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April 12, 2019

VIA EMAIL & U.S. MAIL

*Re: Request for Extension of the Comment Period and for Public Hearings for
U.S. Army Corps of Engineers Permit Application No.: NAE-2017-01342*

Dear Mr. Clement,

On behalf of Sierra Club, Maine Chapter, I write to respectfully request an extension of the 30-day public comment period for the proposed Central Maine Power Company Transmission Lines project by an additional 30 days. This project is complex, has generated and is still generating significant controversy, and has long-term environmental and social implications for citizens inside and outside the state of Maine. Due to the magnitude and complexity of this project and the enormous demonstrated level of public interest, a 30-day comment period is insufficient.

On March 26, 2019, the Maine Project Office of the U.S. Army Corps of Engineers issued a public notice announcing a 30-day public comment period for the Transmission Lines project (Application Number NAE-2017-01342) ending on April 25, 2019. The Transmission Lines project would include the installation of multiple High Voltage Direct Current (HVDC) transmission lines totaling approximately 173.3 miles through the state of Maine, including wetlands and waterways. Of the 173 miles, 53 miles of new transmission lines will be located in a previously undeveloped area. The public notice states that 406 water bodies and more than 100 acres of wetlands, several of which are wetlands of special significance, will face permanent impacts.

Public notice is the primary method for soliciting "information necessary to evaluate the probable impact on the public interest." 33 C.F.R. § 325.3(a). The original 30-day comment period may be extended an additional 30 days, if the agency finds it is warranted. *Id.* at § 325.2(d)(2)(iv). When determining if an extension is warranted, the agency may look at whether the proposal is routine or noncontroversial. *Id.* at § 325.2(d)(2)(i). This Transmission Lines project has generated a significant amount of

controversy throughout the state and certainly cannot be considered “routine.” The Corps may also consider the “need for comments from remote areas,” which is also a factor weighing in favor of providing additional time for comments on this project. Finally, the Corps’ regulations permit the district engineer to consider “[c]omments from similar proposals” in determining the need for a comment period extension. By comparison, a similar project to this one—the Northern Pass transmission project—had multiple and extensive public comment opportunities. And, for perspective, just over a month ago, the U.S. Army Corps, Savannah, GA District extended a comment period for 30 days “related to plans to pass fish upstream of the existing New Savannah Bluff Lock and Dam.”¹ In explaining the extension, the District Commander put it best: “We want to make sure everyone with an interest in the fish passage project has ample time to understand and provide comment on this extremely important mitigation project.” So for much smaller and far less controversial projects, the Corps has granted 30-day extensions, and it should do so in this case as well.

The controversial nature of the CMP Transmission Lines project is undeniable. It has created a divide among state government officials as well as the general public.² While Maine’s governor appears to support the project, a number of bipartisan state legislators have expressed their opposition. In particular, legislators on both the Environment and Natural Resources and the Energy, Utilities and Technology Committees have voiced strong opposition to the project.³ While some believe the project will reduce Maine’s carbon emissions and create tax benefits, others fear that it will actually increase total greenhouse gas emissions, as well as lead to a loss of jobs and disruption to the environment, scenery, and wildlife in the state.⁴ Additionally, a number of towns that will be affected by the transmissions lines have either voted against the project or rescinded their previous support.⁵ It is clear this project evokes strong opinions and emotions on both sides of the issue, and the news articles cited in this letter are representative of hundreds of articles that have been written about this project in the past couple of years. Such media coverage is indicative of the public interest in the project and the controversy surrounding it.

The project also implicates many environmental and societal issues. Providing additional time to comment would ensure that interested persons and groups are able to inform the Corps of all of their concerns so the agency can take them into account during the decision-making process. This project will have acknowledged impacts to wetlands and

¹ <https://www.sas.usace.army.mil/Media/News-Releases/Article/1767553/corps-of-engineers-extends-comment-period-on-future-of-lock-dam-passing-fish-re/>

² See <https://www.nrcm.org/maine-environmental-news/pucs-decision-cmp-corridor-deeply-flawed/>. As the Natural Resources Council of Maine notes, a recent state-wide poll found 65% of Mainers oppose the project, with higher percentages opposing in the regions directly affected, more than 10,000 Mainers have signed a petition in opposition to the project, and legislation has been introduced in the Maine Legislature that would, among other issues, require an independent analysis of the project’s climate impacts.

³ See <https://www.nrcm.org/maine-environmental-news/legislators-battle-lepage-cmps-proposed-transmission-line/>

⁴ See, e.g., <https://www.sunjournal.com/2019/04/04/public-weighs-in-on-proposed-cmp-power-line-project-in-farmington/>

⁵ <https://www.mainepublic.org/post/opponents-supporters-cmps-145-mile-transmission-line-weigh-bills-could-sink-project>

waterways throughout the state, including to the scenic Kennebec River Gorge. The Corps' notice also indicates possible impacts to endangered species and their designated critical habitat, as well as to essential fish habitat. It is our understanding that the transmission lines will cross the Appalachian Trail in multiple areas. Further, the additional transmission lines throughout the state, especially those proposed in currently undeveloped areas, may increase the possibility of wildfires.⁶ The notice also solicits "recommendations for alternative sites and [mitigation] measures not yet identified by the applicant." Such investigation and identification of alternatives and mitigation measures is daunting undertaking that should not be limited to a 30-day period. Finally, commenters may also want to address the climate change impacts of the project. This is only a small and incomplete list of possible issues that commenters may want to address, and additional time to comment will provide the Corps with valuable perspectives. A 30-day period does not provide enough time for the interested public to address all of these, and other as yet unknown, concerns.

For all the same reasons described above as supporting the extension of the comment period, the Sierra Club also requests, pursuant to 33 C.F.R. 327.4(b), that the Corps hold public hearings on this application. We understand the public notice states that the comments will be used to determine the need for public hearings; however, the need for such hearings and the public interest in this project are already abundantly clear. And public hearings at this early stage in the process will ensure that the Corps hears from the public with sufficient time to incorporate and address citizens' concerns. Such early public hearings would and should not preclude the Corps from holding additional public hearings once it has received and reviewed written comments. The Sierra Club does not consider the Corps' presence at state level hearings as in any way equivalent to or taking the place of a public hearing on this application. The Maine Department of Environmental Protection and the Land Use Planning Commission are state agencies with statutory and regulatory obligations and mandates that differ from the Corps'. The fact that those state agencies held public hearings should further support the idea that the Corps should follow suit.

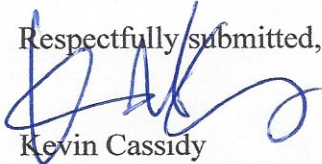
Due to the highly controversial nature of this large-scale project and the numerous concerns commenters may address, the Sierra Club Maine Chapter respectfully requests a 30-day extension of the public comment period to extend through May 28, 2019 (since 30 days falls on a weekend and Monday, May 27th is a federal holiday), and for the Corps to schedule public hearings related to this project. This will enable the Sierra Club, as well as the many other individuals, organizations and businesses affected by and interested in this project to assemble and submit substantive and thoughtful comments to better enable the Corps to make an informed decision. Thirty days is a small and reasonable delay to a process that has been ongoing for years already and that will affect the citizens and the environment of Maine for decades to come.

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⁶ <https://www.ecmag.com/section/systems/link-between-power-lines-and-wildfires>

Please do not hesitate to contact me at 781-659-1696 or cassidy@lclark.edu if you have any questions. The Sierra Club would appreciate a response as soon as possible so it can plan its comment strategy accordingly.

Respectfully submitted,



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CC via email only: Alice Elliott, Sierra Club, Maine Chapter
Representative Seth Berry
Sandra Howard, Say NO to NECEC
Sue Ely, Natural Resources Council of Maine