

Testimony in Support of LD 2174

An Act to Increase Predictability in the Permitting of Renewable Energy Development

Sean Murphy, Senior Project Manager

Flycatcher, LLC

February 25, 2026

Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, my name is Sean Murphy. I am a Senior Project Manager at Flycatcher, LLC and am testifying today in support of the Sponsor's Amendment to LD 2174 that was distributed to Interested Parties on February 18, 2025.

Flycatcher LLC (Flycatcher) is a Maine-based environmental and land-use consulting firm with extensive experience throughout New England. Headquartered in Yarmouth, with staff working across the state, Flycatcher was founded on three core pillars: Land, Science, and People. The company is committed to balancing thoughtful development with the protection and conservation of unique natural and cultural resources. Our staff is experienced in providing natural resource identification, planning, and permitting in support of renewable energy projects. We've worked on projects in multi-municipality transmissions projects, small and large solar, wind, and battery storage. We have worked with larger municipalities such as Augusta and Bangor as well as smaller communities throughout Maine. Six of our senior staff members, who collectively have over 120 years of experience, have been involved in many of the most significant projects that have occurred here in Maine, and we are actively training the next generation to carry on this legacy of quality work and customer service.

Flycatcher appreciates the ways in which LD 2174 makes the regulatory environment more predictable for renewable energy projects in Maine. Uncertain state permitting timelines and changes in municipal ordinances can increase the financial risk of a project and we urge you to support the provisions in the bill that provide more predictability in those areas.

We are particularly supportive of section ten which directs the Maine Department of Environmental Protection (DEP or Department) to establish a permit-by-rule process for solar energy developments that occupy less than 100 acres of land and do not require a Tier III review process under the Natural Resources Protection Act.

Solar developments of a certain size are good candidates for this type of permit-by-rule process. These developments are fairly uniform in their impacts and the environmental and social concerns are well understood. The DEP has the necessary expertise to develop, through rulemaking, pre-established standards and conditions that, if met, will result in an approved application. This will help move the industry towards uniformity, and that type of uniformity will provide predictability for applicants as well as for DEP staff. With clearly-established standards, DEP staff will be able to more quickly evaluate the merits of an application under the site location of development law.

I would encourage the committee to considering adding the Solar Decommissioning Act permit to this program as well. The requirements of the law are relatively straightforward but requiring a full permit expands the effort required by DEP staff in terms of processing and review.

And I believe that giving the Department the ability to quickly process these types of

applications is good for the developer as well as the Department. My experience is that DEP staff are dedicated and hardworking but they are fighting an uphill battle in terms of their available resources. It is no secret that the DEP has seen an incredible influx of projects over the last five years without any significant increase in staffing. DEP staff are being asked to do more with less. Compounding the difficulty of this situation is the fact that Department salaries are not commensurate with those in the private sector. And when an experienced staff person leaves, not only is there a loss of institutional knowledge but new staff have to be recruited and trained.

This chronic understaffing has direct implications for permitting timelines and economic development. In one situation, I submitted a Site Location of Development Minor Amendment application in September but when I reached out in January to check on the status I found out that the assigned DEP project manager had switched positions and so the application had been untouched. For another project, I submitted a Tier 1 NRPA application in April and since that time there have been two projects managers, both of whom have either left or moved to other positions. This slow review process proved to be so discouraging that the developers have shifted to other states where the permitting process is more predictable.

Again, this is not a critique of Department staff, but a recognition that they do not have sufficient resources for the number of permitting requests that come before it. A permit-by-rule for solar development projects can simplify the process for DEP staff and developers, thereby relieving some of the bottleneck while still protecting our natural resources.

I respectfully urge the committee to vote ought-to-pass on LD 2174.

Thank you.