



March 18, 2024

Committee on Environment and Natural Resources
Maine State Legislature
100 State House Station
Augusta, ME 4333

RE: Testimony of Conservation Law Foundation Neither For Nor Against LD 2266, An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems

Senator Brenner, Representative Gramlich, and members of the Joint Committee on Environment and Natural Resources,

Thank you for the opportunity to provide testimony Neither For Nor Against LD 2266, An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems. Conservation Law Foundation (“CLF”) is a member-supported nonprofit advocacy organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. I have been CLF’s Vice-President for Maine since 2007 and have worked on the issue of offshore wind since then. To our own detriment as a state, both in terms of our economy and our environment, we have managed to fumble the ball each time we get close to actually recognizing the economic and environmental benefits of offshore wind.

LD 2266 is very simply an effort to avoid another such fumble. A sand dune, created by the construction of a jetty several decades ago, was recently identified on Sears Island, which is the currently preferred site for an offshore wind terminal. As a member of the Offshore Wind Advisory Group that met over two years to consider the various options for the State to consider for an offshore wind port, it pains me to no end that this sand dune was not identified until after our group concluded its work. The issue now is how best to move forward.

If LD 2266 is not enacted, then it is very likely that Sears Island would not be able to be considered as a site for an offshore wind terminal because of the current language of the law and regulations governing activity in coastal sand dunes. By allowing an exception for an offshore wind terminal, LD 2266 would make it **possible** for Sears Island to continue to be an option for such a terminal.

I emphasize the word “possible” because this bill would not change the numerous state and federal laws that will require the State to conduct a full alternatives analysis before a final site can be chosen. Specifically, that alternatives analysis means that if the balance of environmental, economic and/or community costs and benefits are outweighed by those at another site, then that other site should be selected. LD 2266 would make it possible to consider

Sears Island as a site for an offshore wind terminal but it would not take the impact of developing such a terminal on coastal sand dunes off the table. Any such impact will have to be treated in the same way as impacts on other natural resources, such as wetlands, critical habitat and water quality.

If this Committee were to move LD 2266 forward, we would suggest the exemption contemplated here be limited to this man-made coastal sand dune on Sears Island and that such specificity be matched with specificity on the types of mitigation that would be required in the event that the development of an offshore wind terminal impacts them. To that end, we support the suggestions made by Maine Audubon in its testimony today.

Thank you for your consideration of these comments.

Very truly yours,

A handwritten signature in blue ink that reads "Sean Mahoney". The signature is written in a cursive, flowing style.

Sean Mahoney
Senior Counsel and Vice President, CLF Maine