



MAINE FARMLAND TRUST

Testimony of Shelley Megquier, Policy and Research Director, Maine Farmland Trust, before the 131th Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry

April 26, 2023

Good afternoon Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry. My name is Shelley Megquier and I am testifying today on behalf of Maine Farmland Trust (MFT) in support of the LD 1700 – *An Act to Protect Agricultural Lands by Creating a Permitting Process for Solar Development on Those Lands*.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Since our founding in 1999, MFT has helped to permanently protect more than 330 farms and keep nearly 60,000 acres of farmland in farming. In 2022 alone, MFT supported 48 farm businesses with workshops, technical assistance, and grants – delivering over 680 hours of technical assistance and \$309,000 in business and seed grants to help businesses grow their profitability. Our main program areas are Farmland Protection, Farmland Access, Stewardship, Farm Business Planning, PFAS Support, Climate Resilience, and Policy and Research.

Protecting farmland in Maine is a principal part of our mission because we believe it is essential for ensuring that we have the land base to grow our agricultural economy, particularly as more farmers reach retirement age and development pressures increase across the state. Protecting land is also a key natural climate solution by avoiding the greater emissions associated with developed land, by ensuring we have the farmland needed to support our local and regional food economy and create food security for our state, and by preserving the climate benefits that can result from farmers using climate-friendly practices on the land.

Maine's farmland is a precious and limited resource. According to the last USDA Census of Agriculture report, between 2012 and 2017 Maine lost 10% of its farmland – that is over 145,000 acres of pastureland, cropland, and woodland.¹ This loss of farmland is troubling because farms provide many critical state and community benefits. Agriculture in Maine contributes over \$3.6 billion in economic impact and supports over 27,000 jobs statewide according to an analysis by Farm Credit East.² Farms also provide many important benefits to the communities and regions in

¹ In 2012, Maine had 1,454,104 acres in farmland, but by 2017 that number had dropped to 1,307,566 acres – a loss of 146,491 acres or 10% of Maine's farmland. United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *U.S. Census of Agriculture for 2017*, Maine, https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/mev1.pdf.

² Farm Credit East, "Northeast Economic Engine: Agriculture, Forest Products and Commercial Fishing," (2020), available at: <https://www.farmcrediteast.com/knowledge-exchange/Reports/2020%20Northeast%20Economic%20Engine>.

which they are located, including the availability of local food and farm products, pastoral beauty, recreational access and enjoyment, as well as other environmental and educational benefits.³

MFT supports renewable energy production and believes that solar generation and agriculture can co-exist symbiotically in Maine as long as solar siting is structured thoughtfully. As renewable energy development has increased in the state, so too has our understanding of the impacts that these projects can have on the amount of farmland taken out of agricultural production, the loss of important agricultural soils, and the competition for land that farmers need to lease in order to support their operations.

LD 1700 would establish a permitting process to develop, install or build any ground-mounted solar installation on or over any viable agricultural land. A permitting process would allow the Department of Agriculture, Conservation, and Forestry to ensure that proposed solar projects on agricultural land meet certain criteria. LD 1700 addresses widespread public concern about the encroachment of solar development on Maine's farmland. We strongly support the inclusion of permit approval standards, including standard D, which explicitly allows farmers to install solar on viable agriculture land if the distributed energy production contributes to the viability of a farm business. On-site energy production can provide economic support to a farm and reduce the farm's energy costs. This inclusion is imperative in order to support farmer's needs in the face of high energy costs. We also support the inclusion of standard E, which would allow for ground-mounted solar on agricultural land where farming operations are expected to continue, essentially presenting a permit approval pathway for dual-use systems. However, for this permit approval standard, we believe that the requiring a net benefit to food production is too high of a standard for a permit to be approved. Language instead describing that circumstances where food production can continue without negative impact would be more appropriate.

Despite our support, we do have some reservations about LD 1700. Careful planning will need to be done to ensure that LD 1700 doesn't restrict continued renewable energy infrastructure expansion in Maine, which is important to State climate goals and reducing dependence on greenhouse gases. More specifically, from our point of view there are a few edits that would increase clarity. The line on pg 1, lines 22-23 that reads: "The department may grant a permit only if it determines that the value of the ground-mounted solar installation exceeds the value of the agricultural land" does not make sense and should be removed. In our opinion, Section F., Pg 2, lines 9-11 should be removed from the list in that section, amended to more accurately describe how piles are set (either screw-mounted or driven piles) and then integrated into the next full paragraph rather than be as part of the list of approval standards. Lastly, we also assume that the Department of Agriculture, Conservation, and Forestry would require additional resources in order to design and implement a permitting process and that, perhaps, more specificity is needed on the process developers and/or landowners should undertake when applying for a permit.

Thank you for the opportunity to share our support with LD 1700. I'm happy to answer any questions.

³Bunker, Amanda, et al. (2011). *Cultivating Maine's Agricultural Future: A Guide for Towns, Land Trusts, and Farm Supporters*. Maine Farmland Trust, American Farmland Trust & Mainewatch Institute, available at <https://www.maineFarmlandtrust.org/public-outreach-new/public-policy/municipal-policy/>.