

Environment and Natural Resources Committee
LD 2266 An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems
Testimony provided by Joshua Abram Kerckmar, Vice President, Preserve Rural Maine

Good afternoon, Senator Brenner, Representative Gramlich, and distinguished Members of the Committee on Environment and Natural Resources.

My name is Josh Kerckmar, and I serve as Vice President of Preserve Rural Maine (PRM), a recently formed nonprofit whose mission is to “preserve the communities, cultures, and environmental integrity of rural Maine.”

PRM supports efforts to build renewable energy infrastructure. We join others, however, in urging that the terminal be built not on Sears Island, but on the already industrialized Mack Point, which features no coastal dunes.

With respect to this draft of LD 2266, PRM is concerned that it would allow the state to develop an area that the state itself defines as ecologically critical. According to the “Purpose” section of the Natural Resources Protection Act, “The Legislature finds and declares that State’s rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dune systems are resources of state significance.”¹ The DEP’s “Coastal Sand Dune Rules” further warn that Maine’s coastal sand dunes are fragile, rare (comprising just two percent of the coastline), and under threat from sea level rise.² Yet they provide essential services as wildlife habitat and breeding grounds for endangered bird species like the piping plover and least tern.³ For these reasons, among others, state laws stipulating the protection of coastal dune grasslands (Title 38, §480-D) ought to apply to Sears Island.⁴

If, through a single bill, the laws no longer apply, a troubling question arises: If the state can so easily undo protections on Sears Island’s sand dunes, why could it not just as easily undo protections on other protected ecosystems elsewhere?

Beyond these concerns, we note that LD 2266 may be unnecessary, as future OSW locations are moving targets. On March 14, ISO New England (ISO NE) issued a notice stating that they would update their 2050 feasibility study to reflect the southward movement of the OSW energy

¹ Natural Resources Protection Act (NRPA). <https://www.maine.gov/dep/land/nrpa/>

² Code of Maine Rules, Chap. 355, “Coastal Sand Dune Rules.” <https://www.maine.gov/sos/cec/rules/06/096/096c355.doc>

³ Alison C. Dibble and Jake Maier, *Natural Resource Inventory: Conservation Lands, Sears Island* (2011). https://friendsofsearsisland.org/wp-content/uploads/2016/11/nri_inventory2011.pdf

⁴ Title 38 “Waters and Navigation,” §480-D “Standards.” <https://www.mainelegislature.org/legis/statutes/38/title38sec480-D.html>

area by the Bureau of Ocean Energy Management.⁵ A key aspect of this update is the potential change in points of interconnection (POI), which could lead ISO NE to move Maine's current OSW POI further south, off the coasts of Massachusetts and Rhode Island.

This development raises questions at several levels. First, and perhaps most alarmingly, it calls into question whether the state can achieve its goal of 3 gigawatts of OSW, per the Maine Offshore Wind Roadmap (Feb. 2023).⁶ Second, it raises questions about the viability of Sears Island as a wind port location. If OSW POI's move south, the island may be too distant from turbine locations to be commercially feasible. Third, it casts doubt on the need to remove protections from Sears Island's sand dunes. It is one thing to strip away those protections in the knowledge that doing so will pave the way to curbing carbon emissions through OSW development. However, it is a different matter entirely to enact LD 2266, only to have nothing to show in the way of OSW development in the end.

In sum, PRM is opposed to this draft of LD 2266, as it (1) puts the state in the uncomfortable position of contradicting itself; (2) overrides key environmental protections; (3) sets in motion a slippery slope whereby the state may override any number of other environmental protections; and (4) may be unnecessary given ISO NE's uncertainty about future OSW locations.

Thank you for taking the time to read and consider.

Respectfully Submitted,

Joshua Abram Kercsmar
Vice President
Preserve Rural Maine

⁵ Dan Schwarting, *2050 Transmission Study: Further Analysis to Address Comments on Study* (Mar. 14, 2024). https://www.iso-ne.com/static-assets/documents/100009/a03_2024_03_20_pac_2050_additional_analysis.pdf

⁶ *Maine Offshore Wind Roadmap* (Feb. 2023). <https://www.maine.gov/energy/initiatives/offshorewind/roadmap>