

May 10, 2023



Joint Standing Committee on Agriculture, Conservation and Forestry

RE: 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 Joint Standing Committee on **Agriculture, Conservation and Forestry**, my name is BJ McCollister and today I am testifying on behalf of The Nature Conservancy I appreciate this opportunity to testify **in Support of LD 1881**.

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. TNC has been leading conservation in Maine for more than 60 years and manages approximately 300,000 acres of conserved land across the state. We also work with communities to restore rivers and streams, rebuild groundfish populations in the Gulf of Maine, and develop innovative solutions to climate change.

LD 1881, the product of broad stakeholder engagement between the environmental community, renewable energy developers, and state agencies, achieves that end. TNC supports procurements and incentives for the grid-scale and distributed renewable energy needed to meet Maine's and the region's climate commitments. We believe that the rapid deployment of additional renewable energy infrastructure can proceed concurrent to prudent and thoughtful siting policy that preserves highly valued lands. The DEP and DIFW have required compensatory mitigation for large projects in recent years (solar, wind and transmission), codifying these requirements in statute would provide more predictability for developers, support conservation efforts, and provide a disincentive for siting projects in certain areas of special importance to the natural amenities that characterize our beloved state.

The certainty created by a compensation program will create more predictability for renewable energy developers, at a critical moment when Maine is hurrying to catch up on its climate goals. The strength of such a model is proven by the DEP's In Lieu Fee Compensation Program, a voluntary compensatory program that allows entities impacting natural resources, primarily wetlands, to make direct payments to the Maine Natural Resource Conservation Program. This program is a cooperative project of the DEP and US Army Corps of Engineers, and is administered by the TNC in Maine. It has a long track record of success that is instructive for concepts like solar development.

We are supportive of the Departments of Agriculture, Conservation and Forestry and Environmental Protection having the authority to proceed with rulemaking delineating the specifics of the compensation fee, as well as the definitions of "prime agricultural soils", "soils

of statewide importance”, “and wildlife and fisheries habitats” We also think that the formula decided on should allow for standard, on-the-ground verification of soil and land types to verify the data that has informed mitigation components of a project up until that point This basic due diligence should serve to quell concerns about the nature and quality of available data

Approaching critical renewables development from this perspective also receives broad public support A recent poll commissioned by The Nature Conservancy showed that 70% of Mainers support policy requiring renewable energy developers to pay a fee to compensate for those impacts to highly-valued lands, and use the revenue to conserve, restore, or protect lands in Maine, while only 24% oppose such a policy

The Nature Conservancy fully supports the rapid deployment of renewable energy and we want to see it done well LD1881 accomplishes that goal Thank you for the opportunity to comment