



Committee on Environment and Natural Resources
% Legislative Information Office
100 State House Station
Augusta, ME 04333

March 12, 2025

RE: LD 226, An Act to Protect the Cultural Resources and Historical Heritage of Sears Island in Searsport by Extending Conservation Easement Protections & LD 735, An Act to Protect Sand Dunes on Sears Island and to Establish Criteria for Legislation Regarding Land Development

Dear Sen. Tepler, Rep. Doudera, and Members of the ENR Committee:

My name is Francesca “Ches” Gundrum and I am Maine Audubon’s Director of Advocacy. Maine Audubon is a wildlife conservation non-profit – we fulfill our mission to “conserve Maine wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony in opposition to LD 226, *An Act to Protect the Cultural Resources and Historical Heritage of Sears Island in Searsport by Extending Conservation Easement Protections* and LD 735, *An Act to Protect Sand Dunes on Sears Island and to Establish Criteria for Legislation Regarding Land Development*.

Maine Audubon has been fighting to protect Maine wildlife and wildlife habitat for nearly two centuries, and climate change may be our most difficult battle yet. The impacts are being measured in every corner of Maine, affecting our wildlife, our habitats, and our lives. The very essence of our state is under threat and it is happening before our eyes. Species that define our state – Common Loons, American Lobster, and Atlantic Puffins – are all forecasted to leave our state if current projections continue. The best tool for Maine to fend off the worst impacts of climate change and to move away from the burning of fossil fuels is to significantly increase our production of local, renewable energy. **Floating offshore wind presents our state with an incredible opportunity to harness vast amounts of clean energy locally, and, as our wildlife biologists can attest, with fewer environmental impacts than other sources of energy.**

Unfortunately, we have concerns that both LDs 226 and 735 do not align with our collective charge to tackle climate change – one of the greatest threats to wildlife in Maine – at the speed and scale that it demands of us.

SUPPORTING THOUGHTFUL OFFSHORE WIND DEVELOPMENT

Siting renewable energy to reduce our use of fossil fuels is fundamental to our battle against climate change, and that includes offshore wind. Of course, siting energy projects in Maine is not without its own challenges, including the potential loss of wildlife habitat. Such tradeoffs have an unavoidable effect on modern conservation.

However, offshore wind in the Gulf of Maine is our best bet to reap the greatest rewards while avoiding the greatest impacts. Winds in the Gulf can reliably produce much more energy than solar or onshore wind, be sited with what scientists believe has fewer environmental impacts, and also reduce the secondary land-use impacts from associated development like some transmission lines. A port of just a few hundred acres could help Maine meet our offshore wind procurement of 3GW, more than three times the amount of energy produced by solar development in Maine coming from thousands of acres of converted forest, farmland, brownfields, and other areas. To be clear, we believe we need a diverse renewable energy portfolio in Maine to meet our goals, however floating offshore wind's potential cannot be overstated.

A port with access to deep enough water to facilitate the assembly and launch of turbines is necessary for Maine to take advantage of this opportunity. Through rigorous evaluation, we understand that Searsport represents the only viable option along Maine's coast. There are very real environmental impacts to the development of two sites – Mack Point and Sears Island – that were identified as potential locations for the port in Searsport. The recreational impacts of developing Sears Island are, of course, far greater, even though the State of Maine purchased the island in the 1970s specifically to develop a deepwater port (a point reinforced by the 2009 agreement resulting in permanent protection for 2/3 of the island while reserving 1/3 for development).

We know thoughtful offshore wind development is essential to helping protect both wildlife and human communities in Maine. While Sears Island is the state's "preferred site" for an offshore wind port, there is still a lot more to come – including the continued review of alternatives analyses between port sites as part of federal and state permitting processes. The permitting processes amongst others represents one of many opportunities to help eliminate or mitigate impacts to the port site, and will help lead other processes, such as the Community Benefit Agreements.

SUMMARY OF RECENT SAND DUNE HISTORY ON SEARS ISLAND

In the 131st Legislature, new mapping efforts from the Maine Geological Survey revealed the existence of three coastal sand dune systems on Sears Island. There are two sand dunes located on the "Transportation Parcel" – meaning the parcel of land on Sears Island that has been reserved for port development by the Department of Transportation (DOT). One is a small dune (~.4 acres) that formed behind a jetty after it was built in the 1980s ([see attached Map #1 from the Maine Geological](#)

Survey) and the other (~1.5 acres) is on the northwestern end of the island near the causeway (see attached Map #2 from the Maine Geological Survey). The dune by the jetty would be directly impacted by the development of an offshore wind port.

Coastal sand dunes are one of the rarest habitats in Maine, making up just about 2% of the state's coastline. Sand dunes, along with beaches and salt marshes, provide invaluable ecosystem services and economic benefits. Coastal sand dunes protect buildings and infrastructure from waves and flooding. Closest to Maine Audubon's mission, sand dunes contain critical wildlife habitat. Coastal sand dune systems elsewhere on the Maine coast protect Endangered Least Terns and Piping Plovers that rely on this habitat to nest and rear their young.

We understand that should a port be developed on Sears Island, avoiding and minimizing impacts to the dune system formed by the jetty on the Transportation Parcel is not an option. Given the significance and rarity of beach and dune systems in the state, the protections afforded to these systems under the Natural Resources Protection Act (NRPA), and Maine Audubon's long history of defending the sand dune rules, we approached this issue with great care – ensuring that should an exemption be granted that full compensation should be required and, if possible, exceeded.

Legislative language, beginning with LD 2266, *An Act Regarding Restoration and Protection of Coastal Sand Dune Systems and Permitting of an Offshore Wind Terminal on Sears Island* was introduced in the 131st Legislature to address this issue. **Several statewide environmental organizations supported LD 2266, as amended. LD 2266 was voted out of this Committee with an 11-2 OTP-AM report. The amendment included the following:**

1. Site-specific (lats/longs) language about the dune (~.4 acres) located within the proposed port footprint versus the original language, which said that a NRPA permit for an offshore wind terminal could be granted in "coastal sand dune systems."
2. A directive that DOT must transfer the northwest dune (~1.5 acres) with a 10-acre buffer from the Transportation Parcel to the conservation parcel.
3. Creation of the Coastal Sand Dune Restoration and Protection Fund, which is now administered by the Department of Environmental Protection (DEP) and is *actively* reviewing grants for sand dune restoration projects that will help to restore, protect, conserve, nourish, or revegetate systems. The fund can pay up to 50% of the costs of a physical project and 100% for proposals addressing technical assistance and public education. \$1M from the "Change Package" went into this fund immediately.

Maine Audubon has been a strong and vocal defender of Maine's coastal sand dune rules since their establishment, and this situation represented the only potential state-sanctioned destruction of a

coastal sand dune system in our current organizational memory. **The language and funding that ultimately advanced last year addressed our immediate concerns.**

DESCRIPTIONS AND REFLECTIONS ON LEGISLATIVE PROPOSALS

LD 226 would put the entirety of Sears Island into permanent conservation by directing the DOT to forfeit ownership of the Transportation Parcel.

Maine Audubon recognizes the value and importance of Sears Island to many Mainers and Maine Audubon members who use the island for cross country skiing, hiking, birding, and as a place of refuge. We hold immense respect for the advocates who have stewarded the island and fought to protect it for decades, and are supportive of the easement that holds ~600 acres of the island in permanent conservation.

It is because of this recognition and respect that the future of Sears Island has been an ongoing and intentional conversation within our organization and beyond. Amidst the conversation of losing part of the island to development of an offshore wind port, we are actively witnessing the loss of comparable special places all over the globe due to climate change.

To those whose top priority is keeping Sears Island intact, there may be no imaginable scenario where utilizing the island for a port makes any sense, regardless of history or need. But our top priority should be to protect our communities across the entire state of Maine, and there is no better way to do that than developing local renewable energy. **We can help save wildlife and the future of our natural resources by thoughtfully developing a deepwater port and harnessing renewable energy from the Gulf of Maine.**

As we continue to wrestle with questions about the ability of different locations to host this commercial-scale port for offshore wind, as Maine Audubon has stated consistently, it does not serve Maine's interests to take any potential port location off the table.

LD 735 proposes the following:

- A. Require that any legislation proposing to enact a measure regarding the land development that is in conflict with the U.S. Environmental Protection Agency (EPA) regulations may be sponsored only by a member of the House of Representatives or Senate representing the affected district and may be enacted only with a 2/3 vote of the Legislature;
- B. Repeals a provision regarding the Department of Environmental Protection's (DEP) ability to consider and potentially grant a site-specific permit for the construction of an offshore wind terminal in a coastal sand dune system (~.4 acres) on Sears Island;
- C. Repeals a provision that requires DOT to take steps to compensate for the potential loss of the aforementioned site-specified sand dune by transferring a different coastal sand dune system on



the northwest side of the island (~1.5 acres) with a 10-acre buffer to the island's conservation parcel; and

- D. The bill also prohibits State authorization of land development on Sears Island without first establishing an indigenous lands protection committee and obtaining from that committee a certification that any area to be developed does not contain a sacred site.

We encourage the committee to consider the downstream implications of restricting land development proposals that involve the EPA to those advanced by legislators in the proposals' district. For example, we question how this change would unnecessarily restrict the broad and diverse participation of policymakers and stakeholders on projects that could have statewide or even national significance.

Additionally, Maine Audubon is a longtime supporter of Wabanaki sovereignty and other efforts to bolster Wabanaki voices. We defer to leaders of the original stewards of the Searsport region – the Penobscot Nation – on how best to reflect the tribe's voices and concerns in this process.

LD 735 would repeal provisions regarding sand dunes that were established via LD 2266's advancement in the 131st Legislature. LD 2266 adhered to the established mitigation framework to resolve impacts to natural resources from development. LD 2266 followed conservation best practices by proposing a compensation strategy to address a natural resource impact that cannot be avoided. **Maine Audubon is satisfied, after the consensus reached via LD 2266 discussions last session, that the potential impacts to the site-specific sand dune would be adequately mitigated and compensated for.**

Climate change is the largest threat to people *and* our protected natural resources – especially, coastal sand dune systems. We will have to continue making difficult but necessary decisions about how to fight climate change. Together, we must work to continue to limit the impacts of an offshore wind port in Maine, but we cannot waiver in our belief that such a port is necessary to protect Maine's environment and people. **LD 2266 did *not* guarantee that the port would be constructed on Sears Island.** Successful completion of permitting processes will help determine its location. **The bills before you will impede our ability to help us make an informed, science-based decision about where said port should be located. It is with great respect that we ask the committee to vote ONTP on both LD 226 and LD 735.**

Sincerely,

A handwritten signature in dark ink, appearing to read "Francesca Gundrum".

Francesca "Ches" Gundrum
Director of Advocacy