

**Maine Agricultural Solar Stakeholder Group
Meeting #2 Summary - June 24, 2021
Held virtually**

Meeting Recording: <https://www.youtube.com/watch?v=mwcEDrFs6JY>

Stakeholder Member Attendance: Nick Armentrout (Spring Creek Farm), Emily Cole (American Farmland Trust), Heather Donahue (Balfour Farm), Ellen Griswold (Maine Farmland Trust), Sarah Haggerty (Maine Audubon), Kaitlin Hollinger (BlueWave), Matt Kearns (Longroad Energy), George O'Keefe (Town of Rumford), Andy Smith (The Milkhouse), Julie Ann Smith (Maine Farm Bureau), Patrick Wynne (City of Hallowell), Jeremy Payne, (Maine Renewable Energy Association), Celina Cunningham (Governor's Energy Office); Nancy McBrady (Department of Agriculture, Conservation and Forestry)

On June 24, 2021 the Maine Department of Agriculture, Conservation and Forestry (DACF) and the Governor's Energy Office (GEO) virtually hosted the second meeting of the Agricultural Solar Stakeholder Group meeting. Through these meetings the group will assess the potential impact of solar development on Maine's prime farmland and soils of statewide importance and develop a set of recommendations to balance the need to protect Maine's current and future farmland against the need to develop sources of renewable solar energy. At this meeting the following was discussed:

- Department of Environmental Protection's Regulatory Oversight of Solar Projects
- Regulatory Discussion
- Definitions of Dual-Use and Co-Location
- Massachusetts SMART Solar Incentive Program
- Additional Information Needs

Department of Environmental Protection (DEP)'s Regulatory Oversight of Solar Projects
Nick Livesay and Jim Beyer from DEP gave a presentation on the statutory and regulatory programs that apply to solar projects. These include: Site Law, the Natural Resource Protection Act (NRPA), Stormwater Management Law, and Decommissioning. Typically, projects which occupy more than 20 acres trigger Site Law review. DEP is undertaking rulemaking to allow projects as large as 50 acres to bypass Site Law review and instead seek a Permit By Rule (PBR). DEP has seen between 20-30 projects in the 20-50 acre range. The goal of the PBR process is to make the permitting process more efficient and incentivize developers to better optimize the development envelope.

All projects one acre or greater fall under Stormwater Management Law. Maine has jurisdiction in this area of law where many other states rely on federal oversight. DEP is working with solar developers and the University of Maine Cooperative Extension on pilot projects to develop guidance on rotational grazing plans, soil considerations, and seed mixes.

A new law on decommissioning will require projects three acres or larger to provide DEP a decommissioning plan and financial assurance for decommissioning. The law offers additional

protections for agricultural land requiring removal of inground components to depths of 48 inches.

Regulatory Discussion

The group discussed merits and limitations of various regulatory approaches. The group discussed concerns with the current requirements regarding storm water management and how, as currently implemented, they may disincentivize grazing on land with solar projects. There was concern raised with development of site-specific rotational grazing plans, given the required cost and time. This additional barrier can disincentivize solar grazing, which would negatively affect the economic benefits from additional marketing channels. Interested parties expressed urgency to developing a reasonable path forward so that projects can take advantage of grazing instead of traditional landscape management. Utilizing existing guidance from the American Solar Grazing Association and the Natural Resource Service Center to develop general requirements and allowing flexibility for Maine's diverse farming community would be preferred.

Definitions - Dual Use vs Co-location:

American Farmland Trust (AFT) defines Dual-Use as projects which retain or enhance the land's agricultural productivity for both the short term and long term. They would include decommissioning requirements which protect the agricultural resources and support the viability of a farming operation. In contrast, "co-location" generally involves traditional ground-mounted solar installations that host non-agricultural plantings with additional environmental benefits. For example, co-location can include grazing of animals as part of planned vegetation management, planting pollinator habitat, or planting ground cover or other plant species to benefit the surrounding ecosystems.

Dual-use and co-location projects have tax implications that should be considered. For projects that may have a reduction in equipment (i.e. fewer modules which allow for spacing for additional solar penetration to the ground) to meet additional agricultural production goals, towns may lose out on equipment tax revenue. Whereas, adapting the current farmland tax law to include these projects could incentivize projects.

Massachusetts SMART Solar Incentive Program

Emily Cole from AFT presented on the evolution of the Massachusetts SMART solar incentive program. In spring of 2017 the program procured 1,600MW of solar, including significant solar development on farmland. As a result, changes in the policies were made to require any development on greenfields be dual-use for the second 1,600MW of procurement in the fall of 2020. The changes also included a requirement that the value of agricultural production be documented with the Massachusetts Cooperative Extension. While the group saw merits in aspects of the SMART program that may be replicated in Maine, there was also a recognition that Maine is different from Massachusetts in a number of ways that should be considered if pursuing a similar program.

American Farmland Trust Presentation:

<https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/MA%20SMART%20for%20Maine%20Stakeholder%2006242021.pdf>

Additional Information Needs

- Better understanding the technical potentials and challenges for brownfield, landfill and parking lot solar development
- Data on how much farmland is actively being farmed in Maine, specifically on prime agricultural soils
- Quantify the number of acres to be developed by solar to meet our energy goals
- Site location information for projects awarded in the PUC procurement tranches
- Tax law implications of solar development for property taxes, municipalities, and landowners
- Is there a limitation on the number of solar sites that can be developed and how many have been created to date? How does this impact productive farmland?
- Greater understanding of the economics of solar incentives