



May 10, 2023

Senator Henry Ingwersen, Chair  
Representative Bill Pluecker, Chair  
Committee on Agriculture, Conservation and Forestry  
100 State House Station  
Augusta, ME 04333

**Re: Testimony in opposition to 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”**

Senator Ingwersen, Representative Pluecker, and members of the Agriculture, Conservation and Forestry Committee

My name is Jeremy Payne and I am a principal with Cornerstone Government Affairs Group here to testify in opposition to LD 1881 on behalf of our client the Maine Renewable Energy Association (“MREA”)

MREA is a not-for-profit association of renewable energy producers, suppliers of goods and services to those producers, and other supporters of this industry. MREA members sustainably manufacture electricity from solar, wind, hydro biomass and tidal

MREA was pleased to be asked to join and participate in the stakeholder conversations alongside the sponsor, regulatory agencies, and other conservation and environmental organizations. The discussions were informative, collaborative, and largely productive – however, we ultimately find ourselves not able to support a major expansion of regulatory review with flawed data that would guide this process and drive up costs and unpredictability for renewable energy projects and electric infrastructure.

LD 1881 introduces a new regulatory structure for wind, solar and transmission lines requiring financial compensation for projects on prime agricultural soils and soils of statewide significance as designed by the Natural Resources Conservation Service (“NRCS”). The NRCS data is very broad and not site-specific, and in fact their own documents state<sup>1</sup>

**GM\_430 - Title 430 - Soil Survey**  
402.6 Limitations on Use and Distribution of Soil Survey Information  
**A Soil surveys seldom contain detailed site-specific information and are not designed for use as primary regulatory tools in site-specific permitting decisions, but are useful for broad regulatory planning and application. Official Soil Survey**

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<sup>1</sup> – NRCS, US Department of Agriculture

**Information is public information and may be interpreted by organizations, agencies, units of government, or others based on their own needs, however, users are responsible for the appropriate application of soil survey information**

During the stakeholder meetings we repeatedly expressed our objection to using NRCS data for state regulatory decisions given what is acknowledged by U S Department of Agriculture – we remain disappointed this language still contemplates using it to underpin regulatory decisions

Ultimately, layering on new regulation and mitigation payments will increase costs, and those costs will be borne by Maine consumers. The next time clean energy is procured through a competitive bid process, administered by the Maine Public Utilities Commission; clean energy companies will need to build in two new costs: 1) potential mitigation payments for impacts to agricultural lands, and 2) the higher financing costs due to some of the regulatory uncertainty this legislation would introduce.

We should prioritize policies to reduce energy costs, create revenue opportunities for landowners and farmers, and offer reasonable and predictable outcomes for applicants.

We do not object to the creation of a mitigation fee program to be administered by DEP – in some instances, paying into this fund may produce better outcomes than applicants needing to search for parcels to place in conservation to offset any ecological impacts of their project. One item needing to be watched carefully will be the precise mitigation payments required depending on which types of acreage may be impacted by a project – i.e., the mitigation fees must be reasonable and not reach levels which may kill the economics of clean energy projects.

Governor Mills has rightly highlighted the need for Maine to take action regarding the harmful effects of climate change – we could not agree more. And we also believe there is a need to balance development and construction of renewable energy projects and infrastructure with protecting what makes our state so special. However, that balance must ensure that costs to applicants and ultimately ratepayers remains as low as possible – and allows Maine to remain competitive in the clean energy marketplace.

For the reasons above, we respectfully urge you to vote ought not to pass regarding the new agricultural mitigation provisions.

Thank you