

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
#L-27625-26-A-N/#L-27625-TG-B-N/)
#L-27625-2C-C-N/#L-27625-VP-D-N/)
#L-27625-IW-E-N)

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
SITE LAW CERTIFICATION SLC-9)
Beattie Twp, Lowelltown Twp, Skinner Twp,)
Appleton Twp, T5 R7 BKP WKR,)
Hobbs town Twp, Bradstreet Twp,)
Parlin Pond Twp, West Forks Plt, Moxie Gore,)
The Forks Plt, Bald Mountain Twp, Concord Twp)

**PRE-FILED DIRECT TESTIMONY AND EXHIBITS OF
LARRY WARREN ON BEHALF OF
WESTERN MOUNTAINS & RIVERS CORPORATION**

I. WITNESS BACKGROUND AND QUALIFICATIONS

My name is Larry Warren. I live in New Portland, Maine and have been involved in the recreation and tourism business since 1970. I have lived in Carrabassett Valley and New Portland since 1970. I was one of the founders of the Town of Carrabassett Valley, participated in the municipal incorporation and early years board and employee organizational structuring and served as selectmen from 1970 to 1986; I am the founder and have served as board member of Maine Huts & Trails since 1999; I worked at Sugarloaf between 1970 and 1986 and served as Controller, President and board

member for this ski resort during those years. I have been involved with the development, management and financing of the infrastructure, real estate development, and recreational planning and development of the ski resort, golf course, cross country ski touring center, hut to hut trail and lodging facilities and the cable television system, waste water treatment facilities, potable water system and establishment of Carrabassett Valley Academy that serves the communities of Carrabassett Valley and related areas of Western Maine. Given these and other activities that I have had in Somerset and Franklin counties and western Maine, I am familiar with the rivers, streams, woods, and other natural resources that will be impacted by the New England Clean Energy Connect transmission project (“NECEC” or “Project”), as well as other surrounding natural resources.

I am also a member of the Board of Directors of Western Mountain & Rivers Corporation (“WM&RC”). I am providing this testimony on behalf of WM&RC and in support of the application by Central Maine Power Company (“CMP”) for permits by the Department of Environmental Protection (“DEP”) and Land Use Planning Commission (“LUPC”) for the Project.

My testimony addresses the first statutory criterion listed for hearing, namely whether, under DEP and LUPC rules and regulations, the use of lands impacted by the Project is consistent with the scenic character and existing uses of these lands, including considerations relating to the visual Impact of the project, scenic and aesthetic uses, buffering for visual impacts, and recreational and navigational uses.

As a related matter, as the DEP and LUPC are aware, CMP and WM&RC have entered into a Memorandum of Understanding (“MOU”) that would require CMP to make various monetary donations and non-monetary concessions in the event that the Project receives regulatory approval and enters commercial operation. Because the terms of the MOU are directly intertwined with the use of natural resources directly and indirectly affected by the Project, this testimony also will address how the Project will impact the scenic, aesthetic, recreational and other values of these areas.

II. IMPACT OF PROJECT ON SCENIC CHARACTER AND EXISTING USES

As part of its initial filing, CMP had proposed a transmission solution of the Kennebec River in the vicinity of the Kennebec Gorge that would have gone overhead. CMP subsequently amended its application and is now proposing an underground crossing through use of horizontal direction drilling (“HDD”) beneath the Kennebec River. Through use of this alternative, there should be no direct scenic or aesthetic impact from the standpoint of users of the river. CMP has also proposed termination facilities for the underground solution that will also keep these facilities out of the viewshed of users of the river.

Other areas of the Project that comprise new corridors have also been designed in a manner that should help ensure that the Project will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses. A review of the information provided by CMP as part of the Company’s September 4, 2018 Response (“September 4 Response”) to the Information Request by DEP/LUPC provides substantial evidence that recreational areas and other natural resources that coincide with hiking and snowmobile trails (e.g., No. 5 Mountain, Mosquito Mountain, and the Appalachian Trail,

Coburn Mountain, etc.) will not be adversely impacted by the Project. As noted by CMP, snowmobilers are accustomed to seeing transmission corridors and traveling within the cleared corridors, so it is unlikely that the Project would have an impact on their continued enjoyment of snowmobile trails. Hikers' experiences should also not be adversely impacted by the Project.

As shown by CMP's September 4 Response, as well as the Visual Impact Assessment (Site Law Application, Appendix E, September 2017 ("VIA"), in areas where hikers may see or pass under the Project, including portions of the Appalachian Trail from which the Project would be visible, the Project does not adversely impact existing scenic, aesthetic, and recreational uses and employs buffers where necessary to minimize the impact of the Project upon these uses. The VIA accurately demonstrates the areas that will be impacted by the Project and the significance of these impacts upon viewers. Photo simulations provided by CMP as part of Appendix D of its September 2017 application also show that the visual impact of the Project will be minimal and should not have an adverse impact on existing scenic, aesthetic, and recreational uses of natural resources adjacent to the NECEC.

It is also worth noting that CMP's proposed use of 100 foot vegetated buffers for all intermittent and perennial streams and associated floodplain wetlands areas, as reflected by an updated NECEC Waterbody Crossing Table (Exhibit 7-7) filed on February 1, 2019, is consistent with recommendations made by the Maine Department of Inland Fisheries & Wildlife ("MDIFW").

Under the LUPC's rules, utility facilities and related accessory structures are allowed within P-RR subdistricts as special exceptions provided that the applicant

shows by substantial evidence that the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible. The NECEC crosses three separate P-RR subdistricts: West Forks Plantation and Moxie Gore (Kennebec River crossing site); Beattie Twp., Lowelltown Twp., Skinner Twp., and Merrill Strip Twp. (near Beattie Pond); and Bald Mountain Twp. (near the Appalachian Trail).

For the reasons discussed above with regard to the Kennebec River crossing, CMP's proposed project adequately addresses any LUPC jurisdictional facilities in the vicinity of the Kennebec Gorge. With regard to the remainder of West Forks Plantation, Moxie Gore, and the remainder of the P-RR Districts impacted by the Project, CMP's application provides substantial evidence that the facilities are designed and will be constructed in a manner that will buffer the transmission facilities from other uses and resources within these districts with which the Project are not compatible. These documents provides substantial evidence that the transmission facilities will be buffered from other uses and resources in the various subdistricts with which the Project may be incompatible.

III. IMPACT AND RELATIONSHIP OF MOU UPON SCENIC CHARACTER AND EXISTING USES OF AREAS IMPACTED BY THE NECEC

As part of the MOU, CMP has offered certain economic and non-economic concessions that will only be available if the Project is approved. CMP has agreed to donate between \$5 and \$10 Million to WM&RC to be used for projects that could include recreation projects, education programs about the history, ecology and uses of Maine's rivers and other projects/programs within the charitable mission of WM&RC. CMP has also agreed to provide increased public access to natural resources and increased recreational opportunities on areas directly impacted by the Project and

surrounding areas. These various accommodations by CMP will directly benefit users of natural resources affected by the Project, as further described below.

The Project also seeks to avoid conserved and public lands. The Project will preserve the existing scenic, aesthetic, and recreational integrity of lands affected by the Project. The new 54 mile corridor extending to the Canadian border will traverse industrial forests that have been heavily harvested. As shown by the natural resource maps provided by CMP, an overview of the Project corridor overlaid on aerial maps shows that the existing forests are hardly in pristine or wilderness condition. Any impact upon the scenic, aesthetic, recreational and other values of these forests will not be further diminished by the corridor clearing, transmission line construction, and operation of the NECEC.

Recreational use and public access have been long-standing issues in the Forks region. The rafting companies and other outfitters have been required to pay private landowners fees in order to gain access to Indian Pond, and the Kennebec and Dead Rivers. Other private users have no legal access to these remote locations for hunting, fishing, or other recreational activities. As shown by the Pre-Filed Testimony of Joseph Christopher, the MOU will change such access rights in order that the recreational areas in the Forks region can be accessed by those wishing to hike, hunt, fish, raft, or engage in other recreational activities.

Through the various accommodations, including increased public access to lands under the MOU, the Project will have a positive impact on public access to trail corridors, hut sites, or other areas frequented by hikers, anglers, hunters, and others interested in wilderness recreation. By way of one example, Maine Huts & Trails

("MH&T") in recent years has acquired significant lands and easements along Flagstaff Lake, the Dead River, and the Kennebec Gorge. Many of the trail corridors and buffer areas were designed to provide non-motorized trails and remote lodging facilities from Moosehead Lake to Carrabassett Valley along significant sections of the Kennebec and Dead River. These corridors and buffer areas were acquired primarily from private landowners and the recreational corridors were selected to ensure minimal interference with the primary forest management lands in the region. These trail corridors are located in LUPC resource protected zones where aggressive forest management was conducted. The NECEC's contributions of enhanced public access will have a positive impact on recreational and other uses of these trail corridors or the hut sites. With the increased public access for recreational activities offered under the MOU, coupled with existing efforts by MH&T and others, the Project will serve to ensure a robust and unique recreational and tourist resource in the region for generations to come. WM&RC intends to work collaboratively with MH&T and others to expedite the development of these trails and the amenities that will enhance recreational opportunities, scenic, aesthetic, and other uses of lands and natural resources, thereby increasing economic development and eco-tourism opportunities in Somerset County and western Maine.

Increased public access will also help stabilize the local economy and create new economic development opportunities resulting from nature-based tourism of areas surrounding the Project. Under the terms of the MOU, CMP has agreed, at its sole expense, to provide increased broadband to various areas in Maine that are currently underserved/unserved, including portions of Somerset County located along the Route 27 and Route 201 corridors. This additional infrastructure, the costs of which have been

cost prohibitive to communities, business owners, and other private persons, wishing to expand broadband, will provide increased connectivity, additional opportunities for the general public and tourists wishing to take advantage of western Maine's wilderness experience, thereby leading to increased nature-based uses of the Kennebec River, other rivers, lakes, ponds, streams, and recreational trails impacted by the Project. The Project will therefore not only enhance the individual wilderness experience of users of these resources, but will provide the infrastructure that is necessary to enable future generations to enjoy the same.

IV. CONCLUSION

In closing, the NECEC seeks to minimize the adverse impact of the Project on recreational, navigational, aesthetic, scenic and other uses of lands and other natural resources. Requiring a project to have no unreasonable adverse impact on scenic, aesthetic, and recreational and navigational uses and fit harmoniously into its surrounding environment does not require that the development be invisible or that there be no impact. The record provides substantial evidence that any interference associated with the scenic, aesthetic, recreational or navigational uses will be minimal and will be more than offset by the significant benefits to Somerset County, western Maine, and Maine in general. Further, the NECEC's contribution of public access will actually enhance existing scenic, aesthetic, and recreational uses, thereby enabling rafters, hikers, hunters, anglers, and other wilderness users to have continued enjoyment of these natural resources for generations to come. Increased public access and enhanced recreational activities associated with these resources will help create new opportunities for their enjoyment and use for generations to come.

By:

Date: 2/27/2019

Larry Warren
Larry Warren, on behalf of
Western Mountains & Rivers Corporation

State of Maine
County of Somerset

Date: 2-27-2019

The above-named Larry Warren, on behalf of Western Mountains & Rivers Corporation, did personally appear before me and made oath as to the truth of the foregoing pre-filed testimony.

Laura L Price
Notary Public/Attorney at Law
My Commission Expires:

LAURA L. PRICE
Notary Public, Maine
My Commission Expires February 17, 2023