

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE
CONSERVATION AND FORESTRY**

IN SUPPORT OF L.D. 1881

“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”

SPONSORED BY: Representative Landry of Farmington

CO-SPONSORED BY: Senator Black of Franklin
Senator Brenner of Cumberland and
Representative Gramlich of Old Orchard Beach
Representative Meyer of Eliot
Representative Roberts of South Berwick
Representative Soboleski of Phillips
Representative Stover of Boothbay
Representative Wood of Greene

DATE OF HEARING: May 10, 2023

Good morning Senator Ingwersen, Representative Plueker and members of the Agriculture, Conservation and Forestry Committee. I am Jim Connolly, Resource Management Director speaking on behalf of the Department of Inland Fisheries and Wildlife, in support of **L.D. 1881**.

This bill requires developers of solar energy projects to pay a compensation fee or pay for conservation efforts to mitigate adverse effects on prime agricultural soils or soils of statewide importance and developers of solar energy developments, wind energy developments or high-impact electric transmission lines to pay a compensation fee to fund off-site habitat improvement or preservation projects to mitigate the adverse effects of a development on wildlife and fisheries habitats. The Department of Environmental Protection is directed to establish one or more compensation funds to carry out the projects or to authorize a public, quasi-public or municipal organization or a private, nonprofit organization to administer the funds. A solar energy developer may offset the compensation fee for the protection of prime agricultural soils or soils of statewide importance for land for which the developer paid a compensation fee to mitigate the adverse effects of a development on wildlife and fisheries habitats and may also opt in lieu of the compensation fee to conserve a comparable area of land

through a conservation easement or a purchase for fee ownership by a public, quasi-public or municipal organization or a private, nonprofit organization that ensures the land remains available for agricultural production. This bill also directs the Department of Agriculture, Conservation and Forestry to adopt rules and define "prime agricultural soils" and "soils of statewide importance" and the Department of Environmental Protection to adopt rules and define "wildlife and fisheries habitats" subject to compensation fees or other conservation efforts.

Climate change is one of the most pervasive threats facing Maine's wildlife, contributing to increased prevalence of parasites and diseases, the proliferation of invasive species, and habitat shifting and alteration. Development of renewable energy infrastructure is an important part of our state's efforts to combat these issues, yet these projects must be well sited in order to prevent adverse impacts to our natural resources. Our department works closely with Department of Environmental Protection and renewable energy developers to recommend steps to avoid and minimize negative impacts to fisheries and wildlife and their habitats, and to identify appropriate mitigation when necessary.

This bill creates a new option for developers of solar projects, wind energy projects, and high impact transmission lines to mitigate adverse impacts on wildlife and fisheries habitats by paying into a compensation fund. Importantly, this bill specifically includes 'large undeveloped habitat blocks' and 'important wildlife corridors' as habitats that would be afforded consideration by the compensation fee program. Fragmentation of these habitats by dispersed renewable energy development is of significant concern to our agency and we feel that avoidance, minimization, and where appropriate, mitigation of these impacts is critical to maintaining the abundant wildlife and fisheries populations that are so important to the fabric of our state.

We would suggest as has been done previously in similar situations, such as with Significant Wildlife Habitats under the Natural Resources Protection Act, in recognition of our department's expertise and statutory authority, we recommend a revision such the Department of Environmental Protection be directed to adopt rules for "wildlife and fisheries habitats" as defined by the Department of Inland Fisheries and Wildlife. IFW staff will also assist DEP staff with that rulemaking effort, as it is in the interest of both agencies.

In closing, we would also suggest that this Committee consider amending the bill to allow a small portion of the compensation fund to be used to hire contract staff within each respective agency to assist with implementation. This has been a successful approach with other granting programs and would help ensure that this new program does not detract from our ability to provide current levels of staff support to review and provide recommendations to avoid and minimize impacts to wildlife and fisheries habitat by development projects.

I would be glad to answer any questions at this time or during the work session.