



High-Value Agricultural Land (HVAL) Identification Protocol

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I. INTRODUCTION

This guidance document describes how to identify high-value agricultural land (HVAL) in accordance with the Department of Agriculture, Conservation, and Forestry (DACF) Chapter 575 rules titled “*Permitting Solar Energy Developments on High-Value Agricultural Land*”¹. Land that meets the definition of HVAL is subject to the Chapter 575 rules and may be subject to compensation fees.

This guidance document also provides information on how to exclude land from the definition of HVAL. Land that does not meet this definition is not subject to the Chapter 575 rules. While a desktop review may be sufficient to determine that land is not HVAL, the identification of HVAL will always require a field-based survey.

This protocol should be used in conjunction with the most recently updated version of the DACF guidance document, “*Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine*.” Some definitions are provided in the main text below, as they are the most relevant Chapter 575 terms used in this document. However, additional definitions can be found in Section 2 of the Chapter 575 rules for added clarity.

This document provides a summary of key elements found in Chapter 575 rules for additional guidance only. In the event of any discrepancies, Rule Chapter 575 shall govern. Please reach out to AGEnergy@maine.gov if you have any questions or concerns.



¹ The Chapter 575 rules were developed at the direction of the [public law](#) titled *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*.



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ACRONYMS & ABBREVIATIONS

DACF	Maine Department of Agriculture, Conservation and Forestry
DEP	Maine Department of Environmental Protection
EPA	United States Department of Environmental Protection
FOSI	farmland / soils of statewide importance
HVAL	high-value agricultural land
LSS	Maine Licensed Soil Scientist
M.R.S.	Maine Revised Statutes
PF	prime farmland
PFAS	per- and polyfluoroalkyl substances

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II. DEFINITIONS & TERMS

High-Value Agricultural Land (HVAL) Definition

High-value agricultural land (HVAL) is land that has physical properties that indicate high suitability for agriculture.

1. **HVAL includes** land that amounts to one (1) or more contiguous acres and meets the definition of:
 - A. “Prime farmland,” “farmland of statewide importance,” or a combination of the two, as verified by a “field-based survey” conducted by a “licensed soil scientist” in accordance with the most recently updated version of the DACF guidance document *“Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine;”*²
 - B. “Blueberry barren;” or
 - C. “PFAS-impacted HVAL.”
2. **To be considered HVAL**, a “field-based survey” is required to confirm that the land:
 - A. Is not occupied by residential, commercial, or industrial uses that substantially reduce agricultural potential; and
 - B. Has no structures except for i) farm-related infrastructure or ii) energy generation and transmission structures that accommodate co-located agricultural activities.
3. **The definition of HVAL does not include** the following:
 - A. Land that meets the definition of “contaminated land” or “forestland.”
 - B. Land with existing conditions such as impervious surfaces, gravel roads, asphalt roads, land that has been stripped of the topsoil, land that has soil exposure due to surface mining activities, and/or other alterations that make it unfit for agricultural purposes. For the purposes of this subsection, “existing” means at the time of permit application submittal to DACF and prior to the “start of construction.”

² The DACF guidance document titled *“Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine”* may be periodically updated by the State Soil Scientist and DACF Environmental Licensing Supervisor in accordance with the Maine Association of Professional Soil Scientists guidelines.



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Field-Based Survey Definition

An on-site survey of the solar energy development “land area” that includes the following components:

- A high-level assessment of current or past site uses, such as residential, commercial, industrial, agricultural, or undeveloped.
- A high-level inventory of on-site structures and impervious surfaces. This may include, but is not limited to, farm-related infrastructure, energy generation structures, and transmission structures.
- An inventory conducted by a licensed soil scientist of soil resources that is based on a systematic field examination, description, and classification of soils in accordance with the most recently updated version of the DACF guidance documents *“Identifying High-Value Agricultural Land”* and *“Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine.”*³

Only subsection (3) above must be conducted by a “licensed soil scientist.”

Subsections (1) and (2) above may be conducted by an environmental scientist, engineer, consultant, site evaluator, or an individual who is qualified to fulfill the requirements of these subsections.

If any one of subsections (1) through (3) above disqualifies the land area from being considered HVAL, then the survey components of the other two subsections are not required to be completed (e.g., if a “licensed soil scientist” finds that the “land area” surveyed does not meet the qualifications to be categorized as HVAL, then an additional survey of site uses and an inventory of on-site structures is not required).



³ The DACF guidance documents titled *“Identifying High-Value Agricultural Land”* and *“Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine”* may be periodically updated by the State Soil Scientist and DACF Environmental Licensing Supervisor in accordance with the Maine Association of Professional Soil Scientists guidelines.



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Non-HVAL Types Summary

Land that does not meet the definition of HVAL (“non-HVAL”) is not subject to the Chapter 575 rules. There are three major categories of non-HVAL, including land contaminated with hazardous substances, forestland, and land with alterations that make it unfit for agricultural purposes.

- **Contaminated Land**

HVAL does not include land that is contaminated with hazardous substances, as defined by DEP in [38 M.R.S. §1362\(1\)](#). Contamination can vary throughout a site, where some areas have high levels of contamination, and others have low levels of contamination. If a site contains areas with no contamination, it must amount to at least one contiguous acre to potentially be considered HVAL.

NOTE: *In the context of the Chapter 575 rules, hazardous substances do not include PFAS, as it is defined separately.*

- **Forestland**

HVAL does not include land that is currently forested.

“FORESTLAND. Land that is used primarily for the growth of trees, which is suitable for producing a forest product, or for harvesting trees for commercial use even if it is not currently being harvested for forest products or trees.”

- **Land Use**

HVAL does not include land that has alterations or land disturbance activities that make it unfit for agricultural purposes. This may include, but is not limited to:

- impervious surfaces
- buildings, structures, parking lots
- land that has soil exposure due to surface mining activities
- gravel or asphalt roads
- land that has been stripped of the topsoil
- other alterations that make it unfit for agricultural purposes

Additionally, to be considered HVAL, the land must not have any structures except for i) farm-related infrastructure or ii) energy generation and transmission structures that accommodate co-located agricultural activities. The land must not be occupied by residential, commercial, or industrial uses that substantially reduce the land’s agricultural potential.



III. HVAL IDENTIFICATION PROTOCOL

Table 1 outlines DACF's recommended process for identifying HVAL and non-HVAL within a project area. While applicants may complete site reconnaissance activities in a different order, the steps below provide an efficient approach for conducting site evaluations.

Field-Based Survey Components

As described in Section II, a field-based survey consists of three components:

- Inventory of Soil Resources
- High-Level Inventory of On-Site Structures
- High-Level Assessment of Current & Past Site Uses

Survey Area

Required: The field-based survey should be conducted within all possible components of the project area, including the fenced area, access roads, collector lines and utilities, shade management areas, temporary laydown yards, and other areas that are part of the project land area.⁴

Optional: Applicants may choose to survey areas outside the project land area, such as the remainder of a parcel. This information may help demonstrate that:

- The project is located on the least agriculturally productive portions of the property, and;
- Impacts to HVAL have been avoided or minimized to the extent practicable with the current project siting and design.

Balancing Accuracy in HVAL Estimation

When conducting a field-based survey, it is important to accurately identify the amount of HVAL present on-site. Underestimating HVAL may adversely affect the protection of this limited resource, while overestimating HVAL may result in unnecessary compensation costs to the project developer. Survey data should accurately reflect on-site conditions.

FIELD-BASED SURVEY TIPS

- ☞ A single survey component may be sufficient to determine that land is *not* HVAL.
- ☞ All three survey components must be completed to confirm the presence of HVAL. The only exception is for blueberry barrens, which are described in Section IV.
- ☞ Different qualified professionals may complete different survey components.
- ☞ DACF recommends conducting the high-level inventory of on-site structures & the high-level assessment of current and past site uses at the same time.

⁴ See the definition of "land area" in the Chapter 575 rules for a full description of what encompasses the project site.

Table 1: HVAL Identification Protocol

STEP 1. CONDUCT A DESKTOP REVIEW / GATHER RECORDS		
STEP 1 A. Review Land Use & Land Cover Aerial Imagery		
Description Review current and historical aerial imagery (e.g., Google Maps, Google Earth) to identify land use and land cover trends or changes. Potential non-HVAL: • Forestland • Developed land + land with structures • Land with signs of commercial land use Potential HVAL: • Cropland + pastureland • Fallow fields • Blueberry barrens	Is This Required? <i>Not required but recommended.</i> While aerial imagery may show if all or part of the site is forested or developed, this should still be confirmed via a field visit. Aerial imagery can be outdated and not reflective of the actual conditions at the site, but it can be indicative of what to expect.	More Information • Contaminated Land: Look for signs of commercial land uses commonly associated with hazardous substances, such as gas stations, repair shops, dry cleaners, industrial facilities, solid waste facilities, etc. The current or past presence of these types of businesses may require additional investigation to determine whether hazardous substances are present. • Forestland & Developed Land: Look for the presence of forestland or signs of development. Past development activities could substantially reduce the land's agricultural potential. • Structures: Look for signs of structures or buildings. • Land Use: Determine whether the project area contains one or multiple land use types. Note areas that may be considered HVAL or non-HVAL to help guide the survey.
STEP 1 B. Review Contaminated Land Records		
Description Search for and gather records that show federal and/or state restrictions on the use of land as a result of the presence of hazardous substances.	Is This Required? <i>Required if applicable.</i> Required only if the applicant intends to claim that all or a part of the site is contaminated and does not already have suitable supporting records.	More Information Properties with federal and/or state restrictions on the use of land as a result of the presence of hazardous substances may include: • Sites currently on the U.S. Environmental Protection Agency's (EPA) Superfund National Priorities List. • Sites currently undergoing corrective action under the EPA Resource Conservation and Recovery Act. • Active Landfills. Review the Maine DEP permit database for Site Law, mining, and general construction permits that may indicate historical or current uses associated with hazardous substances.

STEP 1 C. Gather PFAS Records

Description	Is This Required?	More Information
Search for and gather records that may show PFAS contamination at the site.	<i>Required if applicable.</i> Generally only necessary if the landowner already knows their land is contaminated with PFAS, has had sludge/septage applied to their land prior to 2019, or a neighboring property has confirmed PFAS contamination. Required only if the applicant intends to claim that all or part of the site is PFAS-impacted and does not already have suitable supporting records.	Records that show PFAS contamination or possible PFAS contamination may include: • PFAS test results provided to the landowner from an official lab, university, state agency, or organization. • A Phase II Environmental Site Assessment Report. • Documentation showing that sludge/septage was applied to the site. • Sample results from sites on the Maine DEP PFAS Investigation Map.

STEP 1 D. Gather Blueberry Barren Records

Description	Is This Required?	More Information
Search for and gather records that detail if and when the land was in agricultural production during the last 5 years.	<i>Required if applicable.</i> Blueberry barrens are a type of high-value agricultural land. The definition of blueberry barren is based on whether the land is/was in commercial production of Maine wild blueberries. Therefore, documentation is needed to confirm if blueberry barrens are present. A site that does not contain blueberry barrens will not have any documentation or records to gather. See Section IV for more information.	Records may come from several sources, such as: • The registry of deeds (specifically, current use farmland registration records). • Current or past landowners. Records may include, but are not limited to: • Sales documentation from the last five years showing that the property was used for wild blueberry production. • A signed affidavit from a current or former landowner describing whether and when the property was in commercial production of wild blueberries over the last five years. • Current use farmland registration records.

STEP 1 E. Review Online Soil Data

Description	Is This Required?	More Information
Review the project site in Web Soil Survey .	<i>Not required but recommended.</i> This can be helpful reconnaissance prior to an inventory of soil resources. Note: <i>Web Soil Survey is not a substitute for a field-based soil inventory conducted by a licensed soil scientist.</i>	Review the Soil Map and Soil Data Explorer to get an idea of what conditions may be found at the site. This may include characteristics such as: • Farmland designation (e.g., prime farmland or farmland of statewide importance). • Drainage class (e.g., moderately well drained). • Depth to water table.

STEP 2. INFORMAL SITE VISIT TO IDENTIFY NON-HVAL

STEP 2 A. Conduct an Informal Site Visit

Description	Is This Required?	More Information
Evaluate the site land use and land cover to confirm that the on-site conditions match those seen on aerial imagery.	<i>Not required.</i> If you already know that the entirety of your project site is likely forested or developed, an informal site visit is recommended to confirm that the on-site conditions have not changed. If you already know that you will likely need a more formal field-based survey and think HVAL is likely present at the site, then you can skip this step.	For smaller projects, we recommend that the surveyor drive or walk the edges of the project site. For larger projects, in addition to the edges of the project area, the surveyor should also drive or walk through the middle of the project area to evaluate on-site conditions. If the site conditions have changed (e.g., forestland has been cleared), and HVAL may be present, continue to Step 3.

STEP 3. SITE ASSESSMENT OF HAZARDOUS SUBSTANCES & PFAS

STEP 3 A. Survey for Contaminated Land

Description	Is This Required?	More Information
Conduct a site assessment to identify the presence of hazardous substances.	<i>Required if applicable.</i> Required only if the applicant intends to claim that all or part of the site is contaminated, and the desktop review in Step 1B did not result in suitable records to prove that claim.	You may choose to have a site investigation conducted to confirm the presence of hazardous substances other than PFAS. This may include any of the following: • Phase II Environmental Site Assessment • Site Characterization / Detailed Site Investigation • Human Health & Ecological Risk Assessment

STEP 3 B. Conduct PFAS Testing

Description	Is This Required?	More Information
Test the soil and water on site for the presence of PFAS.	<i>Required if applicable.</i> Required only if the applicant intends to claim that all or part of the site is PFAS-impacted, and the desktop review in Step 1C did not result in suitable records to prove that claim.	You may choose to have a site investigation conducted to confirm the presence of PFAS. This may include any of the following: • Phase II Environmental Site Assessment • Targeted PFAS Investigation

STEP 4. FIELD-BASED SURVEY: LAND-USE, LAND COVER, & ON-SITE STRUCTURES

STEP 4 A. Conduct a High-Level Inventory of On-Site Structures

Description	Is This Required?	More Information
Take photos of all the structures that are located on-site. This may include any of the types of structures in Table 2. Collect the following data at the time of each photo: - The cardinal direction in which the photo was taken. - Date and time of photo. - Latitude and longitude of where the photo was taken. - General description of structure (e.g., shed of farm supplies, active water well, unknown large storage building, etc.)	<i>Required if you cannot rule out that the entirety of the site is non-HVAL based on Steps 1 through 3.</i>	To be considered HVAL, the land must not have any structures except for i) farm-related infrastructure or ii) energy generation and transmission structures that accommodate co-located agricultural activities. Table 2 lists the types of structures that should be recorded during a high-level inventory of on-site structures and highlights which types of structures may be considered farm-related infrastructure or energy infrastructure. The surveyor is not expected to determine whether a structure is considered farm-related infrastructure or whether an energy generation structure can accommodate co-located agricultural activities, as it will ultimately be determined by DACF.

STEP 4 B. Conduct a High-Level Assessment of Current & Past Site Uses

Description	Is This Required?	More Information
Take photos of each land use type that is located on-site. This may include any of the land use types listed in Table 3. Collect the following data at the time of each photo: - The cardinal direction in which the photo was taken. - Date and time of photo. - Latitude and longitude of where the photo was taken. - General description of land use/type (e.g., forestland, residential, agricultural, commercial, industrial, mixed-use residential/commercial, etc.)	<i>Required if you cannot rule out that the entirety of the site is non-HVAL based on Steps 1 through 4A.</i>	To be considered HVAL, the land must not be occupied by residential, commercial, or industrial uses that substantially reduce the land's agricultural potential. Additionally, HVAL excludes forestland. Table 3 lists examples of what may be found in each land use category. The surveyor is not expected to determine whether the land use substantially reduces the land's agricultural potential, as it will ultimately be determined by DACF.

STEP 5. FIELD-BASED SURVEY: SOIL INVENTORY

STEP 5 A. Conduct an Inventory of Soil Resources

Description	Is This Required?	More Information
Have a licensed soil scientist conduct a soil inventory to evaluate the site for the potential presence of prime farmland and farmland of statewide importance.	<i>Required if you cannot rule out that the entirety of the site is non-HVAL based on Steps 1 through 4.</i>	• An inventory of soil resources can only be conducted by a Maine-licensed soil scientist (LSS) per 32 M.R.S. § 4903. However, an LSS may also conduct a high-level inventory of on-site structures and a high-level assessment of current or past site uses. • The inventory of soil resources should be conducted in accordance with the most recently updated versions of the Maine Association of Professional Soil Scientists' (MAPSS) "Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping" and the DACF guidance document "Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine ⁵." • The inventory should evaluate the site for the potential presence of prime farmland and farmland of statewide importance. It should be conducted as a Class B soil survey: <i>Class B Soil Survey</i> - <i>Map units will not contain dissimilar limiting individual inclusions larger than one acre. Dissimilar limiting inclusions may total more than one acre per map unit delineation, in the aggregate, if not continuous.</i> - <i>Scale of 1 inch equals 200 feet or larger (e.g. 1" = 100').</i> - <i>Ground control—test pits for which detailed data is recorded are located by means of compass by chaining, pacing, or taping from known survey points; or other methods of equal or greater accuracy.</i> - <i>Base map with 5-foot contour lines.</i> Note: A map of the site is not required if prime farmland and farmland of statewide importance are not found.

⁵ The DACF guidance document titled "Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine" may be periodically updated by the State Soil Scientist and DACF Environmental Licensing Supervisor in accordance with the Maine Association of Professional Soil Scientists guidelines.



IV. BLUEBERRY BARRENS

Blueberry barrens are a type of high-value agricultural land under Chapter 575. Unlike prime farmland and farmland of statewide importance, blueberry barrens are not identified through a soil inventory conducted by a licensed soil scientist. Instead, the determination is based on whether the land is or was in commercial production of Maine wild blueberries.

Blueberry Barren Definition

A blueberry barren is land that has been in commercial production of wild blueberries for one (1) of the two (2) or three (3) of the five (5) calendar years preceding the date of permit application. Blueberry barrens must amount to at least one (1) contiguous acre.

Applicant Responsibility

Applicants are responsible for accurately identifying and disclosing the presence of HVAL within the project area. Failure to disclose the presence of blueberry barrens that meet the Chapter 575 definition may result in an inaccurate representation of the amount of HVAL present on-site.

If DACF later determines that blueberry barrens were present within the project area and were not disclosed during the permitting process, the applicant may be required to provide additional information, revise previously submitted HVAL acreage calculations, and may become subject to compensation fees or other requirements under Chapter 575.

Blueberry Barren Documentation

Applicants whose project contains, or may contain, blueberry barrens that meet the above definition must submit records sufficient to demonstrate whether the project area was in commercial production of Maine wild blueberries during the previous five years.

Acceptable documentation may include, but is not limited to:

- Current use farmland registration records.
- Sales records showing commercial wild blueberry production.
- Documentation from current or former landowners.
- A signed affidavit from a current or former landowner describing whether and when the property was used for commercial wild blueberry production during the previous five years.

To facilitate DACF review, applicants may also submit a map showing the project area and the locations of any known or suspected blueberry barrens, and representative photographs of current site conditions.





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APPENDIX A. LAND USE AND STRUCTURE TYPE TABLES

Structure Types

Table 2: Examples of the types of structures that should be recorded during a high-level inventory of on-site structures during a field-based survey.

Non-Farm Infrastructure	Farm-Related Infrastructure	Energy & Transmission Structures
Farmhouses and residential buildings, such as trailers, campers, yurts, etc.	Grain silos, barns, equipment buildings, crop storage, water wells, food storage, etc.	Power lines
Dilapidated buildings that are not safe or suitable to house animals, store equipment, or conduct farm-related activities.	Barbed-wire fencing, rock wall property borders, gravel / dirt / farm roads, etc.	Transmission lines
Residential garages and sheds (attached to or immediately adjacent to the home that are not primarily used as storage space for farming equipment).	Garages and sheds that are primarily used as storage space for farming equipment.	Utility poles
	Livestock pens, feeding areas, watering areas, feed troughs, water troughs, manure handling facilities, etc.	Substations

NOTE: This list is not exhaustive and is only provided for guidance. While **Table 2** lists different structure types, the meaning may be interpreted differently by different people. Therefore, DACF withholds the right to make the final determination of whether a structure excludes land from being considered HVAL. If you have any questions regarding whether a structure would exclude land from being considered HVAL, please contact AGenergy@maine.gov.



Land Use Types

Table 3: Land use types and examples of what may be found in each land use category.

Commercial	Industrial	Residential	Agricultural
Hotels	Warehouses	Single-family homes	Cropland
Restaurants	Manufacturing facilities	Multi-family residential (e.g., apartments, condos)	Farm-related infrastructure
Office buildings & businesses	Shipping & distribution facilities	Prefabricated homes & mobile homes	Fallow fields
Schools	Storage facilities	Farmhouses	Pastures
Retail stores, convenience stores, & shopping centers	Nuclear, hydroelectric, & fossil fuel power plants	Neighborhoods & residential developments	Non-forested undeveloped land (e.g., shrub/scrub habitat)
Parking garages	Substations	Nursing homes	Farm stand
Theaters	Waste management facilities	Residential trailers & yurts	Blueberry barrens
Other similar commercial establishments	Other similar industrial establishments	Other similar residential establishments	Other similar agricultural establishments or land types

NOTE: This list is not exhaustive and is only provided for guidance. While **Table 3** lists signs of different land use types, the meaning may be interpreted differently by different people. Therefore, DACF withholds the right to make the final determination of whether land is excluded from being considered HVAL. If you have any questions regarding whether a certain land use would exclude land from being considered HVAL, please contact AGenergy@maine.gov.

APPENDIX B. FREQUENTLY ASKED QUESTIONS

Do I Need to Submit an HVAL Permit Application?

Table 4: Description of when a permit is required based on different site conditions.

Site Conditions	Do I Need to Submit an HVAL Permit Application?
The entirety of the site is forested, developed, contaminated, or a combination thereof.	No
The only portion of the site that isn't forested, developed, or contaminated is less than one contiguous acre.	No
The site contains at least one contiguous acre of HVAL that is not forested, developed, contaminated, or a combination thereof.	Yes

What Information from a Field-Based Survey Must Be Submitted for HVAL Permit Applications?

Table 5: Information to submit from a [Soil Inventory](#).

	And the site has at least one contiguous acre of blueberry barrens.	And the site does not have at least one contiguous acre of blueberry barrens.
The site lacks PF & FOSI	DACF only needs a <i>Licensed Soil Scientist HVAL Certification Form</i> signed by the LSS that describes the soil conditions on-site.	There is no HVAL present, an HVAL permit is not required, and no materials need to be submitted to DACF.
The site contains PF & FOSI, but it is less than one contiguous acre		
The site contains at least one contiguous acre of either PF, FOSI, or a combination of the two	DACF needs a full field-based survey report in accordance with the MAPSS “ <i>Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping</i> ” and the DACF guidance document “ <i>Determining Prime Farmland Soils and Soils of Statewide Importance for Siting Solar Projects in Maine.</i> ” At a minimum, the report should include: • The type of farmland found (i.e., PF or FOSI). • The acreage of each area of PF and/or FOSI. • A digital map showing the locations where each type of farmland was found.	

Table 6: Information to submit from a High-Level Inventory of On-Site Structures and a High-Level Assessment of Current and Past Site Uses.

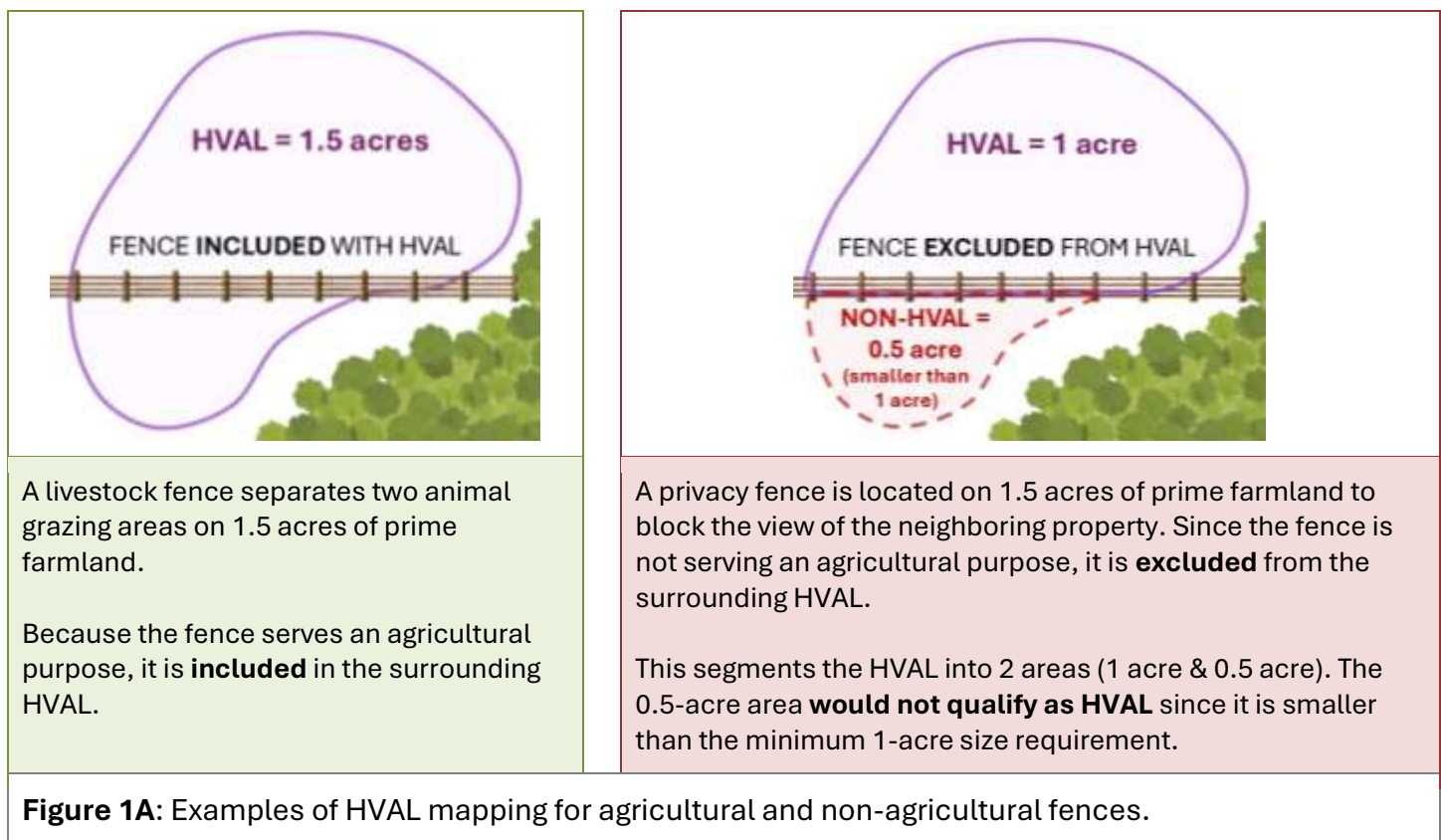
	General Requirements	Photo Documentation Requirements	Examples
High-Level Inventory of On-Site Structures	Submit representative photos of all the structures that are located on-site. This may include any of the types of structures in Table 2. Each photo should be accompanied by a general description of the structure(s) (e.g., shed of farm supplies, active water well, unknown large storage building)	For each photo submitted: - Record the cardinal direction the photo was taken. - Record the date and time. - Record the latitude and longitude.	If there is a cluster of structures in the same area, only one photo of the group of structures is necessary if one photo can clearly capture all structures. Example: A general photo showing a line of utility poles is helpful, but a photo of each individual utility pole is unnecessary. Other types of structures that may be grouped into one photo: - Three grain silos in a row. - A house and adjacent shed. - A barn and a watering well. - A gravel access road and adjacent power line.
High-Level Assessment of Current and Past Site Uses	Submit representative photos of each land use type that is located on-site. This may include any of the land use types listed in Table 3. Each photo should be accompanied by a general description of land use/type (e.g., forestland, residential, agricultural, commercial, industrial, mixed-use residential / commercial, etc.)	Tip: There are GPS Map Camera apps for smartphones like “Solocator” that automatically affix some of this data to your photo.	We only need one or two photos per land use type, especially if the on-site conditions match what is seen on aerial imagery. For large sites or sites where the on-site conditions have changed, more photos may be necessary to clearly show the application reviewer the site conditions. Example: A site with an agricultural field, a forest to the east, a forest to the west, and a residential property to the south may require at least 6–8 photos of the on-site conditions.

APPENDIX C. PROJECT EXAMPLE – IS IT HVAL?

In this appendix, we provide an example of a property that may contain high-value agricultural land (HVAL). Each component of the example property is evaluated in **Table 7** to illustrate how DACF may determine whether a feature should be included within an HVAL area under the Chapter 575 definition⁶. Features are evaluated not only on their individual characteristics but also on whether they support agricultural activity, substantially reduce agricultural potential, or affect the continuity of the surrounding agricultural landscape.

What does it mean when a feature is included with HVAL or excluded from HVAL?

Site features (e.g., barns, grain silos, transmission corridors, etc.) would only be mapped as HVAL if the immediately surrounding land qualifies as HVAL. If a feature does not support agricultural activity, it would be excluded from being mapped with the surrounding HVAL. This can sometimes segment HVAL, causing a portion of it to no longer qualify as HVAL because it is less than 1 contiguous acre. A feature that does support agricultural activity would be included in the mapping of HVAL and would not affect the total acreage of HVAL. **Figure 1A** illustrates how a feature can affect HVAL mapping.



⁶ DACF will make the final HVAL determination when evaluating each permit application. However, applicants are encouraged to reach out to DACF in advance at AGEnergy@maine.gov if they have any questions.

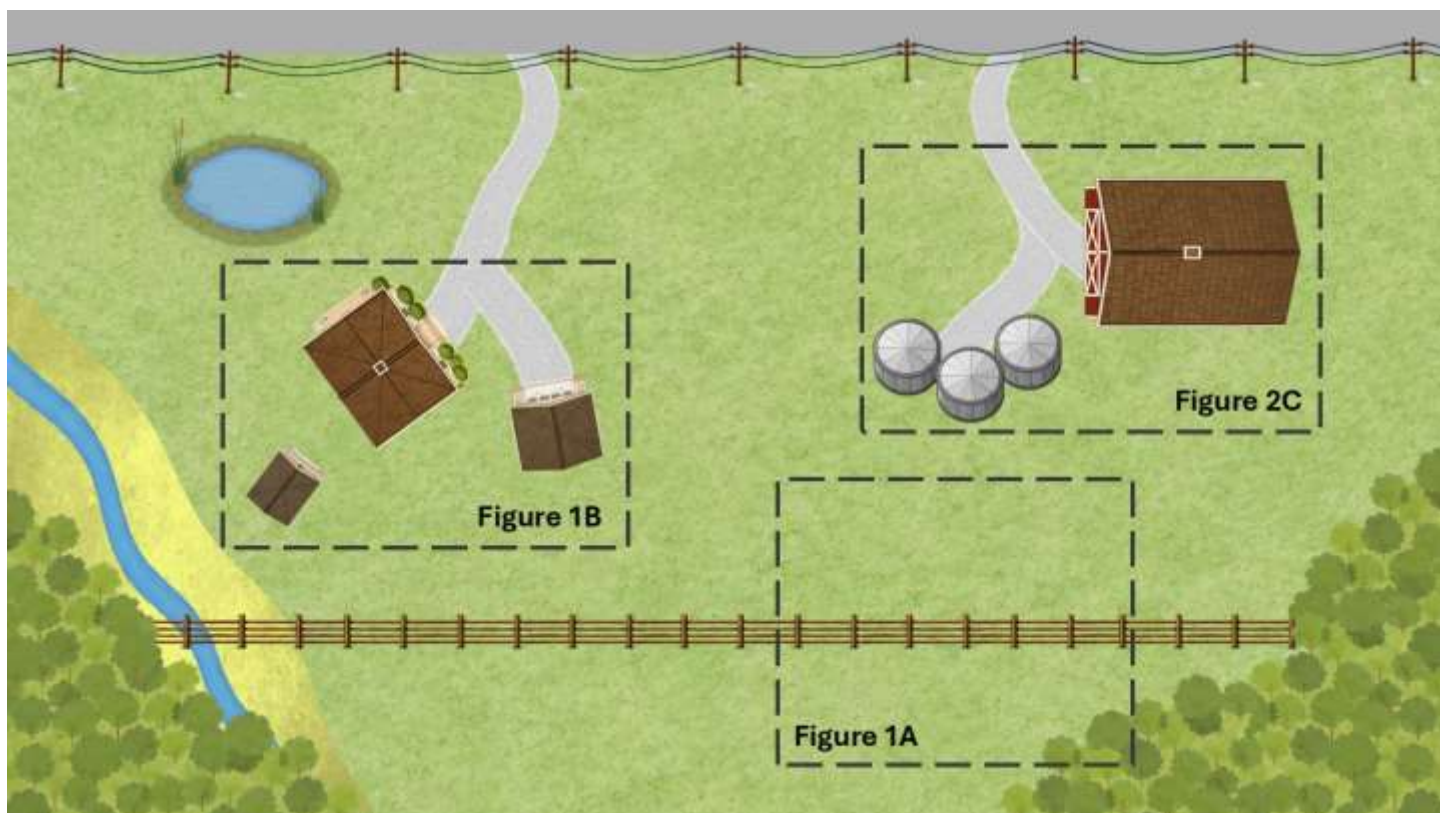


Figure 1. Simulated property illustrating the locations of the example scenarios.

Figure 1B. Excluded feature example.

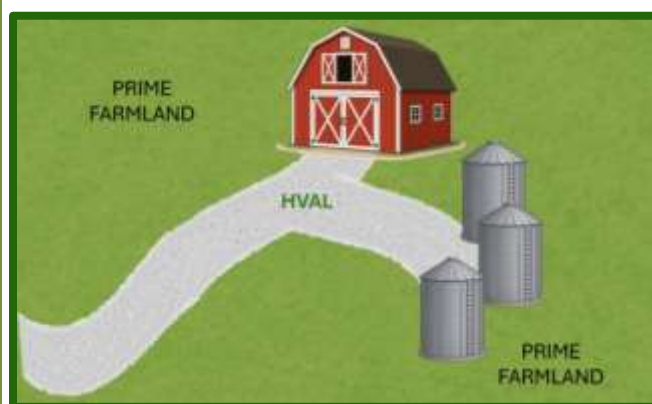


- Single-family residence
- Detached garage
- Shed
- Gravel driveway leading to these features

These features are **not** used for agricultural activities and are excluded from HVAL.

They **would not** be mapped as HVAL even if the surrounding land is categorized as HVAL.

Figure 1C. Included feature example.



- Barn
- Grain silos
- Gravel driveway leading to these features

These features **are** used for agricultural activities and are included with HVAL.

They **would** be mapped as HVAL if the surrounding land is categorized as HVAL.

Table 7. Examples of common site features and descriptions of when they are generally included in or excluded from HVAL mapping.

Feature	GRAVEL DRIVEWAYS	HOUSES	GRAIN SILOS & BARNES
			
Non-HVAL Notes	A gravel driveway may be excluded from HVAL if it mainly serves a home or non-farm use. See Figure 1B. Examples: - Residential driveway to a house. - Driveway serving a residential trailer or camper. - Access road to non-farm structures, land covers, or land uses.	Residential use substantially reduces agricultural potential and should not be included with HVAL. See Figure 1B. Examples: - Single-family residence. - Residential lawn area.	Farm structures that cannot be used for agricultural activities may be excluded from HVAL mapping. Examples: - Damaged, unsafe, or dilapidated silos and barns. - Repurposed barn used as an event venue. - Barn converted to a residence.
HVAL Notes	A gravel driveway may be included with HVAL if it supports farming activities. See Figure 1C. Examples: - Farm lane connecting fields. - Access road to a barn, silo, equipment storage area, or livestock pens. - Access road to an irrigation source.	A residence that has been converted to primarily being used for agricultural activities, and no longer serves a primary function as a residence, may be included with HVAL. Examples: Residential building converted to: - A farm office or farm store; - A produce sorting, packing, and storage building; - An agricultural products processing building, such as maple syrup bottling, honey extraction, cheese production, or the creation of other value-added products.	Farm structures that are actively supporting agricultural operations, or could be used to support agricultural activities, may be included with HVAL. See Figures 1C and 2. Examples: Silos and barns in good condition that can be used for grain, feed, equipment, or animal storage.
Gray Areas	Driveways that serve both residential and farm uses may require additional departmental review.	While farm residences can be associated with agriculture, the footprint of the residence should not be included with HVAL unless its primary use is no longer serving as a residence.	N/A

Table 7 continued

Feature	FENCES 	GARAGES & SHEDS 
Non-HVAL Notes	Fencing may be excluded from HVAL where it does not perform an agricultural function and impedes agricultural activities. Examples: - Security fencing around a residence or residential pool. - Boundary fencing to mark property lines or separate agricultural fields from the residential property.	Residential storage or accessory structures that are not typically used for, or cannot be used for, agricultural activities may be excluded from HVAL. See Figures 1B and 2. Examples: - Personal vehicle garage. - Garden shed. - Household storage building. - Damaged, unsafe, or dilapidated sheds and garages.
HVAL Notes	Fencing may be included with HVAL where it is integrated into farm management. Examples: - Livestock or rotational grazing fencing. - Security or safety fencing (e.g., fencing to keep people out of a pond or deter animals from grazing on crops). - Crop support fencing (e.g., grape vine support fencing).	Storage sheds or garages primarily used to support agricultural operations may be included with HVAL. Examples: - Shed used for grain, feed, or equipment storage. - Sugar shacks. - Garage specifically designed to be used as a farm maintenance area (e.g., garage has oversized doors, higher ceiling heights, deep bays, heavy-duty/reinforced construction, floor drains, washdown area, etc.). - Garage/shed specifically designed to be used for fertilizer or pesticide storage. Examples include structures with secondary containment infrastructure (e.g., curbed floors, berms, spill basins, collection systems, etc.), ventilation systems, safety infrastructure (e.g., eye wash stations, spill kits, fire suppression equipment, etc.), and concrete floors.
Gray Areas	 While landscaping fencing (typically short, under 3 feet, decorative, & designed to border landscape beds, guide foot paths, etc.) would not be considered performing an agricultural function, it is also easy enough to remove that it wouldn't impede agricultural activities. This type of fencing may be included with HVAL if the surrounding land is HVAL.	Garages and sheds are typically closed, so their current use cannot be observed. The best way to determine if a shed or garage should be included with or excluded from HVAL acreage is by the location and number of structures. A garage and/or shed directly next to a residence should be considered residential accessory structures and treated as non-HVAL. A property with multiple garages/sheds may require site-specific evaluation.

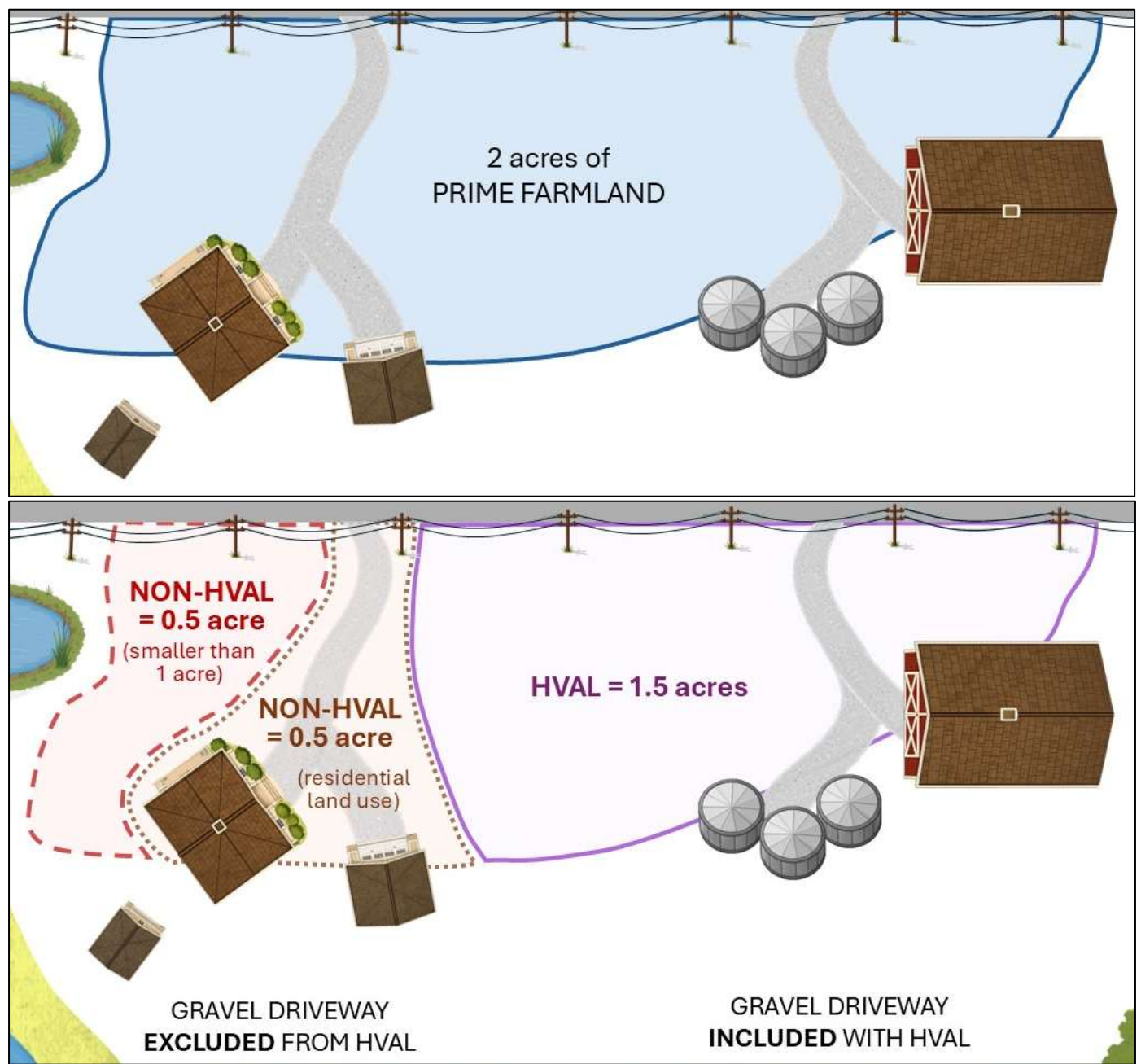
Table 7 continued

Feature	FORESTS	PONDS	STREAMS
			
Non-HVAL Notes	Areas meeting the definition of “forestland”⁷ are generally excluded from HVAL. Examples: - Managed timber stand. - Mature woodland.	Open water may be excluded from HVAL where it reduces usable agricultural area or significantly interrupts continuity of the agricultural landscape without serving a function. Examples: - Decorative pond. - Large pond fragmenting fields (i.e., the pond reduces the ability of a tractor, truck, or other farm equipment to navigate to fields on both sides of the pond).	Stream channels may be excluded from HVAL where the watercourse itself is not suitable for agricultural production or substantially fragments agricultural areas. Examples: - Deep stream channels with steep banks. - Stream corridors that prevent equipment access between field areas.
HVAL Notes	Land that does not meet the definition of “forestland” may qualify as HVAL. Easily converted vegetation or non-forest cover may support agriculture. Examples: - Shrubland. - Fallow field. - Early successional field.	Ponds may be included with HVAL when they provide a direct farm function that supports agricultural activities. Examples: - Accessible livestock water source. - Irrigation pond. - Fire protection pond.	Stream channels may be included with HVAL where agricultural activities occur alongside the stream and the watercourse does not substantially reduce agricultural potential. Examples: - Irrigation stream (e.g., hayfield adjacent to stream). - Accessible livestock water source.
Gray Areas	Trees are sometimes planted or retained to serve an agricultural purpose, such as a windbreak for crops or shade for livestock. Small, wooded patches within or adjacent to agricultural areas will require site-specific review.	Ponds used for both residential and agricultural purposes, or where the primary function is not readily apparent, may require site-specific evaluation. Consider whether the pond is reasonably located to support agricultural activities, such as providing water for nearby livestock, crops, or agricultural structures.	The width of the stream, condition of riparian areas, and the degree of fragmentation may affect whether surrounding land continues to function as HVAL.

⁷ Forestland is defined as “Land that is primarily for the growth of trees, which is suitable for producing a forest product, or for harvesting trees for commercial use even if it is not currently being harvested for forest products or trees.”

Table 7 continued

Feature	WETLANDS 	OPEN FIELDS 	UTILITY CORRIDORS 
Non-HVAL Notes	Wetlands may be excluded from HVAL where hydrologic conditions substantially limit agricultural use or reduce the continuity of the agricultural landscape. Examples: - Forested wetlands. - Emergent wetlands not actively used for agriculture. - Wetland areas that prevent equipment access.	Open areas may be excluded from HVAL where they primarily function as residential, commercial, recreational, or other non-agricultural land uses. Examples: - Residential lawn. - Recreational field. - Landscaped open space.	Land beneath utility lines may be excluded from HVAL where supporting infrastructure or utility restrictions substantially reduce agricultural potential or prevent agricultural activities. Examples: - Substations or switching equipment. - Utility easements with permanent restrictions that prevent agricultural use. - Corridors occupied by supporting infrastructure.
HVAL Notes	Certain wetland areas may be included within HVAL where they support ongoing agricultural activities or meet farmland criteria under applicable soil classifications. Examples: - Drained or filled wetlands used for agricultural activities. - Agricultural wetlands actively managed as pasture.	Open areas may be included with HVAL where they support agricultural activities or retain the capability to support agricultural production. Examples: - Hayfields - Cropland. - Pasture. - Fallow field.	Utility corridors may be included with HVAL where agricultural activities can continue beneath or around the utility infrastructure. Examples: - Cropland beneath utility lines. - Hayfields or pasture beneath utility lines. - Grazing within transmission corridors.
Gray Areas	Wetlands mapped as prime farmland if drained may require site-specific review. The presence of agricultural use, drainage modifications, and overall contribution to agricultural productivity should be considered.	The intended function of an open area is not always apparent. Large open areas adjacent to residences, recently harvested fields, and temporarily idle agricultural land may require site-specific evaluation to determine whether they should be mapped with HVAL.	Utility corridors vary in width, supporting infrastructure, and operational restrictions. Consider whether agricultural activities can reasonably continue within the corridor, the extent of supporting infrastructure, and any permanent restrictions on agricultural use.



- A property has two gravel driveways located on two acres of prime farmland.
- The house, shed, and garage are not serving an agricultural purpose; therefore, they are excluded from any surrounding HVAL.
- The gravel driveway on the left, which only provides access to the house and garage, would also be excluded from any surrounding HVAL, since it is not serving an agricultural purpose.

This segments the prime farmland into 3 areas.

- The 0.5-acre area to the left of the homestead does not qualify as HVAL since it is less than the 1-acre minimum size.
- The 0.5-acre homestead does not qualify as HVAL since it is a residential land use that substantially reduces agricultural potential.
- The 1.5-acre area to the right of the homestead does not qualify as HVAL since the barn, silos, and access driveway serve an agricultural purpose.

Figure 2: Example of HVAL segmentation due to a gravel driveway.