



Testimony before the

Joint Standing Committee on Agriculture, Conservation and Forestry

By Rob Wood, Director of Government Relations and Climate Policy

March 1, 2022

Re: LD 856 – An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation

Senator Dill, Representative O’Neil, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry, my name is Rob Wood and I am the Director of Government Relations and Climate Policy for The Nature Conservancy in Maine. I appreciate this opportunity to testify **in support of LD 856**, An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation, as amended by Rep. Berry.

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world’s toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. TNC has been leading conservation in Maine for more than 60 years and manages approximately 300,000 acres of conserved land across the state. We also work with communities to restore rivers and streams, rebuild groundfish populations in the Gulf of Maine, and develop innovative solutions to climate change.

LD 856 would require the Governor’s Energy Office (GEO) to create a database of permitted and constructed energy projects and establish a new staff position at the GEO to support this requirement. It would also require the GEO, in collaboration with the Department of Agriculture, Conservation, and Forestry (DACF), the Public Utilities Commission (PUC), and other agencies, to develop a plan for implementing a dual-use energy program to support and study solar projects that allow for agricultural uses within the footprint of existing or new solar arrays. The bill would establish a new staff position at DACF to support planning for a dual-use energy program and to provide technical assistance to municipalities that are considering proposals for utility-scale solar projects on agricultural or natural lands. LD 856 would also require the State’s distributed generation stakeholder group to hold at least three works sessions on distributed generation siting considerations and to develop recommendations for preferencing projects that avoid, minimize, and compensate for agricultural and natural resource impacts. Finally, the bill would give the Department of Environmental Protection (DEP) flexibility in establishing a timeline for review of applications for any future Site Law permit by rule.

The Nature Conservancy's top priorities, in Maine and across the world, are conserving lands and waters and tackling climate change. These goals are tightly intertwined—conserving natural places helps draw down carbon from the atmosphere and provides space for wildlife to move and adapt as temperatures warm, while the rapid deployment of clean, renewable energy mitigates the cause of climate change that is impacting natural and human communities alike. There is an inherently virtuous cycle between clean energy deployment and natural resource conservation.

At the same time, clean energy projects require substantial space to build and can bump into important natural resources. Maintaining the virtuous relationship between clean energy and natural resources requires being intentional about where new projects are located. TNC believes that with the right policy frameworks in place, Maine and the region can build the clean energy we need in a way that is compatible with our natural and working lands.

LD 856 represents an important step toward achieving this goal. We appreciate the work of Rep. Berry, the GEO, DACF, DEP, and partner organizations in crafting this thoughtful legislation that builds on the work of the Agricultural Solar Stakeholder Group and is consistent with Maine's Climate Action Plan, which recommends that the State should, "Develop 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."

We especially appreciate that LD 856 builds on the commitment of the Distributed Generation Stakeholder Group to form a land-use subgroup in the coming months. Bringing additional agricultural and natural resource stakeholders into these subgroup work sessions will add valuable insight to the discussion, and LD 856 provides important direction that can help focus the workgroup discussions on ways to support clean energy projects that avoid, minimize, and/or compensate for agricultural and natural resource impacts. Of particular importance is the specific language requiring recommendations for preferencing well-sited projects in clean energy procurement or tariff programs, as these are the most likely policy levers for ensuring low-impact clean energy projects are developed in the future.

We would also like to flag that the language allowing DEP to set a timeline for a Site Law permit by rule is very important, as this will allow for implementation of a robust permit by rule in the future—another important lever for supporting well-sited, low-impact projects.

We support LD 856 in full, and we thank the Committee for the opportunity to testify today. I'm happy to answer any questions you may have now or in the future.