



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T MILLS
GOVERNOR

AMANDA E BEAL
COMMISSIONER

**TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

IN SUPPORT OF LD 1881

An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws

May 10, 2023

Senator Ingwersen, Representative Pluecker, and members of the Joint Committee on Agriculture, Conservation and Forestry, my name is Nancy McBrady, and I am the Deputy Commissioner of the Maine Department of Agriculture, Conservation and Forestry (DACF). I am speaking in favor of LD 1881, *An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws*.

We thank Representative Landry and the many stakeholders who were involved in this process for bringing this bill before us today.

DACF supports renewable energy development in Maine and understands that solar is a key component of reducing our reliance on fossil fuels. Many of the resources that DACF stewards are put at risk by the impacts of climate change. We also support opportunities for farmers and forest landowners to address their own energy needs with renewable sources and enhance their operations' economic viability with thoughtful siting of renewable energy infrastructure.

At the same time, DACF strongly recommends prioritizing siting of solar projects on non-agricultural lands and within areas that do not contain rare plant populations, provide habitat for rare or exemplary natural communities, or diminish the ability for our natural and working lands - including currently forested lands - to effectively sequester carbon. Productive agricultural soils are finite resources that can take decades to restore, and in some cases, restoration may not even be possible.

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE (207) 287-3200
FAX (207) 287-2400
WEB WWW.MAINE.GOV/DACF

In lieu fee is a mechanism where the developer pays a fee if the proposed development cannot avoid impacts to significant environmental or natural resources. That payment funds wetland, wildlife, or in this case, farmland protection elsewhere in the state. Such programs exist in Maine already, namely the Maine In Lieu Fee Compensation Program and Maine Natural Resource Conservation Program.

Under LD 1881, where a solar project impacts prime agricultural soils or agricultural soils of statewide importance, a compensation fee is calculated for commercial-scale solar operations of 20 acres or more that the developer would pay. The calculation can be reduced if mitigation strategies are employed at the site. The Department looks forward to the public rulemaking process to define prime and statewide soils. We understand that in-field verification and assessment are important to confirm unique site attributes.

To be clear, this bill will not stop solar development from being placed on agricultural land, rather, it will charge a mitigation fee to be paid by the developer. For agricultural lands, this fee would be triggered for only 14% of Maine's total soils, not all agricultural lands throughout the state of Maine¹.

The benefits of farms and farmland to our state and its people are numerous, spanning economic, cultural, environmental, and educational benefits to providing local and regional food security, educational opportunities, aesthetic value, and critical wildlife habitat. Between 2012-2017, Maine lost over 140,000 acres of farmland². American Farmland Trust ranks Maine in the top 5 states with farmland loss³. Along with current development pressures, we also need to think strategically about further development trends and farmland preservation. This bill can help modulate future farmland loss by investing compensation fees collected from developers in farmland conservation.

We recognized that this model might draw criticism as singling out solar developers when farmland conversion occurs through other types of development. However, the current pace, scope, and scale of solar development present a unique threat to agricultural land that is outpacing the impact of commercial and residential development pressures. It is one of the reasons an increasing number of towns in Maine have established moratoriums on solar development as they grapple with establishing local policies to address siting issues. DACF believes that LD 1881 presents a reasonable mechanism to encourage thoughtful design and development of solar on specific types of agricultural soils that cannot be avoided and points to existing in lieu fee programs as evidence of this benefit.

LD 1881 is a balanced approach to farmland protection and renewable energy development and will add substantial clarity regarding compensatory mitigation requirements for Site Law-sized renewable energy projects.

-
- 1 Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>
 - 2 2017 Agricultural Census, National Agricultural Statistics Service, USDA
 - 3 American Farmland Trust, Farms Under Threat: The State of the States, "Agricultural Land Conversion Highlight Summary: Maine," (2020)

We urge the Committee to support this bill. I am happy to answer any questions you may have now or at the work session.