



May 10, 2023

Senator Henry Ingwersen, Chair
Representative William Pluecker, Chair
Committee on Agriculture, Conservation, and Forestry
100 State House Station
Augusta, ME 04333

Re: Testimony in Opposition to LD 1881

To Senator Ingwersen, Representative Pluecker, and Members of the Committee on Agriculture, Conservation, and Forestry:

Thank you for the opportunity to present testimony in opposition to LD 1881. The Coalition for Community Solar Access (CCSA) is a national coalition of businesses and non-profits working to expand customer choice and access to solar for all American households and businesses through community solar. Our mission is to empower every American energy consumer with the option to choose local, clean, and affordable community solar. We work with customers, utilities, local stakeholders, and policymakers to develop and implement policies and best practices that ensure community solar programs provide a win, win, win for all, starting with the customer.

CCSA understands the importance of protecting wildlife habitat and agricultural land in Maine, and has worked to uphold high standards to ensure solar projects are sited and developed responsibly. We appreciate LD 1881's intent to protect limited prime agricultural land and natural habitats, but believe that as drafted, the bill will do outsized damage to Maine's ability to deploy renewable energy - and by doing so, will ultimately harm the very things it aims to preserve.

Section 1 of the bill requires mitigation on agricultural lands, but the extent of impacted land is left to be defined in by regulation. Past efforts to define prime farmland and soils of statewide importance have noted that existing NRCS soil maps are inadequate for this purpose,¹ and have proven that it is a complex and subjective endeavor to define specific sites as suitable for solar development or reserved for agricultural use. We believe farmers know their land better than any regulator, and should have the final say in how to manage their property and keep their farm operations economically viable.

In addition to the bill presenting significant uncertainties as to which sites are impacted, the bill as drafted also leaves unknown the extent of mitigation payments a developer may be subject

¹ <https://www.maine.gov/dacf/ard/resources/docs/prime-farmland-determination-guidelines-v6.pdf>

to. We are concerned that requiring mitigation payments to be based on the market value of the land could allow for a fee schedule that would be prohibitive to economic solar development. Such a prohibition may be seen as a desirable outcome of this legislation for some, but we would find it to be an encroachment on a landowner's private property rights. Solar projects provide robust investment in Maine's communities, and importantly, an often necessary revenue stream for the landowners hosting those projects.

While CCSA understands that the footprint and nature of renewable energy developments is different than many other types of construction and development, we find it arbitrary and discriminatory to apply these requirements to only clean energy and transmission projects, rather than any commercial development subject to state permitting processes that may impact wildlife and fisheries habitats. We also find the applicability of compensation fees in this bill to be unclear, and as written, this legislation could impose new requirements on operating projects and projects in advanced stages of development that have already secured permits and financing agreements. Such retroactive changes would be infeasible, impractical, and incredibly damaging to Maine's business reputation.

This bill will impose unknown costs on renewable energy development at a time when we are focused on reducing those costs. We are in a period of great uncertainty for solar development in Maine, but one thing that stakeholders across the board can agree on is that Maine needs continued solar development, at a lower cost. Unfortunately, requiring increased costs in the form of uncapped, undefined mitigation payments presents a serious challenge to balancing these objectives. In the context of possible future solar program designs such as a competitive procurement or a cost-based tariff rate, the increased costs of mitigation will require either increased payments for the solar produced and procured in Maine, or reduced lease payments to landowners hosting these projects. To meet Maine's ambitious but necessary climate goals, including the Governor's commitment to use 100% renewable energy by 2040, we need to be focused on removing barriers to clean energy deployment, not adding them.

For these reasons, we respectfully urge the Committee to vote ought not to pass. Thank you for your time and consideration.

Sincerely,

Kate Daniel
Northeast Regional Director
Coalition for Community Solar Access