

Distributed Generation Stakeholder Group Land Use Work Session

Nancy McBrady, Director Bureau of Agriculture, Food and Rural Resources Maine Department of Agriculture, Conservation and Forestry

Amanda E. Beal Commissioner Nancy McBrady Director 18 Elkins Lane Augusta, ME 04333 (207) 287-3200 www.maine.gov/dacf

DACF's Agricultural, Forestry, and Natural Habitat Goals and Priorities

- Intricately involved in the stewardship, monitoring, and maintenance of accessible public lands, healthy forests, and productive agricultural soils.
- These lands support healthy and diverse ecosystems in the state, and provide sustenance, critical natural habitat, and economic opportunities that support the foundation of our heritage industries.
- Mindful of our role to thoughtfully protect and enhance these resources as the state embraces renewable energy goals in its effort to proactively mitigate and adapt to a changing climate.

A Careful Balance

- DACF supports renewable energy development in Maine and understands that solar is a key component of reducing our reliance on fossil fuels.
- DACF support opportunities for farmers to address their own energy needs with renewable sources, and to enhance the economic viability of their operations with thoughtful siting of renewable energy infrastructure.

- DACF strongly recommends prioritizing siting of solar projects on non-agricultural lands and within areas that do not contain rare plant populations; provide habitat for rare or exemplary natural communities; or diminish the ability for our natural and working lands to effectively sequester carbon.
- Productive agricultural soils are finite resources.

Careful consideration of appropriate siting of solar projects is necessary to avoid permanent loss of agricultural lands.

Maine Won't Wait Goals

- *Maine Won't Wait* offers strategies aimed at meeting Maine's greenhouse gas emission targets.
- The strategies directly identify the intersection of renewable energy, working lands, and food production.
- Strategy C: "reduce carbon emissions in Maine's energy and industrial sectors through clean-energy innovation," by "achiev[ing] by 2030 an electricity grid where 80% of Maine's usage comes from renewable generation."
 - Strategy D: "grow Maine's clean-energy economy and protect our natural-resource industries," such as by "increas[ing] the amount of food consumed in Maine from state food producers from 10% to 20% by 2025 and 30% by 2030 through local food system development."

Maine Won't Wait Goals, cont'd.

- Strategy E: "Protect Maine's environment and working lands and waters" and further notes that "by current estimates, Maine loses approximately 10,000 acres of natural and working lands to development each year — a figure which is projected to grow in coming years."
- Avoidance of this potential impact could possibly be achieved by "develop[ing] policies by 2022 to ensure renewable energy project siting is streamlined and transparent while seeking to minimize impacts on natural and working lands and engaging key stakeholders."
 - Another goal set under Strategy E is to "[i]ncrease by 2030 the total acreage of conserved lands in the state to 30% through voluntary, focused purchases of land and working forest or farm conservation easements."

Solar: A Push and Pull for Farms



© Electrek.co

Farmington: 490-acre, 300,000-panel solar array

- Significant interest development on lands containing prime farmland soils and soils of statewide importance
- Farmers face competition for affordable leased land. Concern regarding available and affordable fodder.
- Mailing and phone calls to farmers.
- Solar can allow farms a stable, diversified income stream.
- Thoughtful siting can allow farming operations to continue.

DACF's Solar Resources

Maine Farm Data

Training and Education

Mental Health

Solar Siting

- DACF's does not regulate siting development or agricultural soils.
- DACF Technical Guidance for Utility-Scale Solar Installations and Development on Agricultural, Forested, and Natural Lands.
- DACF Guide to Determining Prime Farmland Soils and Soils of Statewide Importance for Solar Siting Projects.



The Department of Agriculture, Conservation and Forestry (DACF) supports the state's goals for reducing reliance on fossil fuels and pursuing renewable energy generation. DACF encourages that, whenever possible, commercial scale solar projects be sited on non-agricultural lands, given the finite amount of prime agricultural solis in Maine. When solar is developed on agricultural land, the DACF encourages the development of dual-use solar projects.

https://www.maine.gov/dacf/ard/resources/solar.shtml

AGEnergy@maine.gov

LD 820

- L.D. 820, Resolve, To Convene a Working Group To Develop Plans To Protect Maine's Agricultural Lands When Siting Solar Arrays
- Required DACF to convene a working group of stakeholders to develop plans and consider ways to "discourage the use of land of higher agricultural value and encourage the use of more marginal agricultural lands when siting a solar array."
- DACF to submit "its report and recommendations, including any suggested legislation" to ACF, EUT, and ENR Committees.

Ag Solar Siting Stakeholder Process

- Eight facilitated meetings June December 2021.
- Chaired by Governor's Energy Office and DACF.
- Thirteen members from diverse backgrounds and perspectives.
- Public engagement including public comment at all meetings and comment period on draft report.
- Discussed Maine solar industry's landscape and the state's agriculture and solar development potential.
- Reviewed other states' solar and siting policies (MA, NJ, VT).
- Reviewed Maine Audubon's Maine Renewable Energy Siting Tool.
- Maine Municipal Association's presented its perspective on current use tax law and Maine DEP on licensing process for solar development.
- Developers' experiences with dual use solar projects.
- Farmer's experience converting 45 acres (out of 1,000) into solar.



- Creation of a centralized clearinghouse of information
- Publicly-accessible database of key characteristics, including spatial data, of approved and constructed solar projects.
- DACF Supports: solar data currently hard to find and often incomplete. Will allow a solid understanding of existing (or soon to be developed) solar sites, enabling the calculation of impacted lands, acreage, soil type(s), and other important trends.



Photo credit: Longroad Energy

- Dual-Use Pilot Program
- Create pilot program to support dualuse projects in Maine.
- DACF Supports: Must conduct research on compatible crops and livestock in Maine to determine viability for farmers interested in pursuing solar energy generation on their land. Because many other recommendations include dual-use, the pilot is critical to truth-test its potential success in Maine.



Photo credit: BlueWave Solar

- Consideration of current use taxation
- Eliminate tax penalty if farmland continues operations with solar development onsite.
- DACF Supports: Provided dual-use projects are proven to be viable (by way of the pilot project), it could be productive to explore whether changes to the farmland current use taxation would be advisable.



Photo credit: BlueWave Solar



- Consideration of standards for dual-use and co-location in permitby-rule review ("PBR")
- Standards for these types of projects to be included as permitting criteria in future development of permit-by-rule processes by DEP.
- <u>DACF Supports</u>: Offering PBR review to proposals that incorporate dualuse and/or co-location practices offers an incentive to developers to include more agriculture-friendly design considerations into their projects.
- DACF <u>also</u> wants PBR review apply to proposals on marginal agricultural land, contaminated lands (brownfields and PFAS), rooftops, gravel pits, and previously developed parcels to prioritize and incentivize projects that safeguard and/or avoid valuable agricultural land.

- Development of hosting capacity maps
- These maps can help developers become more efficient at targeted site selection for all sizes of solar projects.
- DACF Supports: Comprehensive data that indicates which areas of the grid are saturated and which have the capacity for additional interconnections can minimize land use stress. This information could help developers minimize interconnection costs, thereby increasing their ability to choose to pursue higher-cost dual-use or co-location sites.



Photo credit: ReVision Energy

- Increased support for municipal planning capacity
- More robust technical assistance capacity and/or financial support for planning should be provided by natural resource agencies directly to municipalities, councils of governments.
- **DACF Supports**: DACF understands the constraints municipalities are facing when it comes to solar development and their need for additional support and resources, such as specific training and informational resources about land use considerations.



Photo credit: ReVision Energy



- Consideration of program preference based on agricultural site characteristics
- Future state-sponsored programs to support solar resources (i.e., long-term contracts or compensation mechanisms) should include consideration of agricultural siting characteristics. The Distributed Generation Stakeholder Group should consider and include agricultural group members participate.
- <u>DACF Supports</u>: Having the PUC evaluate and score proposed projects' agricultural and natural resource impacts could encourage well-designed and sited projects that limit impacts to valuable agricultural lands. DACF also encourages the procurement process to include criteria assessing whether the project is located on the built environment, brownfields, or other contaminated lands, or whether it will be a dual-use or co-location project.

Further DACF Recommendations

- Additional policy recommendations for further consideration include:
- In Lieu Fee: In lieu fee is a mechanism where, if impacts to significant environmental or natural resources (or agricultural resources) cannot be avoided by the proposed development, the developer pays a mitigation fee. That fee is then utilized to fund natural resource, wildlife, or in this case, farmland protection elsewhere in the state.
- Soils Education: Enhancing the general understanding of developers, policymakers, and the general public regarding the importance of our farmland soils (and what opportunities are lost as a result of farmland development to non-agricultural uses) is critical. Build out effort through DACF's Healthy Soils Program.
- Include Natural Resources: When considering potential impacts from solar siting, consider natural resource impacts in addition to agricultural soils. Term includes important wildlife and fisheries habitats, rare plant populations, and rare and exemplary natural communities.

