

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY
Application for Site Location of Development Act
permit and Natural Resources Protection Act
permit for the New England Clean Energy Connect
("NECEC")

L-27625-26- A-N

L-27625-TB-B-N

L-27625-2C-C-N

L-27625-VP-D-N

L-27625-IW-E-N

SITE LAW CERTIFICATION SLC-9

GROUP 1 (Old Canada Road National Scenic
Byway, Friends of the Boundary Mountains,
Maine Wilderness Guides Organization)

APPEAL OF THE ADMISSIBILITY OF
EVIDENCE

March 14, 2019

Intervenor Group 1, consisting of Old Canada Road National Scenic Byway, Friends of the Boundary Mountains, and the Maine Wilderness Guides Organization, respectfully submits the following appeal of the Presiding Officer's ruling to strike a portion of the testimony of Group 1 witness Janet McMahon:

On page 5 of the Fifth Procedure Order item d. Testimony Stricken 2) Group 1 Testimony 4th bullet point is listed "Janet McMahon- page 19, question #3 and answer" This portion of Witness McMahon's testimony pertains to the issue of water quality. The applicant, CMP, has objected to a reference to "water quality" in Witness McMahon's testimony.

Janet McMahon's testimony is on the topic of Fisheries and Wildlife - Habitat Fragmentation, one of the approved DEP topics for the hearing on the NECEC application. Witness McMahon refers to water quality in the context of how habitat fragmentation adversely impacts the headwaters of streams in the area of the NECEC. Streams and their catchment areas provide habitat for wildlife and also contribute material and nutrients to downstream habitats that are critical for brook trout and other cold water species. This is most certainly an appropriate and relevant aspect of a discussion of habitat fragmentation, a component of DEP's review of CMP's NECEC application.

Moreover, CMP own witness Mark Goodwin brings in a discussion of water quality in his pre-filed testimony (Pages 14 and 20). CMP's own witness Gerry Mirabile brings in water quality in his pre-filed testimony (page 16). Both regard their discussion of water quality as it pertains to habitat as "relevant to DEP review." It is grossly unfair and prejudicial against Group 1 to allow two of the applicant's witnesses to address water quality as it pertains to Fisheries and Wildlife and not to allow the same for Group 1's witness.

Group 1 respectfully requests that this appeal be accepted and Witness McMahon's testimony be fully allowed.

Respectfully Submitted,
Intervenor Group 1
By its spokesperson,

Bob Haynes
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