



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

May 19, 2025

**RE: 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 (EMERGENCY)**

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

The Nature Conservancy and Maine Audubon thank you for the opportunity to submit testimony 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*.

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Maine Audubon is the state's oldest and largest wildlife conservation nonprofit. Our organizations share an unwavering commitment to addressing two of the most pressing global challenges before us: biodiversity loss and climate change. **We fully support the rapid deployment of renewable energy and believe that careful siting that fully considers climate, conservation, and communities will deliver the best outcomes.**

LD 1976 would provide the necessary legislative approval to implement recent updates to the provisionally-adopted Chapter 379: *Compensation for Impacts to High-Value Agricultural Land from Solar Energy Development* rules. This process was initiated by the passage of LD 1881 (P.L. 2023, Chapter 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* in the 131st Legislature. We worked closely on crafting and passing LD 1881 and have a longstanding partnership in supporting decision-making tools to advance responsible renewable energy siting and development.

The Legislature charged the Department of Environmental Protection (DEP) and the Department of Agriculture, Conservation and Forestry (DACF) with separate rulemaking processes to accomplish the coordinated goal of balancing renewable energy development with preserving the farms, forests, and natural resources that characterize our state. This effort required careful coordination and alignment



between the two agencies and their distinct areas of focus to ensure that one set of valued lands and resources is not inadvertently placed in disproportionate conflict with another.

Approving the Chapter 379 rule is one the final steps in this coordination process. It connects and implements the two rulemakings by taking the process outlined in the DACF Chapter 575, *Permitting Solar Energy Developments on High-Value Agricultural Land* rule and embedding it within how the DEP will calculate compensation fees and evaluate mitigation requirements to compensate for impacts to high-value agricultural lands. Importantly, it lays out how the state agencies will proceed if a proposed project falls within both compensation programs. Our organizations advocated for clarity in this area and support the provisions that compensation would be governed by the rule that requires the highest applicable compensation ratio. We also support the clear directive that if the compensation ratios are equal for a proposed project between the two Chapters, the mitigation would default to Chapter 375, *No Adverse Environmental Effect Standards of the Site Location of Development Act* compensation for impacts to wildlife and fisheries habitat under DEP. We commend both agencies on the careful and thorough work they have done to solicit public comment and implement changes along the way.

In conclusion, we support the proposed Chapter 379 rules to link and implement the rulemaking processes completed by DACF's Chapter 575 and DEP's Chapter 375. **We think this package of rules accomplish the goals set out by LD 1881.**

**We encourage the Committee to support this bill.**

Sincerely,

A handwritten signature in black ink that reads "Kaitlyn Nuzzo".

Kaitlyn Nuzzo  
*Director of Government Relations*  
The Nature Conservancy in Maine

A handwritten signature in black ink that reads "Francesca Gundrum".

Francesca "Ches" Gundrum  
*Director of Advocacy*  
Maine Audubon