Old Canada Road National Scenic Byway, Inc.

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Old Canada Road National Scenic Byway, Inc. RESPONSE TO FIRST PROCEDURAL ORDER August 27, 2018

On August 8, 2018, the Maine Department of Environmental Protection (Department) issued First Procedural Order (Order) in the above-captioned proceeding, requesting Intervenors to submit:

1. A specification of the statutory and regulatory criteria that they wish to address at the public hearing;

2. The specific, significant or contentious topics or subject matters under those criteria relating to the project that they wish to address; and

3. Whether the Intervenor is generally in favor of, or against a permit being issued for the proposed project, or neither for nor against the proposed project being permitted.

First Procedural Order at 7. The Order requested that Intervenors respond to the Department’s request by August 27, 2018, and directed them to the list of statutory and regulatory criteria that the Department will be considering for this project in Appendix B of the Order.

In this Response, Old Canada Road National Scenic Byway, Inc. will first address issues 1 and 2 using the statutory and regulatory criteria outlined in Appendix B. Old Canada Road National Scenic Byway will then address issue 3.

Please find after the signature page additional pages identifying what constitutes a National Scenic Byway and the message presented to The Massachusetts Department of Public Utilities. Our Coordinator, Robert Haynes, presented the message to the DPU as an abutter to the project and not on behalf of the Scenic Byway. As this additional text is not part of the regulatory process, it is included as reference and context, which the Directors feel is important.

I. Statutory and Regulatory Criteria and Specific, Significant or Contentious Topics Relating to the Project Old Canada Road National Scenic Byway Plans to Address at the Hearing:

**Site Location of Development Law – 30 M.R.S. § 484. Applicable Licensing Criteria**

**\* 30 M.R.S. § 484(3). No adverse effect on the natural environment.**

Old Canada Road National Scenic Byway, Inc. believes that CMP has not “made adequate provision for fitting the development harmoniously into the existing natural environment and that the development would adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipalities along the transmission line or in neighboring municipalities.” The new 53- mile by 300 foot corridor beginning at the Canadian border amounts to a 2,000-acre linear clear-cut, less the existing wetlands and ecological areas from which commercial timber harvesting is prohibited. CMP is proposing to maintain this area as “scrub-shrub “habitat. While only 150 feet of the corridor width is necessary for the DC transmission line the remaining half would be used for an additional corridor, should the opportunity arise. (CMP conversation at Mt. Blue HS) In essence, we can plan on the entire 2,000 acres being maintained in short vegetation, boundary to boundary, for as long as power is necessary. Commercial clear-cuts much smaller than this require buffer strips to protect the neighbors’ timber. The neighbors in much of this project are commercial timberland owners who have the option of harvesting to the boundary with the exception of ½ of the boundary trees. The result is that line towers and transmission line would be in clear view as if in a cornfield for the next 50 years. CMP has absolutely no control over the neighbors harvest options. Scenery is a major part of tourism and a major reason tourists come to Maine, and spend money. This portion of our State is unbroken by un-natural features other than utilitarian harvest roads, traditional wood harvesting, and an occasional recreational camp.

This proposed transmission scar would be visible from many areas of Rt. 201 (the Byway) and for miles from popular recreational destinations such as Number 5 Mountain, Coburn Mountain and the popular Rt.201 Rest Area, Attean Overlook. While the CMP provided photo simulations minimize visual effect, they are foliage based. Much of the local economy is winter based and, in the long leaf- off-season, this corridor will lie naked, exposed to what our visitors have enough of at home. Our niche scenery and sense of solitude will be gone, as will the tourism dollars on which local business relies. There is no way to hide the visual effect of this project when viewed from these popular year round scenic summits.

**\* 30 M.R.S. § 484(3)(A).**

* Old Canada Road National Scenic Byway, Inc. believes that the Department should consider the effect of noise from the construction and operation of the proposed transmission line. Drilling rigs and helicopters will invade the neighborhood. Another unintended consequence of this line is heat. One of the objections to locating the line under the Kennebec River was the cost of cooling the wire in an enclosed area. How much heat is generated over the 1,000 miles of line? Does this result in two parallel radiators acting to warm the environment?

**\* 30 M.R.S. § 484(5). Ground Water.**

* Old Canada Road National Scenic Byway, Inc. believes that CMP’s proposed project may “pose an unreasonable risk that a discharge to a significant ground water aquifer will occur.” CMP’s application indicates that “potential sources of groundwater contamination will include fuel and hydraulic and lubrication oils used in the operation and maintenance of vehicles, as well as the application of herbicides to control vegetation.” NECEC Site Location of Development Application at 15-1. Adding the significant volume of concrete necessary to keep the poles vertical will surely change the water flow within sensitive wetland areas, and cannot be avoided. All of the spur roads constructed to access pole sites will have additional wetland consequences.

**\* 30 M.R.S. § 484(6). Infrastructure.**

* Old Canada Road National Scenic Byway, Inc. believes that CMP’s proposed project may “have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.” Our entire 78- mile Byway has about 3,000 residents. This massive influx of workers and necessary amenities will strain local resources. While creating a short- term local boom, municipal services such as the one local health center, law enforcement, and fire departments. Power utilities outside the area will also be effected, as the cost of power will be factored into the prices that small generators, such as gas, hydro, and biomass and can charge putting local jobs at risk.

Chapter 375: NO ADVERSE ENVIRONMENTAL EFFECT STANDARDS OF THE SITE LOCATION OF DEVELOPMENT ACT

**\* 06-096 Ch. 375, § 2. No Unreasonable Alteration of Climate.**

* Old Canada Road Scenic Byway, Inc. does not believe that CMP’s proposed project may result in “unreasonable alteration of climate.” The entire project is claimed to alter the climate by reduction of greenhouse gas. CMP claims 265,000 tons of CO2 will not be entering the atmosphere, should this project move forward. There has been no third party certified proof that this is true. When asked where the new power would come from CMP claimed on one hand that no new flooding in the James Bay area would be needed to satisfy the new demand and in another meeting it was said that power will be diverted from other sources in Ontario and New York. The fact remains that dirty power sources could be fired up to allow Massachusetts to claim that it is using only reservoir derived hydropower. The absence of Hydro Quebec in this process makes apparent that they are sensitive to such questions. If this emission item cannot be validated, there is no project as it fails to accomplish its’ stated mission. It would seem that Massachusetts would demand such proof, just as we are asking.

**\* 06-096 Ch. 375, § 3. No Unreasonable Alteration of Natural Drainage Ways.**

* Old Canada Road Scenic Byway, Inc. believes that CMP’s proposed project “will cause an unreasonable alteration of natural drainage ways” through improper drainage right-of way and drainage that may result in adverse impact to adjacent parcels of land. CMP’s application indicates that their project will cross 115 streams, 263 wetlands, and impact 76.3 acres of mapped wetlands. Again- there is no way possible that the necessary placement of very large volumes of concrete in wetland areas would not alter natural water flow.

**\* 06-096 Ch. 375, § 14. No Unreasonable Effect on Scenic Character.**

* Old Canada Road National Scenic Byway, Inc. believes that CMP’s proposed project will have an unreasonable effect on the scenic character along the proposed transmission line. The fact is that a 2000- acre clear-cut cannot hide in the landscape. This is an unreasonable project- claiming 1000 miles of powerline can be effective in eliminating harmful gas when its creation, if produced from flooding creates methane which is more destructive than CO2. If it were proven that the project could come close to attaining the stated goals it would be another matter. The project without all the monetary benefit trappings is for the sole purpose of gaining Hydro Quebec and CMP access to the New England market- and primarily CMP, Iberdrola and Avangrid as Hydro Quebec already has access through New York State. We have no interest in giving up Maine’s scenic quality for the benefit of foreign business.

Natural Resources Protection Act – 38 M.R.S. § 480-D. Applicable Licensing Criteria.

\* 38 M.R.S. § 480-D(1). Existing uses.

**\* 38 M.R.S. § 480-D(8). Outstanding river segments.**

* Old Canada Road National Scenic Byway, Inc. believes that CMP has not demonstrated that a reasonable alternative to crossing outstanding river segments, such as the Kennebec Gorge, exists which would have less adverse effect upon the natural and recreational features of the river segment. The location exists because CMP owns the land while locating the line under Indian Pond would be more favorable.

**Chapter 315: ASSESSING AND MITIGATING IMPACTS TO EXISTING SCENIC AND AESTHETIC USES**

**\* 06-096 Ch. 315.**

* Old Canada Road National Scenic Byway, Inc. knows that CMP’s proposed project is likely to unreasonably interfere with existing scenic and aesthetic uses, and thereby diminish the public enjoyment and appreciation of the qualities of a scenic resource, and that any potential impacts have not been adequately minimized.

**Chapter 335: SIGNIFICANT WILDLIFE HABITAT**

**\* 06-096 Ch. 335, § 3(A). Avoidance.**

* Old Canada Road Scenic Byway, Inc. believes that CMP’s proposed project is likely to have an unreasonable impact because it is likely to degrade significant wildlife habitat, disturb wildlife, and affect the continued use of significant wildlife habitat by wildlife and CMP has not demonstrated that there is not a practicable alternative to the project that would be less damaging to the environment.

\* 06-096 Ch. 335, § 3(B). Minimal alteration.

* Old Canada Road National Scenic Byway, Inc. believes that CMP has not minimized the alteration of habitat and disturbance of wildlife.

**\* 06-096 Ch. 335, § 3(D). Compensation.**

* Old Canada Road Scenic Byway, Inc. believes that CMP’s compensation is inadequate to offset loss of the natural and scenic environment. In reality, it cannot be adequately compensated. Compensation is a sympathy card, as the loss cannot be regained. The process that CMP employed for compensation/mitigation was deplorable, involving a very few individuals with no authorization to speak for the effected community- but that discussion is not appropriate here. What is of interest is the ploy of decreased rates for all Maine customers, to the tune of 40 million dollars. When divided over the 560,000 customers CMP has (website) the savings amount to a couple of donuts and a cup of coffee a month. The mitigation to Mass. ratepayers is even less with the stated 50 million dollars spread over 40 years.

II. Old Canada Road National Scenic Byway, Inc. is strongly opposed to issuance of a permit for the NECEC project. The above objections are strengthened with the ones listed below. Although not part of DEP authority, they are very legitimate, logical and were presented to the Massachusetts Department of Public Utilities in more detail on August 15th in Boston. At this meeting, 10 individuals spoke in opposition to the project and **none in favor**.

Respectfully submitted for the Directors of the Old Canada Road Scenic Byway, Inc.

Robert Haynes, Coordinator

**Reference Material**

**What is a National Scenic Byway?**

America's Byways

America's Byways® is the umbrella term we use for the collection of **150 distinct and diverse roads** designated by the U.S. Secretary of Transportation. America's Byways include the National Scenic Byways and All-American Roads.

America's Byways are gateways to adventures where no two experiences are the same. The National Scenic Byways Program invites you to **Come Closer to America's heart and soul....**

The Old Canada Road Scenic Byway is a snapshot in time. Tracing the route of generations of travelers between Maine and Quebec, this segment of U.S. Rt. 201 winds right alongside the Kennebec River, Wyman Lake, and the Dead River. Encounter old-time villages and abundant wildlife in mountain ridges, forests, and rivers.

About America's Byways

The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States. The U.S. Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities.

What are America’s Byways®?



America's Byways® is the umbrella term we use for marketing the collection of 150 distinct and diverse roads designated by the U.S. Secretary of Transportation. America's Byways include the National Scenic Byways and All-American Roads.

Our definition of "scenic" reaches beyond breathtaking vistas. All of America's Byways® are "scenic", representing the depth and breadth of scenery in America--natural and man-made panoramas; electrifying neon landscapes; ancient and modern history coming alive; native arts and culture; and scenes of friends, families and strangers sharing their stories.

America's Byways® are gateways to adventures where no two experiences are the same. The Federal Highway Administration invites you to come closer to America!

The preceding text was from the FHWA website and indicates the special qualities of Americas Byways. In 2000 Old Canada Road was selected by then Transportation Department head Rodney Slater. This happened after all the communities along the 78-mile stretch on Rt. 201 adopted a Corridor Management Plan. While committed to protecting scenic quality and promoting existing and potential business it did not include any bisection of this nationally recognized treasure! We are 150 of the best scenic areas in the nation selected by national competition. Degradation of one is hurtful to all.

Massachusetts Department of Public Utilities: August 15, 2018

From: Robert Haynes, Me. Forester #464

Subject: Timing and advantage of the proposed NECEC project to Maine and New England

Dear Commissioners,

I am a consulting forester working for 30 years in the region of Maine planned to be bisected by the proposed 53-mile utility line from Northern Quebec. I have serious concerns over the ultimate utility of the project to New England, for a number of reasons. They include job loss in all of New England, suppression of new renewable electric projects, supply security, environmental damage in both countries, grounded ethical concern, scenic compromise, and lastly the perceived fast tracking of the project. My comments will generally focus on project land north of the Kennebec River. I thank you in advance for your time reading these pages and re-considering the merit of this project.

**Scenic Values**

Maine tourism is propelled by scenery whether it is on the coast or in the unbroken managed woodlands. Visitors come to see the relaxing landscape unavailable in their home areas. Most of this proposed 2000 -acre clear-cut would be visible from a very popular winter and summer destination- the summit of Coburn Mountain. It would also be visible from Number 5 Mountain many miles to the west-a pretty generic name for unique and beautiful hiking destination. The entire 300 feet width will be maintained as scrub/shrub habitat by yet, unknown means. The monopole design selected by Avangrid minimizes structure size but the height, averaging 95 feet is a tad excessive as Maine trees do not grow tall enough to create an outage issue. This also means the poles will be even easier to see sticking up so much higher than the surrounding vegetation. Environmental impacts are less with fewer poles as distance is longer between them, which is good. An unfortunate issue is that Avangrid has no control over the view. Landowners have the right to harvest timber right to their property line, effectively exposing the full tower height to travelers along Rt. 201 or from any other point along the route. If the trees are not removed then only portions of the line will be seen in the summer, then at the end of summer the leaves fall unveiling the monstrous extension cord. Winter is the next busiest season in our area with ice fishing, snowmobiling and cross- country skiing. Travel by snowmobile would never be without the sight of the proposed transmission line.

The permit application in Maine is for one utility line. It will occupy 150 feet of the 300 -foot swath, begging the question about the other half. Repeated questioning of CMP folks revealed that it was for another transmission line, should it be needed, someday. Whether that would be for additional Hydro Quebec power or to move energy from additional wind turbines we do not know. What we do know is that once one is approved, the parallel one becomes quite easy- so in essence we are approving the entire corridor.

**Jobs in New England**

This region is powered by a number of sources from a variety of business and entrepreneurs. Small gas plants, biomass, solar farms, wind powered generators as well as the traditional oil, water, and nuclear. Some older generators will be shutting down due to a number of reasons and a new source needs to replace their capacity. Buying from Canada will eliminate opportunity for U.S business to participate in that replacement. The subsidized cost of the 1200 MW will force many current generators out of the market. When those small generators are gone, I suspect we will see a price increase from this new source. I would much rather see my neighbors employed than save a nickel on the power bill. Having this 1200MW elephant in the market will stifle new clean energy generation and ensure dependence on Canada and Spain for electricity. This is totally opposite of the Massachusetts license logo “Spirit of America”, and I hope those in this room will not allow those three words to be severely tarnished, as fruition of this project will ensure.

**New England Based Renewable Supply**

Electricity is a life necessity these days. Responsible technology has grown in the last decade that allows it to be produced from a variety of clean sources. It is not always as economical as some old sources, but in the long- run, considering environmental benefit it is much cheaper. Cost of solar and wind based renewables has come down, as the volume of product has increased, and simultaneously energy efficient appliances have allowed less consumption- balancing monthly household cost. The recent quote from the Martha’s Vineyard wind project proves that point. The shadow from the closet however is weather. Hydro is constant and not dependent on wind or sun. Hydro Quebec has stated that it wants to be the “battery for New England”. Years ago, that was about the only option. Now emerging household batteries designed to charge at periods of low use and make grid power available in times of increased demand are on the cusp of realization.

**Supply Security**

Where is the logic in slicing through 53 miles of un-fragmented forest and widening 92 miles to import a product we can make in our own backyards? Power from Hydro Quebec is already delivered through New York State, Maine through New Brunswick, and Vermont. One reason stands out- MONEY. Without the success of this proposal Avangrid and its CMP subsidiary are out of the market. Utility companies seem to change hands frequently. Who will own Avangrid next? A Russian entity?

**Environmental Damage in both Countries**

Two thirds of the proposed project is located on existing or, to be widened infrastructure. The 53 miles I spoke of is through an untracked, except for traditional uses, woodland. This scar would be three hundred feet wide and goes over the sides of mountains with long unbroken straight- a- ways. Central Maine Powers proposed line would divide what is “Maine” and part of the reason for our large tourism economy. Our wildlife does not need this new “window on the world”. Permits still need to be issued in Maine to allow construction. How can we permit a project we would not allow? Our moose read the Hydro Quebec stories from 1984, regarding the 10,000 caribou drowned by hydro flooding. Hydro Quebec biologists are diligently working to determine the safe level of human fish ingestion due to mercury released by the flooding. This was a Cree staple when Caribou were not present. By 2020, they say it will reach a peak- if nothing else is flooded. Where does it go?

When questioned as to the source of this 1200MW, CMP has offered a couple different stories- one is it is coming from Ontario and New York, and the other is it is from new flooding and upgrade of the Hydro Quebec turbines. In order to determine if the purported 265,000 tons of carbon reduction (CMP published) is anywhere near accurate, we need to know and not just take their word for it.

<http://articles.latimes.com/1989-01-15/news/mn-762_1_electric-power/2>

<https://www.nytimes.com/1984/10/04/world/thousands-of-caribous-die-in-quebec-rivers.html>

<https://www.nytimes.com/1992/01/12/magazine/power-struggle.html>

Please do take the time to read these articles. Although dated, they bring up the same questions we are asking today. If these were included in the monthly power bill envelope I do not believe the rate- payers, anxious to pay a premium for “green” power, would be so inclined.

**Ethics**

This topic is rarely listed as a governmental concern but…. Why is it OK to purchase a product from another country that we by legislation have not allowed in our own due to environmental and aesthetic concerns? Why the double standard? In addition, why is Maine being asked by Massachusetts to be complicit in the increased environmental devastation? Shame on both States for this. Pretty expensive garage door opener!

**Fast Tracking**

New Hampshire spent over ten years to defeat a similar proposal. Maine is looking at less than a year. In fact, Central Maine Power bought the corridor before the contract opportunity was available, (October 2017). The reason is clearly to tie up the demand for energy and be the responsible party to provide it. Major money is at stake for Central Maine Power and Hydro Quebec. New York analysts came up with the figure of 60 million in annual net profit for Central Maine Power, certainly qualifying as a major incentive for rapid project completion! This is profit; money that Massachusetts is not spending on product that could be invested in their own infrastructure. Incentive for Hydro Quebec may be in the same range as they have stated that they want to be the battery for New England. I suggest they energize all of Canada first.

Clearly, there is no power crisis in New England otherwise electrons would be flowing under Lake Champlain, as cost would be no barrier in desperate times. The only reason for rapidly pursuing the project is to ensure Spain and Canada are not excluded from the profit. I apologize for referring to Central Maine Power so many times when more accurately it is Avangrid. The public has a more comfortable perception of a New England company than of a very large Spanish company and project proponents have chosen to continue to use the name of a New England rooted company.

In conclusion, I ask that this Department reconsider the request to have Maine be involved in this rush to tie up a portion of the New England Power supply, ensuring Spain is responsible for a New England necessity. Withdrawing entertainment of the NECEC proposal will ensure New England is responsible for its own power destination. Many will say that the boat has already sailed and its course cannot be altered. Please take hold of the rudder, return to a safe port, and live the slogan “Spirit of America”.

With all respect for your consideration,

 Robert Haynes