



Henry L. Ingwersen
Senator, District 32

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

Representative Pluecker and Esteemed Members of the Agriculture, Conservation, and Forestry committee. I'm Senator Henry Ingwersen, and I represent District 32, which includes the York County municipalities of Arundel, Biddeford, Dayton, Hollis, and Lyman. I'm before you today to introduce and speak in favor of my bill LD 315, "An Act to Provide Funding for Drought Relief and Other Programs Benefiting Maine Farmers"

Maine has abundant water resources, but not necessarily enough in the right place or at the right time. In addition, Maine's changing climate is making water availability more unpredictable. Of Maine's four most recent droughts, three of them have occurred in 2020, 2021, and 2022. Many agricultural commodities experienced significant drought in 2020, with dry conditions beginning in mid-May, but rapidly worsening in June. The 2020 rainfall deficit, which was extreme in northern Maine, resulted in occasional record low stream flows, with some farmers futilely attempting to save their crops through excessive water withdrawals from streams and rivers. The Maine Department of Environmental Protection (DEP) received over 100 citizen complaints related to farm water withdrawal, which included fish kills, low stream flows, destruction of beaver dams, filling of wetlands, and other issues. In March 2021, river flows were already below normal, and some areas of the state received inadequate rainfall until July.

It has been well documented that these weather extremes will continue. The University of Maine's *2020 Maine Drought and Agriculture Report* indicates that climate change is leading to changes in temperature and precipitation, and that climate scientists anticipate that these changes will intensify in coming decades. Suffice to say, Maine farmers face a very uncertain future when it comes to sufficient water for crops.

Because of this, the 130th Legislature passed LD 1998, "An Act to Establish a Fund for Farmers Adversely Affected by Drought Conditions." The bill established two major goals. One was to establish a Drought Relief Grant Program, which the Mills Administration has requested \$2 million for in the upcoming biennial budget, and \$300,000 per year thereafter. The second part of LD 1998 was for the DACF, the DEP, and the LUPC to submit a report with findings and recommendations for streamlining permitting new sources of water for irrigation in Maine. This report, titled *Findings and Recommendations for Streamlining Permitting New Sources of Water for Irrigation in Maine*, was submitted to the Agriculture, Conservation, and Forestry Committee in January. If passed, LD 315 will implement these recommendations.

To summarize, this bill will provide a one-time appropriation in FY 2024 in order for the Land Use Planning Commission to hire a consultant to review and overhaul the current applications to improve water withdrawal permitting. The bill also establishes and provides ongoing funding for 3 full-time, permanent positions: one within the Land Use Planning Commission; one within the Department of Agriculture, Conservation and Forestry's Bureau of Agriculture, Food and Rural Resources' Division of Agricultural Resource Development; and one within the Department of Environmental Protection's Water Withdrawal Program.

The detailed additions to the original bill language are attached. I'm happy to take your questions and hope those that follow this testimony will have expertise to answer your questions as well.

**Amendment to LD 315 -
An Act To Provide Funding for Drought Relief and Other Programs Benefitting Maine
Farmers**

Presented by Senator Ingwersen
Public Hearing scheduled February 13, 2023

Amend the bill by striking everything after the enacting clause and inserting the following:

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Land Use Planning Commission**

Initiative: Provides a one-time appropriation of \$35,000 in SFY 2024 to hire a consultant to review and overhaul the current applications to improve water withdrawal permitting.

Notes: LUPC should conduct a rigorous review of its Shoreland Alteration Application Form and Non-residential Development Forms and create a new, separate application specifically for agricultural surface and groundwater extraction to reduce the time and intensity of applying for this regulatory review. LUPC staffing constraints are such that outside assistance is necessary to make this application overhaul a reality.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Land Use Planning Commission Northern Regional Office**

Initiative: Provides an ongoing appropriation for a full-time, permanent ES II position in LUPC's Northern Regional Office to provide more technical assistance to farmers needing to complete permit applications for new water sources.

- ES II (LUPC) – Step 3 = \$83,859 in first year; Step 4 = 83,859 in second year
- *According to DACF, the department will need to conduct rulemaking to create the grant/fund so the fund would be launched in Q4 at the earliest (still need to confirm).

Notes:

If the number of applications increase (such as in conjunction with irrigation infrastructure funding), the existing staff, already carrying a high workload burden, could not provide the necessary assistance to ensure a smooth, efficient process. Also, more pre-application assistance is needed to assist farmers with evaluating permissible options in the field, customizing application submissions to match each project, and guiding farmers to available technical resources and assistance.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Bureau of Agriculture, Food and Rural Resources' Division of Agricultural Resource
Development**

Initiative: Provides an ongoing appropriation for a full-time, permanent Public Service Coordinator I position in DACF's Bureau of Agriculture, Food and Rural Resources' Division of Agricultural Resource Development. This position would be responsible for supporting the Farmer Drought Assistance Fund, assisting the Agricultural Water Management Board, and providing technical and policy expertise regarding water management and irrigation to producers and across DACF staff and programs.

- Public Service Coordinator I – Step 3 = \$106,833 in first year; Step 4 = 112,618 in second year

*According to DACF, the department will need to conduct rulemaking to create the grant/fund so the fund would be launched in Q4 at the earliest (still need to confirm).

Notes:

Given the ramifications of climate change to Maine agriculture, it is critical that DACF has the technical expertise to advise on policy and programs that meet the needs of producers as they adapt to changing climate dynamics. DACF does not currently have the professional staff available to work directly with producers regarding sustainable water resource management.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Water Withdrawal Program**

Initiative: Provides ongoing an appropriation for a full-time ES III Water Withdrawal Program Manager at DEP. There is a new and growing workload related to water withdrawal issues for agricultural irrigation due to drought and changes in agricultural practices that have significantly increased the use of irrigation. There have been many significant documented impacts to waters of the state due to these issues. This is largely, but not exclusively, in Aroostook County.

- ES III (DEP) – Step 3 = \$93,676 in first year; Step 4 = 94,890 in second year

*According to DACF, the department will need to conduct rulemaking to create the grant/fund so the fund would be launched in Q4 at the earliest (still need to confirm).

Notes: Climate change is expected to exacerbate these issues. It has become apparent in the last three years that there is insufficient staffing at DEP to properly manage these requirements. A new ES III in DEP's Northern Maine Regional Office (NMRO) would manage all aspects of water withdrawal, including requests for alternative flow evaluations, education and outreach, technical assistance, compliance, and enforcement. The position would also research and help

pursue federal and state grants to aid the agricultural community in drought resilience projects (some of which may also provide climate benefits consistent with the Maine Climate Action Plan's strategy of promoting natural climate solutions and increasing carbon sequestration on working lands). The position would coordinate with DACF on its new Maine Healthy Soils program. The position would also coordinate with the NMRO Manager, who is the department representative on the Agricultural Water Management Board and Bureau of Water Quality technical staff as needed. It is expected that these job duties would be 60-80% of the position's workload. Additional time would be used for industrial stormwater compliance and technical assistance inspections, and to support Non-Point Source grant projects to reduce discharges to waters of the state, with a focus on agricultural projects to minimize soil loss.

SUMMARY

This amendment strikes and replaces the bill, which is a concept draft. The amendment implements the recommendations of the Department of Agriculture, Conservation and Forestry January 2023 report, *Findings and Recommendations for Streamlining Permitting New Sources of Water for Irrigation in Maine*.

The amendment provides a one-time appropriation of \$35,000 in SFY 2024 in order for the Land Use Planning Commission to hire a consultant to review and overhaul the current applications to improve water withdrawal permitting.

The amendment establishes and provides ongoing funding for 3 full-time, permanent positions: one within the Land Use Planning Commission; one within the Department of Agriculture, Conservation and Forestry's Bureau of Agriculture, Food and Rural Resources' Division of Agricultural Resource Development; and one within the Department of Environmental Protection's Water Withdrawal Program.