



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

February 25, 2026

RE: LD 2174, An Act to Increase Predictability in the Permitting of Renewable Energy Development

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

My name is Francesca “Ches” Gundrum and I am Maine Audubon’s Director of Advocacy. Maine Audubon is a wildlife conservation nonprofit – we fulfill our mission to “conserve Maine wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony neither for nor against LD 2174, *An Act to Increase Predictability in the Permitting of Renewable Energy Development*.

Maine Audubon is a strong supporter of renewable energy development. Rapid deployment of new renewable energy resources is critical to reducing our reliance on fossil fuels and avoiding the worst impacts of climate change—a major threat to Maine wildlife and wildlife habitat, the conservation of which is central to Maine Audubon’s mission. At the same time, new renewable energy development, like any new development, if not thoughtfully sited and reviewed, can displace wildlife habitat and negatively impact Maine’s natural resources.

Policies that allow for the rapid deployment of renewable energy without unraveling the strong environmental regulations that safeguard Maine’s natural resources from development are key to Maine’s current and future biodiversity and climate resiliency. We believe that this bill offers several logical and measured modernizations to the permitting process for solar energy and energy storage system developments. However, we take issue with several proposals within LD 2174 as well. **We have summarized our reactions to Sections below:**

SECTION 1

This section would automatically approve applications for expedited wind energy development, offshore wind power, and inland or tidal hydropower projects if the DEP fails to meet application processing deadlines. Currently, once the DEP has accepted an application as complete, the agency has

185 days (~6 months) to issue a decision and 270 days (~9 months) if the application requires a hearing.

These types of projects are rarely small-scale and evaluating their impacts on the environment and communities requires rigorous, multi-agency review under multiple environmental permitting laws. **We respectfully disagree with this proposal to automatically accept applications for these kinds of projects should DEP not reach statutorily defined review deadlines.** Automatic application approval should the DEP fail to meet review deadlines is a norm largely reserved for permit-by-rule (PBR) activities. PBR is designed for activities that have minimal environmental impact while the full permitting process is required for more complex projects that could have significant environmental impacts and require detailed review, public input, and site-specific mitigation. Examples of PBR activities include minor soil disturbance near wetlands, certain stream crossing projects, and seasonal dock installation and removal. The environmental impacts associated with expedited wind energy development, offshore wind power, and inland or tidal hydropower projects are far, far greater than current PBR-qualifying activities.

We must consider other solutions to addressing deadline issues than automatic approval e.g., issuing partial refunds for application costs, ensuring DEP has the resources and staff required to meet application demand, augmenting the agency's ability to utilize contracted help, etc.

SECTION 2

This section revises DEP permitting timelines associated with solar energy and energy storage system developments under the Site Location of Development Act ("Site Law" or SLODA)¹, Natural Resources Protection Act (NRPA)², and Stormwater Management Act³. Per this proposal,

¹ Established in 1971, Site Law regulates large-scale developments to ensure they do not have an undue adverse impact on the natural environment. It requires certain projects—such as subdivisions, structures, and industrial developments that meet specific size thresholds—to obtain approval from the state before construction begins, helping to protect Maine's natural resources and communities.

² Established in 1987, NRPA is one of Maine's most important environmental protection laws. Rivers, streams, brooks, great ponds, freshwater wetlands, coastal wetlands, coastal sand dune systems, fragile mountain areas, and significant wildlife habitat have exceptional environmental, recreational, scenic, cultural, and economic value to the public and thus are all natural resources that are protected under NRPA. The law's main goals are to prevent unreasonable impact, degradation, or destruction of these protected resources; encourage protection and enhancement of their natural functions; and manage human activities that could harm them.

³ Established in 1987, the Stormwater Management Law regulates stormwater runoff from development projects to protect water quality, natural resources, and public health. The law requires certain developments—particularly those creating large areas of impervious surface like roads, parking lots, and rooftops—to obtain permits and implement stormwater control measures that prevent erosion, flooding, and pollution of lakes, rivers, and coastal waters.

applications for these two kinds of projects would be automatically approved if DEP fails to meet the following deadlines: 180 (~6 months) days for Site Law, 150 days for NRPA (~5 months), and 90 days (~3 months) for Stormwater Management Act review. If the agency holds a hearing on an application, they must issue their decision on the application within 45 days (~1.5 months) of the hearing date.

We support the revised review deadlines for solar energy and energy storage system developments. However, we continue to oppose automatic approval of projects that require review under these laws. Automatic approval should DEP fail to meet deadlines should be reserved for PBR projects only.

SECTIONS 3, 4, 5, 7, and 10

These sections revise Site Law, NRPA, and the Storm Management Act to prohibit a municipality from establishing more stringent local standards or zoning ordinances for solar energy, wind energy, energy storage system, or high-impact electric transmission line projects than state standards. This proposal is indisputably a bold and challenging concept to address. To our knowledge, there is some precedent here as legal limitations on municipalities enacting stronger environmental standards than state standards exists for solid waste management and other kinds of critical infrastructure.

However, as we have made clear, rapid deployment of renewable energy is critical to safeguard Maine wildlife and habitat. Decisions regarding how to embrace development of these projects at the speed and scale that they demand of us collectively must be made thoughtfully and with wildlife and human communities in mind. The pros of this proposal include regulatory consistency statewide, faster project approval, increased investment certainty, and support for state climate and energy goals. Cons include a one-size-fits-all approach to standards, potential community backlash, and risk of potentially weaker environmental protections for particularly sensitive areas.

It is our understanding that well-thought-out solar and other renewable energy projects have been stifled by overly restrictive local standards or zoning ordinances in our state. This is not good. Renewable energy development should not be singled out with disproportionately stricter, scientifically unfounded local limitations. The dynamics between local and state standards for solar and energy storage systems requires further review. **We respectfully suggest that Committee members require Maine's natural resource agencies and relevant offices within the Executive Branch to tackle this issue with municipal leaders via a different venue than this bill.**

SECTIONS 6 and 11

Section 6 would allow the DEP to establish a PBR process under Site Law. Maine Audubon has been vocal about our concerns with establishing a PBR for Site Law as this law is only triggered with projects

that are 20 acres or more in size. As detailed above, PBR-eligible projects under NRPA are only for activities that have minimal environmental impact like shoreland stabilization projects or hand-planting of native vegetation in coastal sand dune systems. For the Committee's reference, allowing the agency to establish a PBR under Site Law has been reviewed and largely approved by the Housing and Economic Development Committee under LD 128⁴ this session.

Despite our reservations with this proposal, when carefully reviewed and established with adequate stakeholder feedback, we do see a role for PBRs under Site Law if activities are specific to lower-impact renewable energy development projects *only*. Getting new renewable energy projects online in our state challenges all of us to assess opportunities to carefully adjust our environmental permitting standards. Our organization believes that with the proper guardrails, this adjustment to Site Law is warranted.

Section 11 includes unallocated language that helps establish said guardrails. This section requires that DEP establish a PBR for solar energy development projects under Site Law by the end of this year that are 1) proposed to occupy 100 acres or less and 2) do not require Tier 3⁵ review for freshwater wetland alterations nor trigger a NRPA permit at all.

In conversation with solar energy development experts, we understand that a utility-scale, 20-25 MW project could be established within a 100-acre area. 100 acres is roughly the size of 75 football fields. That's a substantial area of land. However, given the prevalence of freshwater wetlands and other protected natural resources in Maine, we are doubtful that siting a project at this size without impacting these triggering resources is likely. An area close to 100 acres in size that did not trigger NRPA review would very likely include areas that we enthusiastically support for renewable energy development siting such as brownfields; landfills; sand and gravel pits; idle or industrial or commercial sites; areas where co-location with active agriculture uses are possible; and otherwise disturbed, developed, or degraded lands. **Given both the inherently temporal nature of solar energy projects and thus temporal nature of potential environmental impacts *and* the limitations imposed on PBR eligibility for these projects coupled with our desire to support Maine's climate and renewable energy goals, we find this proposal reasonable.**

⁴ LD 128, *An Act to Support Permitting of Certain Multifamily Housing Developments Under the Site Location of Development Laws*.

⁵ Under NRPA, alterations to freshwater wetlands are sorted into three tiers. Factors for different review tiers include the size of wetland and whether or not the wetland is a Wetland of Special Significance (WoSS). A wetland is a WoSS if it contains peatlands, significant wildlife habitats, or is within 250 feet of coastal wetlands or great ponds. Tier 3 review receives the highest level of permit review and is not eligible for PBR.

SECTIONS 8 and 9

These sections establish permitting timelines associated with solar energy development for the Department of Agriculture, Conservation and Forestry (DACF). Under recent statutory changes, solar projects that are ground-mounted, occupy more than 5 acres, and are wholly or partially on “high-value agricultural land” are reviewed by DACF.

LD 2174 requires that DACF issue a permitting decision within 150 days (~5 months) and must issue their decision on the application within 45 days (~1.5 months) of a hearing date. DACF review of solar energy development projects has only been in effect for a matter of months. We recommend letting the agency work through their internal review process for some time and suggesting potential review deadlines after application processing data is available. **We support revised review deadlines for solar energy development however, we continue to oppose automatic approval of projects that require review under these laws and recommend waiting on establishing review deadlines for this agency in particular.**

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 for our state. We thank Rep. Kessler for his bold approach here and willingness to receive feedback throughout the bill drafting process. **We appreciate your consideration of our suggestions and welcome any opportunities to support the Committee further.**

Sincerely,



Francesca “Ches” Gundrum
Director of Advocacy