

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Central Maine Power Company Application
for a Site Location and Development Act
Permit and Natural Resources Protection Act
Permit for the Construction of the New
England Clean Energy Connect (NECEC)

**CONSERVATION LAW FOUNDATION'S
PRE-CONFERENCE MEMORANDUM**

August 27, 2018

Conservation Law Foundation (CLF) submits this Pre-Conference Memorandum in response to the Maine Department of Environmental Protection's (DEP) August 13, 2018 First Procedural Order.

I. Statement of position

DEP's stated purpose for the public hearing is "for the Department to collect additional information for the record to help inform a licensing decision, for the public to have the opportunity to participate more directly by submitting oral testimony, and having the opportunity to cross examine witnesses." First Procedural Order, ¶ 18. Like DEP, CLF intends to use the DEP public hearing and the DEP proceeding more generally to "collect additional information" about the NECEC Project. The information gathered through this proceeding will inform CLF's arguments and positioning. As such, CLF's is currently neither for nor against the NECEC Project.

II. Statutory and regulatory criteria

CLF intends to make contentions concerning the environmental, natural resource and climate change impacts of the NECEC and the assessment of these impacts under applicable statutory and regulatory criteria, including, but not limited to, the criteria set forth in:

- 38 M.R.S. § 484(3), Site Location of Development Act, Applicable Licensing Criteria, *No adverse effect on the natural environment*. Specifically, under 06-096

C.M.R. chapter 375, CLF expects to focus on §§ 14, *No unreasonable effect on scenic character*, and 15, *Protection of Wildlife and Fisheries*;

- 38 M.R.S. § 480-D(1), Natural Resources Protection Act, Standards, *Existing Uses*, and (3) *Harm to habitats; fisheries*;
- 06-096 C.M.R. ch. 310 § 5(A)-(D) Wetlands and Waterbodies Protection, *General Standards*;
- 06-096 C.M.R. ch. 315 §§ 4, Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses, *Scope of Review*, and 8, *Mitigation*; and
- 06-096 C.M.R. ch. 335 § 3, Significant Wildlife Habitat, *General Standards*.

III. Voluntary consolidation

CLF respectfully requests to be consolidated with The Nature Conservancy.

IV. Pre-hearing conference

Pursuant to the First Procedural Order, a pre-hearing conference will be held on Friday, September 7, 2018 at 10:00 am. The First Procedural Order notes that parties must have a representative in attendance, or risk waiving the right to object to matters discussed and resolved. The conference date and time poses a potential problem for CLF in light of a conflict with the Maine Public Utilities Commission (PUC) NECEC Project technical conference on surrebuttal testimony scheduled to begin at 9:00 am on the same day. A number of intervenors are parties to both the DEP and the PUC cases regarding the NECEC Project, and this conflict may pose a challenge for others as well.

V. Primary contact

Please maintain both of the following representatives of CLF on the official service list. However, Emily K. Green will serve as the primary contact.

Phelps Turner
Conservation Law Foundation
53 Exchange Street, Suite 200
Portland, ME 04101
Tel: (207) 210-6439
E-mail: pturner@clf.org

Emily K. Green
Conservation Law Foundation
53 Exchange Street, Suite 200
Portland, ME 04101
Tel: (207) 210-6439
E-mail: egreen@clf.org

Dated: August 27, 2018

Respectfully submitted,



Phelps Turner
Conservation Law Foundation



Emily K. Green
Conservation Law Foundation