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Testimony of Tom Doak  
Executive Director  
Maine Woodland Owners

**In Support of**

“LD 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” and

**In Opposition to**

Opposition to “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”

Senator Tepler, Representative Doudera and distinguished Members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Tom Doak, Executive Director of Maine Woodland Owners speaking today in support of LD 1458 and in opposition to LD 269 as it relates Section 15-A of the provisionally adopted rule.

Maine Woodland Owners is a statewide, member-supported organization that advances stewardship of Maine’s small woodland resources through the encouragement of sound forest management and the advocating for and supporting of Maine’s small woodland owners. Established in 1975, we are the only statewide organization dedicated to supporting the interests and serving the needs of Maine’s 86,000 family woodland owners.

The provisionally adopted rule in LD 269 would implement an extremely complex mitigation system, which presumes that every large block of forestland now needs special protection simply by being undeveloped forestland. It does not use any biological information or site-specific justification for such special treatment. The definition of large undeveloped habitat block in the rule simply uses size and distance from a road, building or development as the measure of importance without any other defining criteria. It incorrectly assumes that all large undeveloped blocks of forestland are equally important. There is no scientific basis for this. Additionally, it defines the size of large habitat blocks differently in different parts of the state, yet the habitat needs for any particular wildlife species does not vary by geographic region.

As drafted, the rule overlays a huge regulatory framework on forestland in southern, central and midcoast Maine (and is silent on the rest of the State). The exact number of acres, which meet the definition of large undeveloped habitat blocks is unknown, but I have seen estimates of between 30%-40% of all wooded areas in these regions. These regions are also where the highest concentration of small family woodland owners hold property. There are 86,000 family woodland ownerships (between ten acres and a few hundred acres) in Maine.

It should be noted that a large undeveloped habitat block of 250 or 500 acres is not usually a block of a single ownership. In fact, the median ownership size among family woodland ownership is 38 acres. So, most large habitat blocks are comprised of multiple owners. If the rule is permanently adopted, there will be thousands and thousands of woodland owners caught within this regulatory framework.

While the large undeveloped habitat block designation only applies to solar and wind energy development and high impact transmission lines now, it creates a new framework designating all large habitat blocks as significant and equally important. And once codified, it could easily apply elsewhere. There were comments to this effect during the original hearing on the rule.

The rule creates a strange disincentive for landowners to maintain large undeveloped blocks of land. This added regulation, without additional justification, will cause landowners to shy away from keeping intact large habitat blocks because they do not want to be burdened by the additional regulation that comes now or in the future.

Ironically, this rule does nothing to protect large undeveloped habitat blocks. The Department could have prioritized or required projects of a certain size to actually preserve large undeveloped habitat blocks. Instead, the rule now allows for breaking up these areas but does not ensure that any of the required mitigation funds will be used to conserve large undeveloped habitat blocks.

The rule is deeply flawed. There are clearly holes in the rule which would allow gaming the system to avoid compensation requirements, such as breaking up a large habitat block before applying for a permit.

We are supporting LD 1458 because it is straight forward, predictable, mitigation strategy for solar and wind energy development and high impact transmission lines. And, it incentivizes the use of brownfield sites, PFAS contaminated sites, and designated growth areas whenever possible. It provides that mitigation funds go directly into the existing Land for Maine's Future Trust Fund for the conservation of truly special areas and wildlife habitat, which could include conserving truly important, high value large undeveloped habitat based on site specific information.

For all these reasons we urge you to pass LD 1458.