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

NEITHER FOR NOR AGAINST LD 1700

An Act to Protect Agricultural Lands by Creating a Permitting Process for Solar Development on Those Lands

April 26, 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 neither for nor against LD 1700, *An Act to Protect Agricultural Lands by Creating a Permitting Process for Solar Development on Those Lands*.

This legislation would create a permitting process to develop, install or build ground-mounted solar installations on viable agricultural land.

DACF supports renewable energy development in Maine and understands that solar is a key component of reducing our reliance on fossil fuels. We also support opportunities for farmers to address their own energy needs with renewable sources and to enhance the economic viability of their operations with thoughtful siting of renewable energy infrastructure. At the same time, we are keenly aware that agricultural soils are a finite, non-renewable resource and that our energy goals must not be achieved at the expense of this resource. To that end, we thank Representative Pluecker for bringing this proposal forward.

At the direction of the 130th Legislature through LD 820, DACF helped steward an Agricultural Solar Stakeholder Group that was convened in 2021. This effort resulted in a report to the Agriculture, Conservation and Forestry Committee that made several recommendations regarding solar agriculture policy development, some of which have been captured in new legislation this session through LD 1227, *An Act to Balance Renewable Energy Development with Natural and Working Lands Conservation*.

Energy development projects typically require permitting by the Department of Environmental Protection (DEP) or the Land Use Planning Commission (LUPC), if located in its service area. However, there are currently no regulatory parameters that assess the impacts of energy

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development on agricultural lands. DACF appreciates that LD 1700 creates a new process to evaluate the benefits and impacts of energy development upon agricultural lands in order to protect this critical resource. We note that the bill appears to require a permit for any sized solar project, which may be excessive for de minimus projects impacting a few acres at a farm, and for the benefit of the farm's own energy needs. We suggest that "viable agricultural land" be defined via rulemaking (e.g., prime farmland and soils of statewide importance) and be in harmony with other pending solar-related legislation, such as LD 1227. We are also concerned about practically evaluating the criteria listed in subsection C. Given these questions about practical application, an alternative approach could be to require the Bureau of Agriculture, Food and Rural Resources to consult DEP or LUPC on all energy projects proposed on agricultural land.

Last, administering a permitting process for solar projects on agricultural land would require the Department to dedicate additional staff to this purpose, particularly to adequately implement the permit standards outlined in Section 3.

We understand that the sponsor is amenable to changes to the proposed bill language, and we look forward to supporting these improvements as conversations continue.

I am happy to answer any questions you may have now or at the work session.