



**Testimony of Abby Farnham, Assistant Policy & Research Director, Maine Farmland Trust, to the 132nd Legislature's Joint Standing Committee on Environmental and Natural Resources
April 14, 2025**

Good morning Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on Environment and Natural Resources. My name is Abby Farnham and I am the Assistant Director of Policy & Research at Maine Farmland Trust (MFT). I am providing testimony on behalf of MFT in support of LD 269 – *Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection.*

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Our goals are to keep agricultural lands working and help farmers and their communities thrive. Since our founding in 1999, MFT has helped to permanently protect farmland in every county in Maine, amounting to nearly 57,000 acres across 345 farms. Our Farm Network includes more than 550 farms that have participated in MFT's programming either through an agricultural easement or through one of our programs. Our main program areas are Farmland Protection, Farmland Access, Stewardship, Farm Business Planning, PFAS Support, Climate Resilience, and Policy and Research.

As a bit of background, beginning in 2022, MFT participated in an extended stakeholder process and engagements between environmental, conservation and agriculture groups, renewable energy developers, and state agencies that developed the content that led to LD 1881 in the 131st Maine Legislature, *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*. LD 1881 required developers of solar energy projects to pay a compensation fee or pay for conservation efforts to mitigate adverse effects on prime agricultural soils or soils of statewide importance AND directed the establishment of a compensation fee program as an alternative means for developers of solar energy developments, wind energy developments or high-impact electric transmission lines to compensate for adverse effects on wildlife and fisheries habitats. While this pairing may seem incongruent at first glance, weaving wildlife and fisheries habitat impacts and farmland soils impacts into one legislative effort was intentional. Though rulemaking details were to be sorted out by proper state agencies with the deepest technical knowledge of each respective aspect of the law, the intention was to have a comprehensive approach to setting compensation fees so that no category of natural resource received preference over another.

LD 269 brings Major Substantive Rules back to the Legislature for a review of changes made to Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act. After the passage of (LD 1881 in the 131st Maine State Legislature) P.L. 2023 ch. 448 directed the Department of Environmental Protection to establish a compensation fee program for renewable energy development projects, specifically solar energy development, wind energy development, and high-impact transmission lines that trigger the Site Location of Development law. While MFT isn't in a position to have technical input on the DEP rules such as how habitat resources are defined or the specifics of a compensation fee program for natural resource impacts, we did want to take the opportunity to express confidence in the thorough, intentional process that has been completed and to orient the Committee

to a related area of law and adjacent rulemaking. At the same time that DEP was directed to complete the rulemaking process that has culminated in the Resolve before you today, the Department of Agriculture, Conservation, and Forestry was directed to do rulemaking to establish procedures for administering the agricultural focused components of the law (e.g. defining "high value agricultural land" and compensation tiers for that land). MFT provided detailed input to that process and is pleased with the outcome. We do not believe it is in the best interest of our state to have valued natural resources pitted against each other and LD 269 makes us confident as members of the conservation community that this will not happen.

Thank you for the opportunity to provide testimony in support of LD 269. We urge you to support this Resolve and would be glad to try to answer any questions you may have either now or during the work session.