can shift power from existing markets in
15 Ontario, Quebec and other parts of Canada as well as
16 New York and New England to feed Massachusetts. Those
17 markets will then be forced to compensate with fossil
18 fuels.
19 Further, Hydro-Quebec sources some of its
20 power from fossil fuels and the language of the
21 contract does not preclude them from using those fuels
22 for NECEC. Both the Daymark and limited economic
23 studies are cited as bashing the greenhouse gas
24 reduction's argument, but both are limited and have
25 clear disclaimers. The LEI disclaimer states in part,

1 quote, LEI's analysis is not intended to be a complete
2 and exhaustive analysis. All possible factors of
3 importance have not necessarily been considered. There
4 can be substantial variation between assumptions and
5 market outcomes analyzed by different organizations,
6 end quote.
7 In cross-examination an LEI expert witness
8 was also a former Hydro-Quebec employee was quoted as
9 saying LEI is confident Hydro-Quebec will have to
10 redirect sales from other markets to supply the NECEC.
11 In cross-examination of the Daymark study, their expert
12 witness said there was not enough information to
13 confirm that Hydro-Quebec wouldn't have to shift power.
14 The town of Caratunk brief from February 1st
15 states that other various intervenor experts stated
16 Hydro-Quebec doesn't have the ability to supply
17 Massachusetts with one hundred percent clean energy and
18 that they don't even have to given the flexibility they
19 were able to negotiate in the contracts.
20 CMP argues that Hydro-Quebec had an excess
21 electricity and last year even had to spill water from
22 some of its dams; however, going forward, the existing
23 markets are growing. They will need more power. Visit
24 the Hydro-Quebec web page, their strategic plan for
25 2016 and 2020 reads, quote, Quebec's capacity needs

1 will increase over the next 15 years driven mainly by
2 growth and residential demand, unquote. Existing
3 markets will need more power than Hydro-Quebec can get
4 you.
5 The conviction that NECEC will lower global
6 greenhouse gasses is baseless. No study has yet been
7 done that is exhausted, which is why thousands like
8 myself support LD640, a bill to have the DEP carry out
9 a much more exhaustive study.
10 MS. MILLER: I need to ask you to wrap
11 up, if you can, please. Thank you.
12 TROY HULL: Let's see, I'll wrap up with
13 the conclusion here that keep in mind that NECEC is an
14 elective transmission upgrade. It is not the result of
15 a need for more power that CMP is trying to say and it
16 will crowd out the market for real renewals. At the
17 very least, we need to hold off until we look at
18 Maine's renewable energy development options and pass
19 LD640. Hydro-Quebec isn't going anywhere and neither
20 is Massachusetts. We can plug in any time within two
21 to three years of the decision if we really need to.
22 Meanwhile let's begin designing and developing our own
23 renewable energy resources while preserving our natural
24 heritages that is priceless to so many.
25 MS. MILLER: Thank you.

1 TIM BRYANT: Good evening, my name is
2 Tim Bryant. I'm here tonight representing the Mile 10
3 Owners Road Association and to submit information from
4 our board of directors. The board of directors of the
5 Mile Ten Owners Road Association has voted on a
6 resolution in opposition to the Central Maine Power New
7 England Clean Energy Connect proposal. The Mile Ten
8 Owners Road Association has 70 members, all of whom are
9 private landowners between Mile 5 and Mile 10 of the
10 Spencer Road near the proposed power line construction
11 corridor.
12 As an association we are compelled to oppose
13 this project for the following reasons, Massachusetts
14 and Canada are the main beneficiaries of this project.
15 Rather than providing clean, more affordable energy for
16 Mainers, the environmental damage created by clear
17 cutting thousands of acres in one of the last remaining
18 forests in the United States east of the Mississippi
19 River is irreversible and opens the door for future
20 large scale projects.
21 This project would have a negative impact on
22 our members' property values. Most of our owners,
23 myself included, enjoy the pristine wilderness views
24 that will be destructed with a direct line of sight
25 with the proposed project. The cost of this project

1 could suppress new investment in clean renewable energy
2 such as land or solar power in Maine.
3 The 140 mile project would be harmful to
4 native brook trout habitat and other wildlife as it
5 clears through 263 wetlands, 115 streams and 12 inland
6 waterfowl wading bird habitat areas. We as a board
7 endorse this resolution to oppose CMP's NECEC proposal
8 enjoyment groups such as Maine's Environmental and
9 Natural Resources Committee, Maine's Energy Utilities
10 and Technology Committee, the Natural Resources Council
11 of Maine and many other property owners in the area.
12 Thank you.
13 MS. MILLER: Thank you. Matt Marks,
14 Susan Clary, Lincoln Jeffers.
15 SUSAN CLARY: Hi, I'm Susan Clary. I
16 apologize, the only class that I ever didn't pass was
17 penmanship. I'm a resident of Livermore Falls. I am
18 in support of the New England Clean Energy Connect
19 project for many reasons, two of which lower
20 electricity costs for Mainers and clean hydropower to
21 displace carbon living fuel sources. In addition to
22 Maine, consumers saving $40 million per year over the
23 next 20 years, the project will establish $140 million
24 rate relief as well as providing $50 million to assist
25 Maine low-income customers.

1 The most important feature of the lower
2 electricity costs associated with this project is that
3 the New England Clean Energy Connect will displace
4 1,200 megawatts of fossil fuel energy production with
5 clean hydropower energy. The clean hydropower will
6 reduce emissions in New England by 3 million megatons
7 annually and Maine's carbon emissions will be reduced
8 by 265,000 megatons annually.
9 Taking steps today to reduce greenhouse gas
10 emissions is essential for the future of Maine and the
11 world. Greenhouse gas emissions from burning fossil
12 fuels like coal, oil and gas for electricity production
13 releases carbon dioxide into the atmosphere. It is
14 wildly known that releasing carbon dioxide into the
15 atmosphere has a direct correlation on climate change
16 and health of all citizens.
17 Supporting the New England Clean Energy
18 Connect project is just one way that Maine can step up
19 and help lead the nation in taking steps to reduce
20 greenhouse gas emissions. This project not only helps
21 protect the air we breathe, Maine consumers will also
22 benefit from lower electricity costs. Thank you for
23 the opportunity to speak tonight.
24 MS. MILLER: Thank you.
25 MATT MARKS: Good evening, my name is

1 Matt Marks. I'm a life-long resident in Maine and I'm
2 here today in my capacity as CEO of the Association of
3 General Contractors of Maine. Since 1951 AGC Maine has
4 represented nearly 200 commercial contractors,
5 suppliers and service providers throughout the entire
6 state. The Maine construction industry is still
7 recovering from recent recession devastated our
8 members. We lost about 10,000 workers throughout the
9 state.
10 Our workforce and many families rely on a
11 healthy economy. We lost a tremendous amount of
12 knowledge when this four year project dragged, much
13 needed consistency to the firms and those families who
14 are supported by the construction. Projects of highly
15 technical skills are increasingly attractive as college
16 debt becomes a serious issue for Maine families. When
17 construction of projects are a long-term schedule, they
18 provide an opportunity to train new skilled workers in
19 the field and the classroom, which we believe that will
20 be a major public benefit.
21 Maine, along with five other are states are
22 responsible for the generation of New England's 32,000
23 megawatts of power, more than 5,200 megawatts for oil,
24 coal, and nuclear power plants will have to have
25 retired from 2010 to 2022 and another 5,000 megawatts

1 for coal and oil fired generation could be retiring in
2 the coming years. We do not -- and they're all
3 connected, which is very important.
4 We need to replace these plants, 1,200 of
5 megawatts clean reliable hydropower delivered to
6 Lewiston, Maine with the region's largest source of
7 electricity from clean energy. As contractors we
8 certainly prefer to build generation, transmission and
9 delivery. However, we also recognize that a project
10 that immediately connects Maine to existing clean
11 hydropower, especially if it's an escape towards growth
12 is essential for the New England grade. I would add,
13 we are long-term advocate for green energy and that
14 includes solar and wind. We also recognize that that
15 still needs power to get to the marketplace.
16 This project will provide 1,700 construction
17 jobs on average for a four year build and 3,500 jobs at
18 peak. A four year project will attract new skilled
19 workers for the market. To help with recruitment and
20 training, an educational fund will be established for
21 vocational training programs in Franklin and Somerset
22 Counties as well as scholarships and internships for
23 the University of Maine Farmington right here.
24 Clean Energy Connect will deliver one billion
25 dollars in jobs, taxes and other benefits in Maine, not

1 Massachusetts. The construction of a transmission
2 delivery system would continue to occur throughout
3 Maine as we build additional generation, or in this
4 case, tie into an existing source.
5 Maine contractors have excelled in
6 environmentally sensitive construction techniques much
7 learned through the MPRP. I believe part of the
8 regulatory compliance, but also it's their belief that
9 each of us enjoy the precious landscape that we've been
10 blessed with in the state. As you know, this project
11 has little disturbance of the tremendous amount of
12 energy to live in our market. The 53 miles of
13 commercial would be forest and 94 miles of existing
14 corridor.
15 Because we've all heard so much from
16 television and radio ads about the curse of this
17 project for the New England highway, I think it's a
18 important to address. The New Jersey Turnpike has 12
19 foot wide lanes, 10 foot wide shoulders, in some
20 sections 12 lanes and that doesn't include buffer.
21 This project will be close to 50 yards of width, which
22 is about half a football field. That's a small
23 footprint for 1,200 megawatts. Maine has the
24 opportunity to provide clean energy, clean energy jobs
25 and a bright future for the next generation with this

1 project. I appreciate the chance to speak tonight.
2 Thank you.
3 MS. MILLER: Thank you.
4 LINCOLN JEFFERS: Good evening. My name
5 is Lincoln Jeffers. I live in Freeport and in the
6 interest of full disclosure, I also work for the city
7 of Lewiston, but I am here tonight not on Lewiston's
8 behalf, but simply as a citizen.
9 As a paddler, hiker, skier, former river
10 guide and a number of --
11 MS. MILLER: Can you speak into the
12 microphone, please.
13 LINCOLN JEFFERS: As the debate over
14 whether this project is good for Maine is played out,
15 one significant point seems to have been forgotten. We
16 need the clean energy future. To suggest that the
17 status quo is okay is a matter of sticking one's head
18 in the sand. The long-term viability of the plan
19 depends on a carbon-free future. If steps are not
20 taken slow, carbon emissions, the visual impacts of
21 power lines and potential habitat fragmentation will be
22 the least of our worries. There will be wholesale
23 negative changes in our climate and the ecology of our
24 plan.
25 This project is a good deal for Maine.

1 Massachusetts rate payers will pay a billion dollars to
2 bring existing clean hydroelectric power from Canada
3 into New England. It will become a part of New
4 England's electric supply when it's converted from
5 direct current to alternating current in Lewiston.
6 We know that one-third of New England's
7 generated capacity will retire over the next decade and
8 that capacity needs to be replaced. There is clean
9 hydroelectric power in Canada for the taking. Clean
10 Energy Connect will reduce wintertime natural gas price
11 spikes and provide price stability. Opponents want an
12 independent study of what the greenhouse gas emissions
13 for this project will be. They're choosing to ignore
14 the fact that two such studies have already been done,
15 one by CMP as part of their application and one by the
16 Public Utilities Commission as part of the review of
17 the project. The studies came to similar conclusions.
18 Clean Energy Connect will reduce emissions in
19 New England by 3.6 million metric tons annually, which
20 is the equivalent of taking 767,000 cars off the road.
21 To demand another greenhouse study is to deny science.
22 We shouldn't bog this project down with demanding a
23 study. It's not necessary. The evaluation has been
24 done. We also should not be changing the rules of
25 development review in the middle of the game. It was

1 set forth as here's the policy, here's how you're
2 supposed to be doing it and CMP has played by the rules
3 and trying to change the rules late in the game is just
4 not appropriate. It's really not the Maine way.
5 There will be impacts with this project.
6 There are places where the power line will be visible
7 where it is not today, places where wetlands and
8 streams will be crossed; however, those impacts must be
9 measured against the benefits. Gas, oil and coal all
10 have emissions, getting them out of the ground is a
11 dirty business. Maine is on the end of the tail pipe
12 for fossil fuel burning power plants west of us. This
13 project will help stop those negatives. People will
14 not stop coming to Maine, hiking the Appalachian Trail,
15 running the Kennebec Gorge or taking advantage of other
16 tourism events because they may catch a glimpse of a
17 power line. Repeating untruths will not make them
18 true.
19 Will we say no to every project? We can't.
20 Where would we be a hundred years ago if Maine said no
21 to fisherman who wanted to litter up pristine and
22 picturesque coastal waters with ropes and buoys? I
23 encourage your approval of Clean Energy Connect. Thank
24 you for your time and consideration.
25 MS. MILLER: Thank you. Andrea Bowen,

1 Eliza Donaghue, Cynthia Stancioff and Paul Stancioff.
2 Put all the paperwork on the chair right next to you.
3 ANDREA BOWEN: I'll leave my statement
4 because I understood you had a three minute limit. My
5 name is Andrea Bowen. I'm a former state
6 representative from Sanford. I am here to add
7 information on the discussion of whether CMP's
8 compensation and mitigation plan adequately compensates
9 the impacts of the grid expansion on Maine's
10 environment. It really doesn't.
11 I offered the first legislation in the nation
12 past to address the risks to our electric power grid
13 from the severe large spread solar farms and manmade
14 electromagnetic weapons. Either could take down our
15 grid in Maine, the whole northeast, the nation beyond
16 for weeks, months or years.
17 A recent white house executive ordered
18 targets to this issue as an executive order under
19 former President Obama. This project heightens threats
20 to life in the economy because CMP does not harden its
21 grids against them as it could. In order to sensibly
22 compensate for that, CMP and Hydro-Quebec should either
23 provide on, off ramps or add substations so towns along
24 the way can have their own resilient micro grids
25 powered by solar winds like geothermal allowing them

1 not to have to worry about the grid passing.
2 Compensation might add an additional
3 $100 million. People along the route really deserve to
4 be healthy. They help their wealthier friends, so.
5 Recovery from a blackout would be another cost for the
6 public because CMP is protected from liability in such
7 an instance. Hydro-Quebec experienced a severe solar
8 storm outage in 1989. Their grid was down for only
9 nine hours, but the recovery costs were about $2
10 billion and economic costs generally throughout Quebec
11 was several billions more. Like Quebec, we need
12 billions, not millions set aside to take on that risk
13 because the public would be paying for us having to --
14 a severe solar storm is one hundred percent probable.
15 A recent report of the Electric Power
16 Research Institute shows Maine to be
17 particularly vulnerable, especially along its coast and
18 northwest border, and I provided attachments for you to
19 look at from that report. This proposed line running
20 between those most vulnerable points would allow for a
21 high powered antenna into the sky attracting more
22 electromagnetic solar and energy costs.
23 Adequate power is critical to the security of
24 the New England electric grid and Maine is a part of
25 it, but placement of an unhardened high powered

1 transmission line in a risky location is not a good
2 design. It threatens life and our ability to care for
3 it and it has high costs, so you really would need to
4 consider that realistically there should be a whole lot
5 more in mitigation compensation if we go forward with
6 that.
7 This line comes from one of the hottest spots
8 in the country on the western border and comes down to
9 our coast, the Maine coast being one of the hottest
10 spots in the country because the combination of our
11 geology and the coastal effect that we have here. It's
12 really been something tremendously serious and I hope
13 you'll consider putting more money in the budget for
14 mitigation compensation if you put that through. Thank
15 you.
16 MS. MILLER: Thank you.
17 ELIZA DONAGHUE: Good evening. My name
18 is Eliza Donaghue and I represent Maine Audubon and our
19 30,000 members and supporters. Maine Audubon has long
20 been a strong supporter for renewable energy projects
21 believing that Maine and the nation must always look
22 for opportunities to reduce our collective alliance on
23 fossil fuels. At the same time we must ensure those
24 projects are sited and implemented responsibly to avoid
25 and minimize environmental impacts and that truly

1 unavoidable impacts are adequately compensated for.
2 We feel strongly that as proposed the
3 applicant has not adequately avoided, minimized and
4 compensated for impacts to wildlife and wildlife
5 habitat. We recognize that progress has been made
6 since the applicant submitted the project for review
7 and this indicates to us that it is practicable to
8 build and manage the project in a manner that is
9 sensitive to wildlife.
10 We recommend to the Department and we will
11 have submitted detailed comments that the applicant
12 applies similar practices in more areas within the
13 corridor. For example, to facilitate movement across
14 the corridor by area sensitive and wide ranging
15 wildlife species.
16 In addition to taking further steps to
17 minimize direct impacts to wildlife and wildlife
18 habitats, we believe that the applicant must do more to
19 compensate for cumulative impacts and impacts
20 associated with habitat fragmentation, both of which
21 are considerable in the proposed project.
22 Our comments include specific recommendations
23 such as avoiding additional habitat impacts by burying
24 or pole locating corridor, increasing vegetative
25 buffers to one hundred feet for all streams, not

1 allowing refueling near wetlands, increasing vernal
2 pool compensation rate to at least a hundred percent of
3 the eight to one significant wildlife habitat ratio,
4 increasing the inland wading birds and waterfowl
5 compensation to one percent of the eight to one
6 significant wildlife habitat ratio, retaining the
7 forest canopy and one hundred feet adjacent to all
8 brook trout streams, increasing funding for culvert
9 replacements, using alternative vegetation management
10 techniques, creating additional wildlife corridors and
11 finally truly compensating for the project's
12 significant habitat fragmentation impacts.
13 By our calculations, we estimate that segment
14 one of the proposed corridor would impact more than
15 5,000 linear acres of habitat applying eight to one or
16 twenty to one multiplier, similar to that used for
17 wetlands compensation would suggest compensation of
18 approximately 40,000 to one hundred thousand of acres
19 of protected lands to offset impacts associated with
20 fragmentation.
21 The project, if approved, would set
22 significant precedent for the likely many renewable
23 energy projects that would soon come to Maine. It is
24 vitally important that if it's done, it's done right
25 and as proposed, we don't believe that the project has

1 been done right quite yet. Thank you.
2 MS. MILLER: Thank you.
3 CYNTHIA STANCIOFF: Hi, I'm Cynthia
4 Stancioff from Chesterville. I'm an environmentalist
5 and so it may surprise many to hear that my testimony
6 is basically in favor of the project. I might have
7 many things to say in the context of global climate
8 emergency, our children's legacy and it's not in my
9 backyard syndrome and importance of fact based rational
10 policy analysis, but instead I will confine my
11 testimony to the DEP hearing criteria.
12 Criteria in A3, recreational and navigational
13 uses, businesses have argued that their clients will
14 react strongly to the points along the recreational
15 routes implying that customers will go out of business,
16 be it snowmobiling or rafting. This to me does not
17 seem likely. While longtime snowmobilers may
18 experience a visual change, they will not give up
19 riding, nor will they go elsewhere in protest. In a
20 short time they will be replaced by new riders who are
21 very impressed with the view which still abounds.
22 Kennebec rafting offer an illusion of
23 untouched nature with an exploded landscape working
24 just beyond the riverside beauty strip. Rafters are
25 there for a thrilling ride, something that is not

1 threatened here.
2 Putting aside the irony of hydropower
3 dependent rafting, it must be acknowledged that
4 customers will not likely keep coming despite seeing
5 one more power line on their way here from
6 Massachusetts or Connecticut.
7 Criteria B2, wildlife habitat and fisheries.
8 While the idea of a threat of brook trout survival
9 certainly caught my attention, it has become evident to
10 me that if the thousands of 10 to 30 acre of clearcuts
11 comprising our working forests landscape are not
12 decimated the brook trout, how could a 150 foot
13 strip following the same wide buffer do so? I do
14 strongly oppose herbicide use and I do encourage all
15 alternatives in development for this project.
16 On the subject of B3, habitat fragmentation,
17 I hardly agree that fragmentation is bad and should be
18 minimized; however, there currently exists so much
19 fragmentation due to our Maine working board as
20 paradigm that it is difficult to address this issue
21 with a straight face. It is this very plan with Google
22 Earth view. How about you consider imposing some new
23 limits to the legal devastation of the vast swathes of
24 the forest on a continuous basis for the profit of out
25 of state investment concerns, solar entities, which --

1 our economy -- this power line will be constructed with
2 wildlife corridors, tapered vegetation, and underground
3 segments.
4 The bigger concern should be the working
5 forest waste land that's a stone's throw away from any
6 given spot on the main portion of the corridor and
7 beyond that straight up to the northern border of the
8 state. Thank you.
9 MS. MILLER: Thank you.
10 PAUL STANCIOFF: I'm Paul Stancioff from
11 Chesterville. I teach physics here at UMF including a
12 course about energy and its use and its relation to the
13 environment. I personally don't have particularly
14 strong feelings about this power line, although my
15 tendency is to favor it because someone who studies and
16 teaches about it and issues relating to energy use in
17 the environment, I do know that if we want to address
18 climate change, we need to change how we use energy.
19 While efficiency and conservation are part of
20 the solution, we're going to need abundant amounts of
21 renewable energy to replace the 85 percent of our
22 energy that we currently get from fossil fuels, that is
23 if you want keep using stuff anywhere close to the
24 amount you do now.
25 Small scale generation, such as rooftop --

1 and hot water heaters and Maine solar farms will
2 contribute significantly, but in the long run
3 electricity on a smart grid will be the most efficient
4 effective way of distributing energy. Like many here
5 arguing against the power line, I am a committed
6 environmentalist, but I feel like we need to look at
7 the bigger picture and weigh some of the costs with the
8 benefits.
9 The costs that are of concern to this
10 committee, as I understand it, are the environmental
11 impacts of the power line. I wish I understood the
12 ecology of the so-called working forest better than I
13 do so that I could make a more informed judgment there,
14 but I don't, but I do want to say something about the
15 scenic impact. When I look out from the tops of the
16 mountains that I climb in western Maine, what I noticed
17 the most are the vast areas that have been heavily
18 forested. I also see wind turbines in a number of
19 different locations, and I know the power lines are out
20 there as well, but they didn't really stand out so
21 much, unless you're pretty close to them.
22 I have heard that some folks were concerned
23 with the impact of this project on the Appalachian
24 Trail. The trail crosses the project corridor at the
25 south end of Moxie Pond, a section that already has

1 power lines from Harrison Dam. The closest the new
2 section comes to the Appalachian Trail is about
3 five-and-a-half miles away and most of that is much
4 farther than that. That's from the top of Pleasant
5 Pond Mountain.
6 In a cost benefit analysis, I feel like the
7 relative cost to the scenic character of western Maine
8 are outweighed by the need for a solution to climate
9 change. Thank you.
10 MS. MILLER: Thank you. Before I call
11 anyone else's name, I'm going to periodically have to
12 swear everybody in again because there are people that
13 have come in that are new faces and there may been just
14 some folks that haven't been here from the beginning.
15 Anybody who intends to speak tonight who has not been
16 sworn in, I'm going to ask you to stand up and raise
17 your right hand. Do you swear or affirm that the
18 testimony you are about to give is the whole truth and
19 nothing but the truth?
20 AUDIENCE MEMBERS: I do.
21 MS. MILLER: Thank you. Okay, Bill
22 Harmon, Noah Hale, Marge Taylor.
23 MARGE TAYLOR: Hello, my name is Marge
24 Taylor and I live right here in Farmington, Maine. I'm
25 opposed to the corridor because I feel the loss of the

1 trees and the views from our mountains and all of that
2 will be lost and will not be the same. Habitat
3 destruction and herbicides spraying are much more
4 harmful to Maine now and into the future than any
5 proposed benefits CMP is saying we will get.
6 On a more personal note, there is a little
7 trail system I use right here in Farmington that this
8 corridor will run right through. Right now the lines
9 are not that big. Do we fully understand at what point
10 the lines become dangerous to humans or especially
11 vulnerable animals like our salamanders, our frogs, our
12 moths and bats?
13 I would also hear that this corridor would be
14 the first step in industrializing a very special region
15 of Maine. This would change that area forever and
16 we'll never get it back. I think most of my friends
17 and neighbors feel the same way as I do about this
18 project. We do not understand why all these negatives
19 are happening when we see very little benefit to Maine.
20 Please consider that once approved there is
21 no going back. We all want a cleaner environment.
22 This is just not the best way forward. Thank you for
23 the opportunity to speak.
24 MS. MILLER: Thank you.
25 BILL HARMON: Good evening, my name is

1 Bill Harmon and I'm from the Benton area and I'm
2 also me. It's very difficult for me to make my
3 presentation for this reason, I want to be able to use
4 that map and a couple maps I put together myself, but
5 the area that I want to talk about actually goes off
6 the map at the top. I'm here for three main reasons.
7 One is I'm not in favor, nor against the proposal
8 itself and the route except for one aspect. Where the
9 line makes the jag due west, if you continue going
10 north, you could continue up Route 201, I believe it's
11 also 8 and 16 highway that goes across into Canada, why
12 does the route have to make that jag due west going
13 through wilderness area? Why can't it just continue on
14 up 201, which is already destroyed habitat, destroyed
15 property. It's an existing road. Use those existing
16 facilities and continue up there.
17 When you look at a map of Hydro-Quebec and
18 existing transmission lines from Canada and where they
19 come down from in the State of Maine, where the western
20 boundary of the proposed western extension is proposed
21 now versus where Route 201 crosses into Canada, that
22 junction is about halfway in between those two things
23 and about equally distant from the Maine border. What
24 I'm asking is consider an alternative route. If you're
25 not going to consider that as an alternative, because

1 it already exists, you minimize any further
2 destruction. If you're going to go west, I hear
3 there's gash, slash and burn.
4 I hear it's destroying everything along the
5 way. I've spent considerable hours going through maps
6 documenting where existing roadways are. There are
7 dirt roads where they criss cross that area. This 150
8 foot wide, half the length of a football field
9 corridor, with transmission lines, it's not going to
10 destroy that area. That's a working woodland. The
11 deer are not going to be impacted. They'll cross from
12 one side to the other. The part that I will get to are
13 the use of the insecticides in that area.
14 So basically I'm here to suggest, agree with
15 the proposed, but going north. I think it would avoid
16 a lot of opposition here, but if you are going to go
17 west, minimize the impacts by minimizing the amount of
18 roadway, roadways exist, and where you put the
19 transmission towers.
20 The last thing I wanted to emphasize is this,
21 Hydro-Quebec is a Canadian province covering. If they
22 want to make money off Maine, if they want to make
23 money off New England, let them pay more money than
24 what they're already offering, you know. Central Maine
25 Power will only transmit the electricity. They're not

1 generating it. So that's all I really wanted to say.
2 Thanks very much.
3 MS. MILLER: Thank you.
4 NOAH HALE: Hello, Commission, thank you
5 for allowing me this time to speak. Again, I don't
6 envy your job tonight. I got to take it from all -- my
7 name is Noah Hale. I was born and raised in Jackman.
8 One side of my family is from Quebec, the other side is
9 from Wilton. I live in West Forks, so the pristine
10 wilderness that's in question, that area is my house.
11 I'm also a white water kayaker, hunter, fisherman,
12 outdoorsman in this area and I've been involved and
13 kind of have a unique outlook on this since April of
14 last year was when we had our first informational
15 meeting in The West Forks, so I've seen this go from,
16 you know, one governor we're going to push it right
17 through, you know, kind of avoiding this outcry of the
18 project to the we have to be proven a little bit more
19 about CMP from another governor and then the next week
20 they're on board with it.
21 So what I've experienced started in April of
22 last year and I was approached by Western Maine
23 Mountain and Rivers and their mitigation had already
24 been done at that point in the process. This is the
25 first informational meeting to the people of The Forks

1 in the area, The West Forks, so they took it upon
2 themselves to not contact any of us, including people
3 that had been doing business and living in that town
4 long before they ever arrived, the other people on this
5 board, generations. Let this sink in for a minute. So
6 to join that, you had to support the corridor to be
7 part of that group. You couldn't be in opposition and
8 join that group and have a say in this mitigation.
9 That's another point I wanted to make.
10 And then there's a conflict of interest part
11 of it that I didn't really want to be a part of. The
12 county commissioner was already involved without
13 contacting us. They looked us in the eye for a year.
14 The brother of now standing governor at that point was
15 running for governor was on the board and they
16 mitigated this without telling us. Information was
17 purposely withheld for a great period of time and
18 that's something, you know, as a community divided, a
19 unique community divided, we now have to look each
20 other in the eye and say well, thinking back two years
21 ago you knew that whole time and kind of put the dots
22 together. So basically their credibility was lost
23 amongst all of us and, you know, then other, I guess
24 you could say frauds and class action lawsuits and, you
25 know, ratepayer mishaps just snowballed all of that

1 together into what we see today. The company is
2 probably arguably the most questionable company in
3 Maine dealing with a project this sensitive is
4 concerning to say the least.
5 So, you know, the nuts and bolts is -- we say
6 CMP, but it's -- a Spain based company creates wind
7 turbines, they have a big alternate interest in this
8 section of, this very poor section of Maine.
9 MS. MILLER: Can you wrap it up, thank
10 you.
11 NOAH HALE: So it goes on, Spain, Quebec
12 Massachusetts and then Maine gets a benefit, right?
13 But the thing that people forget is this is already
14 permitted to be buried in Vermont, so the need is not
15 really that great. And it's 300 feet wide for an
16 alternate use and that's windmills, so that's what it's
17 about. It's a 300 feet wide buffer for other lines,
18 and that information has been purposely withheld.
19 And I still think that with 60 to 90 percent,
20 we should have a vote and your jobs are super important
21 because you're going to set a precedence in this state
22 that goes beyond all of our lives and beyond your
23 positions and I would just really recommend just
24 consider how important what this is and that it's
25 already permitted in Vermont. Thank you.

1 MS. MILLER: Thank you. Susan Theberge,
2 Nancy Walters, Bruce Baker.
3 SUSAN THEBERGE: Hi, good evening, my
4 name is Susan Theberge. I live in Jay, Maine and I am
5 opposed to the NECEC corridor. My most compelling
6 objection to this project is the new 53 and a half
7 miles of corridor that will permanently scar unique
8 globally important and sensitive habitat in the north
9 Maine woods for every disrupter, the ecosystems
10 changing the very character of Maine.
11 Despite statements that this project has a 40
12 year projected life span, which at the end of that
13 time, if it is of no further use due to changing
14 technology, it will be decommissioned, quote, the poles
15 removed and lines rolled up, unquote, yet there is no
16 decommission plan or decommission monies set aside to
17 achieve this. Remember this new corridor will occupy
18 the south side of the 300 foot wide right of way
19 instead of running down the center leaving open room
20 for expansion.
21 It is becoming increasingly evident there are
22 plans for something else to occupy this corridor in the
23 future and for many generations moving forward, most
24 likely AC lines to accommodate even more gigantic
25 inefficient and environmentally destructive wind

1 turbines. There's no need to bring this corridor
2 through what remains of the world's largest remaining
3 contiguous forest, the very lungs of the northeast, a
4 place of beauty and respite when potentially less
5 destructive options is this, running these lines
6 underground along an already industrialized route such
7 as Route 201.
8 What we will be leaving future generations
9 will not be the complex problem with climate change,
10 but a constant haunting remainder of our failure in
11 this place and time to protect and preserve the
12 precious place we Mainers like to call home. Thank you
13 very much.
14 MS. MILLER: Thank you.
15 NANCY WALTERS: My name is Nancy Walters
16 and I'm a resident of Wilton. My family has been in
17 the Franklin County for nine generations so my roots go
18 deep here. I am against the corridor and I would just
19 like to say that there is bipartisan statewide
20 opposition to the irreversible impact on the
21 environmental treasurer that is -- that are unmarked
22 continuous in land Maine woodlands. The widely held
23 objection to the CMP corridor is not merely a case of
24 local decent or nimiety, as it is commonly called.
25 The forest is one of the few treasures that

1 provide a healthy year-round tourism industry, which is
2 especially crucial in this less well-to-do area of the
3 state far from the coast and southern Maine. It also
4 provides many native sustainable industries and jobs,
5 which work in harmony with the forest, all of which
6 could be negatively impacted by the corridor.
7 And I'd like to just add that many of those
8 cutting industries that harvest the wood, the wood is
9 allowed to grow back and be sustainably managed, unlike
10 the corridor in which the herbicides would prevent that
11 regrowth.
12 We wish to keep that final stretch of the AT
13 a jubilant and pure wilderness experience. Many here
14 are suspicious of claims that the herbicides, which
15 will be used permanently along the corridor, will be
16 environmentally harmed, which is a claim that I had
17 heard somewhere along the line. And in addition, the
18 persistent lack of foliage will impact the extreme
19 temperatures for trout fishing, which is another draw
20 for local people and tourists, which has already been
21 mentioned.
22 This area is part of a clean water shed with
23 fish and various wildlife and Maine people want to
24 protect it as such. Desperate times do call for
25 desperate measures, but no one from CMP or their

1 affiliates have been able to prove that the corridor
2 isn't anything but the cheapest and dirtiest way to
3 maximize their profits at Mainers' loss without
4 reducing -- without reducing less -- without reducing
5 less clean emissions, but merely shifting them from one
6 customer group to another. And this is what concerns
7 me when they talk about it's the same as taking this
8 many cars off the road, as someone mentioned. Their
9 price for out of Canada exports of the power is higher
10 and I've heard that the energy that they send out
11 through this corridor, their current customers in
12 Ontario may be forced to use their energy, so that
13 isn't being factored into the equation of what might be
14 greener in our direction.
15 MS. MILLER: Can you wrap it up, please.
16 NANCY WALTERS: Yes, it is difficult to
17 justify damaging forests to combat air pollution. If
18 the day comes when this forest must be sacrificed in
19 the name of climate change, then it must be for a
20 purely scientifically based reason and not merely for a
21 profit driven one. Thank you.
22 MS. MILLER: Thank you.
23 BRUCE BAKER: Good evening, my name is
24 Bruce Baker. I wasn't really prepared to speak this
25 evening. I was going to be speaking for other people

1 who couldn't come, but I will leave these on the chair.
2 I'll just make a few observations. I live in Fryeburg.
3 I've moved away and come back to Maine three times.
4 Both of my children were born here. I am speaking in
5 opposition to the line.
6 Just a couple of other observations,
7 Massachusetts has struggled to create their own clean
8 energy, most notably on Nantucket Sound, a very
9 much negative situation. I don't see anybody here from
10 Massachusetts speaking in favor of this plan or saying
11 thank you to the State of Maine or to the residents of
12 the State of Maine for consideration of this plan.
13 As has been pointed out, Vermont has already
14 approved this corridor, which is mostly buried. New
15 Hampshire had its chance and said no and now it's
16 before us. I don't think that there's a certain
17 fairness to the State of Massachusetts to be dumping on
18 its northern New England neighbors. I was born in
19 Massachusetts by the way. My name is Baker and I'm not
20 related in any way to the president.
21 And the last thing I'd like to point out is
22 that I moved to Fryeburg from Portland this past year,
23 basically occupying my home as of August and since that
24 time through today, I've had seven power outages.
25 MS. MILLER: Thank you. Before we go

1 any further, I just want to let everyone know I am
2 going through these lists in the order that we got them
3 so I know some of you I can see are getting a little
4 restless and want to speak. That's why it's really
5 important for everybody to please keep your testimony
6 concise so that everybody in this room has an
7 opportunity. I have a pretty thick stack of papers to
8 go through tonight, and I'd like to give everyone the
9 opportunity to speak, so please be precise and try not
10 to be too repetitive, okay? I appreciate that. The
11 next person on the list is Wendy Huish, Monica McCarthy
12 and Paul Robinson.
13 PAUL ROBINSON: Thank you for being here
14 this evening. My name is Paul Robinson. I'm a
15 resident of Lewiston. I'm here tonight to speak in
16 favor of approving the Clean Energy Connect project, a
17 healthy vibrant future for Maine must include clean
18 energy. That includes wind, solar and hydropower.
19 Each of these power sources have impacts and
20 limitations. They all have visual and environmental
21 impacts, whether it is turbines on ridges or off shore,
22 land being consumed by acres of solar or behind dams.
23 Wind and solar are weather dependent. Hydroelectric is
24 a steady supply, so long as it rains it will be water.
25 If we want to have the lights come on long into the

1 future when we flip a switch, all these sources of
2 clean renewable power should be developed and
3 supported.
4 A recent article in the Franklin County Daily
5 Bulldog Newspaper written by an employee of
6 Hydro-Quebec noted that over the last 15 years the
7 company has added 13 more generating stations to their
8 portfolio. Half of these generating stations have
9 large reservoirs behind them that are filling up
10 allowing them to generate clean and renewable power
11 long into the future. Hydro-Quebec is planning for the
12 future, so should Maine.
13 Hydro-Quebec has a surplus supply of energy
14 that are prepared to deliver to New England. Power can
15 be delivered on demand; however, that energy needs to
16 get to market and that is where Maine comes in. CMP
17 has been very careful in the siting of the proposed
18 transmission corridor, 17 percent of it is in the
19 existing right of way with the 50 miles of new right of
20 way running through a working forest. Recognizing the
21 value of viewsheds, sensitive habitats and recreational
22 areas, CMP did their best to thread the needle through
23 these resources. They listened to residents,
24 stakeholders, the area impact and adjusted their plans
25 to address concerns raised.

1 No doubt this project will have impacts.
2 Power lines will be visible where they are not today.
3 Habitat boundaries will change, but animals and plants
4 will adapt. They always have, as they will currently
5 and have been doing in a working forest.
6 Change is hard; change is difficult, but
7 critical for our future. To have a future, a clean
8 energy future is imperative. The benefits of this
9 project far outweigh the negatives. I encourage your
10 approval of the Clean Energy Connect project. Thank
11 you.
12 MS. MILLER: Thank you.
13 WENDY HUISH: Good evening, panel and
14 audience. My name is Wendy Huish. I have lived in
15 Farmington, Maine for the past 43 years. I'm here
16 representing myself and my entire family, children and
17 grandchildren. I speak to you tonight as a mother,
18 grandmother of five, environmentalist, nature and
19 animal, tree and forest lover, bird and loon watcher,
20 hiker and fishing for pleasure person. I have been
21 opposed to the CMP corridor since day one. With
22 respect and sincerity and in a friendly way I ask the
23 panel members how many of you have been up north 201
24 and beyond to Bingham, Caratunk, The Forks and on up to
25 the Jackman Mountain area? Well, I have. I've

1 traveled there each spring and summer for the last
2 30 years to a magical place 40 minutes south of Jackman
3 in Upper Enchanted territory. It's nine miles in from
4 201 on lumber dirt roads and the end result is Bulldog
5 Camps. It's on, imagine that, the name, Lake
6 Enchanted.
7 So, it is a beautiful pristine mountain and
8 forest to hike in and to enjoy. The lake is pristine.
9 Now I speak as a -- and here I will present to you
10 pictures and you can see it's a pristine forest. And
11 the last picture is my family on top of Shutdown
12 Mountain. They climbed up Shutdown Mountain and you
13 can see Lake Enchanted at the bottom.
14 Now I speak to you environmentally. There
15 will be extensive cutting of trees and destruction of
16 forests for the 150 to 300 foot wide corridor. People
17 for the corridor keep saying oh, it's been logged up
18 there, it's not pristine, it's a working forest.
19 Excuse me, look at the pictures. Indeed it is pristine
20 because there is a huge difference between logging.
21 After you log, the growth grows back, but with cutting
22 and destruction for the proposed corridor, that part of
23 the forest will be gone forever, vacant of trees due to
24 the herbicide sprays.
25 Oh, so herbicide sprays all along the

1 corridor in our Maine mountains, it has great potential
2 for doing tremendous harm to animals and bird life
3 surrounding the geographical area. As the spray seeps
4 into the soil, it can erode and travel to nearby
5 streams, lakes and ponds, so how many animals, fish,
6 birds, loons, etc., will be affected?
7 MS. MILLER: Can you wrap this up,
8 please.
9 WENDY HUISH: Sure.
10 MS. MILLER: Thank you.
11 WENDY HUISH: I am also amazed that it
12 will travel -- the corridor will travel near the
13 Appalachian Trail. The Appalachian Trail has been
14 thought of as a wonderful wilderness adventure
15 contacting with mother earth in the wilderness.
16 In closing, I ask that the members of each
17 representative panel seriously consider the end result.
18 Our Governor Mills said the corridor will not cost the
19 taxpayers in Maine anything, but I tell you indeed it
20 will cost us a major piece of our spirit. Thank you.
21 MS. MILLER: Thank you.
22 MONICA MCCARTHY: Honorable Chair and
23 Commissioners, Monica McCarthy from Rome and I thank
24 you for the opportunity to comment specifically on DEP
25 review criteria this evening.

1 Regarding scenic character and existing uses,
2 the applicant CMP has not demonstrated that NECEC will
3 not unreasonably interfere with the scenic character or
4 existing scenic aesthetic recreation uses and that the
5 development will become limited in the natural
6 environment. The Visual Impact Assessment was
7 conducted with a land public data from 1991 to 2001.
8 The 2017 data was available for most of the project
9 area and was disregarded by the firm that conducted the
10 VIA.
11 MS. MILLE: Can you slow down a little?
12 I know I asked you to be concise, but we also want to
13 get this on record, thank you.
14 MONICA MCCARTHY: Sure. Do you want me
15 to go back at all? We can't credibly rely on visual
16 representations using data bits two decades old. The
17 firm that conducted the Visual Impact Assessment has
18 not provided sufficient data to establish acceptable
19 mitigation of impact on viewsheds either. Their team
20 stated under oath that none of them has ever seen a
21 self-weathering steel monopole used in a project, so
22 they can't claim to understand what NECEC would look
23 like when complete, let alone attest to it.
24 Further, the simulations they offer do not
25 represent the full range of existing uses and

1 approaches to the viewsheds in four seasons from
2 vantage points above as well as below the proposed
3 project. Their representations were largely limited to
4 a single season from vantage points below the project,
5 which minimize the extent to which the viewshed is
6 impacted.
7 You've heard a number of wildlife habitat and
8 fisheries experts over the last couple of days
9 testifying the unreasonable harm that will come to
10 wildlife and fisheries and the likely impact of habitat
11 fragmentation from NECEC. You may also have drawn the
12 same conclusion I did, that the areas offered by the
13 Applicant CMP for conservation were chosen north of the
14 proximity to lands and businesses owned and operated by
15 the members of Western Maine Mountains and Rivers
16 Corporation than they were for their strategic
17 importance and wildlife habitat and fisheries.
18 It's been clearly established in the record
19 that WMRC was created with a $250,000 donation from CMP
20 and the legal fees including their participation in
21 these proceedings are paid for my CMP. And there's
22 ample evidence that the CMP and/or their counsel
23 prepared the testimony of the WMRC members who appeared
24 before you, that WMRC is involved in no activities
25 today other than supporting this project.

1 The NECEC support is a condition of their
2 memorandum of understanding with CMP that provides
3 their funding and that they have engaged in no other
4 fundraising activities to date. There are no Maine
5 environmental organizations that support NECEC.
6 The reasonable alternative to this project is
7 to site it where the power is required. Maine DEP has
8 no obligation to find a way to permit a project that
9 compromises Maine's natural resources in order for
10 another state to meet their public policy goals to send
11 billions to a global energy conglomerate based in Spain
12 and to richly reward CMP, who's already providing some
13 of the worst service and reliability in the country and
14 overbilling us for the privilege as well as consciously
15 conducting a misinformation campaign about greenhouse
16 gas emissions reductions from NECEC, which they have
17 consistently opposed having to discuss or approve
18 because they know from their experience in New
19 Hampshire that they cannot.
20 NECEC was not proposed to address
21 climate change. If it were, it stands to reason that
22 there would be some reference to addressing climate
23 change and greenhouse gas reduction in their
24 application.
25 MS. MILLER: Can you wrap it up, please?

1 MONICA MCCARTHY: Yes. In closing, this
2 fear of mitigation is to help compensate for
3 unavoidable negative impacts of human action on the
4 environment. NECEC is entirely avoidable. It meets no
5 public need in the constituents you serve and you are
6 the last line of defense for the unique natural
7 resources that would be negatively impacted by this
8 project and for enjoyment of those natural resources
9 that stand close to it. Thank you very much.
10 MS. MILLER: Thank you. Steve McCarthy,
11 Pamela Prodan and Nancy Prince.
12 STEVE MCCARTHY: Good evening, thank you
13 for having us, Steve McCarthy, I live in Rome. And
14 again this evening I'll be speaking to facts, not
15 fiction, not my feelings, but straight up facts.
16 The area that Hydro-Quebec has flooded to
17 make these dams is the equivalency of 30 million acres,
18 the size of New York. So when they talk about carbon
19 sequestering from trees, that's gone. That number is
20 not taken into account. The State of Maine
21 economically gets $3.5 billion a year from tourists.
22 That number equates to 52,000 jobs. That number is
23 dependent upon the pristine areas that people come to
24 visit and see that they don't have in their own
25 backyard.

1 Restoration of a damaged lake or pond is very
2 expensive. Allowing this project would allow numerous
3 places that the restoration would have to take place.
4 There's no money for that. There's no money mitigated
5 if there's a spill from one of the chemical tanks that
6 they use. Upon a body of water you need to have
7 250 feet of horizontal line from the average high water
8 mark in the State of Maine that you can do any work.
9 You can't build a house. You can't build a camp. You
10 can't cut the trees 250 feet unless there's a building
11 there, so all of these bodies of water, they're going
12 to be allowed to cut up to within 250 feet. All of
13 those areas would be created from nonconforming law.
14 One of the mission statements in the DEP is
15 to make the lots as conforming as possible. Protecting
16 fish spawning grounds is a major thing. Removal of
17 natural vegetation is not in the best interest of the
18 Maine people. All of these facts that I've just listed
19 you can find on the DEP website. Nowhere on the DEP
20 website where there was a picture showing Maine
21 depicting our wilderness is there a power line. Every
22 single picture is a pristine beautiful area because we
23 want to invite people here.
24 In closing, I will say that at the Wiscasset
25 meeting when John Carroll was pressed, he gave us a

1 long roundabout answer, but the final answer was CMP
2 cannot guarantee any carbon footprint reduction from
3 this project. It's on the recording. I don't have
4 that for you, but it is on the YouTube recording under
5 the Wiscasset town office meetings. Thank you.
6 MS. MILLER: Thank you.
7 PAMELA PRODAN: Good evening, my name is
8 Pamela Prodan, and just by way of background, some
9 people may know that name, may remember me or not. I
10 was elected to be treasurer of Franklin County in 2015
11 and my term goes through 2022. I say that because I
12 speak for myself tonight and no one else appearing
13 before this tribunal, but I speak from my own
14 experience and firsthand knowledge.
15 Before being elected treasurer, I had a prior
16 career as an advocate and some of my advocacy work
17 started in environmental advocacy about 32 years ago
18 when I helped start No Thank You Hydro-Quebec to oppose
19 CMP's power line back then. Eventually we in the
20 organization came to work with Quebec because our
21 issues are very closely related.
22 And I know that the corridor is wrong for a
23 lot of reasons, but I just want to speak to three
24 points tonight. First on the impacts of the corridor.
25 I feel they are truly sickening. I did read Janet

1 McMann's testimony until I had to put it down and I
2 think anybody who's been to remote places in western
3 Maine mountains and the north woods without a money
4 making motivation for being there knows that this
5 quality of remoteness is what makes these places unique
6 and they're worth cherishing and protecting.
7 I don't buy the argument that rivers and
8 roads already fragment the landscape. I also don't buy
9 that forestry is a type of development that's
10 equivalent to a permanently de-vegetated power line
11 corridor.
12 I want to speak to the alternatives and
13 compensation briefly. As part of my work I was able to
14 interview Bill Namagoose, the executive director of the
15 grand council of The Crees about 20 years ago. He
16 said, and I quote from my interview, Hydro-Quebec gets
17 its greatest motivation from the hunger of the
18 American's formal energy. The projects they're
19 promoting they're not saying they need them for Quebec;
20 they say they are needed to sell to the Americans. The
21 American people, especially in New England states, need
22 to be aware that they are pawns for Hydro-Quebec.
23 Quote, deregulation is coming and we can stop blaming
24 American utility or customer in the states, quote.
25 Quote, they are really, really power hungry. Quote,

1 that's the image portrayed in Canada. That's the end
2 of his quote there.
3 About a month ago I read in the Boston Globe
4 that the governor of Massachusetts proposes in his
5 budget to divert money away from current energy
6 efficient programs and put that money toward climate
7 mitigation instead. These funds come from the regional
8 greenhouse gas initiative and energy efficiency
9 currently how Massachusetts spends the tens of millions
10 of dollars it receives from the program. Perhaps the
11 only real reasonable alternative to this corridor is
12 for Maine to say no and that could force Massachusetts
13 to adopt more energy efficient measures as well as
14 local generation alternatives.
15 MS. MILLER: Can I ask you to wrap up,
16 please?
17 PAMELA PRODAN: We don't want the
18 compensation, Matthew -- said in 1989. Why would we
19 want to exchange for something that doesn't last? The
20 land has more wealth than anything you could compensate
21 for. And also from my interview with Bill Namagoose,
22 we don't want to be compensated, compensation applies
23 to something terrible has happened to you; therefore,
24 you should get compensation. It's true, something has
25 happened to our land and our people have been

1 displaced; therefore, they get compensation. It's not
2 honorable to get compensation. There's no honor or
3 dignity in that. The word compensation is demeaning;
4 it's degrading. Thank you.
5 NANCY PRINCE: I think you've had your
6 fill of gray-haired ladies, haven't you? My name is
7 Nancy Prince. Hello, I'm so glad to be this close to
8 you and this is coming straight from my heart as you
9 can see, this is what you see. This is what we see.
10 MS. MILLER: I need you to address me
11 and not the audience, please.
12 NANCY PRINCE: Oh, sorry about that, I
13 didn't realize. I am here to speak for the wilderness.
14 I stand as a conservationist to safeguard the treasured
15 forest, the hills and mountains, lakes and rivers,
16 wildlife and wildflowers, fields and waterfalls of our
17 honored State of Maine and I call out no to the
18 devastation proposed by the CMP corridor.
19 And if all this is preservation of the world,
20 a familiar quote from the man who spent many, many
21 years and hours in the north woods of Maine, Henry
22 David Thoreau. Let us preserve the north woods of
23 Maine. Thank you. Please hear me.
24 MS. MILLER: Thank you. Brian Bickford,
25 Sharon Hamilton, Stanley Koski.

1 BRIAN BICKFORD: Hi, my name is Brian
2 Bickford. I live in Fairfield, Maine, Somerset County
3 my whole life. I am an avid snowmobiler. I don't
4 represent anybody, just myself and I have my own
5 plumbing and heating company. We do a lot of heat
6 pumps and water heater heat pumps, which is a high
7 efficiency electric saver, so.
8 As a snowmobiler, going through, I go through
9 The Forks a lot, I kept seeing these signs no corridor,
10 I'm like what -- I don't live on this corridor, but I
11 kept bumping into it and even on the snowmobile trails
12 I'm riding, stop the corridor. I couldn't figure out
13 why. I want to thank everybody here expressing why
14 they're against it and I appreciate that, but I still,
15 you know, in snowmobiling I probably do 3,000 miles a
16 year through all those logging roads everybody talks
17 about, climbed every mountain, climbed every hill you
18 can climb with a snowmobile, go to the Canadian border
19 where it's all cut and I see -- every year we ride the
20 trails and you come to a stop and it's totally clear, I
21 mean, it's clearcut. Anybody that says it's pristine,
22 they're standing next to a lake because it's not
23 allowed to be cut there, but other than away from the
24 lakes, it's mind boggling how much of this state gets
25 cut up as it is.

1 This little piece of cut through here, when
2 we go snowmobiling, you can go through the Coburn Gore,
3 but you can't go any further. There's no way on a
4 snowmobile to get to Jackman from there. You can't.
5 It's kind of an off -- I've been everywhere in the
6 state, every county, every place, but this particular
7 area where this cut is, except for near the Kennebec
8 and Parlin Pond up towards Coburn Gore, there's no way
9 to get there. I've never seen this land. I don't know
10 how to -- to me it would be intriguing to have this
11 open up and make another potential route for
12 snowmobilers to travel from Jackman to The Forks.
13 That's one of my takes on it. The second
14 take is CMP I guess is offering money for Efficiency
15 Maine Program, which support -- I work a lot with
16 Efficiency Maine Program, which gives money for the
17 water heaters. Right now I know they give $750 per
18 water heater, high efficiency heat pump water heaters.
19 My company has probably put in 400 of them, so to me
20 it's, you know, I'm disconnecting an oil, I'm putting a
21 heat pump water heater in saving electricity for
22 everybody that lives in the State of Maine. You can go
23 to the store and buy a water heater for $250 because
24 Efficiency Maine is paying $750 towards it and it's $15
25 a month electricity bill to run the water heater.

1 Everybody should have it, I think it's a great program,
2 so that's my second point.
3 MS. MILLER: I need you to wrap up.
4 BRIAN BICKFORD: Thank you. That's my
5 second point and I want to thank you guys for doing
6 this.
7 MS. MILLER: Thank you.
8 SHARON HAMILTON: My name is Sharon
9 Hamilton from Augusta and thank you for this
10 opportunity to talk about this project. My family has
11 always enjoyed the outdoors and the Maine way of life.
12 We've had our hardships, but we also have been blessed
13 with many good things. I'm here tonight to support
14 this Clean Energy Project. I have learned a lot about
15 it over the past year and have read both the good and
16 the bad. I've been to another hearing and witnessed
17 the anger and the fear.
18 I believe that this project is very important
19 to our future. We must move towards a cleaner energy
20 future, a future that will protect our natural resource
21 and allow for the wildlife to thrive. I'm angry and
22 afraid too, but my reasons for feeling this way are not
23 because this project threatens me, but because if we
24 don't do this project, then we will maintain the status
25 quo and accept the idea that there's nothing we can do

1 to change -- to stop climate change and all devastating
2 impacts on our children and grandchildren. That's all
3 I wish to say. Thank you.
4 MS. MILLER: Thank you.
5 STANLEY KOSKI: Good evening, my name is
6 Stanley Koski. I'm a lifelong resident of Augusta,
7 Maine. I really didn't come here fully prepared with a
8 good presentation, but I'll make this brief. I am an
9 advocate of this project. Prior to my retirement a few
10 years ago, I was a licensed, and I am still a licensed
11 professional electrical engineer and worked in the
12 power industry for 44 consecutive years, so I am very
13 familiar with how the electric network functions here
14 in New England. I served on many committees and task
15 forces at the ISO New England, which is called -- had
16 different names back then.
17 But anyway, based on my knowledge of how the
18 electric system works here in New England, I am
19 convinced that this is a beneficial project that should
20 be approved. So without going into gory details beyond
21 that, please mark me down as an advocate of this
22 project and I hope it moves forward successfully.
23 Thank you very much.
24 MS. MILLER: Thank you. Noah Robidoux,
25 Clarence Ayotte, Sheryl Harth and Leslie --

1 LESLIE MCALLISTER: McAllister.
2 MS. MILLER: McAllister, thank you.
3 NOAH ROBIDOUX: Hi, I'm Noah Robidoux.
4 I'm going to go through this a little differently. I'm
5 going to go through A, B, D, C, okay, sorry. This
6 project appears to -- I'm from Ellsworth, Maine. This
7 project appears to violate at least one tenant in every
8 section. For A we see the buffering for visual impacts
9 and Visual Impact Assessment. The point of this is
10 that whole line has to be dead in order for that line
11 to be put through. They have to put down the
12 Glyphosate in order to make room for the power line to
13 go through, so it is just going to be one dead strip
14 through the whole section.
15 And B, we see the endangered species, brook
16 trout habitat and buffer strips and for D, for the cold
17 water fisheries habitat, outstanding -- back to the
18 Glyphosate, we actually see this -- we've seen this in
19 Virginia too, the runoff from farms to the fertilizers
20 and such that heavy rain storms, they bring the
21 chemicals into the water and those have adverse effects
22 on the wildlife there. So what would eventually happen
23 quite quickly would be that the Glyphosate would end up
24 seeping in the water table and into the ponds and that
25 would have a negative impact on the life -- water life

1 in those areas.
2 As well as the habitat fragmentation would be
3 a series of problem too, as it would again just be
4 cutting the woods in half. And for C for an
5 alternative analysis, there are -- and please don't --
6 do not hesitate to correct me if there's some reason
7 you can't do this, but is there a way that there could
8 be a state bond towards solar panels being put up and
9 it could be a public utility and would just generally
10 reduce people's electric bills? Yeah, that's all I
11 have to say.
12 MS. MILLER: Thank you.
13 CLARENCE AYOTTE: Hi, my name is
14 Clarence Ayotte. I live in North Anson within two
15 miles of where the proposed power line is going to go
16 there, or possibly go, and I have a camp up in Moxie
17 within two miles of where it's going to be tied into
18 the new or the existing line.
19 I am a lifelong hunter, fisherman and I have
20 trapped for several years. Over the years I have
21 learned most hunters are somewhat lazy. If you can't
22 drive to the area, they won't hunt or fish there. By
23 putting the corridor through it, it will open up a
24 massive amount of land making it more -- making the
25 more remote areas accessible for many four wheelers,

1 ATVs and other vehicles. At present these remote
2 waterways, wooded areas and trails are protected.
3 People have asked to put the line
4 underground; however, to do that, we'll have a similar
5 or the same effects aside from seeing the towers.
6 Herbicide will still need be used to maintain the
7 growth. Access roads will need to be kept up as well
8 so there will be no regrowth regardless over --
9 overhead power lines.
10 Allowing a foreign company to forever destroy
11 the beauty of Maine's forest, mountains and waters is
12 shameful. These companies is willing to tell us
13 everything we ask, well, provided we are of a certain
14 status, for billions of dollars in their pockets.
15 My third grade teacher told us, she kind of
16 had a favorite saying for us boys, sit down and shut up
17 and you may learn something. So since I first learned
18 about this last August when I became aware of this
19 project, I did listen. I asked questions when
20 appropriate to people who have not been as involved in
21 this also and found out what their thoughts -- several
22 dozen people all told me they do not want this
23 corridor. Several public polls showed a majority of
24 Maine people do not want this corridor.
25 Our wildlife, our forest, our fish and our

1 mountains need us to speak for it. Our children and
2 grandchildren need us to protect Maine's heritage.
3 This entire project needs to be scrutinized.
4 The backroom deals should have made this
5 project null and void from the get go. I feel that we
6 need to make these power grids smaller, not larger. We
7 don't need to go through what we've gone through ten
8 years ago where these companies are too big to fail.
9 And to respond to some pictures that were
10 brought here earlier, if them are the same pictures
11 that were handed to the town a couple years ago when
12 they proposed this, most of them pictures seem to be
13 taken during the spring, early spring because you can
14 still ice in some of the ponds and stuff, so you're
15 looking down through trees. Some of it is clearcut,
16 which isn't good, but it's going to grow back. Some of
17 it's hard cut, but a lot of that area through there is
18 hardwood trees that you're looking right down through
19 so then people think that it's all slaughtered and
20 stuff, but it's trees. When the leaves are on, there's
21 trees growing.
22 MS. MILLER: I need to ask you to wrap
23 up.
24 CLARENCE AYOTTE: That's good enough for
25 me. Thank you for your time.

1 MS. MILLER: Thank you.
2 SHERYL HARTH: Good evening, my name is
3 Sheryl Huey Harth. I live in Jackman. I was raised in
4 Moose River, moved out west for 35 years where sadly I
5 watched the rape and scrape of the beautiful Sonoran
6 Desert to bring power from Arizona to California.
7 So now I'm back in Maine and just a couple of
8 years after I come home, this project lands in our lap
9 to bring Canadian power through Maine to Massachusetts.
10 In my opinion Maine gets very little out of this. I
11 hear CMP throwing around hundreds of million of
12 dollars. My understanding is it's going to be doled
13 out through the life of the contract so when you break
14 it down on an annual basis per Mainer, it seems quite
15 insignificant to me what it's going to have.
16 I do not believe this is not just in my
17 backyard project, Jackman is loaded people from
18 Massachusetts who own homes there who come every
19 weekend some of them. Every weekend they drive six
20 hours to enjoy what they don't have at home, silence,
21 clean air, access to our heavily timbered forest,
22 something else I think the DEP could take care of down
23 the road when you have time for that, but I just think
24 that it's very unfortunate that we the people of Maine
25 are supposed to compromise our way of life to

1 accommodate Canada, Massachusetts and Spain.
2 Now I keep hearing people talk about this
3 being an industrial forest, yes, it is. I really would
4 like to know how many people on the regulatory bodies
5 of the three agencies that are making this decision
6 have actually stepped foot on the territory west of
7 Route 201 that everybody keeps saying is already
8 compromised by industrialized logging. No one is going
9 to deny that we have logging. It's been now since the
10 beginning of time when the first big landowner came in
11 and bought out big tracks of land.
12 My great grandfather moved here from Ireland.
13 He got a little bit of land from someone he served in
14 England, starting in Canada, moved to Lowelltown,
15 currently owned by the Pasamaquoddy Tribe that
16 graciously worked with CMP to give them a little corner
17 of Lowelltown to continue on through. In my opinion
18 every individual that sold or traded with CMP for their
19 own wallet for their own acreage did not give much
20 thought to how this was going to impact their neighbor.
21 They didn't give much thought about this impacting our
22 economy, our very way of life.
23 I am a retired public health nurse. I worked
24 with the psychiatric community. I took people with
25 incredible anxiety to the woods, if I could get them

1 out of their house and in my car for a little ride to
2 an avocado grove, a citrus grove, just some place in
3 San Diego where they could get out from all of the
4 busyness. I watched them relax; I watched them
5 decompress; I watched them release. And I watched them
6 recharge and that's what our region has been offering
7 people since my great grandparents operated sporting
8 camps on Heal Pond and Long Pond. Both those camps are
9 still running pretty much the same way they did back
10 then. There may be a few more conveniences, but it
11 still offers pretty much the same experience that the
12 folks from Philadelphia and Boston and New York took
13 the train and then took a rough ride into the woods to
14 experience. Their great grandchildren --
15 MS. MILLER: I need you to wrap up,
16 please.
17 SHERYL HARTH: The great grandchildren
18 are still coming to witness our wilderness.
19 In closing I would like to say that we, the
20 people of Maine, are asking you to put us before
21 Canada, before Spain and before Massachusetts. We
22 celebrate our bicentennial next year, we're no longer
23 holding to the Commonwealth of Massachusetts. Thank
24 you.
25 MS. MILLER: Thank you. No clapping,

1 please.
2 LESLIE MCALLISTER: Hello, my name is
3 Leslie McAllister. I live in Bridgton, Maine. I'm a
4 retired teacher. My testimony is simple. I oppose
5 this project. My reasons are many, but you've heard
6 them all over and over again.
7 I would ask that I be allowed to use this
8 time to ask some questions. These are things that I do
9 not have the knowledge of or the access to information
10 to answer. I hope you have or will consider them in
11 your deliberations.
12 What are the probable impacts on the dozens
13 of small streams and brooks that will be crossed? Will
14 this open these water sources to more pollutants,
15 sediments and increase the chance of these courses
16 being shifted or ultimately dried up? Will the
17 moisture that they carry evaporate before it reaches
18 area that are presently supplied by them? How will
19 this affect the broader environment of areas well
20 beyond the path of the clearing? Will this newly open
21 swathe of land from the Canadian border to Lewiston
22 that presently is mostly forest, we all know it's
23 forested, but it is very deep, will this allow evasive
24 plants and insects at boulevard to travel into the
25 center of this forested area? Emerald, bittersweet,

1 hemlock and others have a more direct avenue to the
2 center of this wilderness area starting in Lewiston, if
3 not in Canada.
4 As much as having the wires buried under the
5 Kennebec George is -- excuse me, Gorge. My dyslexia is
6 showing. Anyway, Gorg is aesthetically desirable, the
7 impact of horizontal directional drilling seems to be
8 far more likely to be a cause of serious negative
9 impacts on the environment. It seems to be usual and
10 accepted standards of this process that leaks spills
11 and accidental releases of drilling mud are
12 unavoidable. Also the standard procedure that I had
13 researched and found in fresh water inland settings is
14 to dig reservoirs, pump the used up mud, quote,
15 unquote, into these reservoirs, let it dry, cover it
16 with dirt and then it sits there.
17 This allows the synthetics and heavy metals
18 that make up these compounds is allowed to leach into
19 ground and ultimately into the water system and down
20 into the river. Will the mud under pressure under the
21 gorge be pushing up in the river bed or changing
22 movement through the ground? Will it be filling the
23 fissures that are in the granite that this is going to
24 be drilling through, which I'm guessing is not the
25 easiest process in the world.

1 There are specific studies which clearly show
2 resulting fish morbidity with exposure to mud.
3 MS. MILLER: Can you wrap this up,
4 please?
5 LESLIE MCALLISTER: I will. It is clear
6 that the impact of clearing and blasting the right of
7 way for the power line will be, what's the impact to
8 the access needed for construction, tote roads,
9 landing, storage sites for materials, realizing that
10 the State of Maine will benefit by upgrading certain
11 roads, does this not benefit first and foremost by
12 allowing the construction.
13 Finally, what is the mitigation plan for all
14 the areas that are disruptive? My time is up and there
15 are no questions, but these were the ones that I felt
16 were the most important. Thank you.
17 MS. MILLER: Thank you. So, I just want
18 to let everyone know that it's 9 and we do need to
19 leave by 10. We have over 30 people who want to speak,
20 so I really encourage everyone to be precise and
21 concise in your comments. Elwin Churchill, Fenwick
22 Fowler, Jeff Kerr. I do want to remind you folks too,
23 if you don't want to speak tonight, or if you want to
24 submit your comments in writing instead of speaking
25 tonight, you know, the window is open for quite some

1 time on that as well.
2 FENWICK FOWLER: Good evening, my name
3 is Fenwick Fowler. Thank you very much for coming to
4 Farmington. This whole process over the last six
5 months has been very educational and I appreciate being
6 part of it. I live about -- pardon me?
7 MS. MILLER: Can you speak --
8 FENWICK FOWLER: I've lived in
9 Farmington for 45 years. I live about a mile from here
10 and one of the greatest joys I have in the home I live
11 in is the back part of my house borders a 45 acre wood
12 reserve called Clifford Woods and the woods is open to
13 the public and just a wonderful place year round, take
14 a walk and see nature. The woods is actually bordered
15 by a power line by CMP. It's nonintrusive and for the
16 last 45 years I've really enjoyed hiking in the woods
17 all times of the year and have got some raspberries and
18 blackberries.
19 Last year I retired and I had an opportunity
20 to scout out where the berries were and so I started
21 early in July looking to see how the blackberries were
22 doing and they were doing great, this is going to be a
23 better year and I would have really liked that because
24 we make blackberry jam and use it all winter long.
25 What I found was when I entered the woods in

1 August when it was great blackberry picking, about two
2 weeks prior to that CMP had come in sprayed the area
3 and eradicated the vegetation and killed all of the
4 blackberries that were there. Unfortunately for me it
5 was just I was losing a delicacy. It really made me
6 wonder about what I had seen over 40 years of nature
7 using that vegetation. I had seen deer. I had seen
8 bear. I had seen hundreds of birds in the area, then I
9 really began to think about what was the impact on that
10 nature on using that herbicide and how was that going
11 to affect their living through this winter.
12 I know this is hard to quantify and it's
13 essential for the environment, yet I saw over the years
14 and what I believe now we can do better. This does not
15 need to happen. We do not need to use those
16 herbicides. I know that there's a state law that if a
17 town wants to use something different than herbicides,
18 they can negotiate with CMP and at the town's expense
19 go in and eradicate the vegetation that's necessary for
20 CMP in order to have the lines maintained properly.
21 I also know that really this shouldn't be the
22 way things have to happen. It shouldn't be -- the cost
23 of doing business in Maine should protect nature, not
24 leave to it to the taxpayers to save nature because I
25 really appreciate that you're going to consider this

1 impact on our environment and consider what herbicides
2 would do to that entire northern part. Thank you very
3 much.
4 MS. MILLER: Thank you.
5 JEFF KERRY: Hi, my name is Jeff Kerr
6 and I guess I'm here for two points. Last year they
7 were going to make a solar project behind my house and
8 everyone in Farmington gathered there and thought the
9 same thing as this. And I went through that property,
10 it's right behind my house, and you wouldn't believe
11 the noise that comes from the person that's chopping
12 down the trees until it's just flat as a pancake all
13 because of this solar project.
14 The second point is I worked on the
15 Appalachian Trail. I learned so many things up there
16 that it's not even funny. It made me probably the
17 person I am today.
18 The third point is -- the third point is my
19 father came here -- my father came here from a big
20 university down in Massachusetts and he moved here
21 because of the nice mountains and it was small. And I
22 was thinking and I was telling my -- this guy that's
23 living with us, I call him my son, I was telling him I
24 know you're an avid fisherman, but you better get used
25 to taking those pictures of the mountains and liking

1 those fish now because you're not going to have them
2 pretty soon when this project goes through. Thank you.
3 MS. MILLER: Thank you.
4 ELWIN CHURCHILL: Good evening, my
5 name's Elwin Churchill and I was born in West
6 Farmington and raised here and always hunted and fished
7 all my life, and one thing I can tell you is that that
8 corridor is going to ruin everything that it touches up
9 there. It's going to ruin the fishing. It's going to
10 ruin the hunting. It's going to ruin the experience
11 that the people from Massachusetts whose power was
12 we're supposed to be supplying through this project,
13 they're not going to come up here anymore to see those
14 things because they don't -- they want a true
15 wilderness experience for the most part. They don't
16 want to be looking at power lines. If they did, they'd
17 stay home. There's places down there to go
18 snowmobiling.
19 But I find it kind of ironic that your group
20 is called the Maine Department of Environmental
21 Protection and you're even debating this. You should
22 be protecting this state. You should be protecting the
23 interest of people that live here. I bet nine out of
24 ten people who have talked here tonight have talked
25 against this project. I bet if they voted in this

1 state, they'd vote it down. I can't see making the
2 Spanish any richer; they're already rich enough. I
3 can't see making the stockholders of CMP any richer;
4 they're already rich enough. And I can't see us
5 supplying power to Massachusetts and making the people
6 in Quebec a little richer.
7 As far as the pollution, the air pollution
8 that we're experiencing, very little of that comes out
9 of Massachusetts. As one person already here
10 mentioned, we're at the end of the tail pipe. Most of
11 the air pollution we're getting comes from out in the
12 midwest, coal fired plants. It doesn't come from
13 Massachusetts.
14 So whatever power we're sending down there,
15 it's going to make those people very happy. It's going
16 to destroy this state. Thank you.
17 MS. MILLER: Thank you. Del Reed,
18 Harold Klaiber, Cory King.
19 HAROLD KLAIBER: My name is Harold
20 Klaiber and I live in Waterville. I also own a small
21 piece of land in the unorganized territory subject to
22 the LUPC restriction, but not in this specific area. I
23 have a personal interest in this hearing and my
24 testimony is that I only have -- based on my personal
25 knowledge of the area.

1 I have a bachelor degree in forestry, a
2 master's degree in science from Syracuse University and
3 I am a retired professional forester. Because there
4 was a time limit for making verbal statements, I will
5 present summary of my personal comments with the
6 understanding that this written testimony will follow.
7 My summary, my personal education, employment
8 as a forester for both Scott Paper Company for 27 years
9 and Central Maine Power Company for 10 years have
10 resulted in my being a strong advocate for appropriate
11 multiple use of relatively large areas of a privately
12 owned corridor.
13 My 20 years of employment as a forester for
14 Scott Paper Company has provided firsthand knowledge of
15 the history of the area and Scott Paper timber
16 harvesting and road construction in Appleton, Raytown,
17 T5R7, Hobbstown, Spencer Road and Johnson Mountain,
18 Capital Road in the logging truck area.
19 I am also a former U.S. Navy communications
20 officer who has significant experience in composing and
21 reviewing communications between Navy ships at sea and
22 shore-based commands. One basic premise of successful
23 communications is that they provide accurate, very
24 specific and easily understood information. I'm
25 disgusted by the amount of emotional, inaccurate and

1 often misleading information in communications being
2 provided by opponents to the project, and specifically
3 through the 150 foot widening, clearing.
4 This location is not wilderness. There are
5 only two designated wilderness areas in Maine, the
6 Allagash waterway and Baxter State Park. Also, the
7 hundred foot clearing is not part of the north Maine
8 woods, which is located northerly from the entire
9 project.
10 Comment two, the NECEC transmission line is
11 commercial use and also provides multiple recreational
12 uses that are compatible with the transmission line
13 location while including strong environmental
14 protections required by the Department of Environmental
15 Protection.
16 Comment three, I accept Governor Mills'
17 analysis that it will require 35 square miles of land
18 to produce an equivalent amount of electric energy from
19 solar farms. These farms are essentially single
20 purpose land use. The current large soil raised in
21 organized townships are surrounded chain link fences.
22 They effectively exclude any recreational or public
23 use. Current large -- in organized towns, any
24 recreational use of other public use on those areas is
25 prohibited. Compare that to the total 2.76 square

1 miles of land included in the entire 150 miles of the
2 NECEC transmission line from Beattie to Lewiston that
3 offer numerous opportunities for multiple recreational
4 and agricultural use.
5 MS. MILLER: I need to ask you to wrap
6 up, please.
7 HAROLD KLAIBER: I will. Point four,
8 the extensive personal knowledge of history and use of
9 the area, I submit that the NECEC proposal is a
10 logical, wise and long-term solution. We're supplying
11 the clean emission electric energy and addressing
12 climate change and providing the opportunities for
13 compatible long use for recreation and agriculture
14 transmission line. Thank you.
15 MS. MILLER: Thank you.
16 DEL REED: My name Del Reed. I live
17 where I grew up in the Freeman Township, which is just
18 15 miles north of here on several hundred acres of
19 working forest. My wife and I live in the Maine woods
20 with our children and grandchildren and we share the
21 same views that many have expressed about our scenic
22 beauty and preserving wildlife habitat.
23 I'm a license professional electrical
24 engineer and have spent most of my career right here in
25 western Maine. Some say I'm retired. I like to think

1 I'm between jobs, but I've worked in the forest
2 products industry, I've been an operation manager for
3 Central Maine Power and for the last 20 years I have
4 worked as a construction manager building electrical
5 subtransmissions and transmission lines. I've worked
6 as a CMP employee and as a consultant mostly in Maine,
7 but also in Mass., Connecticut and Maryland. My
8 transmission work has consisted of building new lines
9 and new right of ways, building new lines and
10 rebuilding older lines in existing right of ways and
11 most of this work has been for Central Maine Power.
12 I can show you that Central Maine Power has
13 always insisted on extreme care during all of this
14 construction. In some cases we have flown poles and
15 wires by helicopter in sensitive areas to minimize
16 environmental disturbances. Restoration has always
17 been excellent and in many cases we have left the area
18 much better than we found it. I am very familiar with
19 the Jackman, Caratunk area.
20 During the Ice Storm of '98 I was the
21 operations manager responsible in for this region. The
22 suggestion that this project will lead to an increased
23 fragmentation of the forest and increased development
24 is just plain wrong. The finished product may actually
25 decrease fragmentation.

1 First, the portion of the new line is in the
2 commercial forest. This area is commercially logged
3 and logging roads created decades ago still exist.
4 This isn't a wilderness area or a national park. This
5 is a very large wood lot. Also the majority of the
6 line is being built in central Maine's existing
7 corridors.
8 Secondly, this is a DC line which no users
9 can tie into, unlike an AC line. It isn't like a
10 highway or a railroad intended to attract public use.
11 Instead this is merely an express link from Canada to
12 Lewiston that will not promote other development.
13 But most of all, this project is both
14 reasonable and necessary. It's reasonable because New
15 England is retiring nearly 10,000 megawatts of old coal
16 oil and nuclear plants in the future and will need to
17 replace these with clean power. In fact, the Pilgrim
18 nuclear plant will retire in about six weeks from now
19 after more than 50 years of operation. Now that's 670
20 megawatts of base load capacity that would be gone as
21 of June 1st. In their term natural gas is almost sure
22 to replace it, but if hydro is not the replacement any
23 time soon, ISO New England will need to find other
24 dispatchable sources and they certainly will not be as
25 clean as this project.

1 Additionally, this proposed line is excess
2 capacity for Maine rate base and it's not if it is
3 needed, but when it is needed, it will be available.
4 As a Mainer I urge you to approve this project. It's
5 very good for Maine.
6 MS. MILLER: Thank you.
7 COREY KING: Thank you for the
8 opportunity to speak tonight. My name is Corey King
9 and I'm a Durham resident. I'm an executive director
10 of the Southern Maine Chamber, which covers 16
11 communities in Maine and prior to that I'm in
12 the Skowhegan chamber.
13 MS. MILLER: Can you speak a little
14 slower, please.
15 CORY KING: I'm not here representing
16 either of those organizations, I'm just here
17 representing me.
18 MS. ELY: I'm sorry, Mr. King, are you a
19 board member of the Maine Chamber?
20 CORY KING: I am. But I can't --
21 MS. MILLER: Well, the Maine Chamber of
22 Commerce is an intervening party and as a board member
23 they're already being represented as part of this
24 process so you can't speak right now.
25 CORY KING: Wow, okay.

1 MS. MILLER: Sorry. Can I leave this?
2 Is that okay?
3 MS. BENSINGER: Your views were
4 represented -- are represented in this process by the
5 Maine Chamber.
6 CORY KING: Right, yeah, but I've got
7 some local stuff from when I was in Skowhegan and --
8 MS. BENSINGER: Sorry.
9 MS. MILLER: We can take your comments
10 as comment, written comment.
11 CORY KING: Excellent.
12 MS. MILLER: We've got Lois Howlett, Tim
13 Giddinge, Al Howlett and Dean Look.
14 TIM GIDDINGE: Hi, I'm Tim Giddinge.
15 I'm from Pownal, Maine. I'm a recently retired
16 selectman and assessor for the town of Pownal. I'm
17 here tonight to talk about how CMP's presence and
18 income affects the town. Pownal is a small town on the
19 edge of Cumberland County. Within the town lies
20 approximately seven miles of transmission lines,
21 substation, I believe one of the largest in the State
22 of Maine. The value of Pownal is somewhere just over
23 $240 million. CMP's current value is right around
24 $60 million, so that's 25 percent of Pownal's value,
25 which helps a lot obviously. So with this expansion,

1 we're looking at obviously increased value, I'm not
2 sure just how much, but every bit helps and Pownal's
3 mill rate currently is high because we're in Cumberland
4 County, around 18 mills. So with numbers that were
5 presented to us earlier, I figured the mill rate would
6 be going down to somewhere around 16 and a half.
7 So CMP has been a very good neighbor to
8 Pownal. Every time that I've been involved in any
9 permitting process that they've come to the board for,
10 they've been very willing to adapt to any needs that
11 Pownal has, environmentally especially.
12 The substation, by the way, adds zero dollars
13 to the commitment for the town. They need no services,
14 so this is all money that helps the taxpayers of the
15 town of Pownal. The corridor provides many
16 recreational opportunities to the public and to support
17 wildlife habitat. CMP is very good about allowing use
18 such as hunting, snowmobiling, cross country skiing,
19 biking, walking and many other uses on their property.
20 There are approximately 6.5 miles of maintained
21 snowmobile trail -- club trails on the property.
22 They're used by many, including walkers, bikers,
23 skiers, birders and the general public.
24 There's also a multiuse trail connecting
25 Bradbury Mountain State Park to the Pineland Woods in

1 New Gloucester, approximately ten miles and two and a
2 half miles are on CMP's property.
3 There are two farmers that are allowed to use
4 CMP property for hay crop and the CMP corridor provides
5 winter feed for deer and there are many, many deer
6 yards just outside of the CMP corridor, and being a
7 snowmobiler, I see them all the time out there and it
8 really helps the deer in the area.
9 In closing, I'd like to say that CMP is a
10 good neighbor and is good to the residents of Pownal
11 and I support this project. Thank you.
12 MS. MILLER: Thank you. Janet DeVisser,
13 Stephen Ryle, Eileen McGuire, Rebecca Wood. Okay,
14 Darryl Wood, Sheila Lyman, Kenneth Lyman.
15 REBECCA WOOD: Hi, thank you for hosting
16 this tonight. My name is Rebecca Wood and I'm a
17 registered nurse and I live in New Sharon, Maine. I've
18 been enjoying The Forks region in northern Maine for
19 many years and have been drawn to those regions for the
20 lack of development and sense of wilderness. I'm also
21 an avid hiker. We have something special and unique
22 here in Maine as compared to other portions of New
23 England and the Appalachian Trail. We have long views
24 of landscapes not threatened by industrial monitors.
25 I understand the region is working -- is a

1 working industrial forest, but in my opinion this is
2 very different. As you've heard before, forest and
3 trees can grow. Power lines that are sprayed by
4 chemicals cannot. This power line changes everything
5 forever in that region.
6 I've heard a lot about this being a bad deal
7 for Maine and I agree with that on nearly every point,
8 but here's the most important reason why I think it's a
9 bad deal. I have a grandson Sam who is three and a
10 half years old. He likes to go outside and play. He
11 likes to explore. He likes to ride on his snowmobile
12 and swim in our pristine lakes. He's also being
13 introduced to technology and there will be an
14 increasing pull away from this wilderness and
15 rejuvenation from being in the forest.
16 As development encroaches and time spent
17 unwinding become even more important to people's mental
18 wellbeing, to truly be able to relax, I would like to
19 think that the people of Maine are able to prioritize
20 and preserve what we already for our own mental
21 well-being and for that of the visiting tourists. For
22 once it's gone, it is gone forever.
23 I think the impact of this ought to be
24 considered by the DEP and I implore you to deny the CMP
25 application to build this unnecessary extension cord

1 from Quebec to Massachusetts as there are plenty of
2 other alternatives. Thank you for your time.
3 MS. MILLER: Thank you.
4 DARRYL WOOD: Thank you, and thank for
5 the opportunity to speak again tonight. I was under
6 the impressio I was going to be able to speak, even
7 though I spoke to on Tuesday. I'll be brief. My name
8 is Darryl Wood. I've seen the DEP permitting process
9 for small jobs over streams and I think the DEP has
10 done a good job. It's hard to get a permit even for a
11 small job when you've got the right and it's very
12 important.
13 At Tuesday's hearing somebody made a
14 statement that I disagree strongly with, and that was
15 that it was DEP's role to permit projects to move
16 forward based on meeting the letter of the laws and
17 making sure that all the current boxes were checked
18 off. I disagreed with that because I think lawyers and
19 businesses can learn how to fill out forms and provide
20 testimony in ways that are financially beneficial to
21 them, but do not protect the environment sufficiently.
22 I think the DEP's role is consider all aspects of an
23 application including public and future concerns to
24 make a balance and intelligent determination. I think
25 you guys understanding that process right now.

1 I agree with the person who stated later in
2 the meeting on Tuesday that the DEP will be the last
3 safety net for the environment. Thank you very much
4 for the opportunity to speak tonight.
5 MS. MILLER: Thank you. Stacey
6 McCluskey, Drew Bates, Clare Ruthenburg, Chloe Rowse.
7 DREW BATES: Thank you all for coming
8 here tonight. My name is Drew Bates. I'm a white
9 water kayaker and a raft guide, Farmington resident.
10 I've worked in the forest for about five years. I've
11 been in a raft or a kayak in just about every ditch in
12 the state whenever I can. I've spent most of the time
13 on the Kennebec River. Before I found my way there, I
14 was living a not so much enjoyable life and I found a
15 lot of purpose being on the Kennebec River in Maine.
16 It's an amazing place. My testimony is just my own,
17 but it's not unique to me. Those areas up there are
18 incredible, as everyone said tonight, it's truly an
19 amazing place.
20 Have you ever seen where the proposed
21 transmission line will go to the Kennebec River?
22 There's nothing that would like more out of place in
23 that particular area than this big ugly power line.
24 It's terribly out of place. It looks like it shouldn't
25 be there and I sincerely hope it won't be there.

1 When you're on the river, you happily forget
2 about everything you leave behind. You connect with
3 the people, experiences, sights, everything around you.
4 It's the best. This is a really important decision. I
5 think we've got two futures ahead of us. At the
6 Farmington meeting, hearing there was talk about future
7 means to like get more power, renewable energy,
8 something like that. John Carroll said it could be up
9 to two or three more transmission lines following this
10 one and the crowd did not like that and I don't like it
11 either.
12 So it seems we either -- if we okay this,
13 we're going to open up the floodgates and completely
14 annihilate and destroy everything that Mainers should
15 stand up for. I think it's very important. I owe my
16 life to the places up there. It's amazing. Or we can
17 leave it be and we can leave this amazing wilderness as
18 it is and as it should be for future generations, but
19 also living long-term for jobs and the forest employees
20 around 40, 50 people each summer and, you know, we all
21 know why they're there is for the rafting industry, the
22 hiking, the fishing, it's, you know, they come here
23 because it's not where they're coming from. It's, you
24 know, I guess that's it. I just think this is a very
25 important question -- very important decision, so thank

1 you.
2 MS. MILLER: Thank you.
3 CLARE RUTHENBURG: Good evening, my name
4 is Clare Ruthenburg. I'm from Portland and I'm
5 extremely grateful that I canoed and hiked in the
6 beautiful western mountains. I begin with this quote
7 from Greta Thunberg, a 16-year-old Swedish political
8 activist. You say you love your children above all
9 else and yet you are stealing their future in front of
10 their eyes. Our young people are boldly trying to hold
11 the older generations accountable for the wilderness
12 we're in.
13 As a retired teacher of 40 years, I am here
14 for the children and the generations to follow. I join
15 them in demanding action to secure a sustainable world
16 with the least time to our most precious ecosystems.
17 You've already heard substantial economic and
18 science-based testimony outlining the harm this CMP
19 hydroelectric collaboration can bring, so I won't
20 rehash all of the evidence that points to a project
21 that won't reduce climate change, pollution and
22 potentially might increase it.
23 The threats of the project run counter to
24 many things I taught my students across the decades,
25 revere and respect all living things, farmer, people of

1 all cultures. Walk gently on this earth and embrace
2 the sustainability and stewardship. Make informed
3 decisions based on well-researched facts. Creatively
4 and critically problem solve. Define new solutions to
5 old ideas that no longer work.
6 I'm here tonight practicing what I preach to
7 speak out when you see economic environmental social
8 injustice. I urge you to deny the application for this
9 transmission line and I leave you with an American
10 piece of wisdom. We do not inherit the earth from our
11 ancestors, we borrow it from our children.
12 MS. MILLER: Thank you.
13 CHLOE ROUSE: Good evening, thank you
14 for being here. My name is Chloe Rouse and I'm
15 representing myself. I'm an avid hiker and a founder
16 and director of a small Maine-based nonprofit. We run
17 a summer camp for girls here in Maine. My career and
18 my life are rooted in the health of the outdoors in
19 Maine and I'm here to defend that.
20 I was born and raised in Maine and I spent a
21 lot of my childhood in Wilton, just a few miles from
22 here, on the same spot where my great great grandfather
23 built his fishing camp in the early 1900s. My sisters
24 and I grew up swimming and hiking in these mountains
25 and lakes. We developed an appreciation for clean

1 water, mountain tops and the peaceful, pristine
2 serenity of Western Maine. This is something we look
3 took for granted, probably a lot of us do, but then
4 last year I hiked the Appalachian Trail. I walked
5 2,191 miles alone through 14 states from Georgia to
6 Maine, my home. I walked under high voltage power
7 lines and I heard the bzzz as I looked up at the
8 corridor line cutting through the mountains ahead. I
9 saw firsthand how it disrupted the wildlife habitat and
10 scenic character.
11 Maine is different. It was not only my
12 favorite state, but it has the reputation with hikers
13 worldwide for the most authentic, untouched, rugged
14 beauty of the entire trail. Why should Mainers who
15 value beauty and importance of our natural environment
16 allow people from Massachusetts to cut through our
17 forest, to crisscross the Appalachian Trail three times
18 in our state, to litter the undermine, one of the most
19 spectacular rivers in this country, to build a high
20 voltage power lines so they can meet their own
21 self-imposed power requirements?
22 Why did New Hampshire say no to this same
23 idea? Why did our governor tell us she was opposed to
24 this project and then change her mind? Why does it
25 feel like we're being bought? When I ask what Maine

1 gets out of this, all I hear about is money. Are we
2 that shortsighted? Would you give up what defines you,
3 your values, your family, your home, your backyard,
4 what you believe in for money? Mainers are not like
5 that. We are not blind and we cannot be bought. Maine
6 needs to entice more young people like me to come here
7 and to stay here. Our unique natural environment will
8 do that. Now more than ever we need to protect that.
9 Serve the people of Maine. Vote to oppose this project
10 and force Massachusetts to create new alternative
11 energy production rather than simply rerouting existing
12 hydropower from somewhere else.
13 There are a lot of other proposals about how
14 Massachusetts could meet its requirements, but instead
15 they're just trying to pay us off to deal with it. We
16 should not allow it. Mainers value the untouched
17 beauty of our forests, our rivers and our wildlife. We
18 know. We are the stewards of some of the last sections
19 of wilderness in the northeast.
20 I am adamantly opposed to this project and I
21 ask you, if you want young people to move to Maine, if
22 you want to preserve what makes us unique, if you want
23 to motivate the construction of new, alternative energy
24 infrastructure, then vote to oppose this project. No
25 amount of money can recreate or restore our wilderness

1 once it's destroyed. We stand to lose our reputation,
2 our beauty, our heritage and our identity.
3 Massachusetts wins; we lose. I ask you to do what's
4 best for Maine. Thank you for your time.
5 MS. MILLER: Thank you. John Sytsma,
6 Steve Byers, Debra May, Lloyd May, Emily Dingman.
7 EMILY DINGMAN: Hi, my name is Emily
8 Dingman. I came here tonight with my family. It's the
9 first time I've ever --
10 MS. MILLER: Move closer to the mic,
11 please.
12 EMILY DINGMAN: I came here tonight with
13 my family because my two children are very young and I
14 hope some day to be able to experience this wilderness
15 with them, but I'm afraid that if this project gets
16 passed, I won't be able to do that.
17 I grew up in Leeds, Maine. I often walked,
18 ran and skied on the power lines and then I went to
19 college. When I came home, the lines had been widened
20 and it was clear that they were no longer the
21 sheltering trail that they used to be, and this may
22 seem trivial, but now that we face other expansion of
23 the power lines, which not only expand existing lines,
24 it also cuts a path through forest that does not have a
25 road through it yet. It may have logging roads, but

1 that is different. I agree with all of the other
2 people who have spoken about it.
3 I feel it's really important for you to look
4 deeply at this project and consider the greater impact
5 of it on Maine's future and I urge you to decline the
6 application.
7 The energy transmitted by these lines is not
8 proven to be additional renewable energy from -- as
9 many people have mentioned. It will not reduce
10 greenhouse gas emissions and it may actually increase
11 them. We definitely need to see an environmental
12 impact statement. That has to be part of this. I
13 would read it and comment on it again.
14 The transmission line will require clearing
15 53 miles of forest, which people have already spoken
16 about. We know that that will eliminate habitat for
17 wildlife and reduce Maine's appeal to tourism and
18 wilderness experiences, but what we haven't talked
19 about much is that the existing forest itself
20 sequesters as much as 30,000 pounds of carbon dioxide
21 per acre. That's a figure that I found from Cornell
22 University.
23 If 53 miles of forest are cut, we will lose
24 valuable hunting land, habitat and tourism. We will
25 also lose 22,000 pounds of fresh oxygen per acre of

1 forest that is cut. Trees, as we know, absorb carbon
2 dioxide and release oxygen. One square mile contains
3 640 acres, it's all broke down into math. I used an
4 estimation of the width of the path because I don't
5 know the actual numbers.
6 For every square mile that is cut, we will
7 lose 19,200,000 pounds of carbon dioxide per year,
8 sequestration that is, and we would lose 14,800,000
9 pounds of fresh oxygen. According to the New York
10 Times article from 2012 trees sequester roughly the
11 same amount of carbon, although some poppers grow
12 faster, thereby provide the carbon dioxide and oxygen
13 exchange sooner than slower growing trees.
14 If anything my estimates of carbon dioxide
15 sequestration and oxygen production are low. These
16 numbers are -- now if you consider this path was a half
17 mile wide and 53 miles long, and this isn't including
18 the expansion through the rest of this state, then
19 that's 320 acres times 53, just 16,970 acres of forest.
20 In one year that much forest has the capacity to
21 sequester 508,800,000 pounds of carbon dioxide in one
22 year.
23 MS. MILLER: Can you wrap this up,
24 please.
25 EMILY DINGMAN: Yes. It will provide

1 373,120,000 pounds of oxygen per year. How much carbon
2 dioxide does this transmission line sequester per year?
3 How much oxygen will it produce?
4 We will release more carbon in the first year
5 than the forest will have absorbed and we won't have
6 the forest to absorb anything. We won't release any
7 oxygen with this transmission line ever and that seems
8 to be an instant loss, a loss that will only increase
9 this deficit annually with no economic or ecological
10 benefit to Mainers worth mentioning.
11 This transmission line is being proposed to
12 fill the obligation of the State of Massachusetts and
13 its people in an effort to reduce their impact on
14 global greenhouse gas emissions. Why doesn't
15 Massachusetts produce this energy locally? Why should
16 Maine be responsible for the transmission of energy to
17 Massachusetts with little benefit to us?
18 MS. BENSINGER: You're talking too fast.
19 The transcriptionist can't keep up with you and we need
20 to have a transcript of you. Can you just wrap up
21 and --
22 EMILY DINGMAN: I have it written, but I
23 do just want to say that I want to know how CMP is
24 going to be held accountable to their promise to
25 convert us to renewable energy. What terms bind them

1 to making that transmission a reality and what is the
2 timeframe? Why is our last move before converting to
3 renewable energy to destroy the forces of the planet --
4 it seems a backward move in a larger scheme. Thank
5 you.
6 MS. MILLER: Thank you.
7 DEBRA MAY: Thank you. My name is Debra
8 May and I'm a resident of New Gloucester and a property
9 owner in the West Forks. I go to my camp for vacations
10 and on weekends throughout the entire year. I go there
11 to relax, have fun and get away from the commercial,
12 busy everyday life. This area has great value to me,
13 including the scenic views. I'm here to express my
14 strong opposition to this project.
15 This project has alternatives. This project
16 could be underground. CMP made a choice to submit a
17 low bid for the Mass RFP. They did not show enough
18 concern for the Maine environment, the scenic
19 character, fish, wildlife habitat. CMP chose not to
20 consider an underground line in an effort to keep their
21 price below other bidders. Sorry, I'm a nervous public
22 speaker. The other bidders put more thought and
23 consideration into their proposal and chose a higher
24 bid. Maine should not pay for CMP's low bid. My
25 scenic views should not be destroyed because CMP chose

1 to bid their project as low as they did. Thank you.
2 MS. MILLER: Thank you.
3 LLOYD MAY: Lloyd May from New
4 Gloucester, Maine. I'm 59 years old. I have a
5 business, an electrical business. I'm a master
6 electrician. I also am a registered Maine Guide. I
7 have a camp approximately two and half to three miles
8 south of where the corridor will cross on 201. My camp
9 looks at Johnson Mountain. I'm the last set of
10 buildings before you get to the Capital Road, or the
11 corridor. I have a rental property up there that I
12 rent to bear hunters, fisherman and snowmobilers. I
13 have been going to that area -- I'm 59, so I would say
14 49 years that I can remember. I remember before the
15 Capital Road was there. I can tell you that the
16 fishing, since all the cutting has been done and all
17 the roads, have gone downhill, it's still great
18 fishing, but this is just going to add to the problem.
19 Like I said, I've been fishing -- when I
20 started fishing there it was a ten fish limit, you
21 could catch brookies anywhere you wanted. It is
22 different now. I'm also -- I trap. I can tell you
23 when I bought the property, I own a year-round home
24 there, that's a year-round home, it's heated. We're
25 there about every other weekend, if not every weekend.

1 I've trapped and fished and hunted all that area. I
2 can tell you that I've had a camp there for a little
3 over 30 years. I built a new home about six years ago
4 and that the trapping was great 20 years ago, 25 years
5 ago for pine marten. The pine marten have disappeared.
6 There's pine marten there, but it is because of the
7 clearcuts because of what CMP is trying to do. I
8 strongly oppose it. I don't want to see the
9 insecticides. I don't want to see any of that. I
10 understand global warming. There's other alternatives,
11 whether it's underground, or whether it's through
12 Vermont, it doesn't matter. I just -- I feel very
13 concerned because as an avid hunter, fisherman and
14 trapper, I have seen personally, like I said, I'm 59
15 years old, I have seen it go down hill with the
16 clearcuts and this type of stuff that's going to happen
17 up there and it's going to get worse because if that
18 corridor is 150 and they've allowed 300 feet and the
19 windmills come, the less pine marten, the less
20 brookies. It's just going to -- it's not going to help
21 that environment.
22 As being a licensed electrician, a company
23 that I've had for 35 years, six employees, we've put a
24 lot of stuff underground, not transmission lines, I
25 understand, but we've put underground lines in for

1 residential houses, two reasons, visually and
2 maintenance. You put it underground, you do it right,
3 you never worry about it 99 percent of the time.
4 Visually when you build new houses, you put it
5 underground, it's because visually they don't want to
6 see it. So it can go a different way. Thank you.
7 MS. MILLER: Thank you. Christian
8 Savage, AJ Soulmief, Will Hughey, Alissa Holden, come
9 on up.
10 AJ SOULMIEF: My name is AJ Soulmief.
11 I'm a student here at the University of Maine at
12 Farmington and first of all, I would like to say I
13 truly admire all of the passion and patience of all of
14 the people in this room. I think that the main reason
15 why so many people have been here today is because
16 they're passionate about mitigating climate change,
17 they're passionate about a preserving a future of our
18 environment for future generations and they care about
19 the wildlife, whichever side they're on.
20 And back in November the intergovernmental
21 panel on climate change produced a report saying that
22 at the current state we're in, since the Industrial
23 Revolution, the temperature of the planet has risen one
24 degree celsius and that by the end of the century that
25 it can rise by four degrees, and so clearly climate

1 change is an urgent issue that needs a solution, not in
2 the future, but now.
3 However, I'm not sure that in its current
4 state that this project would be that solution. That
5 is why I am in opposition to this project and I think
6 before it could go through, we would need a fully
7 comprehensive peer reviewed and non biased
8 environmental impact report that considers the removal
9 of carbon like the trees, that considers the
10 fragmentation of wildlife habitats, that considers the
11 aerial spring of toxic chemicals which creates forest
12 suppression and the loss of biodiversity, which helps
13 to stabilize the environment as a whole.
14 Of course climate change mitigation is
15 necessary. Of course we need clean energy, but this
16 project may not be the answer and so please, we need
17 more research before we just go ahead with something.
18 If the leader of CMP can't guarantee to us that we're
19 actually mitigating climate change and that we're
20 actually reducing global carbon emissions, then it's
21 not the answer.
22 The world is shared by all of us and we
23 definitely do need an answer to climate change because
24 it's a shared resource, and if it's shared, then that
25 is why we should be looking at this more carefully.

1 Thank you for your time.
2 MS. MILLER: Thank you.
3 WILL HUGHEY: Hello again, I'm back and
4 I'm going to read very important testimony from a close
5 friend of mine in Massachusetts.
6 MS. MILLER: We need you to testify on
7 behalf yourself because you need to be -- the person
8 who's testifying needs to be available for
9 cross-examination.
10 MS. BENSINGER: And needs to be sworn
11 in, but you can submit that as a comment.
12 WILL HUGHEY: Okay. That really sucks
13 after driving a long ways down here again.
14 MS. MILLER: Sorry.
15 WILL HUGHEY: I recommend you all read
16 it because it's a very good view from somebody that's
17 away and has purchased property here now.
18 MS. MILLER: Thank you. Okay, Ryan
19 Gates, Quinten Anderson, Nathan McCann and Jay
20 Robinson.
21 RYAN GATES: Good evening, my name is
22 Ryan Gates and I'm a current resident of Rockport,
23 Maine. I'm a Unity College alumni. I hold two Maine
24 Guide endorsements, white water recreation. My
25 testimony is my own, but I think others feel the same

1 way.
2 For the past 20 years I considered myself an
3 avid outdoorsman of this area in question. I currently
4 work for a land conservation nonprofit as a stewardship
5 manager looking after and caring for almost
6 12,000 acres of the coast of Maine.
7 Putting all of that aside, I am more
8 importantly a father of two and truth be known, I don't
9 want to be here tonight. I feel that I have to be
10 here. I have to be here for my two kids, for your
11 kids, for your grand kids. I wish I could trust the
12 process, but it seems slightly skewed.
13 My other reason here is to do my job as a
14 concerned resident of Maine. My job is to convince you
15 as the DEP and the panel, the decisionmakers in this
16 process to reject the project as proposed. I stand
17 with all environmental based on profits in Maine and
18 65 percent of the Maine residents against this project.
19 I would like also to ask that the panel
20 members take a mandatory field trip to the area before
21 making such an important decision about the area and
22 its planet. On that field trip I'd like you to think
23 about spraying herbicides from a helicopter as they do
24 to maintain these corridors and think slightly how that
25 fits to what's there.

1 I would like to share with you a quote from
2 Aldo Leopold, we abuse the land because we regard it as
3 a commodity belonging to us. When we see land as a
4 community to which we belong, we may begin to use it
5 with love and respect. I have a hard time believing
6 anybody likes the looks of a scar like this corridor as
7 it is proposed. You may like the looks of a scar
8 covered with the proposed band-aids made of money that
9 come with it.
10 Please reject this project as proposed and I
11 ask you to research more alternatives to be explored
12 for the future generations of Maine. Thank you, and I
13 don't have envy your position.
14 MS. MILLER: Thank you.
15 NATHAN MCCANN: My name is Nathan McCann
16 and I live in Freedom, Maine.
17 MS. MILLER: Can you --
18 NATHAN MCCANN: My name is Nathan McCann
19 and I live in Freedom, Maine with my wife and five
20 children. We all oppose this project and we would ask
21 that you deny CMP's application. CMP is owned by a
22 Spanish corporation, I mean, you guys have heard all of
23 the facts, and I trust that you have made yourselves
24 well informed on both sides. You're all sitting here
25 listening to, you know, everybody here that, you know,

1 most of the people that I've heard since I've been here
2 at about 6:40 have all been in opposition. There have
3 been a few that have been for this proposal, but I
4 don't really have a lot new to tell you.
5 A lady a few people before me, she shared a
6 quote that I think that she got wrong. I don't think
7 that we inherit the world from our ancestors, we're
8 borrowing it from our grandchildren, not our children.
9 I'll just leave with you a rough paraphrase of a quote
10 by a 12-year-old girl named Severn Suzuki, she
11 addressed the land emissions conference on environment
12 and development in 1992.
13 And if you don't know how to fix a problem,
14 don't make it -- don't let CMP ruin our state. We
15 don't have the ability to bring it back once it's
16 ruined and this is the only chance, you know, you can't
17 undo the choice that you guys make, so. I've heard a
18 lot of proposals that people have recommended, that
19 this goes to referendum, you just reject this proposal.
20 You have a lot of choices before you. Accepting is
21 only one of them, and I think it's the worst choice
22 that you can make. Thank you.
23 MS. MILLER: Thank you. I have gone
24 through every name on the list that I have, so if you
25 missed hearing your name, now is the time to come up

1 and --
2 JAN COLLINS: I wasn't here to sign in.
3 MS. MILLER: Okay. I'll swear you in.
4 Please raise your right hand. Do you swear or affirm
5 that the testimony you are about to give is the whole
6 truth and nothing but the truth?
7 JAN COLLINS: I do. Thank you and thank
8 you for giving me this opportunity. My name is Jan
9 Collins. I'm from Wilton. I am a Maine master
10 naturalist. As my capstone project for my Maine
11 naturalist program, I studied bats. As a result of
12 that, I am also volunteering every Wednesday night in
13 the summertime at Mount Blue State Park doing bat
14 programs and I do them throughout this area.
15 I am here specifically to speak about the
16 impact of the transmission lines on those who use air
17 space. You've heard mostly about land. I'm concerned
18 about air space. Tall structures such as power
19 transmission lines can have deleterious direct effects
20 and impacts to flying wildlife, not to mention indirect
21 effects caused by air and facility disturbances from
22 infrared sound, noise and lighting barriers and
23 fragmented habitats.
24 It is important to note when we talk about
25 this that the vast majority of take by industry goes

1 uninvestigated, let alone unenforced due to lack of
2 funding, staff and other priorities. In the State of
3 Maine you are probably aware there are three species of
4 bats that are currently listed as either endangered or
5 threatened. Those three species of bats are -- all
6 have separated drastically from white nose syndrome,
7 98 percent of them have perished. It may be higher
8 than that, but we know at least 98 percent have
9 perished.
10 As a result, their survival as species is
11 threatened by any deleterious effects of any type of
12 structures. It's important to know that bats, although
13 most of us think of them as negative, have some very
14 important positive effects. They are in -- all of
15 Maine's bats eat insects. They play a critical role
16 and provide ecosystem services to humanity. Bats alone
17 save billions of dollars each year by protecting the
18 forest parts and agriculture industries. I'm a
19 blueberry farmer so I care about that. The estimated
20 savings range from 4 billion to 53 billion. They
21 consume June beetles, leaf hoppers, etc., lots more.
22 Highly troubling are recent effects due to
23 white nose, which I mentioned was 98 percent.
24 Electrocutions, however, occur primarily at
25 distrubution lines and other infrastructures and they

1 also affect bats. In addition to direct impacts, they
2 are impacted by indirect effects of transmission
3 distribution lines, power lines, utility poles, towers,
4 etc.
5 Habitat fragmentation, abandonment
6 disturbance, loss of population, behavior modification,
7 creation of said optimal habitats, loss of refugium and
8 interest specific competitions as a result of those
9 disturbances.
10 MS. MILLER: Can you wrap up, please.
11 JAN COLLINS: Yes, I will do that as
12 quick as I can. The ones that we are most concerned
13 about in terms of the high power lines are the tree
14 bats, which are silver haired bats and the eastern red
15 bats, all of which are attracted to high structures.
16 Over 888,000 are killed every year in the United States
17 when they're attracted to wind turbines, but we also
18 know that they can be attracted to other large
19 structures including transmission lines and they are at
20 risk as a result.
21 So I would urge you to consider these
22 endangered species when you're making your decisions.
23 Thank you very much.
24 MS. BENSINGER: Is there anybody else
25 that maybe I called your name but you didn't hear it?

1 Come on down if that's the case. We want to hear you.
2 BEVERLY HUGHEY: You didn't call my
3 name, but I do believe a gentleman brought it down on a
4 piece of paper.
5 MS. MILLER: I just got you, thanks.
6 BEVERLY HUGHEY: Thank you for allowing
7 us to talk here and to show our opposition, or the few
8 that do -- are aligned with this. I was born and
9 raised in Jackman, Maine. I've lived there most of my
10 adult life. The joy of living in the State of Maine is
11 only lightened by the people that live in the Moose
12 River Valley. I'm not sure if you folks, any of you
13 have ever been there, I don't know if any of you have
14 ever been on the land that's being impacted by this
15 proposed corridor. If you haven't, shame on you. If
16 you have, then you should have some understanding of
17 how special and unique that little corridor is.
18 The ecosystem up there is going to be utterly
19 destroyed by this project if it goes through. Tearing
20 up mountains, crossing streams, vernal pools, etc., the
21 average Joe Blow, myself included, can't touch anything
22 close to waterways, tributary streams, rivers, ponds,
23 lakes, don't touch it. These big businesses, big
24 corporations, Canadian, Spain, they use CMP. We know
25 why they kept the name Central Maine Power, to fool a

1 lot of people that think they're still a Maine company.
2 They are not. They are owned by a Spanish corporation.
3 That corporation has no skin in the game.
4 They don't care about my life. They don't care about
5 the State of Maine. They certainly don't care about
6 that small section of Maine. We hear you're from a
7 little town, little town, little town, we have little
8 towns, but we have a big anchor and we have blood in
9 the game.
10 These have been our homes for generations,
11 working forest, yes, it is. I worked in that forest.
12 I helped scale wood when they developed the Upper
13 Enchanted subdivisions that you had to run through the
14 process because of the scope, the size of it.
15 This monstrosity, and that's what it is, if
16 this gets built, is going to destroy forever, forever
17 some of the most beautiful places. Pristine, that's a
18 word. Come feel why it is so important to keep this
19 land as it is. The woods will come back. They rape
20 them, they scrape them, two years later there's green
21 growth. It comes back. They put this thing through,
22 it's done forever, children, grandchildren, great
23 children, however many generations, done. We've lost
24 it, and when we lose this, if we lose this, we are
25 going to lose a way of life, a way of keeping ourselves

1 in some sort of balance in this crazy world because we
2 are no longer able to get out there, touch some of
3 these trees, put my toes in those waters and generation
4 after generation is going to miss out on something that
5 is so important for 30 pieces of silver that some
6 corporation wants to throw at us. While making pledges
7 and promises of all this money that's coming in, they
8 went to the PUC and they needed a little increase
9 because their shareholders might have been feeling some
10 of the impact of the cost of living increase that we,
11 the people of Maine should not, do not -- I do not want
12 to add to their coffers.
13 This is a battle I don't want to fight, but I
14 am willing to fight because the State of Maine is not
15 for sale. The Moose River Valley should not be
16 compromised to enrich two other countries that could
17 care less about us. Thank you very much. Good luck
18 with this job.
19 MS. MILLER: Thank you. All right. I
20 want to thank you all for your participation and
21 especially with your patience. It's been a long night.
22 I'm going to just go through some closing comments and
23 we can wrap up.
24 Again, thank you for your participation in
25 this hearing. This hearing will conclude after the

1 rest of the party, witnesses and the intervenors have
2 completed their testimony. This will take place
3 May 9th. At that point the record will remain open as
4 follows, for ten days after the close of the hearing on
5 May 9th, members of the public only may submit written
6 statements to the Department and Commissioner. For
7 seven additional days after that, members of the public
8 only may file rebuttal statements to those written
9 statements received in that previous ten-day window.
10 Parties will not be allowed to submit
11 comments after the hearing concludes on May 9th;
12 however, we will accept closing briefs and proposed
13 findings of fact and reply briefs from the parties and
14 intervenors.
15 It's anticipated that the transcript of this
16 hearing will take about 30 days to be completed. This
17 will be provided to the parties and can be made
18 available to the public upon request.
19 I will now officially close this evening
20 portion of the hearing. Thanks again for your
21 participation. For parties and others who might like
22 to be here tomorrow to observe, we will resume at
23 9 o'clock in the morning at the original dining hall
24 location that we started in this week. Thank you.
25 (The meeting concluded at 10:05 p.m.)

1 CERTIFICATE

2 I, Lorna M. Prince, a Court Reporter and
3 Notary Public within and for the State of Maine, do
4 herby certify that the foregoing is a true and accurate
5 transcript of the proceedings as taken by me by means
6 of stenograph.
7
8 and I have signed:
9
10
11
12 /s/ Lorna M. Prince
13 Court Reporter/Notary Public
14
15 My Commission Expires: February 6, 2026
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17 Dated: May 3, 2019
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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 5
FRIDAY, APRIL 5, 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 5, 2019, at the University of Maine at Farmington Campus, 111 South Street, Farmington, Maine, commencing at 9:00 a.m.

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TRANSCRIPT OF PROCEEDINGS

MS. MILLER: Good morning, everybody. I now call to order this fifth daytime portion of the public hearing of the Maine Department of Environmental Protection and the Land Use Planning Commission on the New England Clean Energy Connect project.

I just want to mention we have extra copies of today's agenda on the back table. Just to remind everybody to silence and turn off your cell phones so that there are no interruptions. And also just a reminder again, turn the mics on, make sure you speak into the mics when you're speaking, turn them off when you're done.

Today, we're going to have group witnesses from Group 1 and Group 6. And so at this time, I'd like to swear in the witnesses who are here. If I have to do it again later this morning, that's fine, but we'll start with all of the witnesses that are here that plan to speak today. If you'd stand and raise your right hand. Do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

(Witnesses affirm.)

MS. MILLER: Thank you. All right. So

we'll get started with the Group 1 witnesses. We've got Mr. Haynes and Ms. McMahon and if you would step up to the witness table that would be great. Thank you.

ROBERT HAYNES: Thank you for having us here today. I believe we have 10 minutes to make to make our presentation and Ms. McMahon will be leading that off for Group 1.

MS. MILLER: Can you speak into the microphone, please?

ROB HAYNES: Good morning. Thank you for having us here. Group 1, I believe, has 10 minutes and if we had a signal at 7 minutes or so that would be wonderful. Ms. McMahon will lead off the testimony.

MS. MILLER: Thank you.

JANET MCMAHON: Good morning. My name is Janet McMahon. I'm an ecologist who has worked for 40 years doing landscape scale conservation planning for public and private landowners in all corners of the state. My testimony focuses on the adverse impacts of habitat fragmentation that would be caused by 53.5 mile long Segment 1. It is not possible to build a new energy infrastructure project of this size without unreasonable adverse impacts on

wildlife, the project is simply too big. The Applicant does not acknowledge that there are critical regional ecological values that will be impacted by this project. The Applicant does not demonstrate an understanding of basic conservation biology principals such as how permanently dividing large forest blocks into smaller ones or changing their shape can negatively impact forest wildlife species because of edge effects.

The proposed transmission corridor would pass through the heart of western Maine mountains. This region is ecologically significant for many reasons. It is the largest and least fragmented area of tempered forests remaining in North America and some studies suggest the world. The combination of mountainous terrain, high landscape diversity and contiguous forest land make the region ecologically significant or ecologically resilient in the face of climate change. It is a globally important bird area. It is the last stronghold for brook trout in the eastern United States. It is a source area for marten, lynx and other forest species. It is the key ecological link between forests in the eastern U.S. and Canada.

Could I have the next slide? The next

slide, please.

MS. PEASLEE: Is that the one?

JANET MCMAHON: Yeah. Full screen would be good too. The reason these values still exist is because the human footprint in the region is light. The green areas on this map are the areas that are relatively unfragmented and have very little development and the red areas are where there is a large human footprint. And those red areas, if you could extend this, this is just the northern Appalachian region, but if you showed the whole United States, the eastern United States it would all look like --

MR. MANAHAN: Excuse me.

JANET MCMAHON: -- southern Maine.

MR. MANAHAN: Excuse me. This is Matt Manahan. Could I just ask, we're desperately trying to find those in the pre-filed testimony somewhere and I'm wondering what exhibit they are.

JANET MCMAHON: They are in -- I don't remember. These documents were submitted and they're in these reports.

Anyway, the reason these values exists is because the human footprint in the region is light. The area has always been forested. Public road

density and traffic are low --

MR. MANAHAN: Excuse me. I would object. Until we can identify a page where they are in here we're not able to find them as an exhibit anywhere.

MS. BENSINGER: Let's pause for a minute.

JANET MCMAHON: I believe I gave two reports as exhibits.

MS. JOHNSON: I believe they're Group 1 Exhibits 3 and 4 or 4 and 5, I'm not sure.

UNIDENTIFIED SPEAKER: It's 4 and 5.

MS. JOHNSON: 4 and 5.

MR. MANAHAN: We have these reports. What we're not able to find are these maps in these reports.

JANET MCMAHON: It's in one of them. Page 10 of opposition paper number two.

MR. MANAHAN: Well...

JANET MCMAHON: So as I said --

MR. MANAHAN: We would object because it's not the same as what's in the pre-filed testimony.

MS. BENSINGER: Is it an exhibit to your testimony?

JANET MCMAHON: Yes, it is. I may have added the word human footprint. If you want to take that out just for clarity for your sake, I can't

remember, but other than that, that is the map that is in the exhibits.

MS. BENSINGER: We're just going to find it. We're looking for it.

JANET MCMAHON: I could share my copy if you'd like. Figure 7.

MS. BENSINGER: Page 10 of Exhibit 5. Do you have it, Mr. Manahan?

MR. MANAHAN: We do have Page 10 of Exhibit 5. It's hard to tell --

JANET MCMAHON: I'm happy to --

MR. MANAHAN: -- whether -- there are differences. It's hard to tell whether the substance is different from looking at it in a short period of time. For example, the one on the screen has city names. It doesn't have this key on the edge. It's -- it's different, so I just don't know whether the substance is different.

JANET MCMAHON: Well, I encourage you to look at Figure 7 if you prefer not to look at the one on the screen, that's fine. It is the same mapped information.

MS. MILLER: We'll just look at the figure Page 10 Exhibit 5 in the pre-filed testimony, we'll look at that instead. Thank you.

JANET MCMAHON: Okay. Thank you. So the transmission corridor would cut this area in two and would be the largest fragmenting feature in the entire western mountain region. To put it in context, it would be as wide as the I-95 corridor between Augusta and Brunswick from verge to verge and I know this because I actually measured that with my 150 foot measure tape. And three times as wide as Route 201, which is the largest road in the region.

If you look at the map on the U.S. on the lower right of what you have in front of you, you'll see a white area that corresponds in northwestern Maine. This is the only part of the eastern United States that is not crisscrossed by major turnpikes and transmission corridors.

May I have the next slide, please? Because it is largely unfragmented the region has been identified by The Nature Conservancy and other groups as the key ecological length between the forest of eastern Canada and those in New Hampshire and the Adirondacks. The yellow arrows show the linkages in this region and the most important one because species are moving in both directions and it's also the widest is the one that passes through this region. The region serves as a source area and

movement corridor for many mammals such as moose, marten and lynx. This means that animals can disperse to the north and west and help maintain populations in other areas, which is already happening with marten in the White Mountains in New Hampshire.

The next slide. The importance of this region to Maine's wildlife will increase as the climate warms. Its mountainous terrain and connected forest blocks will allow species to move up slope or to northern slopes as they shift their range in response to climate change. In landscapes classified as highly resilient, which is shown in dark -- the darker green on this map, the habitat values for wildlife are expected to remain far longer than in the light green areas that are -- and are viewed as critical to the future of many of Maine's most iconic species. And this shows the Segment 1 is the heavy purple line and you can see, again, it's bisecting these resilient habitats.

May I have the next slide, please? The transmission corridor would bisect the largest globally important bird area in the United States. These areas which are shown in red on this map correspond to large areas of undeveloped forest land.

The northern forest block in Maine is considered vital habitat for 34 priority song bird species whose global breeding distribution is restricted to the northern forest biome. Segment 1 was divided in two.

Next slide please. Forest fragmentation is simply the breaking apart of a forested landscape into a smaller and more isolated blocks. The transmission corridor would convert 973 acres of non-forest habitat. While this is significant the corridor would negatively impact on the order of 20,000 to 40,000 additional acres of adjacent forest land due edge effects associated with 107 miles of permanent high contrast edge it would create. Forest habitat near edges is generally windier, warmer and gets more light leading to shifts in the kinds of plants and animals that occur here. And these edge effects can extend from 30 to 1,500 or more feet into the adjacent forest land depending on the effect. And I'll go into these two blocks in a little more detail in a minute.

May I have the next slide? Although negative edge effects have been written about extensively in the literature, the Applicant does not address any of them. These effects include changes in species --

MR. MANAHAN: Excuse me. I object. Is this in the record. In your rebuttal testimony or direct testimony?

JANET MCMAHON: Word for word, I don't know.

MR. MANAHAN: No, this -- this exhibit.

JANET MCMAHON: Oh. Oh, I added -- well, what I did was overlay a piece of mine on what -- one of the images on the segment. I don't know if that's legitimate, but I thought it would be more informative for you to see what it would actually look like on this part of the segment. Is that not allowed?

MR. MANAHAN: I object to this document being admitted because it's not in the pre-filed testimony.

JANET MCMAHON: That was for your benefit. If that's -- if that's not the case, I don't know if there is a bulletin board I could write on.

MS. MILLER: We're going to have to strike it. The idea is that what was in the pre-filed testimony is what you should be summarizing right now.

JANET MCMAHON: My own testimony, so I cannot use anything the Applicant submitted?

MS. MILLER: No.

JANET MCMAHON: Okay.

MS. MILLER: Thank you.

MR. MANAHAN: I also -- just for the record, I have -- I have a standing objection of the use of the exhibits that are close to what's in the pre-filed. The prior -- the prior exhibits were sort of in the pre-filed in some fashion but she marked them up, so to the extent that they're marked up and changed from what was in the pre-filed I object to that, otherwise, I don't object.

JANET MCMAHON: Well, I was adding my language from my testimony onto those, is that not okay?

MS. BENSINGER: The exhibits are supposed to be the ones you've filed in your pre-filed testimony.

JANET MCMAHON: Okay.

MS. BENSINGER: But this one has been stricken. The others are in.

JANET MCMAHON: All right. Well, I'll try to explain then. All right. So, again, the Applicant doesn't address any of the negative effects that are talked about in the literature. These effects include changes in species composition and behavior, changes in soil and water chemistry, encroachment by invasives and many more. Instead,

the applicant focuses primarily on species that can live in the shrub/scrub habitat or meadow habitat of the corridor itself. This adjacent forest edge habitat will support generalist species like skunks, foxes, raccoons, dogs and cats, and weedy plant species that can survive in disturbed areas. We have plenty of this habitat in Maine. What we've lost in much of southern Maine are large connected forest blocks free of invasive species that support interior and forest specialized species like pine marten, wood thrush, oven bird, barred owl and a host of other plant -- plants and animals. A vivid example of how species composition can change in and along transmission corridors can be seen, when you leave Maine on the Turnpike under these corridors you'll see monocultures of the 10 foot tall grass called phragmites, which has completely displaced the native species that used to grow under the transmission lines and it's expanding into adjacent wetlands and forests.

Breaking large blocks of forests into smaller ones creates more edge and reduces overall forest connectivity. Smaller blocks have disproportionately more edge and when blocks become too small negative edge effects may extend all the

way through the block. And I'll try to explain what's up there. Basically, where the corridor is going it's going to break blocks of intact forest land into smaller ones and when you do that some of those smaller blocks, a number of them, are going to basically turn into all edge so that those edge effects are not going to affect not just what's right adjacent to the corridor but it's going to create new isolated blocks with more edge.

Actually, I might as well -- we'll skip the next slide too because it's like this. The Applicant doesn't address the number or size of forest blocks fragmented by the transmission corridor or how a block's shape influences the amount of edge. The more linear and convoluted the block, the more edge it will have. Where the corridor parallels existing roads like Spencer Road all the land in between would be impacted by negative edge effects. And what my slide would have showed is there is many places where the corridor is like maybe 300 feet away from Spencer Road or 500 feet away from Spencer Road and the edge effects are going to penetrate completely into all the land in between those two because that's how edge effects work. So when it does that it will create habitat or species that do well in forest edges at

the expense of those that don't. Reducing the size of blocks and changing their shape would impact thousands of acres of adjacent forest with major impacts on forest wildlife.

Segment 1 would cross 89 perennial streams, 215 intermittent streams and 480 wetlands, most of which are in mountain headwater areas. The catchment or drainage areas of these headwater streams and wetlands are what determine nutrient levels, temperature and other characteristics critical to the overall health of cold water stream ecosystems. The accumulation processing and eventual downstream transport of organic material is an important energy transfer process that influences the entire watershed. Siting a 53.5 mile transmission line through the mountainous headwaters of the Kennebec would have a regional impact on downstream aquatic habitats. Proposed buffer strips along streams and around wetlands are insignificant to protect these critical headwater catchment areas.

Okay. Could you skip the next two slides? Recent work by Haddad and others showed the direct correlation between forest species diversity and distance from the edges of energy infrastructure and major roads. As distances to edge decrease

populations of forest interior species decline. This figure shows the distribution of large habitat blocks, which in northwestern Maine are currently defined by permanent roads. You can see that a high proportion position of the western Maine mountain region is more than 3,000 feet from an edge. That graph on the right, that red bar -- that green bar, it's really hard to read, but that's greater than 1,000 meters, the percentage, which is about almost 50 percent, is greater than 3,000 feet from an edge whereas in southern Maine most forests are within 500 to 700 feet of and edge. And, again, you can see the ground bars on the left side of the lower one, which is southern Maine. And you can see that just by looking at the large green blocks are in the western Maine mountains in northern Maine, which is not a surprise.

In conclusion, the Applicant fails to mention let alone address how the transmission corridor would impact the unique ecological values of the region, the fact that it is a stronghold for brook trout, a globally important bird area or a critical ecological linkage of continental significance the Applicant doesn't distinguish between the needs of forest interior species and the

generalist species that thrive in our town centers and suburbs. This is not what is at stake. This is a new major transmission corridor that would permanently fragment the forest of the region. It would also be the largest fragmenting feature this part of the state has ever seen. As I said in the beginning, you cannot build a project of this scale without having unreasonable adverse impacts on the existing natural resources of the western Maine mountains, one of DEP's permitting requirements. Thank you.

MS. MILLER: Thank you. Mr. Haynes, just a few minutes.

ROBERT HAYNES: Thank you. I will keep it short and tight and if -- I'll probably skip the who we are as far as the scenic byway goes and if anybody in the cross-examination process would like to make that a question I can fill in as we have plenty of time for cross-examination.

Old Canada Road is a National Scenic Byway selected by the Director of the Transportation Commission in Washington. Our mission is that Old Canada Road Scenic Byway will strive with broad civic and business partnerships to educate residents and traveling about the area history, culture and natural

features while promoting traditional scenic integrity. Anyone familiar with the Old Canada Road, which is Solon to the border has seen a number of interpretive panels going up some new trails, so we're trying to keep people in the area a little longer and spend a little money.

And I'll move right on to our statement. We do not believe that the Applicant has met the criteria in the chapters for proper consideration of scenic character and existing uses. In Chapter 315 Section 10, the Department considers scenic resources a typical point from which an activity in, on or adjacent to a protected natural resource is viewed. The list of natural resources includes but is not limited to locations of national, state or local scenic significance; a scenic resource visited by large numbers who come from across the country or state is generally considered to have natural -- national or state significance; a scenic resource visited primarily by people of local origin is generally of local significance. The national landmarks we have are the Number 5 Bog, Old Canada Road could be considered a national resource and the ITS trails are designated as state. Historically, we have the prisoner of war camp, which was not

mentioned which is a visiting place where a number of people, now it's the -- the children of the veterans that served in that war. And for public land we have Coburn Mountain public land, Moore Pond public land, Number 5 Mountain trail and this is on land that's not in public ownership but was purchased for the benefit of the public.

Applicants for permits under NRPA are required to demonstrate that the proposed activity meets the standards of the NRPA that have been established by the Legislature as Standard 1 in Section 480-D and requires an applicant to demonstrate that the proposed activity will not unreasonably interfere with existing scenic and aesthetic uses. Old Canada Road believes CMP has not made significant efforts to ensure the project will not interfere with scenic and aesthetic issues. Under 8B, Design, when circumstances do not allow siting to avoid visual impacts on a scenic resource elements of particular concern should be designed in a such a way that reduces or eliminates visual impacts to the area in which an activity is located as viewed from a scenic resource. Applicants should consider a variety of design methods to mitigate potential impacts including screening, buffering,

earthen berms, camouflage, low profile and other techniques. OCR maintains that CMP did not make significant design allowances to mitigate impacts to scenic character or existing use.

MS. MILLER: Can we wrap this up?

ROBERT HAYNES: And our final statement -- right on time. Old Canada Road asserts that CMP has made no effort to minimize project effects within sight of OCR or any of the scenic landmarks along the Spencer Road and suggests that the Maine Department of Environmental Protection take appropriate action.

And if I could make another comment, this testimony was put together a few weeks ago and in light of what's been learned here this week there are a number of changes that have been beneficial to Old Canada Road as suggested in testimony by the Applicant such as screening the crossing at Johnson Mountain. I don't know what those are yet, but as they weren't in the original application I would like to learn more about them and I'm kind of a remedy kind of guy and if there was a remedy to take place, which is not the task of this meeting, I would like to be involved. Thank you.

MS. MILLER: Thank you. One thing I wanted to mention just before we start with cross is you'll

notice that Commissioner Reid isn't here this morning. He is sorry he can't be here. He had another obligation, but I just wanted to let you know that he did want to be here this morning.

MS. BENSINGER: And he will be reading the transcript. He will be listening and watching most of the day and he will be reading the transcript of the time -- any time he wasn't able to listen and watch.

MS. MILLER: So we'll move on with cross-examination by the Applicant.

MR. MANAHAN: Good morning. My name is Matt Manahan for Central Maine Power. Mr. Haynes, briefly for you, can you see the impacts of human activity from Old Canada Road Scenic Byway?

ROBERT HAYNES: Yes. The impacts of forestry which is a traditional use are dominant.

MR. MANAHAN: Yeah. Okay. Ms. McMahon, I'm showing up here your exhibit from your pre-filed rebuttal testimony that you referred to earlier today. And you mentioned in your testimony this heavy purple line, in your words, given the scale of this map, how wide would you say it depicts the Section 1 NECEC corridor?

JANET MCMAHON: Well, there is a scale at

the bottom. It is a graphic just like those yellow arrows are not the width of the corridor, but -- so it's just meant to make it obvious where it is, but that scale would show you.

MR. MANAHAN: Does it look like maybe that's 50 miles wide, is that sort of -- what do you think?

JANET MCMAHON: It's obviously not 150. It's just to draw your attention to where it is.

MR. MANAHAN: Where on this map does it show Route 201?

JANET MCMAHON: It doesn't show it. That's not what this map is showing.

MR. MANAHAN: Oh, it's not intended to show fragmentation? I thought that was your testimony today that it was intended to show lack of fragmentation of the western Maine mountains.

JANET MCMAHON: These are actually the resilient areas and the resiliency from a climate change standpoint is a combination of landscape diversity, things like wetlands, rivers, mountains, elevation, gradients, and that's one of the reasons this is so resilient because it is mountainous and connectivity of forest. And even those, there are many logging roads in the area there it is still a much more connected forest than anywhere else in the

eastern United States, so that's what the green is showing.

MR. MANAHAN: So it doesn't show Route 201. It doesn't show Route 16?

JANET MCMAHON: No. Those are the two roads that are in the area, but if you looked at that map that showed the whole United States and the eastern United States looked basically black except for this area. We're talking about major roads like the Turnpike.

MR. MANAHAN: Well, we're --

JANET MCMAHON: Well, that's a big road, but, again, this is three times as wide, the corridor, as Route 201.

MR. MANAHAN: How about Route 27, where is that?

JANET MCMAHON: If you want to see a road map you could put a road map up there. This is not a road map. It's showing where the resilient landscape is.

MR. MANAHAN: Okay.

JANET MCMAHON: Which includes those roads, but there's not enough roads to reduce its resiliency. It's considered highly resilient because there are only Routes 201, 4, 16 and 6. That's it.

MR. MANAHAN: So how much vegetation would you say remains on those existing roads?

JANET MCMAHON: Well, where they're paved there is no vegetation. The verges are sprayed. So when I say 50 feet, which is the rough distance of 201 from cleared verge to cleared verge. There is grass, but that's not --

MR. MANAHAN: Well --

JANET MCMAHON: -- habitat really.

MR. MANAHAN: Okay. Wouldn't the NECEC corridor which utilizes scrub/shrub vegetation and has no regular vehicular traffic cause significantly less habitat fragmentation than the existing roadways that are there?

JANET MCMAHON: Well, it's a new fragmenting feature. I mean, these roads are already causing fragmentation, but also the fragmentation is associated with the edge habitat and the adjacent forest not just the scrub/shrub vegetation.

MR. MANAHAN: Does commercial forestry result in the habitat fragmentation in your view?

JANET MCMAHON: It does, but it's temporary and there is something called the shifting mosaic steady state. If you look at this landscape as a whole, over time you'll have a clearcut or a partial

cut, but regionally they'll move around over the landscape and the rough proportion of those things stay the same, so there is always a place for habitat to move. This is not -- and that's not at permanent situation like the corridor would be.

MR. MANAHAN: Well, let me ask you this, do you know how many acres of commercial forest are harvested in each year in Maine?

JANET MCMAHON: I don't have that number off the top of my head.

MR. MANAHAN: In the western Maine mountain region?

JANET MCMAHON: I don't have that number off the top of my head, but I'm sure it's a lot. That's the major land use in the area.

MR. MANAHAN: Do you know how many miles of edge effect are caused by those commercial forestry operations?

JANET MCMAHON: Well, there is edge effect every time you clearcut or, you know, if you do a clearcut, although, that's not a huge percentage of the forest. Most of it is partially cut. But, again, that's temporary. It takes three to five years before I -- when I do my field work can no longer walk through those clearcuts because there is

too many trees.

MR. MANAHAN: Are you aware that CMP's tapering proposal is to retain existing vegetation as long as it doesn't intrude into the conductor safety zones?

JANET MCMAHON: I don't know if that was in your application. Is it?

MR. MANAHAN: I'm asking are you -- so you haven't seen it?

JANET MCMAHON: I've heard of it today, but I did not see it in your application --

MR. MANAHAN: Okay.

JANET MCMAHON: -- but that sounds like new information.

MR. MANAHAN: And are you aware that CMP's tapering proposal is not to cut the corridor --

MS. TOURANGEAU: Objection. This goes beyond the scope of her direct.

MR. MANAHAN: No, she's incorporated Dr. Publicover's testimony by reference and the entirety of Dr. Publicover's testimony is incorporated into her rebuttal testimony.

JANET MCMAHON: I am aware of what that means. I have looked at your --

MS. MILLER: Hold on.

MS. BENSINGER: Hold on.

JANET MCMAHON: Okay.

MR. MANAHAN: Just read the first paragraph of her rebuttal testimony. It says I incorporate Dr. Publicover's testimony in my reference.

MS. BOEPPLE: Just for sake of -- excuse me. This is Elizabeth Boepple representing Groups 2 and 10. For the sake of the proceeding, could we please just explain to the witnesses that they need to wait until the Presiding Officer makes a ruling on an objection?

JANET MCMAHON: Okay. Sorry, I haven't done this before.

MS. BOEPPLE: Exactly. That's why I think they need to explain a little bit to you. Okay.

MS. BENSINGER: Ms. McMahon, did you incorporate Dr. Publicover's testimony into your testimony?

MR. WEINGARTEN: Excuse me, if I can address that. She incorporated Dr. Publicover's rebuttal testimony not his pre-filed testimony.

MR. MANAHAN: That's fine. Yes. That's what I'm talking about.

MS. BENSINGER: I'm -- I am asking did you incorporate his rebuttal testimony --

JANET MCMAHON: Yes.

MS. BENSINGER: -- into your rebuttal testimony?

JANET MCMAHON: I incorporated David Publicover's testimony.

MS. BENSINGER: Then I would recommend to the Presiding Officer that a question on that rebuttal testimony be allowed and she can answer it to the best of her ability.

MS. MILLER: Okay. I'll allow it.

MR. MANAHAN: And are you aware that CMP's tapering proposal is not to cut edge to edge in the entire corridor?

JANET MCMAHON: I haven't seen the details. I looked at what was in the application, which is the right of way vegetation maintenance procedures and I have also noticed that if you do taper and allow trees to grow 20 to 30 feet along the edges and still cut them every time they get that high that's still going to -- there is going to be the edge effect until you get to that tapered zone, but also the width of the safety zone is a good 100 feet if you go 15 feet outside of the actual -- well, the wire zone, I guess. I'm looking at your diagram, but I may -- I don't understand because I'm --

MR. MANAHAN: Right.

JANET MCMAHON: -- honestly this is new information.

MR. MANAHAN: To you. It's new information to you. You're not aware of it.

JANET MCMAHON: Not the details because I haven't seen -- it's not in your vegetation maintenance procedures in your --

MR. MANAHAN: Okay.

JANET MCMAHON: -- application. You may have referred to it, but I have not seen exactly how you spell it out.

MR. MANAHAN: So I'm talking about the tapering proposal that he referred to and that was referred to earlier. Were you here earlier this week for this hearing?

JANET MCMAHON: No, I was not.

MR. MANAHAN: Okay. Are you aware that CMP's tapering proposal is to extend the tapering --

MS. JOHNSON: I would object. I don't believe that Dr. Publicover's testimony talks about tapering. This is going beyond the scope of testimony.

MS. MILLER: All right. Hold on. Hold on.

MR. MANAHAN: We're talking about edge

effects, which Ms. McMahon has specifically testified that she thinks there will be adverse edge effects and the tapering proposal that is directly relevant to her testimony and I'm cross-examining her on whether or not there will be edge effects.

MR. WEINGARTEN: Excuse me. But she did not include --

MS. BENSINGER: Excuse me. Can you --

MR. WEINGARTEN: -- tapering in her testimony.

MS. BENSINGER: Excuse me. Excuse me. Could you please identify yourself and your group and for the transcriptionist when you speak?

MR. WEINGARTEN: Yes. I'm -- I'm Bob Weingarten with Group 1. Ms. McMahon did not address tapering in either her pre-filed testimony or her rebuttal testimony, so how could you question her on that?

MS. BENSINGER: You should speak to the Presiding Officer when you respond to an objection, please. And the question is was tapering discussed in the pre-filed -- in the rebuttal testimony?

MR. MANAHAN: Ms. Bensinger, it's not actually. The question really is whether my line of questioning is relevant cross-examination with

respect to her direct and rebuttal testimony. Her direct and rebuttal testimony talks about how there will be edge effects -- adverse edge effects. Tapering was discussed this whole last week about whether or not what are beneficial to edge effects and that's what I'm asking her about, her edge effects testimony.

MS. BENSINGER: Certainly you could ask her -- you asked her if she was aware of the places in which CMP proposed the tapering or the -- what the tapering proposal was, but she already answered that she was not. And if it's not in the testimony, I don't see that any further questions about that are appropriate because it wasn't in her testimony and she already answered she was not aware of it. She wasn't here.

MR. MANAHAN: Okay. Thank you. Ms. McMahon, let me ask you, are you aware that the Maine Department of Inland Fisheries and Wildlife has reviewed and commented on CMP's proposed compensation plan including in relation to habitat fragmentation impacts?

JANET MCMAHON: I am aware of that. I read their testimony. And I know that their purview is much narrower and forest fragmentation actually is

not something that IF&W or actually any state agency regulates around at this point, so they're not required to take into account, for instance, stream catchment areas and those headwater streams that the corridor crosses.

MR. MANAHAN: So we had heard a few witnesses yesterday, I guess you weren't here, some of the witnesses testified that IF&W dropped the ball on the habitat fragmentation. I think dropped the ball was the word. Would you agree with that?

JANET MCMAHON: I don't think it's in their purview.

MR. MANAHAN: Okay. No further questions. Thank you.

MS. MILLER: Thank you. Group 7.

MR. SMITH: No questions. Thank you.

MS. MILLER: Group 3. Okay. And we'll go on to Department questions.

MR. BEYER: Ms. McMahon, do you -- is it your opinion that this project would put the habitat in the western Maine mountains beyond some tipping point for either resiliency or fragmentation in terms of -- in terms of the overall impact? Is it going to -- is this project going to push the values or the impacts beyond some tipping point from which there is

no return?

JANET MCMAHON: We don't actually know. I should say scientists don't know what that tipping point is. We do know that as you fragment a region each fragmenting feature compromises it and reduces its resiliency, so -- and this one is large enough -- and going east/west also is problematic, but it's going to compromise its resiliency. And another thing is often when you do fragment it leads to more fragmentation, for instance, you know, it's a 300 foot corridor, I would imagine in the future they'd want to put more transmission lines down that outside of their project now. But usually once you introduce a fragmenting feature there is more fragmentation that comes in with it. So the reason this is critical at this location is in the southern part of the western Maine mountains, this is actually going through more or less the middle of it, but as you increase the fragmentation it's going to bring invasive species in likely even though they're going to spray every four years and might get some of them, but it just provides a door to reduce the resiliency at the edge and it will creep in. So it's a cumulative process that happens over time, but a big feature like this is going to have a major impact.

It's just -- it's a big feature and it's going to fragment a number of forest blocks, which is not addressed at all in their application. So there is a lot of pieces. We can't even gauge what the overall impact is from the application because it's going to break so many other forest blocks into smaller ones. And also going over mountainous terrains, the mountain is -- the mountains are the most resilient part of the state because that's where there is more room for species to move up or down or to northern slopes as I mentioned, so putting it through a mountainous area on average elevations of 2,000 or 3,000 feet is problematic. And also headwater streams are the most important part of a watershed in terms of controlling nutrient flow, so going through all those headwater streams is also problematic. So I don't know what the tipping point is, but it will have -- it will just, I guess, it will lower a notch the overall resiliency of the region.

MR. BEYER: How narrow would a linear feature have to be in order for it not to represent a fragmentation?

JANET MCMAHON: You know, certainly a road where the canopy closes over it would probably be pretty minimal. I'd say, you know, if it were a 75

foot corridor. I've heard when I came into this talk of looking at what it might take to put some of it or all of it underground, but a 75 foot corridor is still going to have those edge effects. And the edge effect is when you have opening, light penetrates into the adjacent forest and wind makes it warmer, you end up with more early successional species or invasives can move into that zone and also predators move farther in and prey on birds that lay their eggs on the ground and that type of thing. Those are the kinds of edge effects that are documented in the literature, so even if it were 75 feet, which would be the width of say the Route 1 corridor in Maine going from the verge to verge that obviously has edge effect, so you can't really put a 75 foot or 100 foot or 50 foot wide corridor through this region without having permanent -- and because it's permanent you're going to have edge effects. And I -- my point is the application doesn't deal with the negative ones, it just says the edge habitat is good habitat for early successional species, which may be true for some early successional species anyway, but that doesn't address the edge effects into the adjacent forest.

MR. BEYER: Thank you. I have nothing else.

MR. BERGERON: Mr. Haynes, could you tell me

how many National Scenic Byways are in Maine? You noted I think in your testimony there is about 150 in the United States.

ROBERT HAYNES: There are four in Maine of national significance and there is a number of state designated byways which is a different level.

MR. BERGERON: Okay. Thank you. Ms. McMahon, in your direct testimony you talked about -- Page 10 of your direct there is a sentence that says, quote, negative impact such as avian and bat collisions with transmission poles and wires over a new corridor of this length are likely to be substantial. Do you have some other data or studies that talk about avian and bat collisions with transmission poles and wires?

JANET MCMAHON: There are some referenced in this report and I can't off the top of my head tell you what they are, especially avian. I mean, there has been a lot of research mostly in Europe, but, you know, transmission lines have similar impacts wherever they are. Birds colliding. And also the impacts of the electromagnetic radiation on birds, which is not mentioned in their application. There are impacts associated with reproductive effects tied to that.

MR. BERGERON: Okay. And could you give me a sense of the impacts of logging or forestry activities on species mortality?

JANET MCMAHON: I -- and whenever you put in a logging road or a road or a corridor you're going to clear all of the vegetation and obviously there is going to be a lot of mortality of whatever is in the path of that infrastructure. But, again, because forest operations occur at a patchy level and they grow and there is this sort of shifting mosaic of different age classes, I'm not -- the overall amount of forest land is not decreasing so you end up with enough interior habitat for species to move between blocks as long as they're relatively connected. And, again, this is wide enough that may keep some species from moving between blocks. But the edge effects are very temporary in a forest and it doesn't stay cleared. You're not spraying it every four years to keep it cleared.

MR. BERGERON: Okay. And there has been some talk this morning of a tapering proposal, could you give me your input in terms of if a corridor was cut to a certain width, whatever it is, 75 or 150 feet wide, and then allowed to regrow some distance on the edges what length of time it would take to get

from that initial cut to some sort of tapered or transition or shape?

JANET MCMAHON: Well, I mean, a forest can grow to -- saplings can grow up within a handful of years to be over your head or, you know, 10, 20 feet tall, but they'll stay very small diameter. But I'm not familiar with the tapering proposal. I mean, I do know that if you have that 15 foot wire zone you still could end up with 75 feet of a cleared zone. I think you would have to to keep trees from impacting the sag area or whatever. I don't know exactly how it works, but in looking at the vegetation maintenance procedures you're still going to have a very wide cleared zone. But the tapering, you're still going to have an edge. I mean, you may taper it, so it's, you know, I'm not sure what it looks like. Again, I haven't seen their proposal, but you're still going to have edge between that cleared -- the part that you have to keep clear and forest. It just means you have a sort of early successional stage in between, so you go from scrub/shrub, saplings, forest, but you still have an edge. It's permanent. And I guess it's the permanent part that is what sets this apart from forest practices.

MR. BERGERON: Thank you.

MS. BENSINGER: Good morning, Mr. Haynes. Do you have any figures -- I don't think I saw that in your pre-filed testimony, any figures of the number of cars using the Old Canada Road each year?

ROBERT HAYNES: We don't. Tourism was an item which was stricken from the testimony and we do have reports from the Maine Office of Tourism that support scenic byway's importance to the livelihood of the folks in the area, which is an existing use, but I did not bring those for that particular purpose.

MS. BENSINGER: But do you have any sense off the top of your head of an estimate of the number of vehicles using that road every year?

ROBERT HAYNES: I couldn't say within any sense of credibility.

MS. BENSINGER: I've been on it and it's beautiful and I'm trying to remember is there -- there was some discussion earlier this week, is there a trail or path along some part of it that maybe snowmobilers or hikers would be using?

ROBERT HAYNES: There are crossings for all sorts of recreational activities whether it's ATVs, snowmobiles, our most -- our biggest project to date

is on land owned by CMP and they've been great to work with and this is a multiple use trail on the Kennebec River and also the Dead River and in most places it's ADA compliant. It's a hard crusher dust surface. Wheelchairs can use it. It is used for a snowmobile trail in the wintertime. And it was put in -- it was wrapped up probably in 2006 and CMP donated steel for the large bridges we put in. We went through the Army Corps of Engineers permit in one spot to do it and I'm very proud of that. It's a great item. And we will be finishing the, oh, creature comfort thing, so to speak, this year as we had a significant amount of match to match the federal money that went with that and that will be in the form of kiosk and more interpretation and one new trail head. I feel quite fortunate to have been part of this process. And I'm also a member of the National Scenic Byway Foundation and we are now in the process of getting the program reauthorized for funding. President Obama decided it was suitably funded back in 2009.

MS. BENSINGER: So that those trails or that trail run along some parts of the Old Canada Road?

ROBERT HAYNES: The Old Canada Road is -- actually in this section of the Kennebec it's on the

other side of the river if you want to stick to the historic footprint and we actually have a lot of ties to Lewiston because immigrants came from Quebec, walked down and went to work in factories in Lewiston. There is quite a history there. Above the confluence of the Dead and Kennebec, it -- the trail passes right next to the old ferryman's foundation where his home was and to slide people back and forth across the river so they didn't have to walk and there was a few people that didn't make the crossing, but that is the most tightly connected to the footprint on the Old Canada Road.

MS. BENSINGER: But what I'm trying to get at is these other uses of the scenic byway.

ROBERT HAYNES: Mmm Hmm.

MS. BENSINGER: They are parallel to it in some places?

ROBERT HAYNES: Most cross.

MS. BENSINGER: They're crossings.

ROBERT HAYNES: Right.

MS. BENSINGER: All right. Thank you. I have one question for Ms. McMahon. You mentioned predation into the full growth area by predators using the -- a transmission line, could you elaborate a little bit on that with regard to what species

might be involved as predator and prey?

JANET MCMAHON: Okay. Well, when you have early successional habitat or the scrub/shrub zone or in that corridor, vegetation in the corridor, there is a lot of species that like that habitat and they like forest edges like foxes, skunks, raccoons and those are the types of species that prey on ground nesting birds like hermit thrushes, wood thrushes, oven birds and that's a major cause of decline of those species is predation where there is a lot of edge, which is why they're declining more in the southern part of the state partly because of cats, but also those other predators that are native to the north Maine woods. So those are the generalist species that like edge conditions and that's what -- that's a major negative edge effect that you see throughout the literature.

MS. BENSINGER: Thank you.

MS. MILLER: Okay. I think that concludes the Department's questions. Any redirect?

MR. WEINGARTEN: No redirect.

MS. MILLER: Thank you. Okay. Thank you both for your testimony this morning.

JANET MCMAHON: You're welcome.

MS. MILLER: Okay. Moving on to Group 6's

witnesses. I've got Mr. Hunter --

MR. TURNER: Dr. Hunter.

MS. MILLER: Dr. Hunter, sorry, Mr. Wood, Mr. Cutco and Mr. Emmerson.

MR. TURNER: Before we begin, I just want to introduce myself. Phelps Turner, Conservation Law Foundation. Because Mr. Wood is a witness today, I will be serving as a spokesperson for Group 6.

MS. MILLER: Thank you.

MR. TURNER: Thank you.

ROB WOOD: Good morning. While that gets set up if you can go ahead and go to slide 4, please.

MS. MILLER: Can you speak more into the mic, please?

ROB WOOD: Yes.

MR. TURNER: Before the witnesses begin, I believe Mr. Wood was not here for the initial swearing in, so we should swear him in.

MS. MILLER: Yes, thank you. I appreciate that. So if you could stand and raise your right hand, do you swear or affirm that the testimony you are about to give is the whole truth and nothing but the truth?

(Rob Wood affirmed.)

MS. MILLER: Thank you. And just -- if

everybody could just say who you are before you start speaking for the transcriptionist and try your best to speak right into the mic. Thank you.

ROB WOOD: Thank you. So good morning. My name is Rob Wood. I'm the Energy Policy and Project Advisor for The Nature Conservancy of Maine. The Nature Conservancy is a global conservation organization working in all 50 states and more than 70 countries and our mission is to conserve the lands and waters on which all life depends. I'll be summarizing the testimony of TNC staff this morning. To my left are Andy Cutco and Brian Emmerson, also co-authors of our testimony. So if it's all right to have them briefly introduce themselves.

BRIAN EMMERSON: Hi. My name is Brian Emmerson. I'm a Mitigation Program Manager for The Nature Conservancy in Maine. I've been working on wetland and natural resource permitting issues for 10 to 12 years and I'm a professional wetland scientist as well.

ANDY CUTCO: Yes. Good morning. My name is Andy Cutco. I'm the Director of Science for The Nature Conservancy in Maine. I've been with the Conservancy for about two years and prior to that I worked for close to 20 years as a Forest Ecologist

with the Department of Agriculture Conservation and Forestry in the Natural Areas Program. I have a graduate degree in forest ecology and I am a licensed forester in Maine.

ROB WOOD: Great so our pre-filed testimony --

MR. MANAHAN: I'm sorry, could I just put a standing objection like I did last time, but to the extent that their exhibits have language that is not in the pre-filed testimony and is in addition like this language on the left side of this exhibit, to the extent that's new and not in the pre-filed we would have a standing objection to it. Thank you.

ROB WOOD: Sure. And...

MS. MILLER: Yup, and that objection is noted and understood.

ROB WOOD: I would just note this text is from our pre-filed testimony. I just kind of combined them on one PowerPoint slide. So our pre-filled testimony addresses three of the hearing criteria, wildlife and fisheries alternatives analysis and compensation and mitigation.

The Nature Conservancy science shows that the forests of western and northern Maine is both regionally and globally significant. Our forest

exhibit shows well-connect -- or sorry. I'm sorry. Our first exhibit shows well-connected forests in eastern North America. Landscape connectedness is a measure of how easily wildlife can move from one place to another and western Maine is unique in the eastern United States where its concentration of lands with above average to high connectivity source.

Next slide, please. Western Maine is also resilient to the changing climate. Our second exhibit shows lands in the northern Appalachian eco region that are both resilient to climate change and highly connected and the two concepts are interrelated. Connected forests allow for greater species movement over time and are responsive to climate change and western Maine will serves as a key wildlife linkage in the northern Appalachian region as the climate changes.

Next slide, please. Data from the State of Maine also shows the regional significance of the specific area where Segment 1 of NECEC would traverse and the state has identified this block as larger than 500,000 acres making it one of the largest unfragmented corridor -- forest blocks in the region.

Let's skip to slide 9. This is perfect. So this is an animated version of our Exhibits 4 and 5.

We also have the just normal Exhibits 4 and 5, but this shows that at a global scale western Maine also serves as a corner of one of the world's last remaining contiguous temperate broadly mixed forests. So our Exhibits 4 and 5 show the historical extent of temperate broadly mixed forests globally and the current extent.

If we could move to slide 11, please. And some of this has also been provided as exhibits by other witnesses and other groups, so please excuse any redundancy. We also note that western Maine supports exceptional biodiversity providing habitat for approximately 140 rare species and nesting habitat for more than 30 woodland and song bird species. This exhibit -- our 6th exhibit also shows that western Maine -- the western Maine mountains are globally significant as a bird area according to the National Audubon Society.

So in short, The Nature Conservancy is concerned about the potential NECEC Segment 1 to contribute to new an unprecedented habitat fragmentation of this globally and regionally important well-connected and resilient landscape. Habitat fragmentation is a particular concern for species that require mature closed canopy forest

cover as noted by others this week. Ultimately, we believe that habitat fragmentation has not been adequately addressed in the Applicant's compensation and mitigation plan.

So I'll touch briefly on the alternatives analysis. We note in our pre-filed testimony that the Applicant makes a reasonable case that among the three action alternatives presented that NECEC would be the least damaging and they do take into consideration habitat fragmentation. However, we believe it would be reasonable for the Department to request a Segment 1 line burial alternative especially because the alternatives analysis does contain an underground transmission alternative specific to the Kennebec Gorge, so we think that would be expanded to the entirety of Segment 1. Understanding the practicability of underground transmission in Segment 1 could be useful especially given the other proposed corridors in northern New England that propose burying significant portions of the line.

So moving to compensation and mitigation. Our last subject area covered by our pre-filed testimony starting with cold water fisheries, we agree that replacing undersized culverts with Stream

Smart culverts can approve aquatic habitat connectivity. However, we note that the $200,000 in compensation that has been proposed would be insufficient to replace the 20 to 35 culverts the Applicant intends to replace. Regarding compensation and mitigation for wildlife habitat impacts, the Applicant states in its revised compensation plan that the plan achieves no net loss of ecological functions and values. We believe that this cannot be the case unless additional steps are taken to mitigate habitat fragmentation. The Applicant's revised compensation plan takes initial steps to mitigate habitat fragmentation, for example, by proposing to establish deer travel corridors in the Segment 1 deer wintering area, proposing to raise pole heights to allow for full height canopy and Roaring Brook Mayfly and Northern Spring Salamander habitat and proposing to taper vegetation in the corridor that is in the viewshed of Coburn Mountain. However, these strategies apply only to a small portion with the 53.5 mile Segment 1 corridor. We recommend that the Department consider requiring additional steps to mitigate habitat fragmentation in Segment 1 to the maximum extent practicable.

We can move to slide 19, please. So we

suggest four techniques to minimize habitat fragmentation. So first, narrow the width of the clear -- or narrow the cleared width of the corridor to the --

MR. MANAHAN: I would object to this. It appears to be an entirely new exhibit, which we haven't seen. It's not in the pre-filed testimony.

ROB WOOD: Could I just respond?

MS. MILLER: Respond.

MR. TURNER: May I respond? Sorry. Just one second.

ROB WOOD: Sure.

MR. TURNER: This is a summary of what's been submitted in the pre-filed testimony.

MR. MANAHAN: Well, can I just say it's not clear unless I review it and compare it to the pre-filed testimony and the instructions were clear that we can't have new exhibits.

MS. BENSINGER: Excuse me, sir, you need to identify yourself for the transcriptionist.

MR. TURNER: Sure. I already did, but I will do it again. Phelps Turner, Conservation Law Foundation. We are a member of Group 6. I'll be the spokesperson today because Mr. Wood is serving as a witness.

MS. BENSINGER: Okay. If the spokesperson could respond to the objection. Say that again, please. You're saying --

MR. TURNER: I did, but I will --

MR. BENSINGER: You're saying it's a summary of his testimony?

MR. TURNER: Yes, that's what I said. It's a summary of -- of what's been presented in the pre-filed testimony.

MS. BENSINGER: It would be better if you just gave it orally because we can't have new exhibits.

ROB WOOD: Understood. So we can take that down, please. So we suggest --

MS. MILLER: Do not look at that.

ROB WOOD: Sure. And that's also butchering the best practices for PowerPoint presentations. So we suggest four techniques to minimize habitat fragmentation; number one, narrow the cleared width of the corridor by burying additional sections of the line; number 2, narrow the cleared widths of the corridor by tapering vegetation within the corridor, we present the Bingham Wind Project as an example where the Department required in places the use of v-shaped management, so tapering in other words;

requiring additional wildlife travel corridors similar to what has been proposed in the Segment 1 deer wintering area and we also know that, you know, that could be confined with tapering; and number four, requiring co-location of the line with the Spencer Road to minimize habitat fragmentation.

We do have one more exhibit actually. I'm so sorry, if -- if you already took it down, that's okay. We can look at it potentially later and it's in our pre-filed testimony for folks who are looking at it it's Exhibit 7, which is priority areas for habitat connectivity identified by our staff.

MS. BENSINGER: We have it here.

ROB WOOD: Okay. Great. So we'll note that the entirety of Segment 1 is a priority for habitat connectivity, but we did take the additional step of narrowing in on the areas that we see as most important from a habitat connectivity perspective.

And then finally, in our pre-filed testimony we note that for habitat fragmentation that cannot be avoided and minimized to recommend compensating by reducing or preventing fragmentation elsewhere in the affected region through land conservation and that would be either preservation or acquisition of conservation easements on land. So we -- we do note

that if you apply kind of standard multipliers to the acreage that is affected or would be affected by the proposed corridor that you could arrive at a number of around 40 to 100,000 acres in terms of compensation for habitat fragmentation without any additional avoidance or minimization.

So that's all. Thank you so much for the opportunity to provide input.

MS. MILLER: Thank you.

MALCOM HUNTER: Good morning. My name is Malcom Hunter. I'm a Professor at the University of Maine in the Department Wildlife Ecology and Conservation Biology. And I have written a number of papers and three books on the topics at hand. I'm used to speaking in 50 minute chunks, so to control myself I'm going to read my testimony, something I virtually never do. That will -- that will also keep me from waxing personal and telling you about skiing down Coburn Mountain or swimming the length of the Kennebec Gorge.

Anyway, so here we go. Habitat fragmentation is wildly recognized as one of the leading causes of biodiversity decline across the globe and thus a key concern here is the differences between the fragmentation generated by working

forests and the transmission corridor. There are three basic ones; the proposed corridor would be essentially permanent, whereas most of the openings created by forestry are patchwork that shifts over time; two, the corridor would be significantly wider than typical logging roads, 150 feet versus 20 to 40 feet; and third, it would be a linear fragmenting feature creating far more edge than forestry cuts of similar acreage. This is simple geometry. A circle has the -- is the shape of the least edge and as you divert from a circle you get more and more edge per unit area. I'll come back to the edge effects later.

It's important to note that the fragmentation effects of the forest management in this region are quite light handed compared to some other forests like the industrial plantations of the southeastern United States or even parts of New Brunswick. Just a few weeks ago, I flew from Amsterdam to Boston and I was really struck by the difference between northern New Brunswick and northern Maine in terms of the intensity of our forest management.

So what does fragmentation of this nature mean for wildlife? This very much depends on the species. Every species is different and we are

talking about hundreds of species of vertebrae animals, thousands of species if we include invertebrates and plants. On one end of the continuum for wide ranging species like coyotes long linear openings are likely to be pathways actually facilitating their movements across the landscape. On the other hand, for a pine marten or a red-backed salamander a power line would be a significant filter to their movement, not an absolute barrier but something that greatly reduces the possibility of -- or probability of their passage of crossing. Even the situation of individual animals can affect this filter effect. For example, we undertook a study of road crossing by amphibians and we found that a juvenile frog disbursing away from its natal pool where it was born is more likely to cross a road than an adult amphibian moving around its home range, so it's all very much dependent on exactly what you're talking about.

Other ecological impacts of the corridor would include just the immediate loss of roughly 1,000 acres of -- of vegetation. This will be a particularly large impact for a species with small home ranges, back to the red-backed salamander, and I want to remind you most species have small home

ranges. We focus on the big ones, the white-tailed deer and bears that have large home ranges and most species have small home ranges and 1,000 acres is significant to them. Introduction of invasive plant species is a significant issue. Large forest blocks resisting invasive species whereas disturbed areas, especially disturbed soil, invite them and once that foothold is established control of invasive plants is extremely difficult.

Edge effects, we've heard a little bit about this this morning, but at the risk of repeating these are caused primarily by changes in light and wind exposure that can profoundly alter the plant communities composition and structure, particularly when that's linked to the invasion of exotic species and ultimately that means an altered habitat for wildlife. As a broad generalization, forest edge is more favorable to widespread species that tend to be of less conservation concerns, raccoons and foxes and such and worse for specialized forest interior species like American marten and many song birds. One global review found forest interior species reach peak performance over 200 to 400 meters from the nearest edge of, you know, 700 to 1,300 feet. So Segment 1 would create 107 miles of new forest edge

and even thinking in terms of an edge effect of just 330 feet that means 5,000 acres of the interior forest that would be directly or indirectly impacted. And with some edge effects occurring in excess of 1,000 feet, we're talking about in excess of 15,000 acres of impacted forest.

I want to wrap up with a bit of a long-term perspective. Many fragmentation effects are not immediate. They may take decades to play out as populations have less habitat and are impeded from movement across the landscape. Second, impacts from a power line would be cumulative and additive to existing features, mainly the major logging roads in the region, but we're not just talking about another straw added to the camel's back. This feature would be a big log put onto the camel's back. Fragmentation likely increases the vulnerability of Maine's native plants and animals through climate change because ultimately it's the movement of individuals across the range leading to the movement of populations that is the main way that species adapt over time to climate might change.

So in summary, I -- I do not believe the proposed mitigation compensation plan as I understand it currently adequately addresses the cumulative

impact to the full array of Maine wildlife. Thank you.

MS. MILLER: Thank you. Cross.

MS. GILBREATH: Morning, everyone. My name is Lisa Gilbreath. I'm here on behalf of CMP. Mr. Wood, I guess, I'll address these to you and your panel. I don't care who responds. But in your TNC testimony you state that sustainable forestry does not fragment large forest blocks in the same manner as a wide linear corridor; is that correct?

ROB WOOD: That's correct.

MS. GILBREATH: And I've heard both you and Dr. Hunter mention approximately 100 miles of new habitat edge that you estimate would be created by this corridor?

ROB WOOD: Correct.

MS. GILBREATH: Have you read the Maine Forest Service statistics for timber harvest in Franklin and Somerset counties that Mr. Goodwin cites in his rebuttal testimony?

ANDY CUTCO: Yes, again, this is Andy Cutco and I am familiar with those statistics.

MS. GILBREATH: So do you agree that for the period 2015 to 2017 those statistics show a total of 27,368 acres of forests for clearcut?

ANDY CUTCO: I'm confident in the statistics from the Maine Forest Service, yes. I would like to also comment on the definition of a clearcut. I think we've heard a lot of discussion this week about clearcuts and their comparison and contrast to what a power line clearing might look like. The definition of -- according to the definition of a clearcut a forest could actually retain as much as 30 square feet of basal area of forest within a clearcut, which if you think about 4 or 5 and 6 or 7 inch trees might be as many as 40 to 50 trees per acre. So even in a silvicultural clearcut as defined by the Maine Forest Service, I think the residual forest looks quite a bit different than what a cleared power line corridor would look like.

MS. GILBREATH: So how would you define a say 30 acre parcel that's been completely leveled to the ground?

ANDY CUTCO: That would certainly qualify as a clearcut, however a couple things. First, only I think 6 to 7 percent of Maine's harvest are clearcuts and most of the clearcuts that I'm familiar with, and I've spent a lot of time with the land managers in this region, most of the clearcuts that I'm familiar with do actually retain some structure, certainly

more than a cleared utilities corridor.

MS. GILBREATH: So is it your testimony that the Maine Forest Service statistics showing 27,368 acres of forest clearcut is inaccurate?

MR. TURNER: Objection. If Ms. Gilbreath is going to cross-examine this witness on those statistics, I'd like to make sure that he has them in front of them so he can consult them.

MS. GILBREATH: Subject to check. They're in the rebuttal testimony.

ANDY CUTCO: As I mentioned, I don't quite --

MS. MILLER: Hold on. Hold on.

MR. TURNER: Sorry, I don't think the objection is ruled on yet.

MS. MILLER: Can you just -- I am sorry to ask you to keep identifying yourself every time you speak, but --

MR. TURNER: Phelps --

MS. MILLER: -- you're new here, so.

MR. TURNER: Phelps Turner, Conservation Law Foundation. I'll be the spokesperson for Group 6 today because Mr. Wood is serving as a witness.

MS. MILLER: I would just -- just when you speak just say Phelps Turner that would just be very

helpful and I know that's really annoying, but where there is a lot of people here and it's really hard for the transcriptionist to keep up.

MR. TURNER: Understood.

MS. MILLER Thank you.

MR. TURNER: This is Phelps Turner, I have an objection to the form of the last question.

MS. BENSINGER: Does the witness wish to see the testimony that she's referring to because it can be provided to you.

ANDY CUTCO: If this is Mr. Goodwin's rebuttal testimony, I am familiar with it, yes.

MS. MILLER: Okay. Proceed then.

ANDY CUTCO: I -- as I mentioned, I don't question the Maine Forest statistics --

MS. BENSINGER: Just -- is that microphone on?

ANDY CUTCO: Yes, it is. I'm sorry. As I mentioned, I don't question the Maine Forest Service statistics on clearcutting. What I wanted to do is provide both a definition -- a regulatory definition and also essentially what might be a visual description of what a clearcut looks like. And a clearcut I think can, in fact, look like an area that is cleared of all trees greater than maybe 2 or 3

inches in diameter but is not by definition a cleared stand of all trees and saplings. It can have as much as 30 square feet of basal area or roughly 30 to 40 trees that are 4 or 5 and 6 inches tall can still be defined as a clearcut, so there is a lot of variety within what the clearcut looks like on the ground and they don't all look like a cleared power line corridor, that's my point.

MS. GILBREATH: Do clearcuts have an edge effect?

ANDY CUTCO: It depends on the intensity of the clearcut and I would say they probably do have an edge effect, but as many others have described it's a much shorter lived effect than a permanent corridor.

MS. GILBREATH: How long does it take a clearcut area to regenerate?

ANDY CUTCO: As I --

MS. GILBREATH: To full forest canopy.

ANDY CUTCO: As I mentioned, most clearcuts have some retained regeneration within them, so they'll already have trees that are 20 to 30 feet tall. In terms of sap- -- or a seedling, let's say, that are 2 or 3 feet tall, it may take -- to get to 25 feet tall it may take 25 years.

MS. GILBREATH: Are you aware that the

entire border between the United States and Canada is cleared and mowed?

ANDY CUTCO: I am.

MS. GILBREATH: Would you describe that area as an impediment to the movement of animals?

ANDY CUTCO: I would. And I would defer to Dr. Hunter if he wanted to elaborate on -- on that. As I think you heard from his testimony there is -- there is a lot of gray in this. I think there has been an attempt this week to simplify matters and categorize things in a lot of black and white, so I am sure it's a barrier to some species and not others just like a utility corridor would be.

MS. GILBREATH: Dr. Wood, would you like to add?

MALCOM HUNTER: Hunter.

MS. GILBREATH: Oh, I'm sorry. Mr. Wood, Dr. Hunter.

MALCOM HUNTER: Yeah. No, I didn't think I have much more to add to that except that, yes, I don't know that the border is actually mowed, the parts I've walked, but -- but you're right, it's wide, it's a wide clearing and -- and, again, it -- whether or not it represents a fragmenting feature depends very much on the species you're talking

about.

MS. GILBREATH: Now, back to TNC, you discussed in your presentation and in a few places in your testimony the concept of tapering; am I correct?

ROB WOOD: Correct.

MS. GILBREATH: Have you read the compensation and mitigation plan that CMP submitted into the record in January of this year?

ROB WOOD: Yes, I have.

MS. GILBREATH: Are you familiar with Exhibits 10-1 and 10-2 of the Site Law Application that were revised and submitted with that compensation plan in January 2019?

ROB WOOD: Yes, I have -- I have not read it in the past couple of days, but I have read it.

MS. GILBREATH: Well, let me remind you that those are the construction vegetation clearing plan and the post-construction vegetation management plan, does that ring a bell?

ROB WOOD: Yes.

MS. GILBREATH: And within those plans CMP has a proposal for what we've been referring to as tapering here; is that correct?

ROB WOOD: Yes, that's correct. I would say that the -- I did not see any diagrams in those

exhibits. I believe there is a diagram of what tapering would look like in the Coburn Mountain viewshed in other materials, but we have not seen a diagram in those exhibits.

MS. GILBREATH: Are you aware that within those management plans CMP describes that where possible as part of its tapering plan there will be no clearing from edge to edge and instead there will be selective vegetation management to achieve the tapered effect?

ROB WOOD: Could you clarify if you're speaking about which -- which portions of the corridor you're referring to?

MS. GILBREATH: Where tapering has been proposed.

ROB WOOD: And could you elaborate on those specific areas?

MS. GILBREATH: Not off the top of my head. But within the vegetation plans that are in 10-1 and 10-2.

ROB WOOD: So our understanding is that based on application materials and conversations that tapering could be achieved by allowing existing stands to remain in place and so it could be done without clearing initially and I think we would argue

that that is -- that would be highly preferable to -- to clearing initially and so if that is the point you're driving toward I think, yes, leaving trees up to 35 feet high down to 15 feet high in the middle of the corridor without clearing those trees initially they could be retained that could be helpful, but I would defer to my colleagues in terms of to the extent that's helpful.

MS. GILBREATH: Thank you, Mr. Wood, that is the point I was driving at and I just wanted the record to be clear that that is part of our tapering plan.

ROB WOOD: And I would just note --

MS. GILBREATH: And you understand it.

ROB WOOD: And I would just note that I -- my understanding to that is proposed primarily for the Coburn Mountain viewshed and which is a 3 mile portion of the 53.5 mile Segment 1 corridor and so a small portion of Segment 1.

MS. GILBREATH: Now, anyone from TNC, do you agree that utility corridors can minimize hard edge impact on fragmentation by applying soft edge management techniques such as integrated vegetation management and maintaining what I'll refer to as vegetation bridges for wildlife movement?

ANDY CUTCO: Yes, I think we are familiar with the fact that vegetation management can enhance habitat in the context of a much more developed and disturbed environment. Southern Maine, southern New England. If I -- I lived in southern Maine and I have a power line near my house and there is definitely wildlife that use it, however, most of those wildlife species are a number of those that have been described earlier today as generalists, the foxes, the raccoons, the blue jays, et cetera, many of which are actually predators.

MS. GILBREATH: And Mr. Emmerson, do you think the Maine Department of Inland Fisheries and Wildlife has expertise in the management of wildlife in Maine? I'm sorry, Mr. Cutco. I confuse the two of you.

ANDY CUTCO: Yes, I do. We've worked a lot -- I've worked a lot with IF&W in the past and The Nature Conservancy has a number of ongoing projects with IF&W, so, yes, we do.

MS. GILBREATH: And does IF&W have that same expertise in habitat fragmentation?

ANDY CUTCO: That's a good question. I -- I -- understanding their regulatory purview, I am not sure that they spend a lot of time focusing on large

scale habitat fragmentation of the scale of this project, so that's an open question. There are some certainly dedicated and bright people who I'm sure thought about it at IF&W.

MS. GILBREATH: Do you believe that IF&W has expertise in ensuring adequate mitigation strategies to protect wildlife and fisheries habitat?

ANDY CUTCO: I believe IF&W has a valid perspective on the topic, absolutely.

MS. GILBREATH: And are you aware that CMP has consulted extensively with IF&W on travel corridors and riparian buffers?

ANDY CUTCO: I am. My -- I guess my understanding of this proceeding is that your aim is to collect I believe the term is all relevant evidence regarding perspectives on habitat fragmentation and impacts and so I feel as though our perspective, certainly that of Dr. Hunter, is -- is valid as well.

MS. GILBREATH: On Page 8 of TNC's testimony, TNC requests that CMP consider IF&W's recommendation to maintain a 100 foot riparian buffer on all streams within the project area. I believe it is the second to last full paragraph beginning with the Conservancy also appreciates the Applicant's

proposal.

ROB WOOD: Sorry, could you repeat -- is the question do you see that?

MS. GILBREATH: Do you see that?

ROB WOOD: Yes.

MS. GILBREATH: Okay. Are you aware that CMP modified its proposal in January 2019 in that submission that we spoke of earlier by expanding its proposed buffer to 100 feet for cold water fisheries habitat?

ROB WOOD: Yes.

MS. GILBREATH: Okay. And that CMP also proposes for all other streams a 75 foot buffer expanded from its previous proposal of 25 feet?

ROB WOOD: Yes.

MS. GILBREATH: Quickly, Dr. Wood, you mentioned in your --

ROB WOOD: Dr. Hunter or?

MS. GILBREATH: Mr. Wood. You need to get a PhD, Mr. Wood.

MALCOM HUNTER: He deserves the PhD after this after his name as well.

MS. GILBREATH: Oh, of course, which is a doctorate. You noted, Mr. Wood, in your summary testimony morning that TNC would benefit from

understanding the practicability of undergrounding the project; is that correct?

ROB WOOD: So I -- I think the way we phrased it as -- is as the state could benefit from understanding the practicability.

MS. GILBREATH: Are you aware that CMP submitted extensive rebuttal testimony on just that proposal?

ROB WOOD: Yes. Yes, I am and I also understand there will be another hearing day in May specific -- specifically on that topic.

MS. GILBREATH: Thank you. I have no further questions.

MS. MILLER: Thank you. Group 4.

MR. PUBLICOVER: All right. Dave Publicover from the Appalachian Mountain Club for Group 4. And I'm going to want to bring TMC's exhibits back up on the screen that we had earlier. All right. I'd like to -- I'd like to start with Dr. Hunter.

MS. MILLER: Hold on a second. We talked about some of those.

MR. PUBLICOVER: I believe this is one that was not objected to.

MS. MILLER: Okay.

MR. PUBLICOVER: And I'm only going to refer

to one.

MS. MILLER: Okay. Thank you.

MR. MANAHAN: All right. Just to clarify, I believe we objected to all of them if they didn't -- so if they didn't -- if the information or if the slide itself was not in the pre-filed testimony, so just --

MR. PUBLICOVER: I -- I can get the same thing from my exhibit if you'd rather I pull that one up.

MS. MILLER: Let's just pull up the actual exhibit from the actual testimony, which I believe we have on there, do we not?

ROB WOOD: Could I just respond as well just to save --

MS. MILLER: Yes.

ROB WOOD: In terms of, you know, the -- what my understanding was for the summary testimony, I don't think that there was an explicit instruction that we couldn't have PowerPoint slides that had text on them with our exhibit.

MS. BENSINGER: The PowerPoint slides, and maybe we could have been clearer, are just supposed to be of the -- it's just supposed to have exhibits that were actually submitted and not recombinations

of things, but the exhibit that Mr. Publicover is going to use is just a regular exhibit that was submitted...

MR. PUBLICOVER: And it's a -- it's essentially identical to an exhibit that I submitted to you and if you'd rather I pull up --

MS. BENSINGER: Great. Let's use that one.

MR. TURNER: May I also interject, please.

MS. MILLER: Yes.

MR. TURNER: Phelps Turner, spokesperson for Group 6. I just want to add I don't believe it was Mr. Wood's intention to enter any of the PowerPoint into the record. We were using the slides as illustrative demonstratives, so.

MS. MILLER: Yup. And we allowed them as such.

MR. TURNER: Thank you.

MR. PUBLICOVER: All right. Are we good to go?

MS. MILLER: Yes. Thank you.

MR. PUBLICOVER: Dr. Hunter, I think you maybe sold yourself a little short on your qualifications. You've been a Professor at University of Maine for 40 years.

MALCOM HUNTER: (Witness indicating yes.)

MR. PUBLICOVER: You've been researching biodiversity in both Maine and globally for that time?

MALCOM HUNTER: (Witness indicating yes.)

MR. PUBLICOVER: You've authored or edited three books on the subject and numerous peer review publications.

MALCOM HUNTER: (Witness indicating yes.)

MR. PUBLICOVER: You are --

THE REPORTER: Excuse me, he has to answer out loud for the record and not nod. Please verbalize your answers.

MALCOM HUNTER: Oh, sorry, yes. I was waiting for the end.

THE REPORTER: Thank you.

MR. PUBLICOVER: And you were past President of the Society for Conservation Biology, correct?

MALCOM HUNTER: Yes.

MR. PUBLICOVER: All right. Now, several witnesses that we've heard extensive testimony about the significance of the western Maine mountains as part of a nationally and even globally significant region. Could you explain how this region could be considered so significant given that much of it is managed commercial timberland?

MALCOM HUNTER: Well, I think there are two considerations there. First of all, the -- when you hear managed timberlands there is a range of situations that that covers. And as I alluded to earlier compared to much of the forest plantations of the southeastern United States or even New Brunswick and much of southern Quebec our lands are much more widely managed than those situations where you have rows of spruces planted and so forth. So there -- there is -- that's part of the story. And the other the extent to which we are connected as a number of maps have shown the -- because we are sitting on the spine of the Appalachians there is connectivity to forested regions through the Adirondacks and beyond and up into the Maritime Provinces, the Gatsby, et cetera, so all of these things combine to make this as you alluded and that this map depicts is a globally significant place.

MR. PUBLICOVER: All right. In terms of connectivity, you know, we've heard that this region is permeated by logging roads. How do logging roads impact connectivity as compared to the new corridor?

MALCOM HUNTER: Well, they have an impact certainly and particularly a permanent road like the Spencer Road would have an impact, but significantly

less just simply if for no other reason than the -- than the width of the road is going to represent a fragmented feature for fewer species. Again, I always come back to the -- there is a whole suite of species out there and every one of them looks at the world a little differently, but they're going to be far fewer species that see a forest road as a fragmenting feature than a 150 feet wide corridor associated with the power line that's proposed.

MR. PUBLICOVER: Sometimes the term habitat permeability is used, could you describe what that means?

MALCOM HUNTER: Well, just, again, species by species the extent to which a particular -- typically we're talking about vegetation types and to what extent they are willing to move into and through a particular type of vegetation would constitute its permeability.

MR. PUBLICOVER: And why should we care if salamanders can get from one side of corridor to the other?

MALCOM HUNT: Do you want me to whack philosophical about the value of salamanders?

MR. PUBLICOVER: No, I want you to whack ecological about consequences of separating

salamanders on one side from the other.

MALCOM HUNTER: Okay. Well, it's not just a matter of losing cultural bonds or the -- the population connectivity is -- sorry, this gets into some fairly arcane stuff about metapopulations and things, but to try and keep it simple the populations need to be connected. They're -- the populations are divided into small subpopulations that are forever in danger of this disappearing and needing new genetic input and there is -- a population that is isolated is in danger of going extinct and staying extinct if it is not connected. The connectivity whether it's about population shifting the geographic range in response to climate change or avoiding genetic inbreeding or avoiding a shortage of males or females in a given population, there is a host of reasons why populations need to be connected and fragmentation works directly against that.

MR. PUBLICOVER: All right. Ms. Gilbreath brought up the point that there is it a cleared swath along the border and you said you've been in that swath. If I told you that swath was about 30 to 35 feet wide, would that be consistent --

MALCOM HUNTER: That's consistent with my memory, yes.

MR. PUBLICOVER: Okay. All right. Some of these questions you already addressed during your summary. All right. In your opinion, would the early successional habitat that would be permanently maintained in the new corridor result in an overall improvement to habitat quality in the region?

MALCOM HUNTER: No.

MR. PUBLICOVER: All right. In his pre-filed testimony CMP witness Mr. Mirabile states that the project will not disrupt or interfere with wildlife life cycles, do you agree with this conclusion?

MALCOM HUNTER: Definitely not.

MR. PUBLICOVER: All right. And I think we've addressed this, the Applicant contends that the fragmenting impacts of the corridor are no different than the fragmentation created by the existing pattern of timber management in the region, do you agree with that conclusion?

MALCOM HUNTER: No.

MR. PUBLICOVER: That's all for now. I may think of another one and come back, but now I'd like to move onto Mr. Cutco. I just want to make sure that people understand this exhibit which both you presented and I adopted as well. So the top slide

that the -- the green area represents the mixed temperate or the temperate mixed hardwood or temperate and mixed hardwood and mixed forest biome, correct?

ANDY CUTCO: Yes.

MR. PUBLICOVER: And could you describe what that is?

ANDY CUTCO: It's a certain forest type that has characteristic species and a map of all -- as it indicates a map of all extents across the globe. So it would be different than, for instance, the boreal forest or the tropical forest.

MR. PUBLICOVER: All right. And in the bottom slide the green represents the remaining large forest blocks within this biome, correct?

ANDY CUTCO: Yes.

MR. PUBLICOVER: All right. And do you know what the map -- what they considered large was?

ANDY CUTCO: Thousands of acres typically. So as you can see here, obviously we had some discussion about scale earlier in the day and clearly areas of even hundreds of acres wouldn't show up at a scale of this map, so I don't know the exact number, but it's thousands of acres.

MR. PUBLICOVER: All right. And within the

red line that represents our region, that's not a single forest block, is it, it's multiple forest blocks? I mean, if you zoomed in on this map would you see a separation created by Route 201?

ANDY CUTCO: Obviously it depends how you defined forest blocks, but, yes, you would likely see a separation by Route 201. Probably 201, probably 27, Route 6 and some of the traveled roads in the area, yes.

MR. PUBLICOVER: Okay. So they haven't been ignored in this analysis?

ANDY CUTCO: Correct.

MR. PUBLICOVER: Okay. In terms of the difference between the top and the bottom, what happened to all that green in the top slide?

ANDY CUTCO: Well, it's largely clearing of forest and development over the last several centuries. As you can imagine, there has been significant change in the landscape of the globe and that change is manifested in these maps.

MR. PUBLICOVER: Okay. And would it be fair to say that this biome lies where some of the most intensively settled portions of the globe are of the eastern United States, Europe, China, Japan?

ANDY CUTCO: Yes, I think that's a fair

statement.

MR. PUBLICOVER: Okay. Now, we've heard a lot about The Nature Conservancy's resilient and connective landscapes analysis and how do you define -- how did TNC define resilience?

ANDY CUTCO: In the context of ecological resilience it's defined as the capacity of a site to maintain species diversity and ecological function in a changing climate.

MR. PUBLICOVER: Okay. In the interest of time, I'm not going to ask you to go into details, but who was involved in developing that analysis?

ANDY CUTCO: The key architect of it was Dr. Mark Anderson who has been with the Conservancy for more than 20 years and he had input from Conservancy scientists and others all across the country.

MR. PUBLICOVER: All right. And has that analysis been peer reviewed?

ANDY CUTCO: The underlying concepts were published in the Journal of Conservation Biology in 2014, I believe.

MR. PUBLICOVER: Okay. Thank you. And as we've seen in both your exhibits and my exhibits, this region rates very highly in terms of climate change resilience. In Mr. Manahan's cross of

Ms. McMahon when he had the slide up showing resilient lands he asked where the highways were, do you recall that?

ANDY CUTCO: Yes, I guess.

MR. PUBLICOVER: Okay. Are roads and highways considered in that analysis?

ANDY CUTCO: Yes, they are.

MR. PUBLICOVER: All right. And how are they -- how are they considered?

ANDY CUTCO: Well, without -- I guess I could get into a lot of detail here, but in the 2016 publication that summarized the resilience analysis there were over 70 data layers that were involved. One of the data layers was a land use or land cover, basically what's -- what's occurring on the landscape. Every type of land cover was assigned a value from 1 to 20 in terms of resistance to wildlife movement, so a highly developed landscape would be a 20, highly resistant to wildlife movement, an intact mature forest land would be a 1. So roads, hay fields, forests, every type of conceivable development was assigned a number in that analysis.

MR. PUBLICOVER: All right. So and something like an interstate highway would be considered -- would have a higher number would be

considered to have a higher resistance than say a logging road?

ANDY CUTCO: Major roads were assigned a value of 20.

MR. PUBLICOVER: Okay. And were transmission lines considered in this analysis?

ANDY CUTCO: They were.

MR. PUBLICOVER: All right. And how were they considered to be in terms of the resilience to species movement?

ANDY CUTCO: The number on a scale of 1 to 20 is a -- is a 9 for a transmission line.

MR. PUBLICOVER: And so what would that be comparable to?

ANDY CUTCO: Well, so for comparison, as I mentioned, mature intact forest is a 1. The rating that is given for private industrial forest land in the United States is 3. So roughly three times the resistance of managed forest land.

MR. PUBLICOVER: Okay. And but what other features were sort of in that middle range with transmission lines?

ANDY CUTCO: There is something called developed medium intensity, baron land, non-natural, cultivated crops are actually given a 7, developed

open space, developed low intensity both 8 et cetera.

MR. PUBLICOVER: All right. I don't --

ANDY CUTCO: Pipelines and railroads, pipelines are also 9.

MR. PUBLICOVER: Okay. Thanks. I'd like to ask a few questions of Mr. Wood. In Mark Goodwin's rebuttal testimony starting on the bottom of Page 15 he cites the websites of the Habitat Network in support of the argument of that the corridor provides habitat benefits, are you familiar with this material in Mr. Goodwin's testimony?

BRIAN EMMERSON: Yes.

MR. PUBLICOVER: All right. And the Habitat Network is a partnership between TNC and the Cornell Lab of Ornithology, correct?

ROB WOOD: Correct.

MR. PUBLICOVER: Okay. Do you believe Mr. Goodwin has fully and accurately represented the material on the Habitat Network website regarding transmission corridors?

ROB WOOD: Not -- not fully. So there is the citation to an article on the website, one article on the website, and there are some bullet points underneath that are in terms of summarizing that article in his rebuttal testimony, but the --

the kind of lead in to that article that he references on the website, the Habitat Network, starts out utility corridors run the gauntlet traversing both the physical and the social landscape mile after mile and tower after tower. They distribute energy to cities and towns but also carve their path through the wilderness disconnecting habitats and disturbing the environment.

MR. PUBLICOVER: Okay. Thank you. That's all I have.

MS. MILLER: Thank you. I'm going to call for about a 10 minute break.

(Break.)

MS. MILLER: So we're going to go ahead and resume cross-examination of Group 6 witness panel. Right now, I think we are up to Groups 2 and 10.

MS. BENSINGER: And if I might just mention for the record that Group 7 has submitted a paper copy of its cross-examination Exhibit 1, so everybody should have a copy of that now. They, I assume, have been handing them out or they're handing them out now.

MS. BOEPPLE: Good morning. Elizabeth Boepple representing Groups 2 and 10. I really have very few questions for the panel. Fortunately, Dr.

Publicover covered the vast majority of it in the language that you all speak and I don't speak, so my questions are just a few and those go to your pre-filed testimony when all of you basically said that you are neither for nor against the project; is that correct?

ROB WOOD: Yes, that's correct.

MS. BOEPPLE: And that position seemed to be premised on certain conditions that you would accept as compensation and mitigation; is that correct?

MR. TURNER: Objection. I just want to -- I am wondering if there was a citation to --

MS. MILLER: Can you speak up? I can't hear you.

MR. TURNER: Phelps Turner spokesperson for Group 6. Before we go any further, I just was hoping to get a citation to the testimony so we know where we are because I believe that Ms. Boepple is referring to the last section of Page 1 the testimony says our position in this proceeding is neither for nor against a permit being issued, is that where we are?

MS. BOEPPLE: That is correct.

MR. TURNER: Okay. I just wanted to know -- so the witnesses know where we are.

MS. BOEPPLE: Yes.

MS. MILLER: Thank you for the clarification.

MS. BOEPPLE: And so I'll -- I'll be a little more specific. And in the conclusion sections of your testimony you set forth certain compensation and mitigation proposals; is that correct?

ROB WOOD: Correct.

MS. BOEPPLE: Okay. And so my question to you really is if those conditions or something similar to those were not part of what the Department imposes, would your -- and they decided to issue the permit, would your position still be neither for nor against the project?

ROB WOOD: So ultimately I think we need to see what is put forward as conditions, but if the question is if there are no additional conditions how would our position change. So I think we would say that the measures taken to avoid, minimize and compensate for impacts to habitat fragmentation are inadequate and so that's how we would -- that's how we would approach it.

MS. BOEPPLE: And that therefore -- okay. Thank you. Dr. Hunter, what would your position be?

MALCOM HUNTER: I would be against the

project speaking personally.

MS. BOEPPLE: And in your professional opinion?

MALCOM HUNTER: Yes.

MS. BOEPPLE: Thank you. No further questions.

MS. MILLER: Thank you. I don't think there is anyone here from Group 3, so Group 7.

MR. SMITH: Good morning. Ben Smith for Group 7. I promise I won't ask any questions about coyotes.

(Laughter.)

MR. SMITH: So I want to follow-up if I could on I think some comments that Mr. Emmerson had in response to questions from Dr. Publicover and he was asking you about resistance values and obviously you were talking about different values for different types of development. I think you said for like a major or road it would be a 20?

ANDY CUTCO: Yes. And it's Mr. Cutco not Mr. Emmerson.

MR. SMITH: I'm sorry. I apologize, Mr. Cutco.

ANDY CUTCO: No worries.

MR. SMITH: Transmission line you said would

be about a 9?

ANDY CUTCO: Yes.

MR. SMITH: And a pipeline would also be a 9, correct?

ANDY CUTCO: Yes.

MR. SMITH: And the reason a pipeline would be a 9 is that presumably because in order to make sure that that line remains reliable over time you don't have roots and what not growing into it, you allow for maintenance going forward, you'd have to clear some portion of a corridor above it?

ANDY CUTCO: I think the -- the ranking is that the corridor would be somewhat similar to a transmission line, yes.

MR. SMITH: And it would have to be maintained for whatever the duration of that line?

ANDY CUTCO: Yes.

MR. SMITH: Okay. And you -- have you been here throughout the hearings?

ANDY CUTCO: No, I have not.

MR. SMITH: Okay. Are you aware that there was testimony that if buried and if feasible to be buried that the NECEC would require a minimum of 75 feet cleared of the line if it were buried?

ANDY CUTCO: I have not been familiar with

the specifics on burial, no.

MR. SMITH: Okay. Well, I guess assuming that is the case, would you agree that even if the line were buried it would still maintain a value of 9?

ANDY CUTCO: I think there are a lot of questions about the specifics of burial and whether it's superficial or directionally drilled or bored and I am not prepared to make the qualification about a ranking of the impact based on the lack of information I have about the specifics.

MR. SMITH: Okay. Well, let me ask you this way, I guess assuming that it were going underground and there is some sort of area that would have to be cleared and maintained, would you agree that if that area and if that impact is the same as the transmission line that the buried approach would still have the same value?

MS. TOURANGEAU: Can I object that the pipelines that are being referenced in those documents are not necessarily buried?

MR. SMITH: Well, I guess -- I don't think Ms. Tourangeau is on the stand here and I don't -- I object to the speaking objection.

MS. BENSINGER: What is the nature of your

objection?

MS. TOURANGEAU: The objection is that he's crossing on something that was outside the scope of his direct and that the question that he's presenting is assuming that the pipelines that he's referencing in those materials that are outside the scope of the direct are buried when there has been no foundation or evidence to that effect.

MR. SMITH: I don't think it's outside the scope. I'm sorry.

MS. BENSINGER: I would recommend that the Presiding Officer allow the question to be clarified.

MS. MILLER: Yeah, I -- can you ask the question and be a little more clear on the assumption?

MR. SMITH: Yeah, I can try. I don't think I'll get it out the same way I get it out the last time. But what I think I'm getting at is even if you don't know the particulars of the NECEC and how it's going to be buried, all of the details, would you agree that if the line is to be buried there is going to be some impact, right?

ANDY CUTCO: Yes, I agree with that.

MR. SMITH: Okay. And if the portion of the land to be cleared is relatively comparable to the

portion or is significant compared to the portion of the clearing if it were actually over head that there would be maybe the same values assigned?

MR. TURNER: Just a point of clarification, Mr. Smith, I don't have an objection, but if you could clarify whether you're talking about undergrounding the entire line or parts thereof I think that could be helpful.

MR. SMITH: I'm talking just any portion that be underground.

ANDY CUTCO: Sure. If you took a specific cross-section and had a very similar clearing for a buried line as opposed to an overhead transmission line, I think the impacts on wildlife would be similar.

MR. SMITH: Okay. Thank you.

MS. MILLER: Okay. Thank you. I think we're now up to Department questions.

MR. BEYER: Thank you. Dr. Hunter, on Page 3 of your testimony you state there are no known examples of this kind of fragmentation which are comparable in Maine, can you explain that?

MALCOM HUNTER: Yes. In terms of a -- I was not aware of any power line of this -- with this scope and length both width and length of going

through an analogously intact landscape.

MR. BEYER: What about Bangor Hydro's 345 line down the Stud Mill Road or the Downeast Reliability Project, are they not comparable?

MALCOM HUNTER: That's probably the -- the closest analog. That -- I think there is a difference there in that that power line follows very close -- well, first of all, there are three things there now. There is a gas line, a power line and the Stud Mill Road. The Stud Mill Road is one of the major logging arteries in the -- in the state and has been since the '70s, so it's really not comparable to the Spencer Road, so in that sense it is rather different. It took -- they took advantage of that existing fragment feature and put the power line largely directly along it. There are some -- some deviations.

MR. BEYER: Wouldn't the Stud Mill Road be a far more fragmenting feature in the landscape than this would be and the associated infrastructure projects that are located next to it?

MALCOM HUNTER: Yes.

MR. BEYER: Okay. Mr. Wood, in your first -- on Page 9, first paragraph of your direct testimony, you state the Department and MDIF&W have

required compensation for mitigation -- compensation and mitigation for impacts which were not specifically required including cold water fisheries. Can you discuss why you think that, please?

ROB WOOD: Yeah. So it's my understanding -- so the, for example, the compensation for corridor fisheries, the 200,000 for culvert replacements, but that's not addressing the regulated resource under NRPA in the same way that addressing the Roaring Brook Mayfly or the spring salamander is addressing RTE species. Is this specifically for me or the entire panel?

MR. BEYER: Anyone can answer.

ROB WOOD: Okay.

BRIAN EMMERSON: This is Brian Emmerson. I would -- I would think we're also forgetting the fact that it's not specifically called out as significant wildlife habitat or -- and I don't think -- and I don't believe brook trout are rated as a rare, threatened or endangered species in the state, so that's where we're going.

MR. BEYER: Okay. Back to Dr. Hunter. There has been lots of testimony this week that there is an abundance of early successional forest in this part of the State of Maine. Is there particular

patches of mature forest that this project goes through that are particularly going to be particularly impacted; in other words, they're mature now and they will be removed?

MALCOM HUNTER: I am afraid I can't answer that -- that question. I was out of the country for most of the month of March and so I had limited time to prep for this.

MR. BEYER: Okay. In your summary you also said that this project would be the log on the camel's back. Would it break the camel's back?

MALCOM HUNTER: I anticipated that question. I did get a chance to listen to the live-stream and I have heard you ask the tipping point question of other people. It's an interesting and important question. One that I've thought a lot about in generic terms. I've actually written a paper about the interface between ecological tipping points and public environmental policy. The tipping points are incredibly important where they exist, but they are actually relatively uncommon. Most ecological responses are just nice long lines. There may be some bends in the line, but there aren't, you know, break points like that under most circumstances. The -- so in environmental policy it's really

important to think about those tipping points and avoid them obviously, but 9 times out of 10, 95 times out of 100 we're really just making arbitrary selections, arbitrary points along a -- on a continuum of impact and I -- honestly, I think that's what we're talking about here. The -- I don't honestly believe that, you know, half the populations of species in this region are going to go extinct if we cross some line. But back to my big log, I am saying that along that continuum of environmental impact that would shift us along there dramatically.

MR. BEYER: Nothing further. Thank you.

MR. BERGERON: I guess I'd like to hear from each of the panelists. Some of the lines of questioning yesterday relate to priorities of different types of mitigation techniques whether it's burying sections of the line in Segment 1, additional taperings, raising pole heights, certainly your Exhibit 7 of your direct testimony from TNC has a number of areas. Could you help prioritize those areas and describe whether that would be additional pole heights tapering or undergrounding?

ROB WOOD: So I'll pass it down the line in just a minute. I just -- I would start by saying that, you know, kind of on a principle level our core

priority would be to retain mature forest where it currently is and to allow for a mature forest growth. And so to the extent that mitigation techniques can allow for that so, for example, raising pole heights in areas and of course taking into consideration scenic impacts as well, but the fact that, you know, full mature forest canopy cover can be allowed under -- under the poles for Northern Spring Salamander and Roaring Brook Mayfly that's important also. Horizontal and directional drilling to allow for forest canopy to remain on the surface. Those -- those two would be the best in terms of allowing for full forest canopy cover.

And that -- I would say another point just to bring up is that we believe that tapering and wildlife travel corridors kind of as they've been proposed in the deer -- deer wintering area for Segment 1 that those techniques aren't mutually exclusive, so you could combine those as well as potentially raising pole heights enough to allow for vegetation that's high enough to -- to allow for movement of species like marten, but I would believe kind of the prioritization to some of my colleagues here, but I think on the principle kind of approach that the least impact on habitat connectivity would

be retaining mature forests, which could be achieved through a couple of those techniques.

BRIAN EMMERSON: Yeah, I can just add on. This is Brian Emmerson. I'll largely just echo what Mr. Wood just said, but just to emphasize the point that I think a lot of these measures can be done in combination with each other to create a really, you know, to create a better area of connectivity, so if this project were to be approved as is we would like to, you know, see some of those measures I think done in combination in multiple, you know, ideally along the whole corridor if possible, but in some select areas.

ANDY CUTCO: This is Andy Cutco. I'll speak to the, I guess, the spacial prioritization. We submitted a map indicating about nine different that we had identified as potentially important areas for connectivity. We did that based on our knowledge of riparian areas or streams, wetlands and land cover. As I listened to some of the testimony of Group 4, I recognize that a lot of the areas that were identified as priorities for stream crossing and brook trout habitat actually do align quite well with our priority areas for connectivity. However, that analysis, I think, could use a more robust discussion

1 particularly with IF&W. We would appreciate IF&W's
2 input on additional important areas for connectivity
3 and a greater review of ours.
4 And the other comment I would make is that a
5 lot of this, I think, in terms the mitigation
6 techniques the specifics can be site specific in
7 terms of the specific -- the western part of Segment
8 1 in particular has a lot of topography, rugged
9 mountains, valleys, and so I would think some
10 analysis there would be useful to look at where pole
11 heights -- raising pole heights and tapering and
12 combining that with minimal visual impact could
13 produce some positive results both in terms of
14 wildlife and minimizing impacts on scenic character.
15 Obviously, the scenic character is not something that
16 we have expertise in, but we know that's a
17 consideration that DEP is looking at as well.
18 Anything for you, Malcom?
19 MALCOM HUNTER: Well, again, as I explained,
20 I have not had the time to get into sort of the
21 specific segment by segment issues here, but speaking
22 generically as somebody who, frankly, instead of
23 prepping for testifying today, I spent a half of the
24 last four days listening to this live-stream here. I
25 couldn't tear myself away. And the -- and I've heard

this issue come up repeatedly in terms of prioritization for mitigation and the alternatives and I am now hearing five alternatives, the burying the line, co-locate with the Spencer Road, raise pole height, taper vegetation and do whatever is proposed for the deer wintering areas, the corridors for deer movement and it strikes me that a number of those are combined, so there is probably at least a dozen different possibilities and some of those possibilities would make sense in different segments, et cetera, but the -- but at the end of the day, I begin to have enough understanding of the environmental mental impact and the real cost from independent sources of what it would take to undertake those and I think there is a lot of analysis and further information that's going to be needed to sort this out.

ANDY CUTCO: I'd like to make a, I guess, one more reflection on the mitigation that's been discussed. As we among our team have talked about the various proposals that have come forward, I am personally not convinced that even if a lot of these on-site mitigation techniques were implemented, I think we would still -- I think we would still have some potentially significant impacts from the

corridor and so I think the possibility of conserving additional land to offset those impacts where we could ensure contiguous mature forests were conserved in the region, I think is certainly an important and viable part of the mitigation package as well.

MR. BERGERON: Thank you.

MS. BENSINGER: I do have a few questions. Mr. Wood, you mentioned today and on Page 9 of your pre-filed direct testimony that your recommendation is to have the vegetation on the corridor tapered. Today in particular you testified that you recommended that the whole width of the 150 foot wide corridor not be cut initially and have the edges then grow back. Is it your understanding that CMP's proposal for the Coburn Mountain section is to cut the width of the 150 foot section and then let the edges grow back to a tapered look?

ROB WOOD: So I am not sure that that question is actually addressed in the application material, so I'm not sure that's in the record in the application materials or testimony. What I believe I heard this week and, you know, have heard from CMP is that the -- it would be possible for trees of the height limitations that they've discussed for a tapering scenario to be retained during the initial,

you know, construction if the project were to be permitted and so that would be, you know, really important, right, because as we've heard from others here today if you take down all of the vegetation currently in that corridor it will take quite some time for it to grow back and that would be problematic and so the idea that you can retain existing vegetation, you know, up to 35 feet high in certain segments, up to 25 feet high in other portions and up to 15 feet high as, you know, if the corridor were permitted and constructed that being able to leave that vegetation there to say it's helpful, but, again, I would, you know, say there are other techniques in addition to vegetative tapering that could retain, you know, a higher canopy.

MS. BENSINGER: In your testimony you reference the Bingham wind permit as required a v-shaped transmission corridor, v-shaped vegetation. It's been a while since I've looked at the Bingham wind permit, can you elaborate on how wide that transmission corridor is and what that v-shape vegetation would look like?

BRIAN EMMERSON: Yeah. I can -- I can take that. This is Brian Emmerson. That was -- so the Bingham one, that particular line was a generator

V-line that came from the wind turbines into the grids, so I believe it was a 115 kV line, I think. And from looking at the permits -- and I have a couple notes here if you give me just a second. I'm looking at the order that was issued by the -- by the Department, the -- it was that particular area that was within a deer wintering area, a mapped deer wintering area, and so I believe that was mitigation for impacts and so the line was cut in a v-style during clearing and they were left with I believe at least as far as what the order said and I didn't -- I haven't been on the ground to see how it came out in reality, but the order said they were going to leave a 21 foot wide section down the middle which they used for access during construction, but for the rest of the line it was the vegetation was then tapered outward and got gradually larger as you moved -- moved towards the edge.

MS. BENSINGER: And I'm not sure who on the panel would answer this, there has been a fair amount of discussion about travel corridors, wildlife travel corridors, can someone take a stab at explaining how -- how wide that would be in terms of as you go -- as you travel across the corridor if you were a wildlife -- if you were a deer or something, a fox,

how wide do you think those should be and how does that work when you get to the wire zone where you have to have scrub/shrub habitat vegetation?

ROB WOOD: I'll speak to that to the extent that I can and I'll pass it down just to say that in -- in my reading of the application materials and compensation plan, I haven't seen specific diagrams of what that would actually look like in practice and so I think it's an important point that all of these concepts, you know, should be elaborated on and looked at more closely and then, you know, if they were ever applied to be monitored pretty closely, but I would say that the -- so the idea is that closer to the poles where there is less sag the vegetation can grow higher and so they would allow 35 foot high vegetation near the poles and then where there is something you would wind up with scrub/shrub is my understanding. But I -- in terms of what would be necessary for species movement, I -- if that's part of the question I would like to defer to my colleagues.

MS. BENSINGER: Yes. Two things, one, so that makes sense that the travel corridor would be put near a pole so the vegetation could be a lot taller. So how wide would it be and one of the

reasons I'm asking that is we heard testimony, I think it was yesterday, about the concern about the effectiveness of a travel corridor due to blowdowns.

ROB WOOD: Correct. And I would -- so in terms of how wide it would be I would have to go back and look at the compensation plan again, but I -- I know the Applicant references a specific number of feet in total for deer travel corridors and so I suppose if you took that and divided it by -- that might include the portion where the line is drilled on either side of the Kennebec and so I'm not sure that it's actually identified exactly how wide that would be.

MS. BENSINGER: Excuse me, but my --

ROB WOOD: Yes.

MS. BENSINGEr: But my question is what would you recommend --

MR. WOOD: Oh, okay.

MS. BENSINGER: -- for the width? How wide should it be?

ROB WOOD: In order to avoid blowdown and allow for movement, um... I defer to --

MALCOM HUNTER: I don't think there is a right answer to this. And it's possible that somebody might have an answer for white-tailed deer,

but I would be inclined to respond generically and say the wider the better, the more species will be encompassed the wider the it is. But, again, it comes back to the absence of real thresholds in the ecological world. It's not like if it's is a hundred feet wide, everybody is going to go across it and if it's 80 feet wide nobody is going to cross it. The world doesn't work that neatly.

ROB WOOD: And may I -- so there was a question about the blowdowns too and so I think that's what we were getting at and maybe there is a more precise answer there. I don't have it, but in terms of what would be sufficient to -- okay. No.

MS. BENSINGER: Thank you.

ANDY CUTCO: Well, I mean, I can embellish on that a little bit. It's obviously site specific as so many of the things we've talked about are. It's going to depend on the forest type and the soils and the adjacent habitat, so it's -- unfortunately, there is no one size fits all answer here.

MS. MILLER: I just have one question. I think I heard you testify today about just as part of the compensation mitigation plan relating to things like culvert replacement that the dollar amount was insufficient and I think I heard that earlier in the

week as well and I'm wondering if TNC has a sense of what the need and the scope of that kind of work is in that area and what a better more appropriate amount might look like.

ROB WOOD: Okay. So we don't have anyone from a fresh water team here today, but I would say the scope of the need is substantial. We do work with private landowners on doing Stream Smart Culvert replacements on a regular basis as well as municipal culvert replacements and over the past decade plus we have partnered with the State of Maine to survey all of the stream crossings in Maine and I think we are almost done with that and so there is actually a tool -- a publicly accessible tool, the Stream Habitat Viewer that shows all of the public culvert crossings in -- or stream crossings -- road stream crossings in Maine where there are culverts or other road stream crossings. The private -- data for private lands is proprietary as was mentioned yesterday, but there are, you know, I don't know the exact number. I would say north of 2,000 at least public culvert replacements, I mean, culverts that we have identified and they are ranked in terms of whether they are an impediment to fish passage and how significant that impediment is and so there are

publicly available data to look at how many municipal culverts are there out there that have been identified as an impediment to fish passage. But I think the overarching point is that, you know, it requires a minimum of say 50,000 roughly to do a Stream Smart Culvert replacement on even a private road and for, you know, municipal culvert replacements it can be substantially more than that. And so, you know, I think we would argue that if there is going to be significant work done as mitigation for impacts that require habitat connectivity there would, you know, need to be significantly more amount of compensation. Do you want to add onto that?

BRIAN EMMERSON: Yeah, I'll add a little bit. I think I remember testimony from the first day way back on Monday where I was just watching on the live-stream, but I think that number of the 20 to 35 culverts that was included in the application I believe was I think, and correct me if I'm wrong, but that was based on, I think, a 20 inch culvert was what I heard -- I heard someone say in CMP's testimony. And from -- from our understanding that's -- that size culvert is not going to be large enough to pass the vast majority or to include the vast

majority of a 1.2 bankfull on a stream, so I think that may be where the number comes from. But, again, to echo Rob's point we think that number is not going to get to that -- that $200,000 will not get to that number of culverts. I think others have testified to that fact, too. But in terms of prioritization, as you said, I think I would offer that we certainly have the folks back in our office who could answer that question a little better if we needed follow-up there could be people who could -- would know that region in terms of streams that we could provide a little more information on that.

MR. BERGERON: Going back to these wildlife corridors, I'm trying to kind of wrap my head around what that would ultimately look like on the ground if that's something that the Department conditioned and I guess my question relates to a big metal pole in the middle of it. So obviously if the pole is roughly 100 feet tall with the wires up tall and then tapering down and in theory if there could be some length along the corridor, 100 feet, 200 feet, 500 feet whatever it might be, does anybody have a sense of what a big metal pole in the middle of that would do to impede any of the wildlife crossing in that area?

BRIAN EMMERSON: Yeah, and that's a good question and I think that we -- it does come down to the details of what those crossings are going to look like and I think that it gets to our -- I mean, from my understanding, you know, there will be, and I don't know the exact number, but there will be X amount of feet around that pole where that equipment needs to be, you know, a separate pole in the ground. And maybe even -- I haven't -- I'm not sure, but maybe even a travel corridor from pole to pole as the equipment moves down the line it would at least be initially cleared as it moves down the line and I think that speaks to the -- to the point that Mr. Cutco made a minute ago and that's why we still feel that regardless of the mitigation measures there is still going to be a habitat fragmentation impact sort of regardless even if -- even the use of these minimization measures they may, you know, make the situation incrementally better, but we do still feel that there is a need for additional, you know, land conservation to offset those particular impacts.

ANDY CUTCO: I would just add that I think another consideration is the types of habitats that wildlife are often using as corridors and I think the research shows that something like 85 percent of

furbearing species in Maine use wetlands and riparian systems at some point during their life cycle so, again, alignment a lot with the brook trout concepts that were presented earlier this week and the value of having riparian or wildlife movement corridors along riparian systems that also makes it a little bit challenging when you think about having a pole kind of right in the middle of that, so that's -- there is an issue there that obviously needs to be balanced about -- about pole location and sort of protecting the integrity of that travel corridor along with the riparian systems, trout streams, et cetera.

MR. BERGERON: Thank you.

MS. MILLER: Okay. Thank you. Any redirect?

MR. TURNER: Phelps Turner, Conservation Law Foundation. There have been some questions this morning for the panel about the impact of linear corridors including the U.S./Canadian border and various utility corridors including the Stud Mill Road corridor and my question goes to anybody on the panel, can you describe the Stud Mill Road corridor in terms of where it's located and in terms of connectivity and resiliency?

MALCOM HUNTER: Well, the corridor runs from the Bangor area over to the Canadian border. It was originally, I described earlier, a large sort of logging road artery that was put in in the '70s and, oh, boy, how long ago, 10 or 15 years ago, something in that area, the -- I think first came the gas pipeline and then the utility, the electric transmission line. It is unquestionably a very conspicuous feature. I used to know it well. I rarely go there anymore. It's not much fun to drive along the Stud Mill Road any longer because of the width of it and all of the infrastructure that is there. Have there been any studies of the impact of that on movements in wildlife? Not that I know. One can extrapolate that, you know, the wider the opening the more the impact and it has gone from quite wide to extremely wide, but what its impact has been, I don't -- I don't know.

MR. TURNER: And anybody else have any questions, or sorry, answers to that? Does -- is anybody on the panel aware of the studies of connectivity or resiliency in that area?

ROB WOOD: Well, if you're speaking to the -- where it all is kind of interconnected with landscapes...

MR. TURNER: Yes.

ROB WOOD: Do you -- can you speak to that, Andy?

ANDY CUTCO: Not off the top of my head. If we brought up a map I think we could all probably figure out where the Stud Mill Road is, but --

MS. MILLER: Can you speak into the mic, I'm sorry.

ANDY CUTCO: Yes, the question was am I familiar off the top of my head with the connected and resilient lands mapping in relation specifically to the Stud Mill Road and I said that's not embedded in my head. If we brought up the map, I'm sure we could try to figure out where the Stud Mill was, but I'm not sure if that's where you want to go or not.

MR. TURNER: Okay. Thanks. No further questions.

MS. MILLER: Any recross?

MS. GILBREATH: No, thank you.

MS. MILLER: Anyone else? Okay. So I think we are at the point where we are going to conclude. So I just want to say thank you all for your participation in this adjudicatory hearing. I really appreciate everybody's flexibility and willingness to repeat who you are throughout the process because it

really helps us keep names and groups straight for the transcript, so a very big thank you to all of you for that.

As you know, the hearing will not conclude today as it will continue on May 9 and that's going to be up in Bangor. After the hearing closes on May 9 no more evidence may be submitted by the parties, however, the parties do have the opportunity to submit closing briefs, proposed findings of fact and reply briefs. At this time, it is my understanding that the transcript will be ready in approximately 30 days and then for the portion we have on May 9 my understanding is that it will be ready about a week after that, so that will allow folks to have a chance to look at -- start looking at the transcript for this week just prior to the May 9 date.

Closing briefs will be due after the transcript has been provided to the parties. Typically we allow two weeks for closing briefs, but in this case due to the volume of information I'm thinking perhaps three weeks is more appropriate. As a reminder, with closing briefs you may submit proposed findings of facts. So I'd like to hear from all of the parties what your thoughts are on the timing of the closing briefs and the findings of

facts and we'll start with the Applicant on that.

MR. MANAHAN: Thank you. So we believe that we've had plenty of time to be able to and we will have time between now and May 9 to be able to analyze what's happened here at this hearing and pull together briefs and findings of fact, so we would request that all post-closing briefs and finding of facts be due no later than two weeks after the May 9 hearing date.

MS. MILLER: Okay. So I'm just going to clarify that it will be two weeks after everybody receives the transcript because I want -- I expect parties to have --

MR. MANAHAN: I'm sorry, I misspoke.

MS. MILLER: Okay.

MR. MANAHAN: Two weeks after the transcripts are available.

MS. MILLER: Okay. Thank you. Group 1.

MR. HAYNES: So it would be five weeks. We have three weeks for transcript and then two weeks after?

MS. MILLER: No, so the transcripts are going to be coming sort of at two different times. We're expecting the transcripts to be ready for this particular week just before May 9 and then after May

9 it will be another week before we get the transcripts from that particular day of the hearing, so after everybody receives all of the transcripts, which I think is going to be, what, about May 16 for sake of reference. That's what we're talking about. After everyone receives the transcripts, you know, what is the amount of time that you would need to have your closing briefs and findings of fact and I'm just suggesting --

MR. MANAHAN: Could I just --

MS. MILLER: -- I'm suggesting, you know, typically we do it in two weeks and I'm asking in this case if you think you'll need three weeks.

MR. MANAHAN: Could I just clarify what you just said, Ms. Miller? The transcripts for this whole week will actually be 30 days from now, so that will be available like a --

MS. MILLER: About May 6.

MR. MANAHAN: May 6 and then so May 9 plus a week and then, what, May --

MS. MILLER: About May 16.

MR. MANAHAN: May 16. Okay. So I guess I'm just trying to calculate how much time we'll have the transcripts for this week, so I guess my point being we'll only have one day of transcripts that would

be -- that we would only get two weeks prior to or whatever it is prior to the briefs being due is all I'm saying.

MS. BENSINGER: Also, the record does remain open for 10 days plus 7 days after the May 9 hearing for members of the public to submit comments, so the briefs should not be due definitely before that final closure.

MR. MANAHAN: Although public comments could be addressed in reply. We're going to have reply briefs, right, due maybe after the post-hearing briefs.

MS. BENSINGER: That -- so that's your -- that's your position, right?

MR. MANAHAN: That we could address public comments in the reply brief.

MS. BENSINGER: That's -- that's one idea. Let's hear from all parties.

MS. MILLER: Yeah, what I'm trying to do is solicit information from all parties to take under consideration. I'm not going to make a decision today, but I just want to hear, you know, what your positions would be, so I appreciate that. So I'm sorry, did I help clarify for you Group 1?

MR. HAYNES: I guess a date would be good

instead of so many weeks after. So we're looking at two submissions of briefs for this hearing and another one for the 9th?

MS. MILLER: No. So it's all the same hearing. It's just that for purposes of getting the transcript ready they are going to do it in two separate batches. So even though we have an extra day of the hearing on May 9, it's still part of the same proceeding, the same hearing, and so my -- my feeling was once all of the transcripts are in for the entire proceeding, which is both what we have for this week and the May 9 date that's when I start to look at how much longer do we provide everybody for a chance to put the closing briefs and findings of fact together and so my suggestion was two weeks or three weeks and so I just want to find out what your preference would be.

ROBERT HAYNES: Like June 1?

MS. BENSINGER: We -- we don't have an exact date when the transcript will be ready, so we -- we are just going to go with the amount of time you would like following when the transcript -- the last of the last transcript comes in, so what would be your preference? How much time do you need after?

ROBERT HAYNES: Let's go for three weeks

after the last information is available.

MS. MILLER: Thank you. I apologize this is so confusing. We have that wonky closing schedule and with an extra day of hearing and it gets a little confusing. How about Groups 2 and 10?

MS. BOEPPLE: So first of all, I'd like to clarify again. Elizabeth Boepple speaking, counsel to Groups 2 and 10. The briefs and the findings of facts and the proposed conclusions are related to all of the criteria; is that correct?

MS. MILLER: Yes.

MS. BOEPPLE: Okay. That's for the purpose of those who are unrepresented here to make sure they understand the scope of the brief. So other --

MR. MANAHAN: Can I just -- I'm sorry --

MS. BENSINGER: No, they would be related to the hearing criteria. The hearing criteria.

MS. BOEPPLE: Only.

MS. BENSINGER: Yes.

MS. BOEPPLE: So you won't be accepting any written brief related to the additional criteria?

MS. BENSINGER: Just -- you can submit comments into the record on that.

MS. BOEPPLE: Okay. Thank you for that clarification. Our position is that we'll need at

least three, at least three weeks and four weeks would be preferable after the final deadline whether that is receipt of the transcript or the close of the public comments after the May 9 date.

MS. MILLER: Thank you. Group 4.

MS. JOHNSON: We will be busy getting ready for the May 9 hearing, so we'll have no opportunity to look at the transcript before the May 9 hearing, so I think as a practical matter we would request four weeks after all of the information that is part of the record has closed and no more information is coming in. One of the things that has been very difficult about this process is that we think we know all of the information and then suddenly we get another 500 pages, so. And I am also a little bit unclear about the written comments whether -- so the -- I had assumed that we could address issues that are raised in the written comments in the briefs, if not, then the question is is there a rebuttal opportunity for written comments?

MS. BENSINGER: Members of the public -- this has been added to our process because the LUPC's rules requires that it has this wrinkle in its process, so members of the public are allowed to submit written comments for, I think, 10 days

following the hearing and then the members of the public are allowed to submit responsive written comments for 7 days after that. Certainly if those written comments address hearing topics, the parties are free to reference them, they're part of the record, in their briefs and proposed findings of facts.

MS. JOHNSON: Okay. So I would summarize by saying we would like four weeks after the last date that comments are being accepted, whatever that date ends up being. But I had a related question and since I have the mic I'll ask it. Written comments by the Intervenors and the Applicant, could you clarify what your thinking is about the schedules for those and whether there is an opportunity to respond to those written comments after the deadline? It's my understanding the deadline for those written comments by Intervenors and the Applicant are the close of hearing potentially or that's what it would have been.

MS. BENSINGER: That's correct and there is not an opportunity to respond to those.

MS. JOHNSON: Okay. Thank you for that clarification.

MS. BENSINGER: And those would be on

non-hearing topics.

MS. JOHNSON: Okay. Thank you for that clarification. Actually, one other clarification, I think you just said it, but I just want to be really clear, so the briefs and the findings of fact are only on the hearing testimony and not on the written comments put in by the Intervenors --

MS. BENSINGER: The hearing topics. They're on the hearing topics.

MS. JOHNSON: Hearing topics. Got it. Thank you.

MS. MILLER: Okay. Group 5. I don't think we have Group 5 here. Group 6.

MR. TURNER: We would respectfully suggest four weeks.

MS. MILLER: Group 7.

MR. SMITH: Ben Smith for Group 7, I think we could work in within any of the time frames that has been suggested.

MS. MILLER: Group 8.

MS. TOURANGEAU: I believe -- this is Joanna Tournageau for NextEra, also Group 8. I believe that there is still a motion pending on whether there is going to be additional engineering information that's submitted or witnesses that are called at the May 9

hearing. There is also new rebuttal testimony that is going to be coming in on April 19 and I wouldn't be surprised given how these proceedings have gone if there is additional mitigation compensation avoidance information that comes in, so it seems to me that a minimum of four weeks is going to be necessary given the volume of stuff that is as yet unknown for the May 9 hearing that hasn't been in front of us yet, so I would say a minimum of four weeks is necessary.

MS. BENSINGER: Thank you for that input.

MS. JOHNSON: Excuse me, can I just clarify? I had said four weeks from the written -- deadline for all of the written stuff. My assumption was that the transcripts would be available before that time. If the transcripts come in after the written comment deadline then it would be four weeks from the transcripts.

MS. BENSINGER: Okay. Thank you.

MS. JOHNSON: Thank you.

MS. TOURANGEAU: Can I ask a clarifying question too? I'm sorry, I meant to ask it a minute ago.

MS. MILLER: Yes.

MS. TOURANGEAU: This is Joanna Tourangeau again. You had said earlier just a moment ago that

the findings of fact could only be -- the draft findings of fact could only be on the hearing topics, is that accurate or would the draft findings --

MS. BENSINGER: We were thinking that the briefs and proposed findings of facts would be on the hearing topics only.

MS. TOURANGEAU: Okay.

MS. BENSINGER: So thank you all for that input. I just wanted to talk about the timing of the ruling on the motion. It was Groups 2 and 10, right, the motion requesting the CMP engineers present at the May 9 hearing to answer deferred questions. We are -- we have scheduled for 12:15 a consultation with our LUPC colleagues to discuss a ruling on that motion, so we will get a rule on that motion out as soon as possible. We also have to include Mr. Worcester, the Chair of the LUPC, so the scheduling is a little tricky, but I wanted you to know that we hadn't forgotten about it and we're working on getting a ruling on that. There was only one other document that I think we discussed trying to get submitted, which is pretty impressive given the length of the hearing. Usually there are all sorts of loose ends, but and that was the -- Jim will address that.

MR. BEYER: The -- in the Harris Dam relicensing it was the Indian Pond fish habitat restoration study plan. I have asked Kathy Howatt, our hydropower coordinator, to see if she can track that down in the file. We'll -- she obviously can't do it instantly and as soon as we find that we will make it available to the parties.

MS. BENSINGER: Thank you.

MS. JOHNSON: Excuse me.

MS. MILLER: Yes.

MS. JOHNSON: Mr. Reardon just informed me that he did some research on the availability of this document last night and he'd be happy to share that information with you now if you would like it.

MS. MILLER: Sure.

JEFF REARDON: So I searched the FERC record for what I could find for reports of that, but I've never used that interface. It is not an easy interface to look at 12 years worth of information from. And I found the beginning of the process and the end of the process and not some of the middle missing pieces. So there is a -- there was a desktop study and a field study. I found the study plan for the desktop study, the reports of the desktop study, some of the results but not the study plan for the

field study and then I found a final record after two restoration projects were completed about how those had performed after several years, so there are some missing pieces along the way. I'm happy to send you what I found. The good news is most of it was in PDF format. There was one file that was in a .tif which is way too large to email, but I could bring it to the Department on a thumb drive.

MR. MANAHAN: Could I just add -- this is Matt Manahan. To the extent that Mr. Reardon is proposing to submit an incomplete document, he hasn't been able to find the complete document in response to your question, Mr. Beyer, I would object to that admission of an incomplete document for the record. Thank you.

JEFF REARDON: If I may finish, I also this morning emailed Kyle Murphy, who was the Brookfield contact on the project. Kyle is on vacation this week, but he did get back to me and say much of this preceded his time at then FPL. He said he would look for it when he's back next week in his files, but he passed on that the person from whom he had inherited the files had not been a great filer.

MS. MILLER: Okay. I'm going to just interject here and say the Department is going to do

what it can to track this document down, whether that's Mr. Beyer working with Mr. Reardon or working with Ms. Howatt within the Department and then we'll share that with the parties.

MR. MANAHAN: Thank you.

MS. MILLER: Okay. Thank you all for your input on closing briefs. Clearly, we can't make a decision quite yet, but I do appreciate your input on that, so we will confirm a deadline for that once we're a little farther along in the process. I just wanted to let you know that you did have that opportunity and we were trying to get a sense from you from what your time needs are going to be.

Okay. So as I -- as we mentioned just to get into the record a little bit more clearly, written comments from the public, not parties, will be accepted by the Department and Commission for 10 days following the conclusion of the hearing, assuming the conclusion of the hearing is May 9 that would be May 20. For an additional 7 days, members of the public, not parties, may file statements in rebuttal to those comments received in the above 10 day window, again, assuming the closing of the hearing is May 9 that would put those comments -- that comment deadline at May 27. Comments that do

not meet this criteria will not become part of the record. So written comments from the public should be sent to the Maine Department of Environmental Protection to Mr. Jim Beyer or the Land Use Planning Commission to Mr. Bill Hinkel. At any -- at this point, does anyone have any other questions?

MS. TOURANGEAU: My question is on scheduling for May 9 and so I don't want to ask this if it's better for me to talk to Peggy separately about the availability of Mr. Russo for that hearing.

MS. MILLER: Okay. I think we can have -- I can have you talk with Ms. Bensinger about that off-line. Any other questions? Okay. If not, then I'm going to officially close for this week's portion of the hearing and we will resume again on May 9. Thank you.

(Hearing continued at 12:00 p.m.)

* * * * *

CELL PHONE VOICEMAIL LEFT FOR MR. BEYER

Yeah, I'm a voter in Maine and I would like to know if you are going to let the CMP corridor pay you off to let it go through. Seeing as how corrupt this government is even in the State of Maine. I would like to know if you're getting paid-off also as Janet Mills was paid-off before she even got into office and I am sure she will be investigated. She's corrupt and she should not be in office. I am sick of this corrupt government. I'm so tired of it, but I'm never going to waste my time by voting again because it doesn't do any good. This government is more corrupt than North Korea and Russia put together. I'm tired of white people having the privilege of doing whatever they want. Have a nice day.

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 by means of stenograph,

and I have signed:

_/s/ Robin J. Dostie_____

Court Reporter/Notary Public

My Commission Expires: February 6, 2026

DATED: May 5, 2019

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