

## **TESTIMONY TO THE ENERGY, UTILITIES AND TECHNOLOGY COMMITTEE**

### **An Act To Encourage Research to Protect the Gulf of Maine and to Continue Creation of a Maine Floating Offshore Wind Industry**

**L.D. 336 (Sponsor Amendment)**

**May 11, 2021**

Senator Lawrence, Representative Berry, and Members of the Joint Standing Committee on Energy, Utilities and Technology. My name is Jeff Thaler, and I am Associate University Counsel for the University of Maine System, as well as a Professor of Practice at the University Of Maine School Of Law. This testimony is in support of L.D. 336 as amended by the Sponsor, and will focus upon the rigorous environmental permitting review and public input processes that any proposed floating offshore wind project in federal waters would have to undergo before it could begin construction.

By way of brief background, I have been the legal and regulatory counsel for the University of Maine's offshore wind projects since their inception over 12 years ago. Prior to that, I had extensive experience with environmental issues involved in a wide range of energy and environmental projects all across Maine, including onshore wind, hydropower, waste-to-energy, landfills, and construction projects. I have also developed and taught numerous courses on these issues at the University of Maine and Maine Law School. I am the lead author of The Maine Environmental Law Handbook, the only such guide to Maine environmental law, and the author of the country's first Roadmap for the permitting and leasing of offshore wind and marine hydrokinetic (tidal and wave) projects. I have received multiple honors for my work from national publications and reviews.

When the University proposed its 1/8<sup>th</sup> scale floating wind project—with a height comparable to that of a sailboat mast--off of Castine almost 10 years ago, I oversaw a multi-year environmental and public input process at the local, state and federal levels. That included undergoing extensive review by and consultations with federal and state resource agencies as part of the National Environmental Policy Act (NEPA) process. The end result of the NEPA process was an Environmental Assessment by the Department of Energy and others that was 131 pages long. Currently, I am involved with a comparable process of detailed reviews for the proposed one-turbine project in the State-designated Maine Offshore Wind Energy Research Center.

Any offshore wind energy research project that is the subject of L.D. 336 would not only undergo the same local, state and federal environmental review processes that the Castine project did and the Monhegan project is doing, but also being in federal waters the research project will also undergo even more reviews pursuant to the leasing regulations of the federal Bureau of Ocean Energy and Management (BOEM). That will be a multi-year process in and of itself, with multiple stages and opportunities for public comment and input; there will also still be such opportunities as part of the other local and state environmental reviews.

Moreover, the State and federal resource agencies will be actively involved in assessing potential impacts such as: land, air and water resources, endangered species, marine mammals

and fisheries, avian (bird and bat) species, scenic and noise, historic preservation, and socioeconomic and use impacts.

In sum, no one should think that either enactment of L.D. 336 or approval of a long-term contract by the Maine Public Utilities Commission will be the end of governmental and public review of the impacts of a proposed offshore wind project. Rather, those are just two of many different processes and approvals that will be needed before a federal-waters offshore wind energy project could even proceed to final financing and construction.

Thank you for your hard work on this and all proposed legislation; I urge your support of L.D. 336, and stand ready to answer any questions you may have. Thank you for your consideration.