



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON ENVIRONMENT
AND NATURAL RESOURCES

IN SUPPORT OF LD 1976

Resolve, Regarding Legislative Review of Chapter 379: Compensation for Impacts to High-Value Agricultural Land from Solar Energy Development, a Late-filed Major Substantive Rule of the Department of Environmental Protection

May 19, 2025

Senator Tepler, Representative Gramlich, members of the Joint Standing Committee on Environment and Natural Resources, my name is Nancy McBrady, and I am the Deputy Commissioner of the Maine Department of Agriculture, Conservation and Forestry (DACF). I am speaking in support of LD 1976, *Resolve, Regarding Legislative Review of Chapter 379: Compensation for Impacts to High-Value Agricultural Land from Solar Energy Development, a Late-filed Major Substantive Rule of the Department of Environmental Protection*.

During the first regular session of the 131st legislature, P.L. 2023, Ch. 448, *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* was enacted. This law, as mandated, gave DACF permitting authority over solar energy developments on "high-value agricultural land" (HVAL). Part of DEP's role is to establish the administrative system for calculating, receiving, and transferring the compensation fees for projects permitted under the Site Location of Development Act. In sum, our respective agency rules are dependent upon each other to be fully effective.

DACF recently adopted the Chapter 575 rules, which fulfill our mandate to create a permitting program for solar energy development on HVAL. During the rulemaking process, DACF held one public hearing and two public comment periods on the Chapter 575 rules. In response to the public comments, our department made substantial revisions to the rules over the course of nine months. We appreciate the robust and, we feel, responsive public process as well as interagency collaboration that led to the bill before you today.

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

Let me conclude with this: According to the American Farmland Trust's *Farms Under Threat*¹ 2040 modeling study, 83% of new solar development will occur on farm and ranchland without policy intervention. Even more concerning, nearly half of this development is projected to impact our most productive, versatile, and resilient agricultural lands. This is precisely why the underlying law and rulemaking efforts by both DACF and DEP represent crucial steps toward addressing this land use challenge and protecting our most valuable farmland.

Thank you. I am happy to answer any questions you may have now or at the work session.

¹ Source: AFT, 2022, *Farms Under Threat 2040*