

August 27, 2018

Jim Beyer  
Bureau of Land Resources  
Maine Department of Environmental Protection  
106 Hogan Road, Suite 6  
Bangor, ME 04401

RE: CMP NECEC Project  
Docket No. 2017-00232

Dear Jim:

For filing, enclosed please find NextEra Energy Resources, LLC's Response to First Procedural Order in connection with the above referenced matter.

Thank you for your attention to this matter. Please do not hesitate to reach out to me should you have any questions or concerns.

Sincerely,



Joanna B. Tourangeau

JBT/cp

Enclosure

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CENTRAL MAINE POWER COMPANY	)	
Applications Pursuant to SLODA and NRPA for	)	
the New England Clean Energy Connect	)	
Consisting of the Construction of a 1,200 MW	)	
HVDC Transmission Line from the Quebec-Maine	)	
Border to Lewiston (NECEC)	)	
And Related Network Upgrades	)	
	)	
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	)	

**NEXTERA ENERGY  
RESOURCES, LLC's  
RESPONSE TO  
FIRST PROCEDURAL  
ORDER**

Pursuant to the First Procedural Order, dated August 13, 2018, Intervenor NextEra Energy Resources, LLC (“NextEra”) provides herein specification of the statutory and regulatory criteria that it desires to address at the public hearing relating to Central Maine Power Company’s (“CMP”) applications with the Maine Department of Environmental Protection (the “Department”) for construction of the New England Clean Energy Connect (the “Project”). NextEra reserves its rights to expand upon the below specification based on new and updated information submitted into the record. While NextEra is still evaluating CMP’s information, it is likely to oppose the issuance of a permit for the Project.

**I. The Project’s Site Location Law Application Fails to Demonstrate That There Will be no Adverse Effect on the Natural Environment as Required by 38 M.R.S. § 484(3) (the “Site Location Law”).**

Chapter 375 of the Department Rules sets forth the scope of review of the Department in determining a developer's compliance with the “no adverse effect on the natural environment” standard of the Site Location Law. NextEra is still evaluating whether CMP’s project has demonstrated that there will be no adverse effect on the natural environment.

**A. Preservation of Historic Sites, 06-096 Ch. 375, § 11.**

CMP did not submit necessary data related to historic and archeological sites until August 14, 2018. Pursuant to the First Procedural Order, NextEra requests additional time to review CMP’s findings. A preliminary reading of this data shows the amount of above ground resources listed or deemed eligible to be listed on the National Register of Historic Places that fall within indirect areas of potential effect.

**B. Preservation of Unusual Natural Areas, 06-096 Ch. 375, § 12.**

On August 9, 2018, CMP submitted raw data related to its Rare Plant and Exemplary Natural Community Surveys; but a comprehensive report, as of August 22, 2018, had not yet been submitted. Because CMP has not yet submitted necessary data related to rare plants, NextEra requests additional time to review CMP’s findings once the same have been submitted. As a

preliminary matter NextEra is likely to question the scope and geographic selectivity of the surveys.

**C. No Unreasonable Effect to Scenic Character, 06-096 Ch. 375, § 14.**

NextEra is still evaluating whether CMP's project has an unreasonable impact to the scenic character.

**D. Protection of Wildlife and Fisheries 06-096 Ch. 375, § 15.**

CMP did not submit necessary data related to the Northern Bog Lemming and Roaring Brook Mayfly until August 9, 2018, and did not submit complete data related to freshwater wetlands and vernal pool impact or proposed mitigation related thereto until August 14, 2018. Pursuant to the First Procedural Order, NextEra requests additional time to review CMP's findings. In addition to reserving the right to comment on the foregoing, NextEra has identified what appears to be outdated information relied on in the Project's Site Law Application. For instance, the information provided by CMP on the habitat of the Canada Lynx (*see*, Site Law Application, Section 7.4.4.1) relies on data from 2000 or earlier. Similarly, CMP relies on study from five years ago to identify bald eagle nest sites located nearby the corridor (*see*, Site Law Application, Section 7.4.3.1).

**II. The Project's Natural Resources Protection Act (NRPA) Application and its Responses to Comments Fail to Demonstrate that the Project Will Not Unreasonably Interfere with Existing Scenic, Aesthetic and Recreational or Navigational Uses as Required by Pursuant to 38 M.R.S. § 480-D(1).**

NextEra is still evaluating whether CMP's project will interfere with existing scenic, aesthetic, and recreational or navigational uses.

**III. The Project's NRPA Application and its Responses to Comments Fail to Demonstrate that the Project Will Adhere to Rules Governing Wetlands and Water Bodies Protection Pursuant to 06-096 Ch. 310.**

CMP did not submit complete data related to freshwater wetlands and vernal pool impact or proposed mitigation related thereto until August 14, 2018. Pursuant to the First Procedural Order, NextEra requests additional time to review CMP's findings.

**IV. The Project's NRPA Application and its Responses to Comments Fail to Demonstrate that No Reasonable Alternative Exists Which Would Have Less Adverse Effect Upon the Natural and Recreational Feature of the River Segment Pursuant to 38 M.R.S. § 480-D(8).**

NextEra is still evaluating if CMP's project has failed to demonstrate no reasonable feasible alternative.

**V. The Project's NRPA Application and its Responses to Comments Fail to Demonstrate that the Project Will Adhere to Rules Governing Significant Wildlife Habitats Pursuant to 06-096 Ch. 310**

CMP did not submit complete data related to freshwater wetlands and vernal pool impact or proposed mitigation related thereto until August 14, 2018, and did not submit necessary data related to the Northern Bog Lemming and Roaring Brook Mayfly until August 9, 2018. NextEra requests additional time to review CMP's findings.

**VI. NextEra Energy Resources, LLC is Discussing Voluntarily Consolidating with several Intervenors.**

NextEra has discussed voluntary consolidation with other parties to the proceeding. At this time, NextEra does not expect to consolidate its intervention with another party given NextEra's unique interests, i.e., the Project routes would interfere with NextEra's solar and wind development projects in Maine.

Date: August 27, 2018

  
Joanna B. Tourangeau, Me. Bar No. 9125  
Attorney for NextEra Energy Resources, LLC