



Committee on Agriculture, Conservation & Forestry  
% Legislative Information Office  
100 State House Station  
Augusta, ME 04333

May 10, 2023

**RE: LD 1881, 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**

Dear Senator Ingwersen, Representative Pluecker, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of LD 1881, 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, on behalf of Maine Audubon and our 30,000 members, supporters, and volunteers.

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—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.

Policies that allow for the 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 bill is such a policy.

LD 1881 would create a compensation program for new renewable energy development, including terrestrial solar and wind development and high impact electric transmission lines, for projects that impact high value agricultural lands and natural resources. Currently, the Maine Department of Environmental Protection (DEP) has the authority to require compensation (in the form of conservation efforts) to mitigate for impacts as a part of the Site Location of Development Act (“Site Law”). The proposed program would allow permittees to pay a

compensation fee instead of developing on-site mitigation or otherwise permittee-led conservation projects. This option would create flexibility desired by the regulated community and allow for the aggregation of funds across permits, which could result in better conservation measures overall. Notably, the DEP does not have the ability to require compensation for impacts to agricultural resources. The bill would create a compensation program specifically for impacts to prime agricultural soils and soils of statewide importance within Title 7.

The meat of these policies would be developed in rulemaking. Specifically, the statute calls for defining “prime agricultural soils” and “soils of statewide importance” and “wildlife and fisheries habitats”. It is our understanding that “wildlife and fisheries habitats” will be narrowly defined and include large forest blocks and important wildlife corridors. Maine Audubon supports this intention; both resources are critical for wildlife adaptation in a changing climate and are impacted by renewable energy infrastructure given project size and shape.

Large, contiguous forest blocks are critically important for a number of forest-interior species that require large uninterrupted woods to feed, breed, and move. Forest loss and fragmentation is of particular concern for wildlife species that require mature, closed-canopy forest cover, including many interior forest nesting birds like the black-throated blue warbler and the ovenbird. Fragmenting impacts are not limited to direct habitat loss; the impacts of the fragmentation can reach deep into the forest, affecting otherwise intact, neighboring habitats. This is often referred to as “edge effects”. Edge effects change the characteristics of the forest that remains. For example, light, temperature, hydrology, and wind speed change as a result of the new “edge” that results from forest fragmentation and open-habitat predators or competitors to interior forest species can access and unduly impact interior forest species and their resources.

Wildlife corridors are areas that are particularly important travel “lanes” for wildlife to move between habitat blocks and are often important habitats in and of themselves. Corridors can include waterways and their shorelands and proximate uplands, as well as smaller forest blocks that connect large forest blocks. Maine Audubon looks forward to the opportunity to work with the Departments to define these areas in a way that is predictable and that focuses on the “best of the best” of these resources, so as to not unduly impact renewable energy development.

Maine Audubon is similarly enthused by the opportunity to better conserve prime soils and soils of statewide importance. Each are finite resources that are critical to a thriving Maine agricultural economy. We are confident that the Departments can work collaboratively with stakeholders to construct a program that conserves these resources, while maintaining the autonomy of farmers, as well as the ability to rapidly deploy renewable energy infrastructure at scale.

Thank you for your consideration of our testimony. We strongly encourage the Committee to support this important legislation.

Sincerely,

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

Eliza Donoghue, Esq.  
Director of Advocacy