



High Value Agricultural Land (HVAL), Solar Development, and the role of MAPSS

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LD 1881: Background

- Rapid solar development since 2019
- Conflict between energy climate-change goals and agricultural climate-change goals is zero-sum
- High-quality farmland put into solar is not available for agriculture and farmers may be pushed to converting marginal or forestland, which could have detrimental effects on natural resources and climate adaptation.
- Conversely, solar developers may be pushed to the same conversion activity, or simply be unable to establish enough arrays to meaningfully reduce reliance on fossil fuels

Reasonable measures that balance the needs of both sectors are required to ensure we achieve our climate goals within impactful timelines.

LD 1881: What is it?

- Solar energy compensation program that requires a fee be paid if a solar energy development is built on 'high-value agricultural land' (HVAL).
- In-lieu fee program based on the portion of the development built on HVAL.
- Applies to ground-mounted solar arrays that are 5 acres or larger and located at least in part on HVAL (projects 20 A or greater are already subject to MDEP Site Law permit review)
- Program should be active by 9/1/2024

High-Value Agricultural Land

- MDACF has been tasked with creating the HVAL definition – this effort is ongoing
- HVAL will be defined in part by the physical properties of the soil – using the federal prime and state standards as a foundation
- The goal of this definition and the law in general is to protect the most productive agricultural land from solar development
- Nothing is final, this is an update on current thinking

Licensed Soil Scientists

- The role of a licensed soil scientist will likely be to do the HVAL determination for a solar project
- Once the rule is created, the hope is to work with MAPSS to develop guidance to standardize HVAL determinations (akin to survey classes, prime farmland determinations, etc.)
- Note: There is a difference between the legal rule and the guidance developed to make the determination

Your perspective

- What would make the HVAL definition difficult to interpret on the ground?
- Concerns I have heard –
 - HVAL contiguousness;
 - Associations/complexes;
 - Current land use;
 - Need for requirements to be field observable (i.e. not requiring laboratory data to make the determination);
 - Not just a verification system of NRCS maps



Thank You

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