Testimony before the Joint Standing Committee on Agriculture, Conservation and Forestry
By Chelsea Gazillo, American Farmland Trust, New England Policy Manager

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Dear Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry:

I appreciate this opportunity to testify in **support of** LD 1881 – An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines under the Site Location of Development Laws

My name is Chelsea Gazillo, and I am American Farmland Trust's New England Policy Manager. American Farmland Trust (AFT) is the only national conservation organization dedicated to protecting farmland, promoting sound farming practices, and keeping farmers on the land. AFT is a national leader in promoting Smart Solar Siting on farmland to support clean energy capacity while protecting our most viable agricultural lands from development pressures. AFT has a long history of working in Maine, stemming back to our role in supporting the first farmland protection projects undertaken through the Land for Maine's Future program. Building off our New England Smart Solar initiative, AFT participated in the Agricultural Solar Stakeholder Group convened in 2021 by the Governor's Energy Office (GEO) and the Department of Agricultural, Conservation, and Forestry (DACF).[1]

AFT supports LD 1881 as it will ensure more balanced and transparent solar energy AND create more funding to protect the state's remaining farmland. In addition, this bill aligns with AFT's Smart Solar Siting principles. Our first principle is to prioritize solar siting on buildings and land unsuitable for farming. You can find a list of AFT's Smart Solar Siting Principles here.

When farmland is lost to any development, the food production, economic activity, and ecosystem services those farms provide are also lost. Losing our most productive farmland can also push farming activities to marginal land, which may require more significant inputs, resulting in higher greenhouse gas (GHG) emissions to achieve comparable production. As Maine moves to capture the environmental, economic, and energy benefits of clean and renewable energy, the state must also minimize solar development's impacts on farmland conversion. A critical step in accomplishing this goal is ensuring that Maine's Department of Agriculture, Conservation, and Forestry (DACF) has adequate resources to protect the state's most productive, versatile, and resilient agricultural lands.

In the summer of 2022, AFT released "Farms Under Threat 2040," which estimates that between 2016-2040, 6.2 million acres (about the area of Massachusetts) in the US will be converted to urban and highly developed land uses such as commercial buildings, industrial sites, and moderate-to-high-density

[1] https://farmland.org/project/smart-solar-for-new-england/

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residential development. The remainder, 12.2 million acres, will be converted to low-density residential areas, which range from large-lot subdivisions to rural areas with a proliferation of scattered houses. Furthermore, according to AFT's "Farms Under Threat 2020" report, it is estimated that from 2001-2016, Maine lost roughly 17,700 acres[2]. According to "AFT's Farms Under Threat 2040" report, if recent trends continue, 53,4000 acres of Maine's farmland will be paved over, fragmented, or converted to uses that jeopardize agriculture. This is equivalent to 5% of the state's farmland, which is enough to generate $32 million in annual revenue."[3] In short, Maine cannot afford to lose any more farmland to development.

AFT recognizes that deploying solar energy is essential to meeting Maine's renewable energy requirements (100% renewable energy grid by 2050) and to national and global goals for mitigating climate change. Therefore, a rapid expansion of solar in all its forms and scales is needed – solar installed for on-farm energy, on most residential and commercial rooftops, parking lot canopies, and on landfills, brownfields, and highway corridors. In addition, a substantial area of land will still be needed for utility-scale solar and community solar in Maine. Solar development in Maine is accelerating, and the Solar Energy Industries Association projects that Maine will double its installed solar capacity (1,196 MW)[4] over the next five years. However, this rapid expansion cannot come at the cost of local agriculture and food production. Mitigation policies offer communities one means of ensuring farmland remains available, and farm businesses remain viable as the energy transition occurs. AFT has been actively involved in developing a similar provision in New York that also aims to collect a mitigation fee for solar projects sited on prime farmland.

New York offers an interesting case study for solar mitigation fees. As part of NYSERDA's large scale solar solicitation, projects on actively farmed land greater than 30 acres in size are assessed a fee per acre of prime soils converted. Solar developers can reduce or sidestep this fee (with approval from the New York State Department of Agriculture and Markets) if they redesign projects to avoid installing on prime farmland or if projects incorporate agrivoltaics—a type of dual use that pairs agricultural production with solar energy generation in an integrated way on the same piece of land throughout the full life of the project. AFT directly informed the development of these policies, but still recommends increasing the current fees and incorporating more incentives for farm viability and agrivoltaics in a 2022 report. Additionally, AFT suggested the state consider no discounts on mitigation fees are made available for projects that displace farmer-renters. In 2022, New York passed a law to assign all mitigation fees collected towards the state's farmland protection program.

Since 2013 farmers have been facing nearly a 50% drop in net farm income and continue to struggle to meet increases in farm production expenses. This economic crisis has seriously impacted farm viability and farmers' well-being, thus threatening farmland security. As climate impacts ravage growing seasons, and with the recent devastating discovery of PFAS contaminating our regions' soils, the livelihood of Maine's farmers has never been at greater risk. Offering farmers the option to explore solar installations and simultaneously continuing to protect the state's most valuable farmland from development is a win for the state's local food system and continued efforts to fight climate change. This critical legislation is a step in the right direction to do just that, protecting the state's most productive farmland, a finite resource, from future development pressures and promoting a clean energy future for Maine residents.

[2] https://storage.googleapis.com/csp-fut.appspot.com/reports/spatial/Maine_spatial.pdf
[3] https://farmlandinfo.org/publications/farms-under-threat-2040/
[4] https://www.seia.org/

AFT is confident that this piece of legislation will provide mechanisms that support the State of Maine's renewable energy goals while aiding in the state's efforts to protect farmland and promote a resilient food system for consumers across Maine.

Thank you for the opportunity to submit testimony. Please feel free to contact me at cgazillo@farmland.org or my colleagues at American Farmland Trust if you have any questions about this testimony on LD 1884.

With sincerity,

Chelsea Gazillo
New England Policy Manager
American Farmland Trust

American Farmland Trust is an agricultural non-profit organization with a mission to save the land that sustains us by protecting farmland, promoting sound farming practices, and keeping farmers on the land. AFT is the only national agricultural organization that approaches its work in this comprehensive, holistic manner. We recognize the connection between the land, forward-looking farming practices, and the farmers who do the work.