

State of Maine
Department of Environmental Protection
In the matter of

Central Maine Power Company
New England Clean Energy Connect

Pre Filed Testimony of Robert Haynes,
Coordinator Old Canada Road Scenic Byway

Group 1:

Old Canada Road
Friends of the Boundary Mountains
Wilderness Guides

Topic 1 : Scenic Character and Existing Uses

Personal Introduction

Project introduction (not part of verbal testimony)

OCR introduction

Scenic Character and Existing Use

I am Robert Haynes and am a self-employed consulting Forester in Skowhegan Maine. I graduated from the University of Maine with a B.S. in Forestry in 1977. I have enjoyed a position as Coordinator of the Old Canada Road National Scenic Byway for the past 18 years and, am also a project abutter. My testimony will focus on the Northern project area north of the Kennebec River.

Project Overview

New England Clean Energy Connect is a creative and demanding project that may deliver electricity to New England customers, partially fulfilling requirements of the 83D document drafted by the Massachusetts legislature. This document was crafted to initiate green replacement electricity for the local and regional plants that are to be, or have been decommissioned. Several new renewable sources were identified in the RFP, including solar, off shore wind, on shore wind, and water from Hydro Quebec generating facilities. While solar and wind could provide jobs to Massachusetts residents, power from Hydro Quebec is totally dependent on others to deliver the contracted supply. Others in this case, expanded to other states and two other countries for a commodity the commonwealth could produce locally for a reduced cost and greater security. Vermont remains ready to construct the system needed to move power from northern Quebec under Lake Champlain and under- ground to a point accessible to Massachusetts, now. The Vermont project provides 720 million dollars in community benefit funds, over 40 years or 18 million dollars per year. The NECEC project in Maine offered 22 million in benefit to a small geographic area, 550,000 dollars over 40-year period although it was a lump payment at the project onset. The commonwealth continues to prefer Maine for obvious reasons. Recently however CMP and Hydro Quebec upped the Maine benefit 258 million dollars, mostly from projects benefitting CMP such as items needing transmitted power like car charging stations, assistance with purchasing heat pumps, and low- income payment assistance. Also offered was creation of a new entity to own and manage the project aimed at isolating Maine ratepayers from any issues with NECEC. Presently, 2/26/19, the NECEC project has none of the necessary certificates or permits to begin the project. Their website notes that they expect to have them by the end of 2018, two months ago. The new money offered buys a serious amount of skid grease, which our Governor has been attracted to, creating a very difficult situation for our regulators. It does nothing to make the construction less obtrusive or objectionable to residents.

Points:

The apparent purpose of the project is to secure the market for the next 40 years with a power supply whose generation method is outdated, and illegal to build in Maine or Massachusetts.

If the project can stand alone on its own benefits, why would a responsible company (s) feel the need to send 258 million dollars to improve its chances of acceptance?

Certification

The Certificate of Convenience and Necessity that CMP is seeking from the Maine Public Utilities Commission means just that: Need and Convenience. This would work for a new line to new residences or business or an up- grade. The purpose of the certificate is to move power from the Canadian border to the southern Maine border to sell in the higher priced market. A lawyer for CMP cites that the Certificate of Convenience and Need drafted by the Maine legislature was meant to cover New England, not just Maine. The project was filed under the wrong title. This is a merchant line and needs to be examined under corresponding criteria. Language in the Massachusetts request emphasizes “clean” numerous times, as it is the goal to have the Commonwealth meet emission goals by a particular date. A conspicuous missing detail is “How Clean or renewable?”. Existing contracts with local southern New England Distributors do not provide that detail. Project opponents have said power could come from any source Hydro Quebec chose at the time as long as the volume was as contracted. Does this mean cleaner than what was decommissioned? Clean as possible? As it stands now power from tar sands could be imported: as long as the price was beneficial. Positions exist on both sides of the clean issue and range from carbon to methane to ocean nutrients. No fact- based position is available. This is imperative. Why would the commonwealth want to invest a billion dollars in the delivery of power that was not the cleanest possible? And, pay 260 million dollars every year for the delivery. Hydro Quebec was selected because it may have the volume and opportunity to send hydro generated electricity to New England but there is no requirement that it must be 100% water generated. Maine receives benefit from the tax dollars the infrastructure creates, but any new construction could do that. In looking at the intervenors in the PUC, DEP and LUPC arenas, they all lack a vital member: an organization that supports the project on its own merits. All are there for spin off benefits that have no relation to the damage the project may do. In other words, no money is allocated to direct damage except for funds, required by law, for unavoidable wet land damage. No one except the applicant is expounding on the project benefit to Maine, except a recently formed and liberally financed (by Central Maine Power Company) non-profit, Western Mountains and Rivers Corporation. Other supporting intervenors are rightfully doing their job by encouraging new jobs for their members and taxes for their municipalities. Any town would jump at the opportunity to have a 1,000- acre construction project locate within their boundary, but it would involve much planning and community involvement. CMP avoided broad community involvement by forming the noted non- profit. Central Maine Power made a large gamble that Hydro Quebec was the answer to New England’s energy situation, but advances in solar, off shore wind, battery storage and efficient gas turbines have made that bet obsolete. Ten years ago, success may have been within reach. For security, cleaner electricity and local jobs Massachusetts should step up and provide for local needs. It has the technology, talent and apparently the funding in place. Where is the “Spirit of America”?

Points: Why are we considering a project that has no merit to the State of Maine?

What sources of power are considered clean or clean enough for the Massachusetts market? Does this supply line accomplish the RFP request for “clean energy”?

Why the ethical disconnect? Buy something produced by a generator illegal to construct in Maine or Massachusetts?

Design

As designed the project is located on applicant land purchased (northern portion) for the specific powerline purpose, months before the project was awarded and surveyed years before purchase. The location serves two purposes, one of which is to connect to an existing power corridor south of the Kennebec River and two, is to follow potential sources of wind generation, should that option ever present itself. The corridor is 300 feet wide and 53 miles long, but due to the application, only 150 feet can be considered, at this time. As designed, the vegetation will be removed, excavation completed necessary to locate concrete footings of sufficient size to support the 100 foot- plus tower and the tons of cable necessary for transmission. Logistics of this are daunting particularly when weather fluctuates from -30 to 100 degrees Fahrenheit. Elevation creates its own challenges particularly as soil depth is inversely proportionate to elevation. Wet land soils or muck, seem to have no bottom making tower location challenging. Factors of weight, temperature, and wind are complicated.

When the land was purchased, there was no consideration for a vegetative buffer. When the abutting owner cuts timber up to the property line, as they have the right to do, the entire tower will be exposed from across the cut instead of only the top 50 feet. This expands the appearance of a power corridor 150 feet plus the cut width to the vantage point, which lengthwise would be about 10 miles of the Spencer Road. Undergrounding of lines this size and sensitivity is a common practice. This transmission line will hang in an area of tremendous wind (Coburn Mt.) and be maintained by a company with a less than stellar maintenance record. This is not the Central Maine Power Company that won the J.D Power Awards years ago. Undergrounding would increase reliability, not require herbicide, commercial timber could continue to be grown on the 150 foot wide (1,000 acre corridor) and wildlife would have un-interrupted travel. Furthermore, additional Maine contractors would be available to do much of the work. All of the above, herbicide, view, timber growth, wildlife and jobs, remain very serious concerns of residents along the Byway, and ignored by the applicant.

Point- Considering undergrounding satisfies most concerns of citizens, why wasn't it considered?

What is Old Canada Road National Scenic Byway?

Old Canada Road National Scenic Byway (OCR) was designated as one of 45 such roads of national significance in 2000 by the Federal Highway Administration. Since then additional roads have been added, bringing the total to 150 nationwide in 2019. Byways are selected on their high recreational, scenic, cultural, historical, and geographical qualities. The Byway is governed by a Board of Directors operating as a 501 c 3 corporation since 2001. In eight years, over a million dollars was secured by OCR through federal and other competitive grant sources benefiting our 78- mile road from Canada through Solon. Central Maine Power has been a very cooperative landowner participating most recently in a corridor lease for a 225,000 thousand -dollar trail project in the Forks and West Forks on the Kennebec and Dead Rivers. This provided exceptional views of both rivers and in most places is ADA compliant. Tourism is tremendously important in the Byway region. Maintaining the experience expected by our travelers is part of the Byway mission. Funding for the National Scenic Byway program ended in 2011 but last month, with help from outdoor partners it is well on the way to getting back to original levels starting with the overwhelmingly passed (404-19) House vote in support of HR831- Reviving America's Scenic Byways Act of 2019 that will reopen nominations for scenic byways. Language is in the Senate to reauthorize program funding of fifty million dollars, with some changes.

Maine as a term is a destination in itself. The Upper Kennebec Valley is a tremendously valued subset of that name. Coburn Mountain, Number Five Mountain, Moose River Bow Trip, Attean Pond, Spencer Lake all are frequent destinations for travelers and residents most extensively in summer, fall and winter. Visitors come to experience what they do not have at home, open space, extensive views and a sense of wilderness. A sense of wild may be more accurate as wilderness has gone. A harvested forest re-growing trees may be all that is necessary for a wonderful experience. In the book The Experience Economy published in 1999 by Pine and Moore, the authors elaborate on "experience tourism". Visitors are not traveling to Maine to pick up a balsam pillow and a light- house snapshot, but are coming for a memory they can talk about for years at family gatherings. An unbroken landscape is required for this experience. Maine is tremendously fortunate to have commercial landowners that allow public use of their property. Public use and commercial forestry have always co-existed in Maine. An above ground powerline is not compatible with positive visitor experiences or the vocations of those in the recreational outdoor industry. A physical bisector with markers over one hundred feet tall is an inconsistent use of the area and incompatible with traditional use. True change is coming and all need to be adaptable and responsible to decrease our climate impact. One could argue that Massachusetts, Maine and CMP are postponing that positive change by haggling over money. Vermont is ready to go and has the same environmental benefit. Hydro Quebec wins either way and Maine has an additional 1000 acres to sequester carbon, continued stellar view sheds and uninterrupted tourism economy.

Scenic Character and Existing Use

Points from pg.4

- The apparent purpose of the project is to secure the market for the next 40 years with a 1200MW power supply whose generation type is outdated.
- If the project can stand alone on its own benefits, why would a responsible company (s) feel the need to send 258 million dollars to improve its chances of acceptance?
- Why is a project being considered that has no merit to the State of Maine?
- Why weren't the advantages of placing the cable underground where appropriate, considered?
- There is no proof that the power is generated by water.
- Why is it acceptable to encourage environmental damage in another country while not allowing it in our own?

Scenery is not just a pretty view. It creates intrigue as to what may have happened within the view and always creates the question of what is beyond. The story is remembered as vividly as the view, perhaps more so. Scenic Character is another term alluding to massive views of a perhaps a daunting climb or intimidating running- river. Travelers and residents enjoy Maine, as much for what it has, and many times, more, for what it does not. A day without cell phone service can be quite a pleasant novelty. Scenery creates a destination and destinations require time that translates into income for recreational business and those offering meals and lodging. Power lines are not destinations- they are available at home. Injected here could be the dollar value of the lodging, meals, guide fees, supplies and other associated income to area business. As an indicator over 800 snowmobiles were in the Forks last weekend. The accepted income associated with that industry years ago was five hundred dollars per sled for individuals owning their own. Rentals increase that number dramatically as they run three hundred dollars per day. Sled enthusiasts do not just ride for the thrill but for the scenery as well. In winter, more line will be exposed, from the concrete up.

Unfortunately, for the applicant this Moose River Basin area has two very popular hikes that peer down on the transmission line. Visual impact assessment cannot compete with the fact that looking down from height of 3,700 and 3,100 feet to a corridor at 1,400 feet makes a 150- foot wide corridor very visible. Hunting and camping guides have used this area since there were hunters and campers. Aside from the wood products industry, tourism and recreation are the most important business in the area. Saddling it with the burden of a 100- foot tall powerline and associated permanent clear- cut corridor is unconscionable, when there is another option. Exhibit 1 shows the Moose River Basin area and its remarkable lack of development, which this corridor will bisect. While concentrating on the portion of corridor west of Rt. 201 and the Scenic Byway the poles will also be seen from, the pavement in the north bound direction at Johnson Mountain and in the south bound direction at Parlin Pond. Along the Spencer Road to the Number Five Mountain destination, the line will be visible as it runs parallel to the road in places and crosses as well.

Should this line be constructed as planned the items listed as Points above, will be included in conversations regarding the towers. Children will ask their parents why the big tower is there. Knowledgeable parents will answer in a variety of statements summarized in the above questions. The view of the tower ignites the question and there only takes one in view to begin the conversation. The answers as taken from above are not ones we want told.

There is a statement in which we could all take pride- something like.....

“See that long patch of cleared ground? Unbelievably, under there is a cable that moves, certified green, renewable power from Canada to southern New England lighting a million homes and helping our environment! “ “Wow, who did that?” Well that would be Central Maine Power Company and the State of Maine!

This is the positive spin the project needs for exemplary success.
To achieve it only two things need to happen:

- 1-CMP and Hydro Quebec need to provide all **details regarding the source** of the transmitted power ensuring its' clean status.
- 2-Where ever possible the **line must be underground**.

Cost will be greater, but the cost of placing the line below grade was not the reason Northern Pass was rejected.

Conclusion

It is evident to OCR that CMP has not made sufficient effort to allow the construction project to blend into the existing natural environment or shown that the towers wouldn't negatively affect existing uses and scenic character.

Chapter 315 Section 10 Scenic resources.

10. **Scenic resources.** The following public natural resources and public lands are usually visited by the general public, in part with the purpose of enjoying their visual quality. **Under this rule, the Department considers a scenic resource as the typical point from which an activity in, on, over, or adjacent to a protected natural resource is viewed. This list of scenic 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 national or statewide significance. A scenic resource visited primarily by people of local origin is generally of local significance.** Unvisited places either have no designated significance or are "no trespass" places. Sources for information regarding specific scenic resources are found as part of the MDEP Visual Evaluation Field Survey Checklist (doc. #DEPLW0540) provided in the application.
- A. National Natural Landmarks and other outstanding natural and cultural features (e.g., Orono Bog, Meddybemps Heath); **#5 Bog**
 - B. State or National Wildlife Refuges, Sanctuaries, or Preserves and State Game Refuges (e.g., Rachael Carson Salt Pond Preserve in Bristol, Petit Manan National Wildlife Refuge, the Wells National Estuarine Research Reserve);
 - C. A State or federally designated trail (e.g., the Appalachian Trail, East Coast Greenway); **Old Canada National Scenic Byway, ITS snowmobile trail**
 - D. A property on or eligible for inclusion in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (e.g., the Rockland Breakwater Light, Fort Knox); **Prisoner of War Camp**
 - E. National or State Parks (e.g., Acadia National Park, Sebago Lakes State Park);
 - F. Public natural resources or public lands visited by the general public, in part for the use, observation, enjoyment and appreciation of natural or cultural visual qualities. (e.g., great ponds, the Atlantic Ocean). **Coburn Mountain Public Land, Moore Pond Public Land, #Five Mountain Trail (private land purchased for public benefit)**
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Applicants for permits under the NRPA are required to demonstrate that a proposed activity meets the standards of the NRPA that have been established by the Legislature. Standard 1 in Section 480-D of the NRPA requires an applicant to **demonstrate that a proposed activity will not unreasonably interfere with existing scenic and aesthetic uses.**

CMP has not made efforts to assure the project will not interfere with scenic aesthetic uses.

8B. Design. When circumstances do not allow siting to avoid visual impacts on a scenic resource, elements of particular concern should be designed in 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, buffers, earthen berms, camouflage, low profile, downsizing, non-standard materials, lighting, and other alternate technologies.

OCR maintains that CMP did not make design allowances to mitigate any impacts to scenic character or existing use

OCR asserts that CMP has made no effort to minimize project effects within sight of OCR or any of the scenic land-marks along the Spencer Road and suggests that the Maine Department of Environmental Protection take appropriate action.

Sincerely for the Old Canada Road Board of Directors,



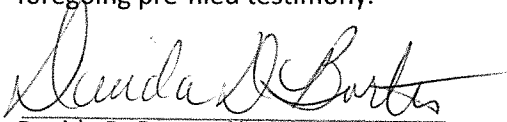
Robert Haynes, Coordinator

State of Maine

Somerset, ss.

February 28, 2019

Personally, appeared before me the above named Robert Haynes and made oath as to the truth of foregoing pre-filed testimony.



Davida D. Barter, Notary Public

My commission expires: 3/16/2020

DAVIDA D. BARTER
NOTARY PUBLIC - MAINE
MY COMMISSION EXPIRES 03/16/2020