



INFORMATION REGARDING PERMITTING SOLAR ENERGY DEVELOPMENTS on HIGH-VALUE AGRICULTURAL LAND (HVAL)

Background	<p>The Department of Agriculture, Conservation and Forestry (DACF) requires an HVAL permit and has permitting authority¹ over any solar energy development that meets the following definition:</p> <ul style="list-style-type: none">A. Uses ground-mounted solar arrays and installations to convert solar energy to electrical energy;B. Occupies 5 acres or more; andC. Is wholly or partially located on high-value agricultural land (HVAL). <p>Solar projects that do not meet this definition are not required to apply for an HVAL permit (i.e., projects smaller than 5 acres, projects that won’t occupy HVAL, or rooftop solar). For a full description of what projects may require an HVAL permit, please refer to Chapter 575: Permitting Solar Energy Developments on High-Value Agricultural Land².</p>										
Types of Permits	<p>There are two types of HVAL permits: a permit by rule (PBR) and an individual permit. The PBR creates an expedited process for certain projects on HVAL, including:</p> <ul style="list-style-type: none">• Solar energy developments that are 5 acres or more, but less than 20 acres.• Solar energy developments that are 5 acres or more (no size cap), where the only HVAL the solar energy development land area will occupy is land that meets the definition of “PFAS-impacted HVAL.” <p>Projects that do not meet the criteria for a PBR may apply for an individual permit.</p> <p>Each type of permit has a unique set of submission requirements, which are summarized on page 2. For a full listing of DACF’s rules, definitions, and permit requirements associated with the HVAL permit, please refer to Chapter 575: Permitting Solar Energy Developments on High-Value Agricultural Land.</p> <p>You may not begin construction until an HVAL permit has been issued or DACF confirms that one is not required. Other state and local permitting requirements may also apply prior to construction.</p>										
Submissions	<p>Applicants shall email the application materials to AGEnergy@maine.gov. Word or PDF are the preferred file formats for sending the application electronically. Alternatively, applicants may mail ONE copy of the completed application with all supporting documents and attachments to the address below.</p> <div><p>Maine Department of Agriculture, Conservation & Forestry Attn: Agricultural Resource Development 90 Blossom Lane Augusta, ME 04333</p></div>										
Fees	<p>Permit application fees are due at the time of application submission. Applicants may pay the fee online at https://gateway.maine.gov/ACF/PayMaineEntry. Alternatively, they may submit a check or money order made payable to “Treasurer, State of Maine” and mailed to the address listed above.</p> <table><tr><td>Permit by Rule</td><td>\$200</td><td>Permit Transfer</td><td>\$100</td></tr><tr><td>Individual Permit</td><td>\$300</td><td>Minor Revision</td><td>no fee</td></tr></table>			Permit by Rule	\$200	Permit Transfer	\$100	Individual Permit	\$300	Minor Revision	no fee
Permit by Rule	\$200	Permit Transfer	\$100								
Individual Permit	\$300	Minor Revision	no fee								
Disclaimer	<p>This document provides a summary of key elements found in Chapter 575 rules for informational purposes 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.</p>										

¹ 38 M.R.S. §3202

² 01-001 CMR Ch. 575

PERMIT APPLICATION REQUIREMENTS for SOLAR ENERGY DEVELOPMENTS on HVAL

ALL PERMIT APPLICATIONS

- **FIELD-BASED SURVEY:** All applicants must submit the results of a field-based survey³ of all land that does not meet the definition of “contaminated land”⁴ or “forestland”⁵ within the solar energy development land area⁶.
- **PROJECT PLANS:** All applicants must submit solar energy development design drawings, including the mounting system type (fixed or tracking), panel tilt, panel row spacing, and panel mounting height.
- **DOCUMENTATION:** If applicable, applicants should submit documentation to prove that any portion of the land area in question meets the definition of “contaminated land,” “PFAS-impacted HVAL”⁷, “forestland,” or “blueberry barren”⁸.
- **BEST MANAGEMENT PRACTICES:** If applicable, applicants should submit a list of any best management practices (BMPs) described in the most recently updated version of the DACF guidance document titled “*Best Management Practices for Solar Energy Development on Farmland*,” that do not apply to the solar energy development, along with a short explanation of why those BMPs are not applicable to the project.

REQUIREMENTS for INDIVIDUAL PERMIT APPLICATIONS

- **ALTERNATIVES ANALYSIS:** Individual permit applicants must submit a one (1) to three (3) page report that analyzes whether a less damaging practicable alternative to the proposed impact to HVAL exists that still meets the solar energy development project purpose. Attaching figures to the alternatives analysis is encouraged and does not count towards the page limit. The alternatives analysis should also evaluate if, to the extent practicable, the project is located on the least agriculturally productive portions of the parcel (s). A less damaging practicable alternative may include:
 - Utilizing, managing, or expanding one or more other portions of the property for the project that would avoid or reduce the impact to HVAL;
 - Reducing the size, scope, or configuration of the project, thereby avoiding or reducing the impact to HVAL; and
 - Developing alternative project designs that avoid or reduce the impact to HVAL.
- **DUAL-USE MANAGEMENT PLAN:** Individual permit applicants who are applying for the dual-use discount and whose project plans to incorporate dual-use activities must submit a management plan in accordance with 01-001 CMR Ch. 575 §6(2)(A).
- **FARM VIABILITY:** Individual permit applicants who are applying for the farm viability discount in which the solar project land area occupies 20% or less of the farm operation land in which the HVAL exists, must submit a one (1) page summary of how the solar energy development is helping the farm stay viable.
- **EXCEPTION:** Individual permit applicants who opt to pay a compensation fee for the entire solar energy development land area in accordance with 01-001 CMR Ch. 575 § 7(8), are not required to submit the following application materials as a part of the permit application: i) the results of a field-based survey, ii) an alternatives analysis, and iii) documentation detailing that land meets the definition of “blueberry barren,” “PFAS-impacted HVAL,” “active farmland,” “contaminated land,” and/or “forestland.”⁹

REQUIREMENTS for PERMIT BY RULE APPLICATIONS

- **AVOIDING HVAL STATEMENT:** PBR applicants must submit a statement describing 1) how impacts to HVAL have been avoided or minimized to the extent practicable with the current siting and design, and 2) how the solar energy development is proposed to be constructed on the least agriculturally productive portions of the parcel(s) to the extent practicable with the current siting and design (statement should not exceed two (2) pages). Attaching figures to the statement is encouraged and does not count towards the page limit.

³ 01-001 CMR Ch. 575 §2(17)

⁴ 01-001 CMR Ch. 575 §2(8)

⁵ 01-001 CMR Ch. 575 §2(18)

⁶ 01-001 CMR Ch. 575 §2(23)

⁷ 01-001 CMR Ch. 575 §2(30)

⁸ 01-001 CMR Ch. 575 §2(6)

⁹ 01-001 CMR Ch. 575 §7(8)



PERMIT APPLICATION FORM for SOLAR ENERGY DEVELOPMENTS on HVAL 38 MRSA c. 35			
This application is for (check one):		<input type="checkbox"/> Individual Permit	<input type="checkbox"/> Permit By Rule
Application Type		<input type="checkbox"/> New Application	<input type="checkbox"/> Revised Application ¹
APPLICANT INFORMATION			
Applicant		Agent ² (if applicable)	
Name		Name	
Mailing Address		Mailing Address	
Daytime Phone #		Daytime Phone #	
Email Address		Email Address	
PROJECT INFORMATION			
Latitude/Longitude of the approximate center point of the project			
Solar Energy Development Land Area ³	acres	Anticipated Start of Construction Date	(month) (year)
Will the project be constructed in multiple phases?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, how many phases?	
Project Description (attach additional pages as needed)			

¹ A **revised application** is a resubmission of a previous application that has been significantly modified. This is typically after the original application was either denied or withdrawn. A revised application can also be submitted after the original application was approved, but due to unforeseen circumstances, the project layout, properties, size, or other characteristics have significantly changed. Unlike a **new application**, it builds on an earlier submission, and unlike a **minor change**, it includes substantial changes to the content. A minor change application is required to 1) modify a permit to correct clerical errors, structure dimensions, or similar minor revisions, or 2) renew a permit that is set to expire or has expired.

² 01-001 CMR Ch. 575 §9(3)(B)

³ 01-001 CMR Ch. 575 §2(23)

HVAL INFORMATION ¹									
Soil Type			# of acres that meet the definition of "active farmland" ²			# of acres that <i>do not</i> meet the definition of "active farmland" (i.e., inactive farmland)			
PFAS-Impacted ³	Prime Farmland ⁴								
	Farmland of Statewide Importance ⁵								
	Blueberry Barrens ⁶								
Not PFAS-Impacted	Prime Farmland								
	Soils of Statewide Importance								
	Blueberry Barrens								
INDIVIDUAL PERMIT APPLICATIONS ONLY									
Dual-Use	Will the project incorporate dual-use activities?			<input type="checkbox"/> Yes (If yes, continue to next row)			<input type="checkbox"/> No		
	Dual-Use Land Area Available ⁷						acres		
	Proposed Dual-Use Activities ⁸ (within the dual-use land area)			<input type="checkbox"/> Crop production on			acres		
				<input type="checkbox"/> Livestock grazing on			acres		
			<input type="checkbox"/> Pollinator habitat on			acres			
			<input type="checkbox"/> Other (describe in draft management plan)						
Farm Viability	Does the solar project help keep the farm operation viable?			<input type="checkbox"/> Yes (If yes, continue to next row)			<input type="checkbox"/> No		
	Size of Farm Operation ⁹ Land						acres		
	% of Farm Operation Land that the Project Occupies						%		
Compensation	For Tiers 1 through 4, do you plan on paying a higher compensation fee in lieu of submitting i) the results of a field-based survey, ii) an alternatives analysis, and iii) documentation detailing that land meets the definition of "blueberry barren," "PFAS-impacted HVAL," "active farmland," "contaminated land," and/or "forestland" as part of your application? ¹⁰					<input type="checkbox"/> Yes <input type="checkbox"/> No			
FOR OFFICE USE ONLY									
Date Applied		Date Issued		Increased Comp Fee In Lieu of Permit Denial?			<input type="checkbox"/> Yes <input type="checkbox"/> No		
Application #		Final Mgt Plan Date					<input type="checkbox"/> See notes		
Application Fee		Acres of HVAL Compensation	Tier 0 (0:1)	Tier 1 (0.5:1)	Tier 2 (1:1)	Tier 3 (2:1)	Tier 4 (8:1)		
App. Fee Paid Date									
Permit #		Issued By							
Notes									

¹ Only include land that meets the definition of HVAL as described in 01-001 CMR Ch. 575 §2(22)

² 01-001 CMR Ch. 575 §2(15)

³ 01-001 CMR Ch. 575 §2(30)

⁴ 01-001 CMR Ch. 575 §2(33)

⁵ 01-001 CMR Ch. 575 §2(16)

⁶ 01-001 CMR Ch. 575 §2(6)

⁷ 01-001 CMR Ch. 575 §2(13)

⁸ 01-001 CMR Ch. 575 §2(12)

⁹ 01-001 CMR Ch. 575 §2(14)

¹⁰ 01-001 CMR Ch. 575 §7(8)



PARCEL & DEED REFERENCE INFORMATION							
(List all parcels/deeds involved)							
Parcel #	Map # & Lot # (i.e., Parcel #)	Parcel Size (acres)	Deed Book #	Deed Page #	Title, Right, or Interest	City/Town	County
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							



APPLICANT SIGNATORY REQUIREMENT

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT. ¹

By signing below, the applicant (or authorized agent) certifies that they have read and understand the following:

- ☐ I certify that I have personally examined the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete.
- ☐ I authorize DACF to enter the property/properties that is/are the subject of this application at reasonable hours, including buildings and structures on the property/properties, to determine the accuracy of any information provided herein, in accordance with 01-001 CMR Ch. 575 §9(3)(F). If I withdraw² my application, this authorization is also subsequently withdrawn³.
- ☐ I authorize DACF to send me an electronically signed decision on the permit I am applying for with this application by emailing the decision to the address submitted with this application.
- ☐ I plan to meet the BMPs described in the most recently updated version of the DACF guidance document titled "*Best Management Practices for Solar Energy Development on Farmland*" that apply to this solar energy development in accordance with 01-001 CMR Ch. 575 §5(2)(E). If applicable: I have provided an attachment to this application containing a list of any best management practices (BMPs) described in the aforementioned guidance document that do not apply to this solar energy development, along with a short explanation of why those BMPs are not applicable to this project.
- ☐ For individual permit applications, I understand that:
 - Decisions regarding my tier level, whether compensation is owed, and whether compensation discounts apply are decided by DACF—but my compensation payment (whether in the form of a fee or a farmland conservation project) is managed by DEP in accordance with 06-096 CMR Ch. 379.
 - If my compensation is in the form of a compensation fee, it is to be paid to DEP. However, HVAL permit application fees are paid to DACF.
- ☐ I understand that:
 - PBR applications are solely handled by DACF.
 - I can withdraw my application at any time prior to a staff-issued decision in accordance with 01-001 CMR Ch. 575 §9(3)(D).

Date _____

Signature _____

Printed Name _____

Title _____

¹ 01-001 CMR Ch. 575 §9(3)(C)

² 01-001 CMR Ch. 575 §9(3)(D)

³ 01-001 CMR Ch. 575 §9(3)(F)(3)