



Committee on Agriculture, Conservation, and Forestry  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

February 25, 2022

**RE: LD 856, An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation**

Dear Senator Dill, Representative O’Neil, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of LD 856, An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation as amended by Representative Berry on February 24, 2022, on behalf of Maine Audubon and our 30,000 members and supporters.

Maine Audubon supports this legislation because it will progress the recommendations of the Agricultural Solar Stakeholder Group convened by the Governor’s Energy Office (GEO) and the Department of Agricultural, Conservation, and Forestry (DACF), of which Maine Audubon was a member; is reflective of this Committee’s conversation in response to DACF’s “LD 820 Report to the Legislature”; and will advance a number of strategies in *Maine Won’t Wait*, the state’s four-year climate action plan published in December 2020, including “develop[ing] policies by 2022 to ensure renewable energy project siting is streamlined and transparent while seeking to minimize impacts on natural and working lands and engaging key stakeholders.”

Maine Audubon is a strong supporter of renewable energy development, including solar. Rapid deployment of new renewable energy resources is critical to reducing our reliance on fossil fuels and avoiding the worst impacts of climate change—the leading threat to Maine’s 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, can displace wildlife habitat and negatively impact Maine’s natural resources, including agricultural resources. Currently, there is a robust interest in solar development relative to non-solar development in Maine (see pg. 4-5 of DACF’s LD 820 report). Policies that allow for the continued rapid deployment of renewable energy while encouraging projects that avoid, minimize, and/or compensate for Maine’s finite agricultural and critical natural resources are key to Maine’s current and future agricultural productivity, biodiversity, and climate resiliency. We believe that this is a positive step towards adopting such policies.

Maine Audubon supports Section 3. Section 3 would create a publically-accessible database of developed energy projects in the state that would allow the GEO, natural resource agencies, and the public to identify land use and other energy trends. Maine agencies, including the Department

of Environmental Protection (DEP) and DACF, have some data, but it is incomplete. For example, the Maine Natural Areas Program, part of DACF, tracks projects that have requested acreage reviews, but does not have access to information on projects approved for development. It is critical that the state work collaboratively with municipalities to collect this information, because not all projects require a state permit and thus are “trackable” by the state. With this information, the state can track trends and tailor policy development, should it be necessary, accordingly.

Maine Audubon supports Section 4. Section 4 would allow the DEP to implement a permit-by-rule provision related to renewable energy development. Permit-by-rule provisions can decrease administrative and regulatory burdens and by extension, incentivize particular types of projects. Under a permit-by-rule provision, a project that meets specific standards outlined in rule may secure a permit in a shorter period of time than a typical permit. This is advantageous to both the project developer and permitting agencies. Permit-by-rule standards might include avoidance of natural resources, including finite agricultural soils, endangered and threatened species habitat, or other critical natural resources.

Maine Audubon supports Section 5. Section 5 represents the first step towards the creation of a dual-use pilot program. Locating solar alongside agricultural production is a win-win. However, more information is needed to understand how to maximize agricultural productivity while maintaining low energy costs and efficiencies. Section 5 is the first step toward gathering that information.

Maine Audubon supports Section 6. Section 6 would specifically include agricultural and natural resource stakeholders in existing conversations about future solar policy in Maine. The Agricultural Solar Stakeholder Group reviewed several policy mechanisms to encourage thoughtfully sited and developed solar projects. A few of those policy mechanisms, such as long-term contracts or a tariff program, might be considered by the existing Distributed Generation Stakeholder Group. Section 6 would ensure that agricultural and natural resource stakeholders, as well as representatives from natural resource agencies, are an active part of those conversations, and that policy mechanisms that seek to incentivize solar projects on developed or degraded sites (such as land contaminated with perfluoroalkyl and polyfluoroalkyl substances) are given due consideration.

Finally, Maine Audubon supports the creation of one position at DACF and one position in the GEO to implement the strategies outlined above and more. The proposed DACF position would design the dual-use pilot program, as well as provide technical assistance to municipalities that are considering proposals for solar projects. Maine municipalities are being inundated with requests to develop solar. This is excellent news for Maine’s renewable energy portfolio and solar industry, but is daunting to the many, many municipalities that have not yet considered solar as a land use. This position would help municipalities thoughtfully welcome solar, while helping them understand how to balance this new land use with existing land uses and natural resources. The position at the GEO would also help coordinate engagement with municipalities, as well as develop and maintain the database described in the proposed Section 3.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Eliza Donoghue". The signature is written in a cursive style with a large initial 'E' and a long, sweeping underline.

Eliza Donoghue, Esq.  
Director of Advocacy