

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON
ENVIRONMENT AND NATURAL RESOURCES**

IN OPPOSITION TO L.D. 1458

**“An Act Regarding Compensation Fees and Related Conservation Efforts for Solar
and Wind Energy Development and High-impact Electric Transmission Lines
Under the Site Location of Development Laws”**

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Senators: BLACK of Franklin, CURRY of Waldo, HARRINGTON of
York, TIMBERLAKE of Androscoggin, Representative: WADSWORTH of Hiram.

Date of Hearing: Monday, April 14, 2025

Good afternoon, Senator Tepler, Representative Doudera and members of the Environment and Natural Resources Committee. I am Nate Webb, Wildlife Division Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, **in opposition of L.D. 1458.**

This bill removes the requirement that the DEP establish the criteria for compensation and instead requires a compensation fee equal to the average value of the undeveloped land occupied by the renewable energy development project, with certain exceptions. The bill also specifies which wildlife habitats the department may consider for purposes of determining an adverse effect. Finally, the bill changes rules adopted by the department to routine technical rules.

MDIFW has several concerns with this bill. Most importantly, the bill specifies that only impacts to Significant Wildlife Habitats, as defined under the Natural Resources Protection Act, could be considered when determining impacts and subsequent compensation for development projects being considered under the Site Location of Development Act. Since deer wintering areas and the habitats for most endangered, threatened, and special concern species are not protected as Significant Wildlife Habitat under NRPA, this bill would remove them from consideration under Site Law. The bill also removes from consideration any impacts to other important habitats such as riparian buffers, which are critical for the conservation of numerous wildlife and coldwater fish species. Again, these changes would apply to all development projects being reviewed under Site Law, not just renewable energy projects.

Although we are unsure if this is the intent, we believe that as drafted, all compensation fees for impacts from renewable energy projects would be deposited into the Land for Maine's Future Trust Fund. However, LMF typically does not consider the details of

mitigating impacts to the specific habitat needs of at-risk species (those listed as state endangered, threatened, or special concern) impacted through solar, wind, and high-transmission line projects. Additionally, the bill does not include a resource multiplier as an adjustment factor that reflects the significance of specific impacted resources and serves as an incentive for proactive avoidance and minimization measures by the project applicant. Currently, MDIFW works with the DEP and developers to deposit compensation funds specific to habitats of endangered, threatened, and special concern species into MDIFW's Endangered and Nongame Wildlife Fund. With these dedicated funds, MDIFW then works with our conservation partners and local land trusts to identify properties with the specific habitat requirements necessary to properly offset impacts to at-risk species habitats at the project site.

Finally, we believe the amendment may create an unintentional conflict with existing statutory language regarding compensation. Title 38, section 484-D, subsection 1 requires compensation to mitigate the adverse effects of renewable energy development on wildlife and fisheries habitats, however the amended Section 4 of the bill indicates that this may not include compensation for Significant Wildlife Habitats. Since Section 3 of the bill limits Site Law to considering only impacts to Significant Wildlife Habitats, these two areas of law would conflict with one another.

To date, MDIFW has reviewed approximately 1,600 solar projects in both the pre-application and permit application review process. We have reviewed approximately 50 wind power projects, with several of the projects proposed to span multiple townships. MDIFW takes pride in working very hard with these and other developers, and the Department of Environmental Protection, to find reasonable ways to avoid and minimize adverse effects on Maine's fish and wildlife resources and their habitats, while still allowing most development to proceed. Although we understand the intent of the bill to allow for a more streamlined mitigation approach for renewable energy and supporting transmission line projects, as written this bill weakens protections by not fully assessing impacts to Maine's fish and wildlife species. However, if desired by the Committee, MDIFW staff would be happy to help work on amended language that would address our concerns.

I would be glad to answer any questions at this time or during the work session.