



City of Biddeford
Conservation Commission

December 16, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)
Or call in by phone: +1 312 626 6799
Meeting ID:
Passcode:

1. Adjustment(s) to Agenda

2. Secretary Report

3. Presentations/Discussions

3.a Project Canopy: Clifford Park Management Plan: Rec Commission info

Please see the attached map by Keith Fletcher. Would Main Coast have the actual data that the City could utilize?

3.b Solar Ordinance-Draft Review/Discussion
Public Advocate Report

3.c Citizens' Climate Lobby, Endorsement?
<https://citizensclimatelobby.org/about-ccl/methodology/>

3.d Swan Pond Brook lot conservation

3.e Comp Plan Deficiencies: The "**Not Founds**" (See memo, June 26, 2024) Update?

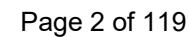
3.f Intern Update?

4. Other Business

5. Adjourn



Maine Coast
Heritage Trust



**2013 PROJECT CANOPY ASSISTANCE
PLANNING AND EDUCATION**
USDA FOREST SERVICE-URBAN AND COMMUNITY FORESTRY CFDA 10:675

Applicant Name: Town of Old Orchard Beach, Maine

*Designated Representative: Kimbark Smith

Title: Milliken Mill Woods Project Manager, OOB Conservation Commission

Address: 1 Portland Avenue
Old Orchard Beach, Maine 04064

Phone Number: 978-793-0249

Email Address: <kimbark.smith@myfairpoint.net>

Applicant's Federal Identification Number: 01-6000307

Project/Program will take place on non-federal land owned or controlled
by: Town of Old Orchard Beach, ME Population: 8527

Previously Received Community Forestry Assistance Funding Yes X No

A. Amount of Project Canopy Funds Requested	\$ <u>7,954</u>
B. Local Match: (See Guidelines)	\$ <u>11,430</u>
C. Total Project Cost (A + B = C)	\$ <u>19,384</u>

Does your community have a comprehensive plan that includes forestry? Yes X No

Date certified by State Planning Office: 1992

Short Project Title: Milliken Mill Woods

Brief Description of Project:

(Describe the project, including what is to be developed, produced, performed, and/or implemented. Include project purpose and objectives)

Our goal is to develop Milliken Mill Woods as a multi-use forestry space over the next few years that will inform both residents and visitors about the importance of stewardship of woodlands. This grant will help the Town develop and begin to implement a forestry management plan. Preliminary discussions have included public access trails with informational signage. Management will include active forestry with an emphasis on long term stewardship, wildlife habitat, invasive species control and protection of water quality.

Name of State Senator
Name of State Representative

Linda Valentino
Sharri MacDonald

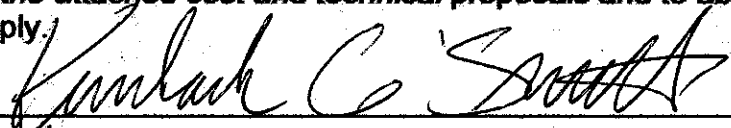
Application Page 1 of 5

Grant applications must include:

(Refer to the Project Canopy Planning and Education Grant guidelines for specific instructions)

- ☐ **Completed Application Form**
- ☐ **Narrative**
- ☐ **Detailed Budget**
- ☐ **3-Year Maintenance Plan**
- ☐ **Letters of Support**

*As designated representative of said applicant, I hereby agree to implement this project according to the attached cost and technical proposals and to abide by all local ordinances and restrictions that apply.

 12/2/13
Signature Date

**As official representative of said applicant, I hereby authorize the project submitted for the proposed Project Canopy Grant.

 12/2/13
Signature Date

Please submit proposals in PDF format to the following e-mail: jan.santerre@maine.gov, no later than 5 PM, December 2, 2013. Required information for the proposal should not exceed five (5) pages (excluding budget tables), with a print font size of 12 preferred. Note: the proposal submission inbox can accept message up to 10 MB in size. Multiple messages per proposal may be submitted if necessary. Additional information such as maps, tables, and letters of support may be included in addition to the proposal.

* Designated representative refers to the person authorized by the applicant to submit a grant application, sign documents and take necessary actions to undertake, direct and complete the approved project.

**Official representative refers to the Mayor or Town Board Official for a municipality; a Superintendent or Principal for a school; and the Board Director or President in the case of a non-profit organization.

Project Canopy Community Capacity Checklist



Please rate your community's capacity for urban and community forestry management. Put a check mark next to each capacity component that applies to your community.

1. Inventories and management plans:

Community has a tree and forest management plan developed from professionally-based resource assessments and inventories.

2. Professional staff: X

Community employs or has written agreement with professional forestry staff who possess at least one of the following credentials: degree in forestry or related field, and ISA certified arborist or equivalent professional certification.

3. Tree care ordinance: X

Community has local ordinances or policies that focus on planting, protecting, and maintaining urban and community trees and forests.

4. Local advisory /advocacy organization: X

Community has local advocacy/advisory organizations such as active tree boards, commissions, or non-profit organizations that are formalized or chartered to advise and/or advocate for the planting, protection, and maintenance of urban and community trees and forests.

A brief history of your community program, school or nonprofit organization, including mission and goals for the next several years.

Started in 1970, the mission of the CC is to serve as an advisory commission to all parts of the Town Government in matters affecting the environment of the Town.

The CC is responsible for the care and stewardship of the municipal trees, public parks, Town-owned open and/or undeveloped spaces and significant natural resources, overseeing and monitoring any Conservation Easements known to or held by the Town, initiating (subject to appropriation of funds by the Town Council), providing for and being a supplemental repository for the results of any environmental testing for the Town, and having such powers and performing such duties as are provided by the laws of the State of Maine, the Charter and ordinances duly adopted by the Council, including the powers and duties of tree wardens. The CC has the power to form subcommittees and/or advisory boards as it deems necessary.

Under the care and superintendence of the municipal trees, public parks, Town-owned open and/or undeveloped spaces responsibility mentioned above, we intend over the next several years, to develop several of the Town-owned properties with a variety of nature/recreation trails. We have already undertaken to improve one current conservation/recreational area called the Blueberry Plains with signage and educational materials; we are midway to linking the Eastern Trail (an inter-community pedestrian and bicycling trail) with our downtown area and the Milliken Mill Woods project will further extend the network of recreational forest trails within our community. Old Orchard Beach's seasonal recreation is obviously greatly oriented toward the Beach. The CC wants to direct the attention of our citizens and visitors to our community forests and other wooded areas as well. The CC wants to provide public education about the value of our community's forests and trees in general, and provide visibility and access to Town owned/donated forested land. The Town will continue to maintain and take care of the public shade trees in our Memorial Park and elsewhere and we have recently taken responsibility with our contracted arborist for all of the public shade trees in the Town.

A description of the project, including what you expect to be developed, produced, performed and/or implemented; a clear and measurable work plan for the project; and a timeline for completion of the process.

Our goal is to develop Milliken Mill Woods as a multi-use forestry space over the next few years that will inform both residents and visitors about the importance of stewardship of woodlands. This grant will help the CC develop and begin to implement a forestry management plan. Preliminary discussions have included public access trails with informational signage. Management will include active forestry with an emphasis on long term stewardship, wildlife habitat, invasive species control and protection of water quality.

In 1999, a plot of land, located in the northwest corner of the Town, of approximately 51 acres was donated to the Town of Old Orchard Beach by Janice Milliken Andrews, known as the "Wood Lot". From exploration of the property it appears that the last cut

was done approximately 25 years ago. Formally, it was donated to be known as "Milliken Mill Woods".

We also have a second piece of property known as the "Animal Shelter" that consists of 17 acres of land located from the southeast corner Milliken Mill Woods across Portland Ave, to the western border of the Animal Shelter. Originally, the building on this property was used to keep stray animals found in the Town, however this practice is no longer being continued.

We have decided to combine these properties into a single dedicated conservation project (please see attached maps) as:

- They are close in proximity
- Parking is already available at the Animal Shelter
- The Town owns rights and access use for both properties
- Access to the Eastern Trail is available within walking distance of both properties

The CC has recently undertaken several activities to realize the opportunities these properties provide. They include:

- Site Walks to become familiar with the topography and vegetation
- Attending training at the Wells National Estuarine Research Reserve's "Yankee Woodlot"
- Working Tour with Tin Smith, Stewardship Coordinator of the Wells National Estuarine Research Reserve, of Milliken Mill Woods itself
- Discussion with Tin Smith at a CC meeting televised to the Public reviewing the property, things to consider in developing the property and "next steps"

To date, we are in the process of planning and development. We need to:

- Develop a Forestry Management Plan to review the property and create various alternatives as to how we could use the space based on our various ideas.
- Conduct at least 2 televised Public Meetings with the Maine Forest Service Stewardship Forester to present various alternatives and obtain public input including 1 with the Town Council
- Make decisions from this input and create a design plan as to the uses and the structural layout of property including; where the paths will be and how many, where the bridges are located to cross the stream, the kiosk locations, the signage locations
- Formalize and Publish the Plan to the Town for acceptance, funding, promotion and volunteer recruitment
- Re-mark Property Lines, including find and update the marker locations, tape rough lines with rough staking and brush cutting where required for sight lines
- Mark Trails where they exist

TimeLine/Work Plan

- Develop RFP under Town Guidelines for Hiring of Forester Feb.
- Publish RFP Feb.

- | | |
|---|------|
| • Hiring of Forester | Mar. |
| • Development of Forester Plan | May |
| • Design Plan | June |
| • Consultant Review | June |
| • Formalize and Publish | July |
| • Survey and Marking of boundaries and trails | July |
| • Kiosks Materials and Construction, Installation | July |
| • Construction of Trails and Bridges and Signage | ~Nov |
| ▪ Spring 15 OPEN | |

A description of how your project will effectively contribute to Project Canopy and USDA Forest Service goals.

At present there are only three areas in the Town that offer an opportunity to be managed as “open spaces”. (Blueberry Plains (2) properties, Ball Park property and the Milliken Mill Woods/Animal Shelter) The Milliken Mill Woods Project is the only one that exists in the Town today that can be managed as a Community Forest and related natural resources, and that can sustain and enhances outdoor recreational opportunities from a forestry basis. As there are very limited spaces available, Milliken Mill Woods would be the first and only area in the Town that would qualify. It is our hope, to use this project:

- To expand the local offerings to include a Managed Forest experience
- To encourage other woodland owners to both improve management of their forest lands and consider permanently conserving them. As a showcase example, to incentivize more owners to donate their land to the Town versus developing it.
- To educate the various stakeholders in the Town that various other unique experiences can be offered in addition to the Beach.
- To educate the general populous and visitors about the value of trees and forest lands
- To motivate more residents to get involved in the Conservation Commission and process

To accomplish these goals, we need to show land owners that not only does the Town respect them as owners but that we value them and their undeveloped land. We need to show them that their land provides a unique opportunity to enhance the lives of our visitors and residents and that the CC will be vigilant in protecting and promoting their donation.

A description of how this project will enhance your community’s capacity for long-term and sustainable urban and community forestry management.

The current Comprehensive Plan, which was approved by the State Planning Office in 1992 and is now undergoing revision, addressed and will continue to address the management of our Forestry resources. This project will allow the “development” of a donated natural area into an additional recreational asset for the Town, different from the seashore, which will be used to foster interest and knowledge about our forest resources.

2013 PROJECT CANOPY PLANNING AND EDUCATION GRANT – BUDGET ITEM EXPLANATION

Total Amount of Project Canopy Funds Requested: \$ 7,954

1. Consultants and Services

		Reimbursable Costs		Non-reimbursable Costs	
Name	Title	Work Description	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
Per bid award	Forrester	Develop Forestry Mgt Plan	804	437	1241
Per bid award	Forrester	2 Televised Presentations to Town	400	0	400

2. Educational and Promotional Supplies

			Reimbursable Costs		Non-reimbursable Costs	
Item	Description	Cost/Unit	# of Units	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
Kiosks	Materials to build, Map layout, rules, education, support	500	2	1000	0	1000
Interpretive signs	Various Descriptions of forests, working forests, flora, fauna, animals and natural water cleansing processes, history 8 x 13	90	5	450	0	450
	4 x 9	15	22	330		330
	Shipping		80	80		80
Bridges	Materials to build	800	2	800	800	1600
Posts for signs	4 x 4 PT	7.30	10	73		73
Platform for signs	½ PT plywood	26	1	26		26

3. Tree Purchase, Planting and Maintenance

		Reimbursable Costs	Non-reimbursable Costs
--	--	--------------------	------------------------

Job Description	Cost/ Tree	# of Trees	Tree Caliper Size	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
N/A						

4. Administrative Costs

Employee Name	Title	Reimbursable Costs			Non-reimbursable Costs	
		Cost/ Hour	# of Hours	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
Bill Roberston	DPW Director	29	5	0	145	145
OOBCC	RFP Development	16	5	0	80	80
OOBCC	Hiring Process	16	4	0	64	64
OOBCC	Record Keeping, Status Reports, etc.	16	40		640	640
OOBCC	DEP Permitting	16	5		80	80

5. Volunteer Labor, Machinery and Equipment

Name	Description	Reimbursable Costs			Non-reimbursable Costs	
		Cost/ Hour	# of Hours	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
OOBCC	Development of Forestry plan	16	16	Not Applicable	256	256
OOBCC	Trail Plan Development	16	60	Not Applicable	960	960
OOBCC, Saco Bay Trail, Bicycle Coal Workshop	Trail Plan Review	16	12	Not Applicable	192	192
	Formalize and Publish	16	8	Not Applicable	128	128

OOBCC	Survey and Marking/boundaries & physical layout of trails, kiosks, sign locations	16	16	Not Applicable	256	256
OOBCC	2 Kiosks Construction and Installation	16	80	Not Applicable	1280	1280
OOBCC, Boy Scouts, Alt Ed, Saco Bay, HS	Construction of Trails	15	200	Not Applicable	3000	3000
OOBCC, Boy Scouts, Alt Ed,	Construction of Bridges (2)	15	108	Not Applicable	1620	1620
OOBCC, Boy Scouts, Alt Ed	Construction of Signage (20)	15	40	Not Applicable	600	600

6. Donated Materials

6. Donated Materials						
Item	Description	Cost/ Unit	# of Units	Reimbursable Costs		Non-reimbursable Costs
				A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost
Miscellaneous, Town related	Stone, Paint, Hardware, Found Materials	var	var	Not Applicable	200	200
				Not Applicable		
				Not Applicable		
				Not Applicable		

7. Other Costs

7. Other Costs					Reimbursable Costs	Non-reimbursable Costs	
Item	Description	Cost/ Unit	# of Units	A. Costs Eligible for Reimbursement	B. Applicant's Share (Match)	C. Total Project Cost	
DPW OOB employees	Help install Kiosks (2)	19	4		76	76	

DPW OOB employees	Kiosk install BackHoe time	35	2		70	70
DPW OOB employees	Cross Walk –painting, install (2)	19	6		114	114
DPW OOB employees	Stone and Bollard install (2 employees)	19	8		152	152
DPW OOB employees	Bollard Install Back hoe time	35	8		280	280
Cross Walk	Pedestrian Target Sign	241	1	241	0	241
Cross Walk	Lighted Warning-Sign - Solar	2000	1	2000	0	2000
Cross Walk	Bollards	500	2	1000	0	1000
Seating	Picnic tables	150	5	750	0	750

A. Total Costs Eligible for Reimbursement: \$ 7,954

B. Total Costs Not Eligible for Reimbursement: \$ 11,430

C. Total Project Cost (A+B=C): \$ 19,384

Note: Amount Eligible for Reimbursement is Limited to \$10,000.
Please attach additional information and explanation of budget items on a separate sheet.

Additional Information for Budget Explanation

Consultants and Services

Forestry Mgt. Plan/Presentations -Based on estimate from David Parker 18.52 per acre, 67 acres approximately. In Hand

Education and Promotional Supplies

Kiosk Materials - Based on our knowledge of making kiosks, materials from Home Depot although estimate of \$100 for the OOB CC sign.

Interpretive Signs -Based on estimate from David Arthur -- davidarthur.us

Bridges -Estimate on 2 x 20 ft. simple bridges PT + hardware from Home Depot-- simple construction. We may be able to use logs/telephone poles for the spans. Pending.

Posts and Platforms - Pending

Admin Costs

RFP - Based on RFP experience in CC

Hiring -Based on hiring experience in CC

DEP Permitting – Fee & time (min.)

Volunteer L, M & E

Development of Forestry Plan – Working input with Forester

Trail Plan Development -This is based on 1 person researching best practices in trail layout, building (i.e. AMC outdoors Trail building) etc, and 2 people spending physical time walking the area and working out one maybe 2 designs on two separate pieces of property. This may also include Alternative Education (OOBHS), Saco Bay Trails, Bicycle Coal Of Maine, Boy Scouts, (Letter in Progress)

Trail Plan Review – May include Alternative Education (OOBHS), Saco Bay Trails, Bicycle Coal Of Maine, Boy Scouts

Workshop -Internal CC Group presentation and review, obtain input, make decisions and lock down the design.

Survey/Marking -2 people physically finding original marking of both properties and Re-Marking. Physically marking the trail for construction, including GPS and locations of all signage.

Kiosk Construction -Based on experience constructing and installing our standard designed Kiosk.

Construction of Trails -Best estimate based on the properties and trail development as we currently envision them. Locate the trails based on existing paths, animal trails, skidder roads, etc. Field fit the trails and direct the hiker to specific spots on the property for educational purposes. Alternative Education (OOBHS), Saco Bay Trails, Bicycle Coal Of Maine, Boy Scouts, Community Service for High School Graduating Seniors, OOB Historical Society

Bridges - Best estimate based on standard construction.

Signage - Best estimate based on standard construction

Other Costs

Kiosks, Crosswalk work, bollards -Estimates based on meeting with Bill Robertson, Dir of OOB PW, In Hand.

Picnic Tables – Based on Craig’s list estimate.

TRAILS FOR PEOPLE AND WILDLIFE

*A Guide to Planning Trails
that allow People to
Enjoy Nature and
Wildlife to Thrive*



TRAILS FOR PEOPLE AND WILDLIFE

A Guide to Planning Trails
that allow *People to Enjoy Nature*
and *Wildlife to Thrive*.



CYNTHIA D'AMBROSIO PHOTO



ACKNOWLEDGEMENTS

This “Trails for People and Wildlife” project was initiated through the Great Bay Resource Protection Partnership and developed by Katie Callahan (GIS Coordinator, New Hampshire Department of Information Technology-NH Fish and Game Department), Jim Oehler (NH Fish and Game Department, State Lands Habitat Biologist), and Rachel Stevens (Wildlife Ecologist with NH Fish and Game Department and Stewardship Coordinator with Great Bay National Estuarine Research Reserve). GIS modeling was completed by Katie Callahan. The project was funded by the US Fish and Wildlife Service with the NH Audubon Society kindly acting as fiscal agent.

The project was improved by comments from representatives of the Great Bay Resource Protection Partnership, Environmental Protection Agency, Ibis Wildlife Consulting, Lakes Region Conservation Trust, Monadnock Conservancy, National Park Service, Natural Resource Conservation Service, NH Audubon Society, NH Department of Transportation, NH Trails Bureau, Society for the Protection of NH Forests, Southeast Land Trust of NH, The Nature Conservancy, UNH Cooperative Extension, US Fish and Wildlife Service, US Forest Service, Upper Valley Trails Alliance, Washington Conservation Commission, and the White Mountain National Forest.

This guide was written by Rachel Stevens and Jim Oehler. It was edited by Haley Andreozzi (Wildlife Outreach Program Manager, UNH Cooperative Extension), Karen Bennett (Extension Forestry Professor and Specialist, UNH Cooperative Extension), Deborah Goard (Stewardship Director, Southeast Land Trust of New Hampshire) and Emily Preston (Wildlife Biologist with NH Fish and Game Department). Photos by Jim Oehler or Rachel Stevens unless otherwise noted. Cover photo by Paul Stevens. Graphics by Rachel Stevens with appreciation to the Integration and Application Network, University of Maryland Center for Environmental Science.



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WHY this GUIDE?

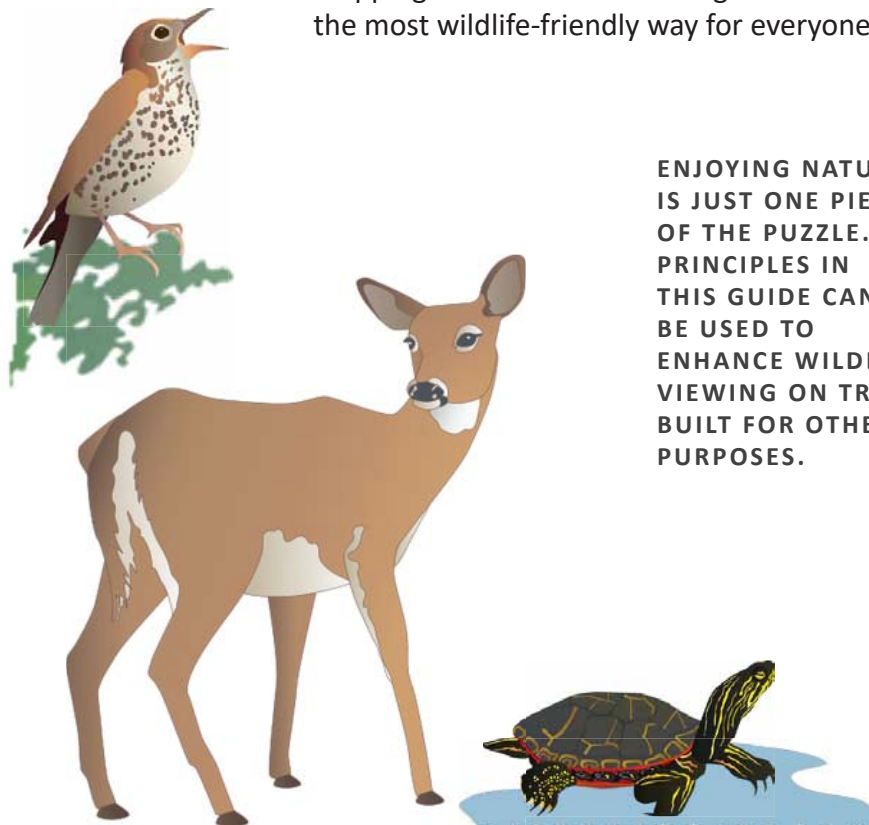
Our goal is to get people outside to enjoy nature while minimizing impacts to wildlife

Hiking, mountain biking, bird watching, and horseback riding are just some of the ways we get outside to enjoy nature and relax. However, even these seemingly low-key activities can have a negative impact on wildlife by reducing their abundance, reproductive success, or even survival.

The purpose of this guide is to help landowners, conservation groups and natural resource professionals develop a thoughtfully located network of well maintained trails that allow people to get outside to enjoy nature while minimizing disturbance to wildlife.

This guide can be used to decide where best to route new trails or to consider where it is best to maintain, reroute, or decommission existing trails.

Trails are built for many purposes, including exploring cultural history sites, going cross country skiing or mountain biking. Often a trail is used for multiple types of activity and consideration of wildlife is just one piece of the puzzle. Whatever a trail's primary purpose, the tips and statewide mapping tool described in this guide can be used to ensure it is laid out in the most wildlife-friendly way for everyone to enjoy.



ENJOYING NATURE IS JUST ONE PIECE OF THE PUZZLE. PRINCIPLES IN THIS GUIDE CAN BE USED TO ENHANCE WILDLIFE VIEWING ON TRAILS BUILT FOR OTHER PURPOSES.





TRAIL IMPACTS to WILDLIFE

TYPES OF IMPACT

There are several ways trail use may affect wildlife. The type and severity of impact will depend on the species of animal present, the season or time of day, and where the trail is located. Disturbance can include one or more of the following types;

Avoiding trails during the breeding season or harsh winter conditions is an easy way to help wildlife



Physiological

Changes in an animal's heart rate, temperature, or stress hormones.



Behavioral

Changes in foraging, vigilance or fleeing from perceived predators.



Reproductive Success

Reduction in the number of nests built, eggs laid or young born and successively raised.



Predation

Scaring an adult away leaves young vulnerable to predation. Adults may be preyed on directly.

Even though these disturbance events may be short in duration, cumulatively they can have significant long-term consequences. Disturbances are particularly impactful during harsh winter conditions, or the breeding season, when animals are already energetically stressed. Seasonal avoidance of trails during these times is an easy way to help wildlife.



CASE STUDY: WOOD TURTLES IN CONNECTICUT



ONDREICKA/DREAMTIME.COM

For twenty years researchers studied wood turtles (*Clemmys insculpta*) in a protected wildlife preserve in New Haven County, CT. They used mark-recapture techniques to investigate the population dynamics of 133 individual turtles.

They found turtle populations remained stable when people were restricted from the property. However, once the area was opened to recreational hiking and fishing, the number of turtles steadily declined until, in just ten years, none were left.

Investigation of the cause of the decline showed forest size and road building activity remained the same and the quality of air and water was constant. The authors concluded human recreation was behind the extirpation and that, without proper management, increasing recreational use of parks, reservoirs, and wildlife reserves will adversely affect the long-term survival of the North American wood turtle throughout the nation.

Garber and Burger. 1995. A 20-Yr Study Documenting the Relationship Between Turtle Decline and Human Recreation. *Ecological Applications* 5(4):1151



A TRAIL'S "CORRIDOR OF INFLUENCE"

As we explore a trail, our presence is detected by wildlife into the distance on either side of where we walk. This area is called a trail's "corridor of influence."



OUR PRESENCE CAN BE DETECTED BY WILDLIFE ON EITHER SIDE OF A TRAIL. THIS IS ITS "CORRIDOR OF INFLUENCE."

The way wildlife responds to disturbance varies according to the severity of perceived danger. If the disturbance is mild they are likely to just interrupt what they are doing, such as sleeping, feeding, or finding a mate, and become "alert" to monitor the situation instead. A mild disturbance may also lead to changes in an animal's heart rate, temperature, or stress hormones. However, if an animal feels it is in imminent danger it will "flee," causing it to use precious energy as it escapes to a new locale. It may also cause an animal to abandon foraging grounds or a nest leaving young unprotected.

The distance at which an animal becomes alert or flees depends on the species, type of trail use, and surrounding habitat. In general, mammals are more tolerant of human presence than amphibians, reptiles or birds are. Typically, wildlife reacts to people much closer in open habitats than when trails are located in dense forest.

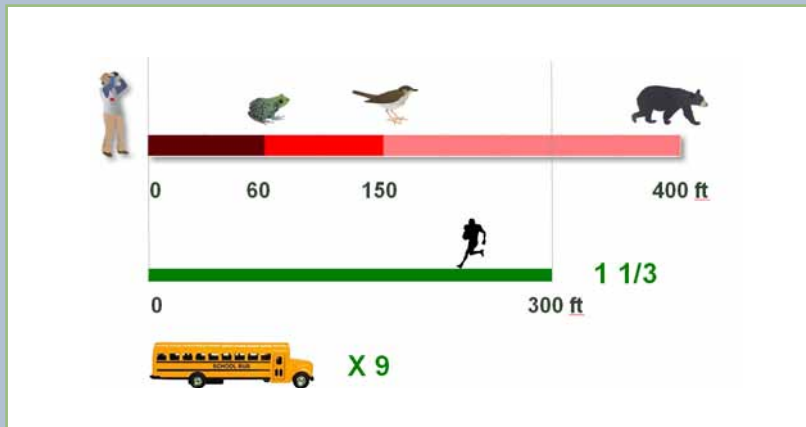
To determine the average corridor of influence for our region, New Hampshire Fish and Game staff did an extensive review of the scientific literature. Sixty-seven articles were used to calculate an average flight distance for amphibians and reptiles of 60 feet, to determine that birds become alert 150 feet on either side of a trail on average, and that mammals become alert to human presence at an average of 400 feet.

This 400 foot corridor of influence is equivalent to the length of one and a third football fields, or nine school buses, on either side of a trail. We can use this distance to assess any mapped network of trails and see the associated area of ground over which wildlife are likely impacted.



CORRIDOR OF INFLUENCE - DISTANCE IN NH

In New Hampshire, a trail's corridor of influence on wildlife is about 400 feet in each direction. This distance is equivalent to one and a third football fields, or the length of nine school buses, on either side of the trail.



CALCULATING A TRAIL'S IMPACT AREA

Measuring a 400 foot distance on either side of a mapped trail and multiplying it by the trail length can give us an idea of the area over which wildlife is impacted.

800 ft wide x 12,000 ft long
= 9,600,000 square ft
= 220 acres





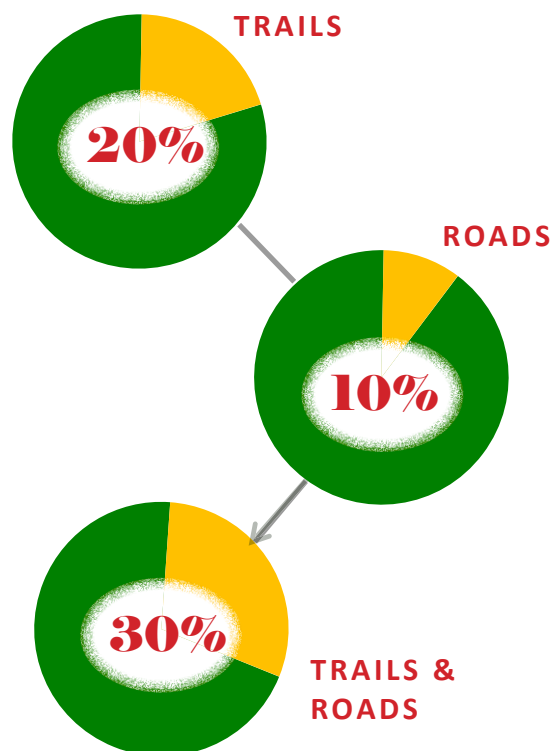
PRESENT DAY TRAILS ON PROTECTED LAND IN NEW HAMPSHIRE

The ethic of land conservation is strong in New Hampshire. Individuals, communities, land trusts, non-profits and government agencies have worked together to protect over 1,503,606 acres statewide. That's just over an acre of protected land for every person, or one quarter of the entire state!

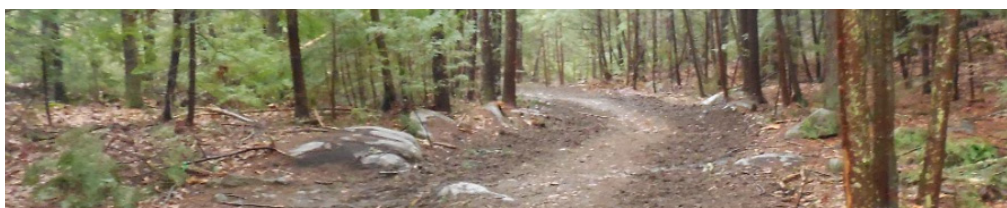


25%

ONE QUARTER OF LAND
IN NEW HAMPSHIRE
IS PROTECTED. OF
THIS, ABOUT 30%
IS INFLUENCED BY
EXISTING TRAILS AND
ROADS.



New Hampshire's protected land supports an existing network of trails and roads. Using the 400 foot corridor of influence on each side we can calculate about 293,110 acres are impacted by trails and an additional 153,450 acres by roads. This is a conservative estimate as many trails are not officially mapped so are not included in this study. It also does not include trails on private land which are likely just as prolific.



CASE STUDY: DURHAM - WHAT LAND IS LEFT?



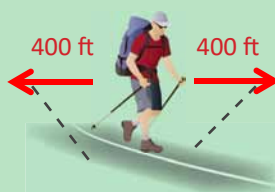
A statewide map of trails is available on the University of New Hampshire's online interactive mapping viewer "GranitView." Figure A to the left shows just those trails located on protected land in the town of Durham.



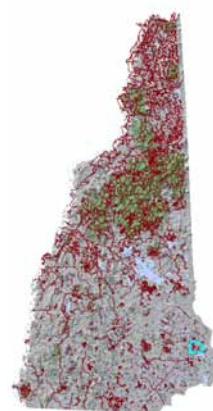
In addition to officially mapped trails, a network of unauthorized "bootleg trails" will exist. These are informal, non-designated trails created from frequent foot traffic. Figure B shows official and bootleg trails on protected land in Durham.



The largest area left in Durham where wildlife are not influenced by trails is 0.8 square miles.



If we add roads and overlay the 400 foot corridor of influence on either side, the areas shown in red in Figure C are where wildlife are impacted. The largest area left is just 0.8 square miles. In comparison, a bobcat's home range is over 30 square miles, an adult female black bear's range is about 10 square miles, and an adult male bear's can be up to 120 square miles.



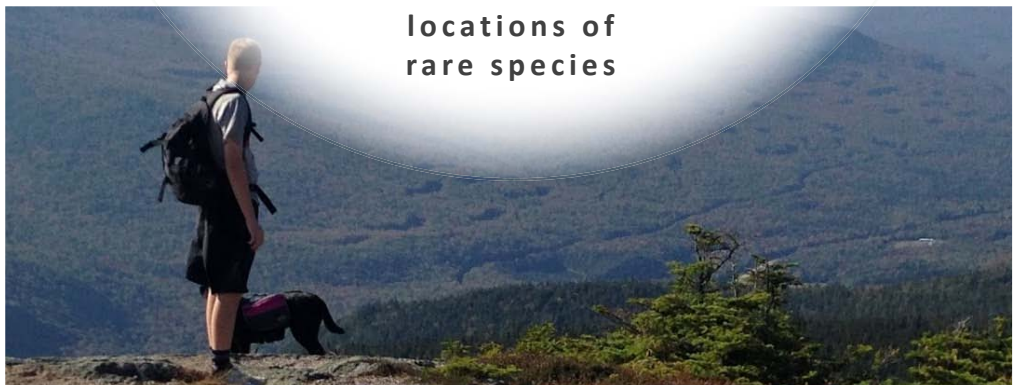
TRAIL DENSITY IS NOT PARTICULARLY HIGH IN DURHAM COMPARED TO OTHER PARTS OF THE STATE.



LOCATING TRAILS with WILDLIFE in MIND

When looking at the landscape and habitats where an existing trail is located, or where you are considering building a new trail, there are some key principles that can easily be followed that will reduce trail use impacts to wildlife.

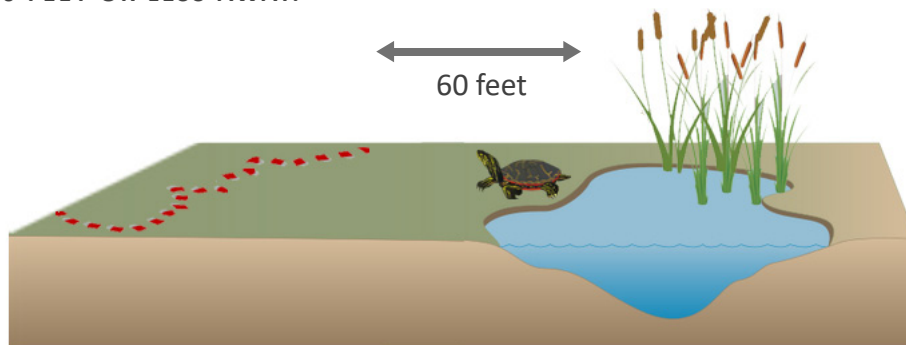
KEY PRINCIPLES



ROUTE TRAILS AWAY FROM WET AREAS

Riparian areas are the vegetated regions surrounding rivers, streams, wetlands, and other surface water bodies. They provide many ecological services including flood control and are particularly important wildlife habitat as they provide food, cover and travel pathways for many species. Routing trails away from wet areas avoids disturbance to wildlife including waterfowl and wetland birds. Minimizing disturbance is particularly important for rare species such as Blanding's and Spotted turtles. Avoiding wet areas or slopes also minimizes trail maintenance as these are commonly areas of erosion.

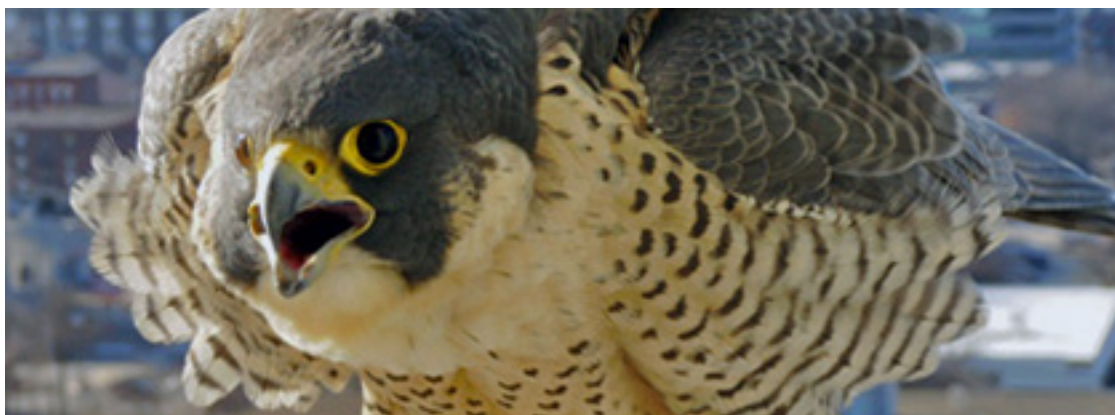
ON AVERAGE, NEW HAMPSHIRE AMPHIBIANS AND REPTILES FLEE FROM AN AREA WHEN PEOPLE ARE DETECTED 60 FEET OR LESS AWAY.



Avoiding wet areas or slopes protects rare wildlife and also minimizes the need for trail maintenance

AVOID STEEP SLOPES

Peregrine falcons, bobcats and rare small-footed bats are all known to raise young on steep slopes. These hard to access areas mean young are more protected from predators. Just like with wet areas, avoiding steep slopes will also reduce the need for trail maintenance.



CHRIS MARTIN/NH AUDUBON PHOTO



AVOID KNOWN LOCATIONS OF RARE SPECIES

Wildlife are often aware of us even if we think we are passing by undetected. Avoiding known locations of rare species helps minimize disturbance. Places where rare species concentrate are particularly important to avoid. Examples include bat roosts or snake hibernacula.

The NH Natural Heritage Bureau (NHB) maintains data on known locations of rare species and exemplary natural communities. The NHB DataCheck Tool allows anyone planning a project in New Hampshire that requires a permit to find out if there are NHB records in the vicinity of the project. Check out the tool online at www.nhdf.org/Land-Conservation/Natural-Heritage-Bureau.

For questions about rare species in NH that are not related to a permit application, call NHB at 603-271-2214 or send an e-mail to NHB.Review@dncr.nh.gov. Talking to local landowners can also be a valuable source of information.

In addition to the rare species tracked by NH Natural Heritage, the Trails for People and Wildlife location tool described in the next section of this booklet includes areas where heron rookeries are present and cliffs with current or historic peregrine nests. Rare plants are not included in this layer as field surveying is often a better option to find their locations.



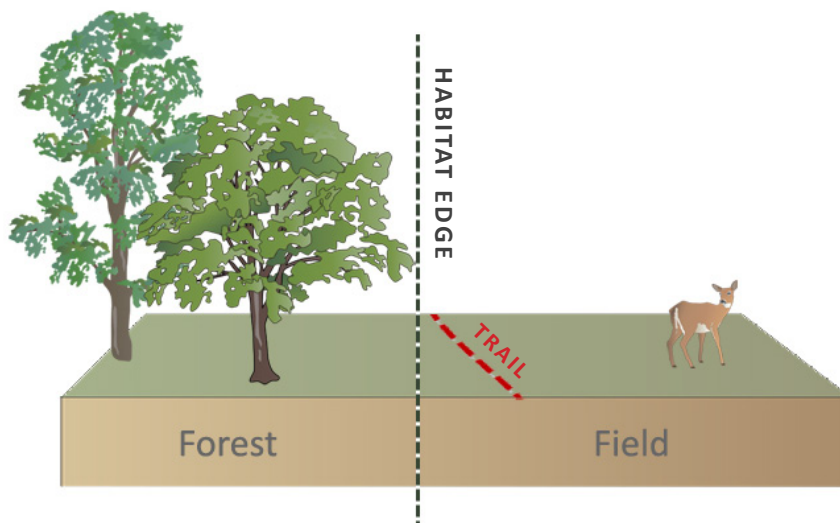
**WILDLIFE ARE OFTEN
AWARE OF US EVEN IF WE
THINK WE ARE PASSING BY
UNDETECTED.**



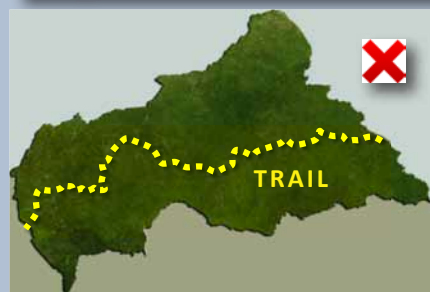
ROUTE TRAILS ALONG HABITAT EDGES

Habitat edges occur where any two structurally different habitats meet. In New Hampshire, this can be the interface of any combination of field, forest, shrubland, pine barren, wetlands, cliffs or alpine area.





Routing trails along edges minimizes fragmentation of large blocks of habitat that support some of our less common specialist species. An example is the ovenbird which nests on the ground in forests making it, and its young, vulnerable to predation. Nesting success is far greater in the forest interior where birds are more protected away from predators such as skunks and raccoons.



ROUTING TRAILS ALONG HABITAT EDGES PREVENTS FRAGMENTATION OF LARGE BLOCKS IMPORTANT TO SPECIALIST, AND SO LESS COMMON, SPECIES.

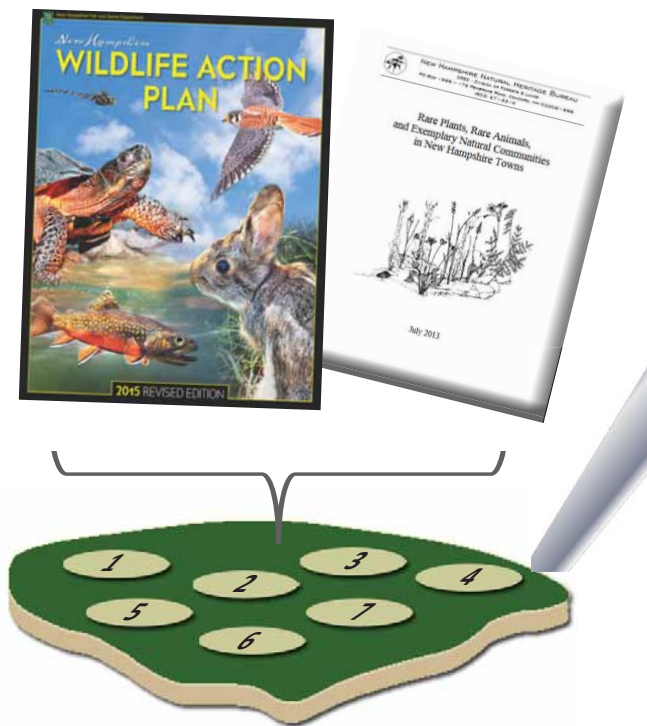
AREN'T HABITAT EDGES HOT SPOTS FOR BIODIVERSITY?

Traditionally it has been recognized that habitat edges are where we are likely to find the greatest diversity of species. This is correct as there is a chance we will run across wildlife associated with either of the abutting habitats. However, they are likely to be more generalist species that can make use of a diversity of habitats and less sensitive to disturbance. Routing trails along edges will protect the less common habitat specialists such as bobolinks and eastern meadow larks in grassland and New England cottontails or whip-poor-will in shrubland.



AVOID SPECIAL HABITAT TYPES

Some habitats are rare, or support wildlife that are particularly sensitive to disturbance. The most recent version of New Hampshire's Wildlife Action Plan and the Natural Heritage Bureau's list of exemplary natural communities were used to identify seven key habitat types to avoid locating trails within if possible. A list of exemplary natural communities present in each town is available at [www.nhdf.org/DRED/media/Documents/TownList-\(1\).pdf](http://www.nhdf.org/DRED/media/Documents/TownList-(1).pdf).



SEVEN KEY HABITATS

- EXEMPLARY NATURAL COMMUNITIES
- PINE BARRENS
- SHRUBLANDS
- WETLANDS
- ROCKY RIDGES OR TALUS SLOPES
- POORLY DRAINED SOILS
- GRAVEL PITS

University of New Hampshire Cooperative Extension staff have produced a series of habitat stewardship brochures with support from the Sustainable Forestry Initiative and the NH Fish and Game Department. These give tips on how to care for and enhance special habitats and focus on wildlife species of conservation concern associated with them. They include some of the habitats featured in this Trails for People and Wildlife project.



THE TRAILS FOR PEOPLE AND WILDLIFE LOCATION TOOL

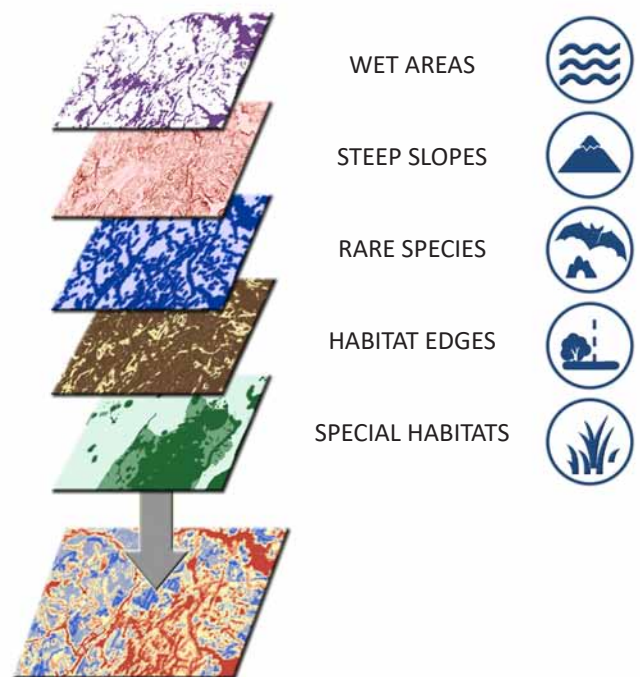


HOW WAS IT CREATED?

This statewide trail location tool was developed using the “locating trails with wildlife in mind” principles overviewed in the previous section. Each principle was mapped across the entire New Hampshire landscape using a Geographic Information System (GIS). The five layers were then integrated to show where it is best to locate trails and where, if present, they may be of most impact to wildlife.

A draft model was reviewed by trail planning and wildlife experts at a special workshop before creating the final version. Comments from members of the following organizations improved the trail location tool:

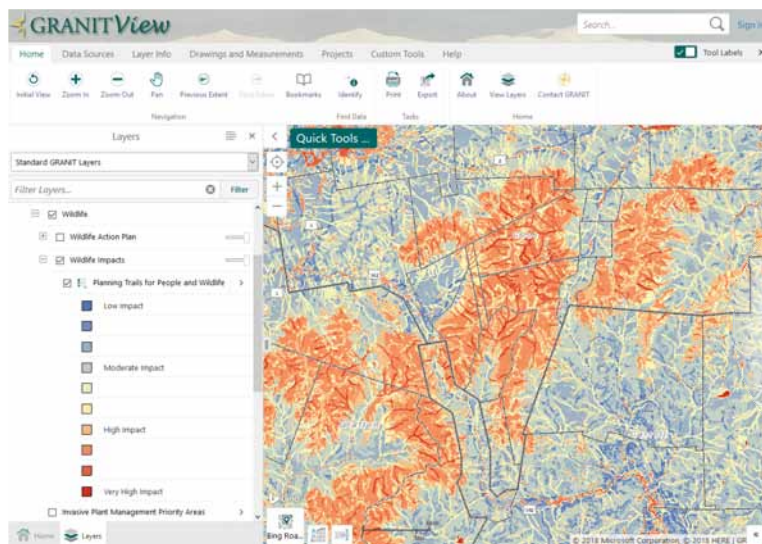
- The Great Bay Resource Protection Partnership
- Environmental Protection Agency
- Ibis Wildlife Consulting
- Lakes Region Conservation Trust
- Monadnock Conservancy
- National Park Service
- Natural Resource Conservation Service
- NH Audubon
- NH Department of Transportation
- NH Trails Bureau
- Society for the Protection of NH Forests
- Southeast Land Trust of NH
- The Nature Conservancy
- UNH Cooperative Extension
- US Fish and Wildlife Service
- US Forest Service
- Upper Valley Trails Alliance
- Washington Conservation Commission
- White Mountain National Forest



MULTIPLE FEATURES CAN BE MAPPED ACROSS OUR NEW HAMPSHIRE LANDSCAPE. WHEN INTEGRATED TOGETHER THEY CREATE AN OVERALL MAP THAT SHOWS US WHERE TRAILS CAN BE ROUTED TO LEAST IMPACT WILDLIFE AND ALLOW PEOPLE TO ENJOY NATURE.

PUTTING IT ALL TOGETHER: HOW TO INTERPRET MAPS

The trail location tool is displayed as a “heat map.” Simply put, the warmer the color, the higher impact on wildlife if a trail passes through, so avoiding red areas is particularly important. When planning a trail system, the goal is to “follow the blue” as much as possible to find the best route that minimizes impacts to wildlife while getting people outside to explore and interact with nature.



“FOLLOW THE BLUE”
to find the **best**
route for a trail that
minimizes impacts
to wildlife

WHERE CAN WE FIND THE TRAIL LOCATION TOOL?



The University of New Hampshire’s online mapping service “GRANITView” provides free access to GIS tools through the internet. The Trails for People and Wildlife location tool is available as a clickable layer within this easy-to-use web application. GRANITView allows us to create customized maps that can be zoomed to a specific area of interest, for example a parcel of conservation land, town forest, or schoolyard. Users can search for data and display it in multiple ways. Customized maps can be printed and shared with others in “pdf” format. In addition to displaying data, there are tools to navigate around, and interact with, those data layers. Acreages can be calculated, coordinates plotted, and lines, polygons and text added. A very useful feature is that your own GPS data, collected in the field, can be brought in and added to the map. The data display structure is hierarchical so the trail location tool is found by clicking the “Environment and Conservation” menu, then “Wildlife” menu, then “Planning Trails for People and Wildlife” layer.





For GIS users, the Trails for People and Wildlife coverage is available for download in raster format from NH GRANIT, the state's GIS clearinghouse. Use the data discovery tool to search for the word "trails" to locate it. GIS technical data notes and a compilation of literature used to create this project are included as part of the download.

USING THE TRAIL LOCATION TOOL: AN OVERVIEW

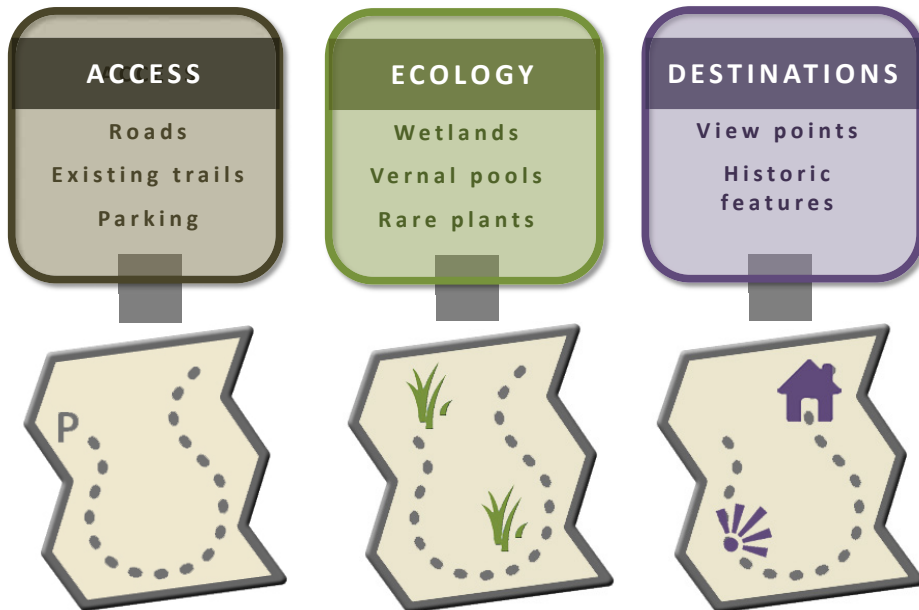
Both planning new trails and assessing existing trail networks follow a similar process shown in the summary diagram below. Numbered steps are shown in more detail in the next section.



USING THE TRAIL LOCATION TOOL: IN MORE DETAIL

1

Map Existing Features Of The Property

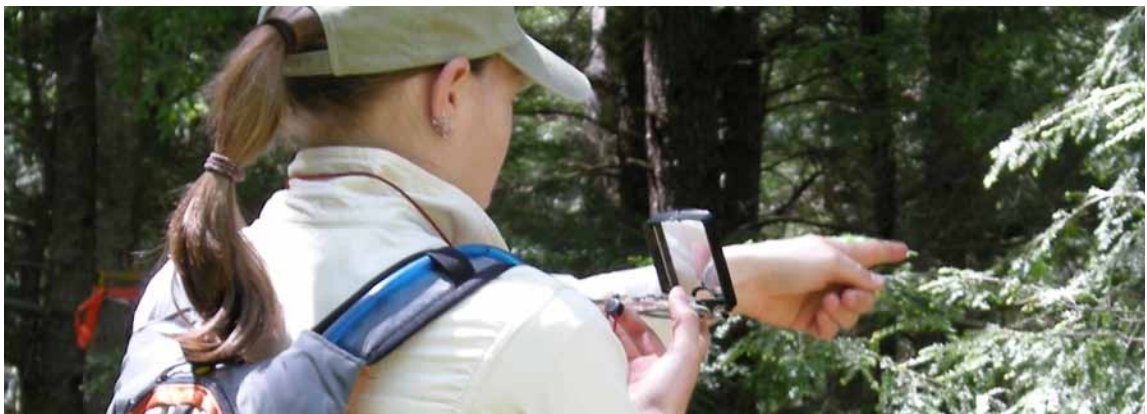


Exploring your property and mapping key features is the first step to planning a new trail system, or to assessing an existing one. Anything of interest to you or your organization can be mapped, but key categories of information are existing access points, local ecological features that may have been missed by GIS mapping, and any destination points you would like to guide visitors to, such as a gorgeous view or an old cellar hole.

2

Apply The Trails for People and Wildlife Location Tool

Once your key features have been mapped they can be marked on the Trails for People and Wildlife location map to allow you to choose the best routes to connect them. In general, features in the “access” and those in the “destinations” categories will be navigated to and those in the “ecology” category avoided.



i. Planning New Trails

When planning a new trail system, the goal is to route it on as cold a color as possible and to avoid areas shown in red. In general, people prefer loop rather than “there and back” trails. Designing your new trail network with this in mind can prevent bootleg trails being created in the future.

Whenever possible “follow the blue”

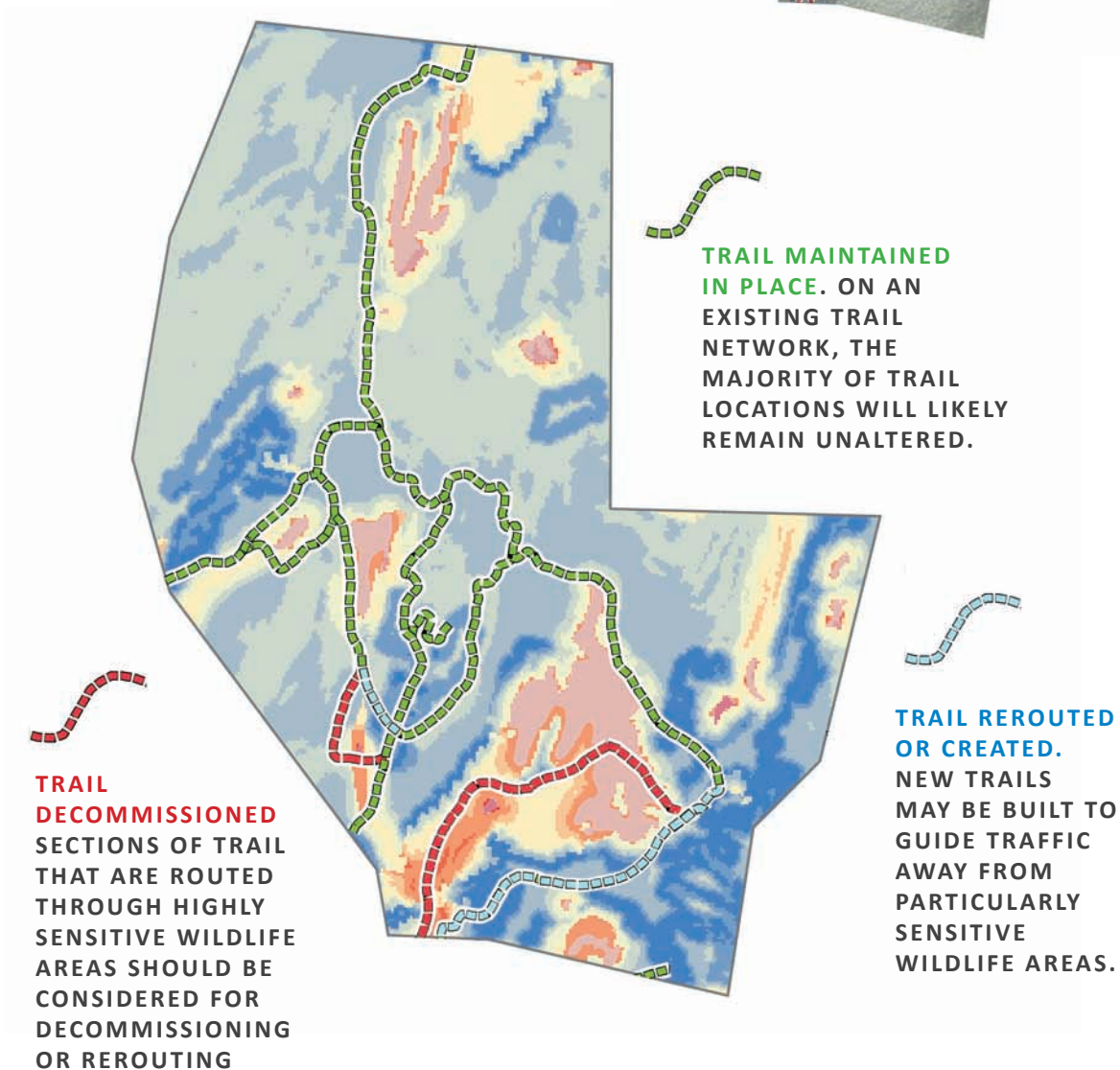
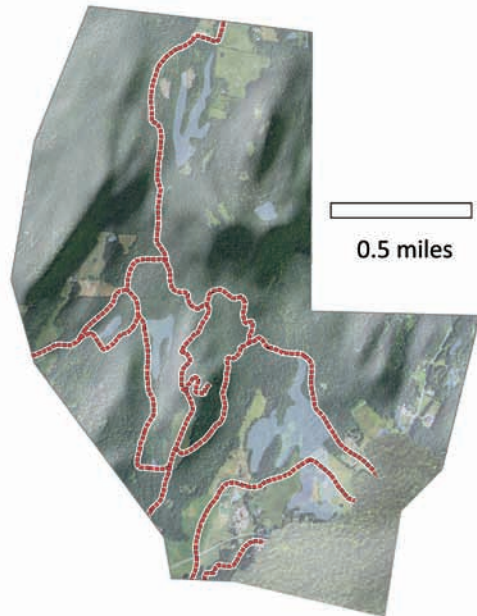


ii. Evaluating Existing Trails



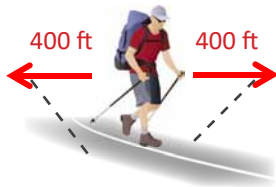
As New Hampshire’s Trail Bureau says in their guide to trail construction and maintenance *“just because a trail already exists doesn’t mean it’s in a good location. Some trails and old roads were never designed for the use they are receiving.”* For this reason, it is just as important to use the Trails for People and Wildlife location tool to assess existing trails as it is when planning new trails. The tool can be used to evaluate each section of existing trail allowing you to decide whether to maintain its current location, whether to reroute, or even decommission that section.

In this example, the majority of an 11 mile trail network “follows the blue” when overlaid on the trail location map. This means those trails are of minimal impact to wildlife and can be maintained in place unaltered. They are shown in green in the diagram below. The two sections of trail shown in red go through areas of particularly high impact to wildlife so should be decommissioned if possible. In this case there are opportunities close by to create two new trail sections, shown in blue, to reroute traffic away from wildlife “hot spots” and still maintain nice hiking loops.

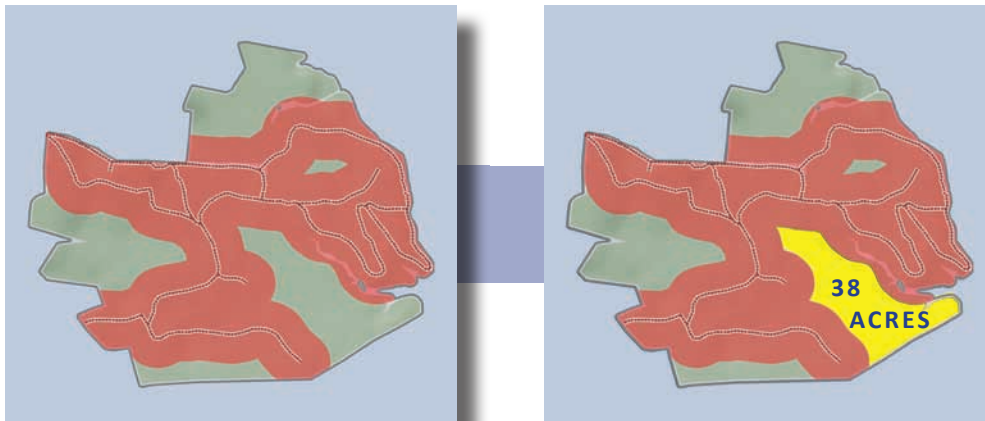


3

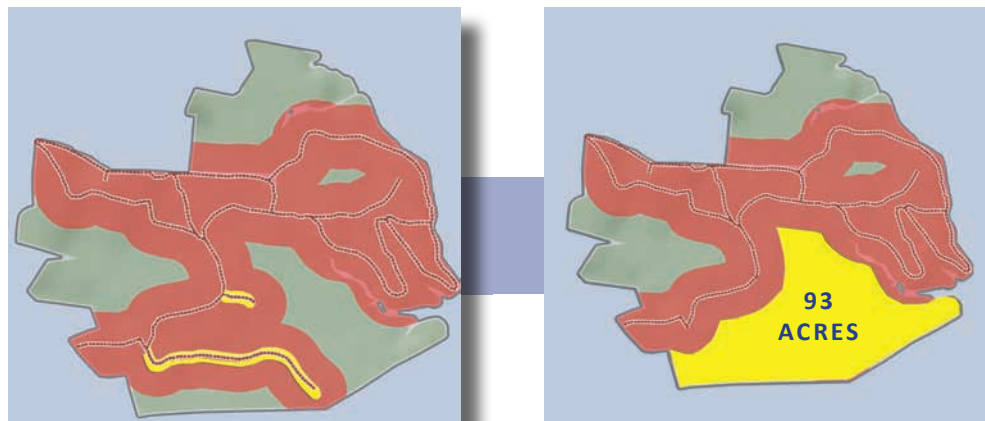
Overlay the Corridor of Influence



An important step when evaluating a trail network is to assess its corridor of influence. By overlaying a 400 foot buffer on either side of each trail you can see what part of the land is left for wildlife to carry out their behavior undisturbed.



There are 4.6 miles of existing trails on this example property which influence 267 acres, or 68%, of the entire property. The largest uninfluenced area, shown in yellow, is 38 acres.



The two spur trails highlighted are together 0.5 miles long, just 10% of the entire trail network. If these are closed, it would expand the area largely uninfluenced by trail traffic to 93 acres, almost 2½ times the original while still providing extensive opportunities for visitors to recreate.

4

Verify Your Plan with a Field Visit



ALL THE PLANNING IN THE WORLD DOESN'T BEAT "BOOTS ON THE GROUND." REMEMBER TO VERIFY YOUR PLAN WITH A FIELD VISIT.

Although the resolution of maps we create these days can be impressive, nothing gives us as much information as getting boots on the ground with a field visit. There may be special features, such as a deer yard or bear den, located near your planned route that had been missed during mapping. Alternatively, there may be negative features, such as an old farm dump close to a scenic vista you had planned to lead visitors to, that may cause you to reroute the trail.

In addition to the key principles of planning trails with wildlife in mind, that is avoiding wet areas, steep slopes, rare species, and special habitat types, and routing trails along habitat edges, there are the several other things to keep in mind from a wildlife perspective while field-checking your planned trail route.

If a view of a water body, such as a beaver pond or river, is desired it is much better to have a spur trail lead up to a specific view point than it is to have a trail that travels along, or around, that water body. People still see the water and all its beauty, but there are many areas wildlife can remain undisturbed. Maintaining a vegetated buffer of *at least* 100 feet between a trail and water body is highly recommended.

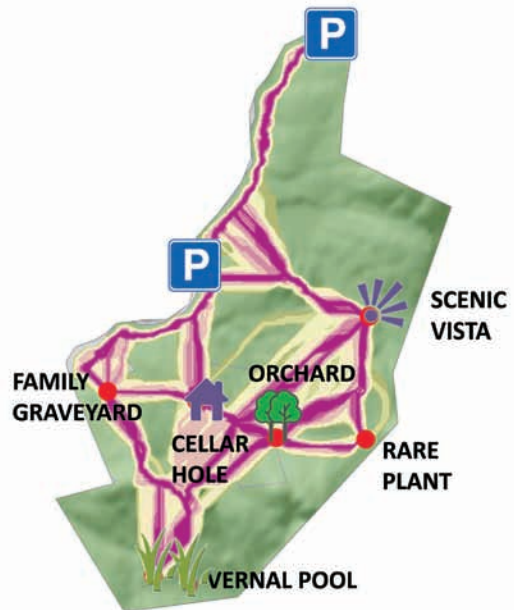
A variety of frogs and salamander species lay their eggs in vernal pools. If dogs are allowed to swim in these pools, eggs can be ruptured and developing embryos killed. For this reason, maintaining a buffer of at least 100 feet around vernal pools is also highly recommended.

Creating a visual and sound buffer by locating trails and especially supporting facilities, such as kiosks and parking areas, in places where they can be screened by vegetation or topography frequently increases the amount of disturbance wildlife will tolerate.

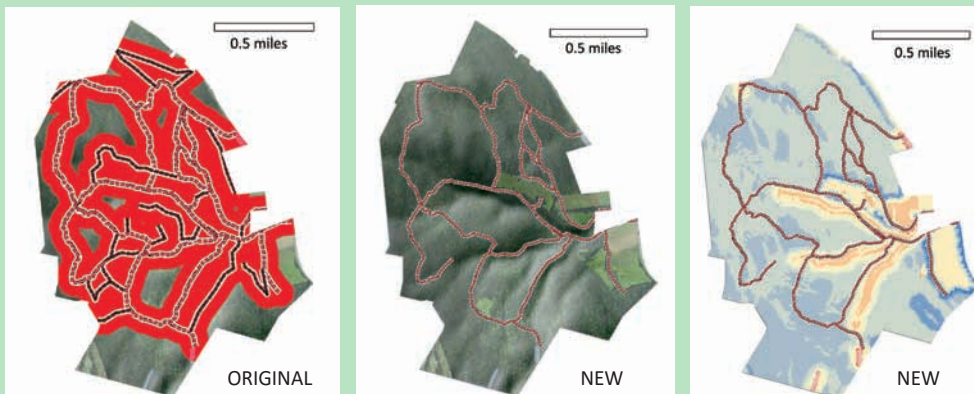


Linkage Mapper

If you are a GIS user, a helpful tool when designing a trail network is “Linkage Mapper,” a free ArcGIS extension. It can be used to automatically find the best alternative routes to connect destination spots by finding least-cost pathways across the landscape. You can choose from the suite of routes Linkage Mapper generates and select which options make the best sense to create a new trail network that connects the destination points you have chosen to feature on that property.



REALITY CHECK: SOME TRAILS, EVEN IN HIGH IMPACT AREAS, DON'T MAKE SENSE TO MOVE

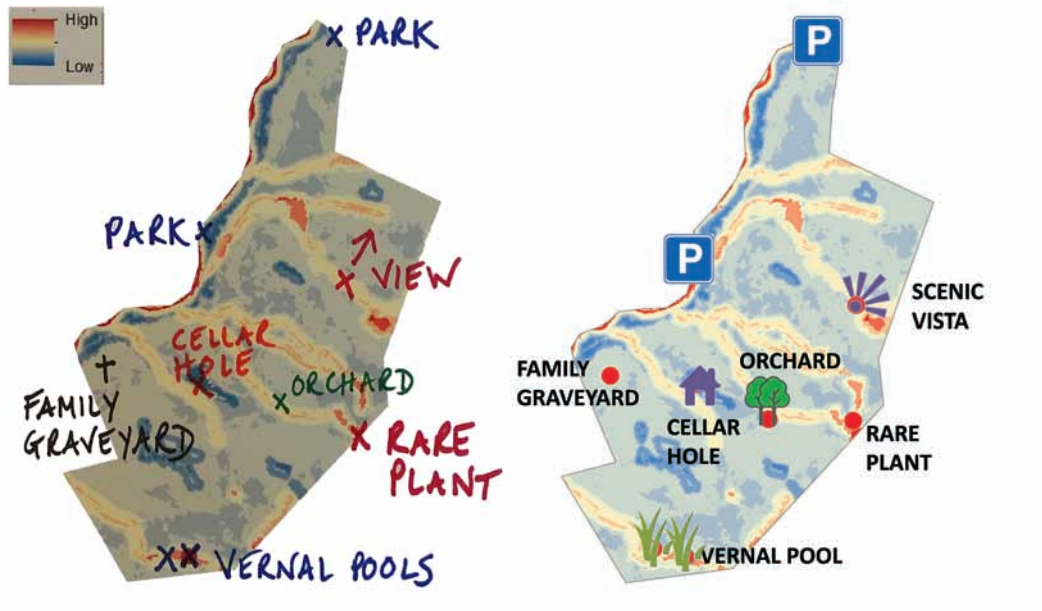


NH Fish and Game Department’s 1,056 acre Lower Shaker Wildlife Management Area is a well-loved piece of conservation land located in Enfield, NH. It had an extensive network of trails with a corridor of influence that covered 73% of the entire property. Since the network was so dense several trails were closed, reducing the area impacted by 21%. Some of the trails that were left open are actually in areas of high impact to wildlife but were historic roads built by the Shakers. These well developed roads would be largely unfeasible to close so in this case a balance between cultural significance and ecology was chosen.

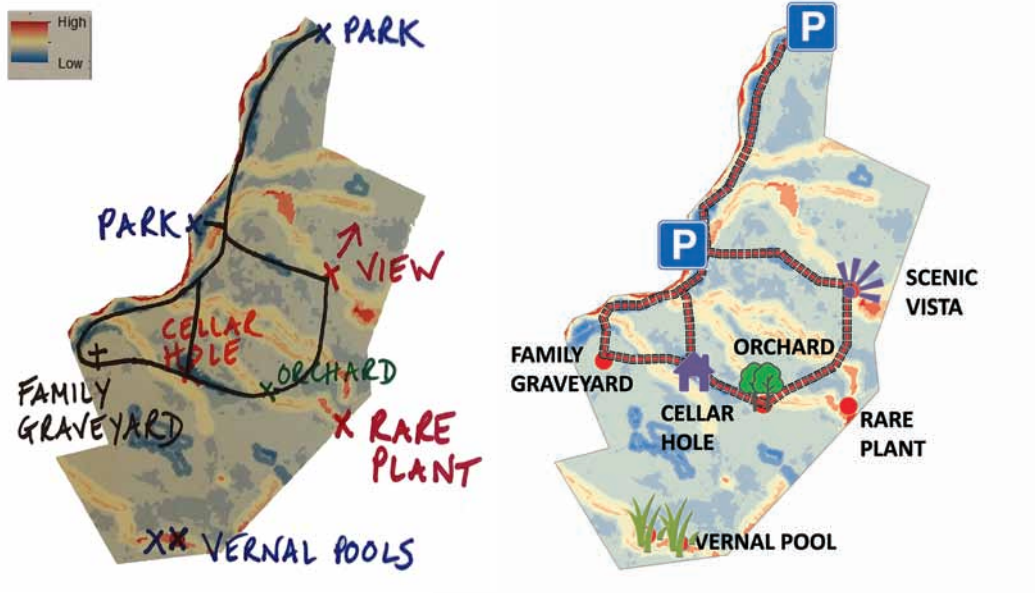
Summary: Each Step Can be Done by Hand or Digitally

Mapping can be as low tech or high tech as you choose to make it. Planning can literally be a table top exercise using pen and a printed Trails for People and Wildlife map, or everything can be done digitally.

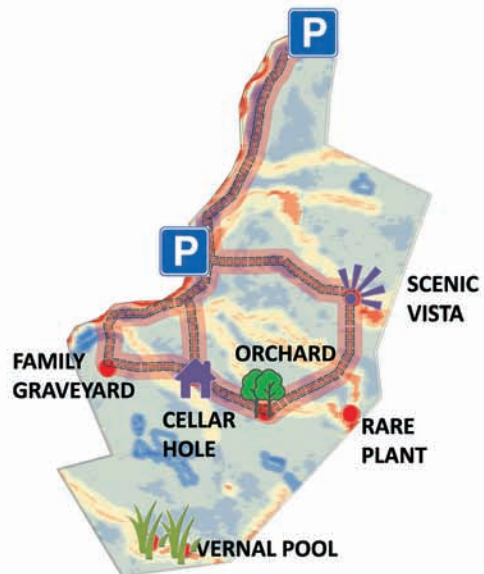
1 Map Existing Features



2 Apply the Trail Location Tool



3 Overlay the Corridor of Influence



4 Verify Your Plan with a Field Visit





OTHER ASPECTS OF SMART TRAIL PLANNING

WHAT TYPES OF RECREATIONAL USE?

After deciding on the location of your trail network, an important next step is to decide what types of recreational use will be allowed on both the trail and the surrounding property. Two major decisions are whether to permit wheeled vehicles, such as mountain bikes and ATVs, and whether to allow hunting, a long-time tradition in our state.



Under state law, properties must be posted using durable signs with any words describing a prohibited activity in letters at least 2 inches high. Signs are required to include the property owner's name and address, must be no further than 100 yards apart, and also be posted at all commonly used entrances. If your property is posted, you can still allow others to hunt if you give them verbal or written permission.

The owner of the property is ultimately responsible for deciding what types of recreational use are permitted. It is important any choices be compatible with property deed language and any other legal restrictions that apply. Posting allowable use signs at trailheads and other access points is a key step in managing trails that are open to the public. New Hampshire Fish and Game Department's Landowner Relations Program has fourteen different types of sign that are available to indicate what types of activities are allowed in an area. Phone 603-271-1137, or visit www.wildlife.state.nh.us/landshare/ols.html for more information.



When installing signs it is good etiquette to use aluminum nails or screws so there is no danger of chainsaw "kick back" if a future forestry operation takes place. It is also a good idea to leave the nail head protruding about a quarter inch to allow for tree growth.



TRAIL ACCESSIBILITY

Trail width, slope, substrate type and compaction are all important in determining how many different types of user-groups can navigate a trail system. Building a network or section of trail that is accessible to wheelchairs also allows strollers to be pushed easily. The U.S. Forest Service is a leader in giving guidance on how to create universally accessible trails and Northeast Passage, based out of UNH in Durham, rents adaptive equipment that helps people explore even the most rugged of trails.



A LEASH LOAN SYSTEM HAS BEEN WORKING WELL IN NEWMARKET.

DOGS AND TRAILS

Getting outside with our pet dogs is a daily treat and a good way to enjoy our natural surroundings. However, it makes sense to keep dogs on a leash, at least during the spring breeding season. The Nature Conservancy has a “leash loan” system at their Lubberland Creek Preserve in Newmarket. Dog leashes are available to pick up at the trailhead, use while on the trail, and drop off at the end of a walk.



KEEPING DOGS ON A LEASH DURING GROUND NESTING BIRD SEASON (MID MARCH THROUGH MID JULY) IS AN EASY WAY TO LIMIT DISTURBANCE DURING THIS CRITICAL PERIOD.



TRAIL CLOSURE

If you decide to close a section of trail, posting with a sign explaining why this choice was made can be helpful. Side spurs to the “Sweet Trail” in Newmarket and Durham were recently closed and posted with the sign below. Removing trail markers and blazing, along with brushing in the trail with logs and other woody material can be effective. Planting the trail opening with saplings from other parts of the property will create a longer term solution. Tree and shrub seedlings grown at the NH State Forest Nursery in Boscaawen can be a great option for planting trail openings too. Their goal is to provide customers with the highest quality, bare-root seedlings for forestry, conservation and education purposes at reasonable prices.

You are entering an

Ecologically Sensitive Area

Trail maintenance and clearing beyond this sign is prohibited. Please enjoy the Sweet Trail and other marked trails in this area. They were carefully designed to balance the impacts to wildlife with public enjoyment and recreation. Let's work together to best protect the rare species and important wildlife habitats that make this place special.

Thank you for your cooperation,
from the Land Stewards of this protected landscape.



CONSIDER SEASONAL CLOSURES

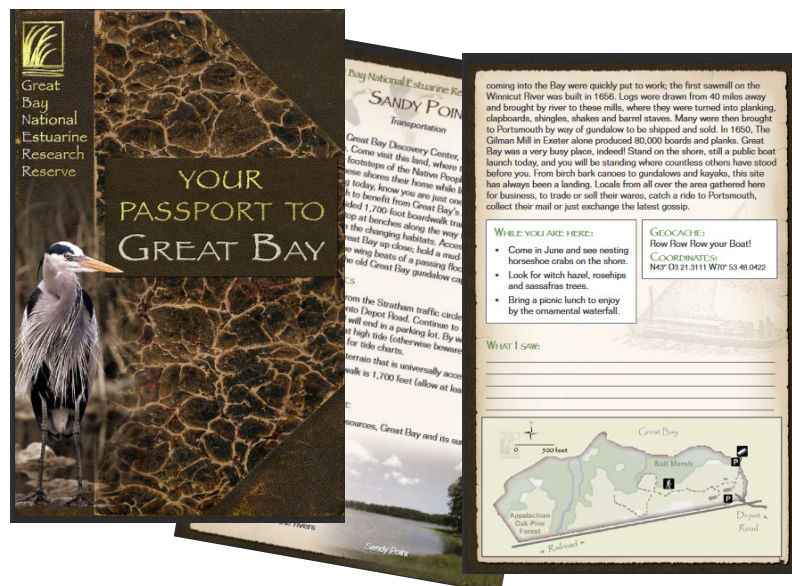
Wildlife are usually most sensitive to disturbance during their breeding season. Young have limited mobility and adults are energetically stressed as they try to find food for both themselves and their offspring. For this reason it may make sense to close a section of trail seasonally. Grassland nesting birds are particularly sensitive as the surrounding vegetation does not provide a visual or sound buffer between their nest and recreational trail use. If sufficient resources are not available to enforce a trail closure during wildlife-sensitive seasons, consider rerouting the trail. Winter is another time of year when wildlife are more energetically stressed. For this reason it is a good idea to route trails away from deer yards and hibernation sites.

PUBLICIZING YOUR TRAIL

It can be amazing how quickly people discover a new trail based just on local knowledge and word of mouth. Installing a trailhead kiosk can provide information about the route and also draws peoples' attention. In addition, you may want to create a printed trail guide, although more and more frequently conservation groups are relying on digital versions instead. There are many websites and apps that can be used to publicize your trail. One that UNH Cooperative Extension currently recommends is "TrailFinder". It can be found at www.trailfinder.info and only includes trails sanctioned by the owner of the land it is routed across.

Although printed and online trail guides are popular, not everyone is a visual learner so an audio trail could be created. The Society for Protection of NH Forests has developed a website that uses the GPS function on your smart phone to audibly notify that you have reached a feature along the trail about which you can read more about.

A GUIDE TO KEY NH
FISH AND GAME
PROPERTIES WITHIN
GREAT BAY NATIONAL
ESTUARINE RESEARCH
RESERVE CAN BE FOUND
ONLINE AT [GREATBAY.ORG/DOCUMENTS/
GREATBAYPASSPORT.PDF](http://GREATBAY.ORG/DOCUMENTS/GREATBAYPASSPORT.PDF)





TRAILS FROM A COMMUNITY PERSPECTIVE

PLAN YOUR TRAIL NETWORK OVER MULTIPLE PROPERTIES

When planning a trail network, it is most effective to evaluate all properties in a region that are under one ownership at the same time. For example, all town conservation areas or all properties owned by a land trust, other non-profit, or government agency. Good land stewardship balances public access and maintenance of ecological integrity. This can be done by varying the density and intensity of use of trail systems on different properties depending on the sensitivity of natural features each supports. Some properties will lend themselves to being high recreational use “ambassador” areas with a well-publicized, and well-maintained, network of trails. Others that support particularly sensitive wildlife, plants, or natural communities are usually best with few, or no trails and remaining less publicized. Considering the entire suite of properties under an individual’s or organization’s management at the same time makes it possible to develop a strategic plan with different tracts having varying levels of public use.

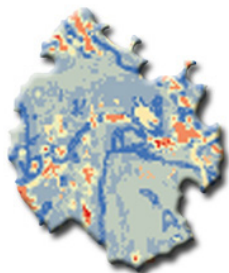


GOOD LAND STEWARDSHIP BALANCES PUBLIC ACCESS WITH ECOLOGICAL INTEGRITY. ENCOURAGING TRAIL USE ON KEY AMBASSADOR PROPERTIES WHILE LEAVING SOME PROPERTIES WITH FEW, OR NO TRAILS IS A GOOD WAY TO ACHIEVE THIS.

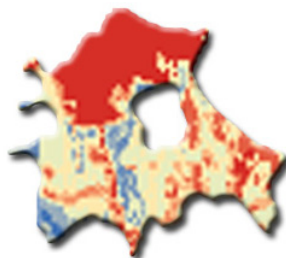
USE THE TRAILS FOR PEOPLE AND WILDLIFE TOOL

The Trails for People and Wildlife tool is a good way to start exploring which properties may be best to support different levels of recreational use. In general, those with the most blue areas are good candidates to be designated as ambassador properties as they are the places that trails will impact wildlife least. Properties dominated by areas

of red, representing wildlife impact hot spots, are the most ecologically sensitive so ideally will be left as undisturbed as possible.



PROPERTIES THAT ARE MAINLY BLUE ARE GOOD CANDIDATES TO BECOME HIGHLY PUBLICIZED AMBASSADOR PROPERTIES.



THOSE THAT ARE MAINLY RED WILL IDEALLY BE LEFT AS UNDISTURBED AS POSSIBLE.

On properties that you have decided to create or maintain a trail system, each section can be evaluated using the Trails for People and Wildlife map for that area. As always, new trails will ideally be routed away from red wildlife hot spots and “follow the blue” as much as possible. Existing trails can be evaluated as to whether it is best for them to remain in place, be rerouted, or decommissioned.

Planning the best locations for trails recognizes the reality of social pressure and politics. Occasionally very popular high-use trails that have been open to the public for generations may not make sense to close, even if it would be best to do so from a wildlife perspective. Integrating such reality checks into your plan allows you to create a trail network that is more sustainable for the long-term and supported by most community members.



NH FISH AND GAME
AMBASSADOR PROPERTIES
AROUND GREAT BAY.

CONCENTRATE PUBLIC USE ON A FEW TRAILS RATHER THAN DISPERSING OVER MANY

Dispersing public access over a wide area may reduce the need for trail maintenance as each section is likely to receive less use. However, concentrating public access on fewer trails is usually better for wildlife as, over time, they will either move away to other areas or habituate to human presence, depending on each species’ tolerance of people. Fewer trails means there are more areas wildlife can go about their activity undisturbed.

MATCH THE AMOUNT OF TRAILS AND INFRASTRUCTURE WITH THE RESOURCES YOU HAVE TO MAINTAIN THEM

Having fewer trails that are used more frequently allows land managers to focus available resources. This can be the volunteer time, funding, equipment or infrastructure needed to create trails and maintain them in the long term. A focused network of well-maintained trails allows safe and enjoyable passage for people and minimizes disturbance to wildlife at the same time. More frequently trafficked trails tend to be prone to fewer stewardship issues, such as dumping, trash or vandalism.



PUT YOUR PLAN IN WRITING

Once your suite of properties has been evaluated and a plan for recreational use created, write it down. This will ensure it has longevity and the same strategy is maintained as new staff and volunteers come on board. Consider integrating the trail plan into your community natural resource inventory. It often makes sense to involve both conservation commission and recreation committee members as you develop it. Create a summary of your plan and communicate it to people and organizations that are relevant in your community whether it be a planning board, Regional Planning Commission, ecological consultant or trail user group.

A FOCUSED NETWORK OF WELL-MAINTAINED TRAILS SUPPORTS BOTH SAFE PASSAGE FOR PEOPLE AND MINIMIZES DISTURBANCE TO WILDLIFE.

PROMOTE EXISTING TRAILS

Guided walks, talks in schools, retirement communities and other venues can all help promote the network of existing trails in your community. For the reasons described in this guide it is not ecologically, or financially, wise to create new trails on every piece of conservation land acquired. Sometimes encouraging people to explore and love trails that have already been built is a much better approach.



MODEL CONSERVATION EASEMENT LANGUAGE

The Deerfield Conservation Commission is a forward thinking group. They developed language for use in new conservation easements they acquire that addresses best management practices for trails and balances the social and ecological needs of trail use.

LOCATING TRAILS:

Trails: Trails may be located, cleared, constructed, and maintained, provided these trails are consistent with the Purposes of this Easement and NH Fish and Game methodology for planning and managing “Trails for People and Wildlife” (www.wildnh.com/trails) or other equivalent science based methodology, including:



- a) Keep unfragmented trail-free areas as large as possible
- b) Avoid small patches of high quality or special habitats
- c) Avoid riparian areas and permanent features in the landscape that serve as important wildlife corridors
- d) Avoid locations of rare wildlife

Recreation Trail Management Plan Required. Any and all recreation trail construction maintenance and relocation shall follow a written Recreation Trail Management Plan consistent with this Easement, items (a)-(d) above, and approved in advance and in writing by the Grantee.

Construction and maintenance shall conform to best practices recommended by:

- a) Appalachian Mountain Club or similar trail-maintaining organization (for reference, see The Complete Guide to Trail Building and Maintenance, C. Demrow, D. Salisbury, Appalachian Mountain Club, or similar successor publication)
- b) NH State Parks Best Management Practices manual <https://www.nhstateparks.org/uploads/pdf/BMP-Manual.pdf> or similar successor publication and shall be constructed and maintained consistent with requirements of the Management Plan.

Trail making and management activities shall be carried out in accordance with all applicable local, state and federal laws and regulations, and in accordance with current, generally accepted best management practices for the sites, soils and terrain of the Property. Trail design and construction shall be supervised by a licensed professional forester, a certified wildlife biologist, or other qualified person approved in advance and in writing by the Grantee.

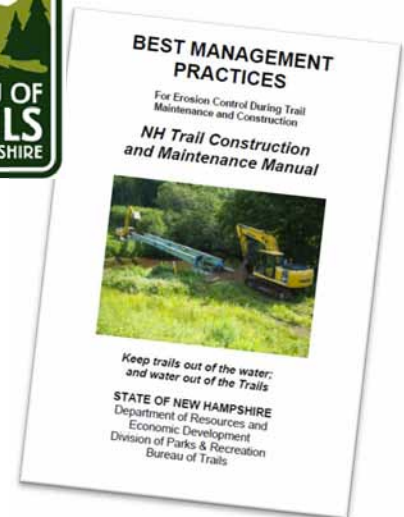


GETTING YOUR PROJECT ON THE GROUND

NH BUREAU OF TRAILS

The NH Bureau of Trails publishes the “New Hampshire Trail Construction and Maintenance Manual.” It is an excellent guide designed to be helpful to anyone looking to maintain or build new trails. It includes techniques for erosion control, information on permitting, and considerations for installing culverts and bridges on trails. It is available online for free download.

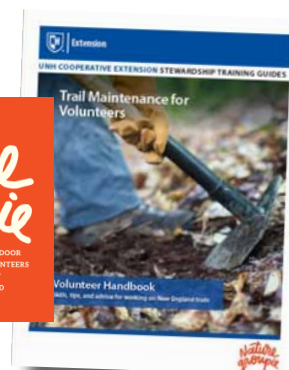
In addition to this publication, the Bureau of Trails offers grants for trail construction, support for clubs, and gives guidance on trail maintenance and etiquette. They also publish information about laws for ATVing and snowmobiling along with Recreational Use Statutes including landowner liability and legal posting of land.



UNH COOPERATIVE EXTENSION: NATURE GROUPIE

UNH Cooperative Extension runs the “Nature Groupie” program which encourages outdoor enthusiasts to volunteer for nature in New England. Their online calendar advertises volunteer work days. They also have a series of manuals including “Trail

Maintenance for Volunteers: A Training Guide.” They publish a directory of trail building professionals and have a tool loan library for stewardship projects.



UNH COOPERATIVE EXTENSION: COUNTY FORESTERS

Cooperative Extension County Foresters are a wealth of information. They can offer advice about best trail location and many other aspects of natural resource management. Contact information is available from the UNH Cooperative Extension Forestry Information Center at forest.info@unh.edu, or by using the information below;

Belknap County
64 Court Street
Laconia, NH 03246
603-527-5475

Carroll County
73 Main Street, PO Box 1480
Conway, NH 03818
603-447-3834

Cheshire County
33 West Street
Keene, NH 03431
603-352-4550

Coos County
629A Main Street
Lancaster, NH 03584
603-788-4961

Grafton County
3855 Dartmouth College Hwy, Box 5
North Haverhill, NH 03774
603-787-6944

Hillsborough County
329 Mast Road, Suite 101
Goffstown, NH 03045
603-641-6060

Merrimack County
315 Daniel Webster Highway
Boscawen, NH 03303
603-796-2151

Rockingham County
113 North Road
Brentwood, NH 03833
603-679-5616

Strafford County
268 County Farm Road
Dover, NH 03820
603-749-4445

Sullivan County
24 Main Street
Newport, NH 03773
603-863-9200



NH FISH AND GAME DEPARTMENT LANDOWNER RELATIONS PROGRAM



NH Fish and Game Department's Landowner Relations Program promotes respect, stewardship and recreation on private lands. In addition to the allowable use signs they have available, in some cases, staff are available to assist with on the ground placement of a trail system on private land.

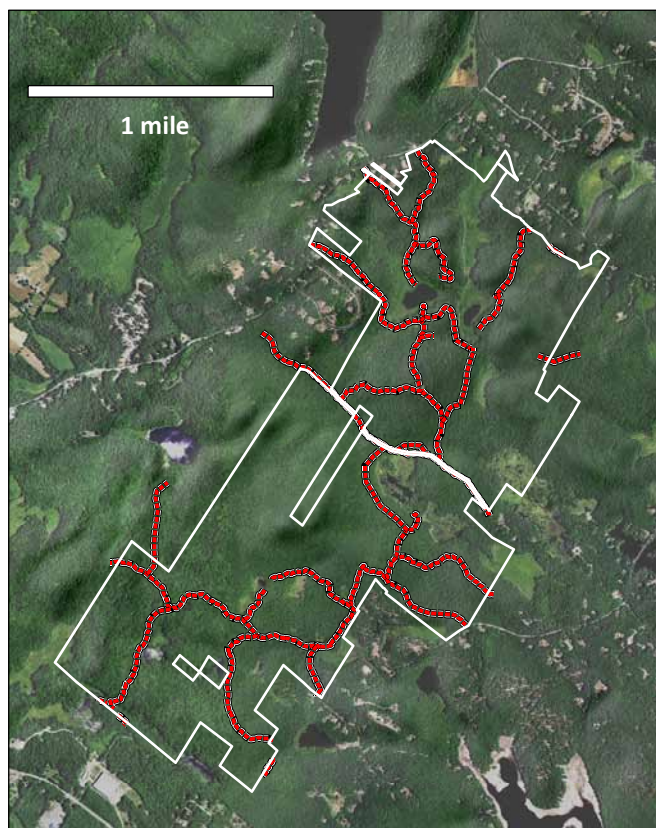


STONEHOUSE FOREST: A REAL-WORLD CASE STUDY

A recreation trail management plan was recently prepared by Ibis Wildlife Consulting for Stonehouse Forest in Barrington and Nottingham. The 1,535 acre property is owned by the Southeast Land Trust of New Hampshire with a conservation easement held by the NH Fish and Game Department and a third party interest held by the town of Barrington. Additionally, the purchase of the land included an Executory Interest to the Land and Community Heritage Investment Program which provided funds to acquire the land. The property is the largest undeveloped tract in Barrington and is important habitat for many wildlife species including turtles, bear and red fox.

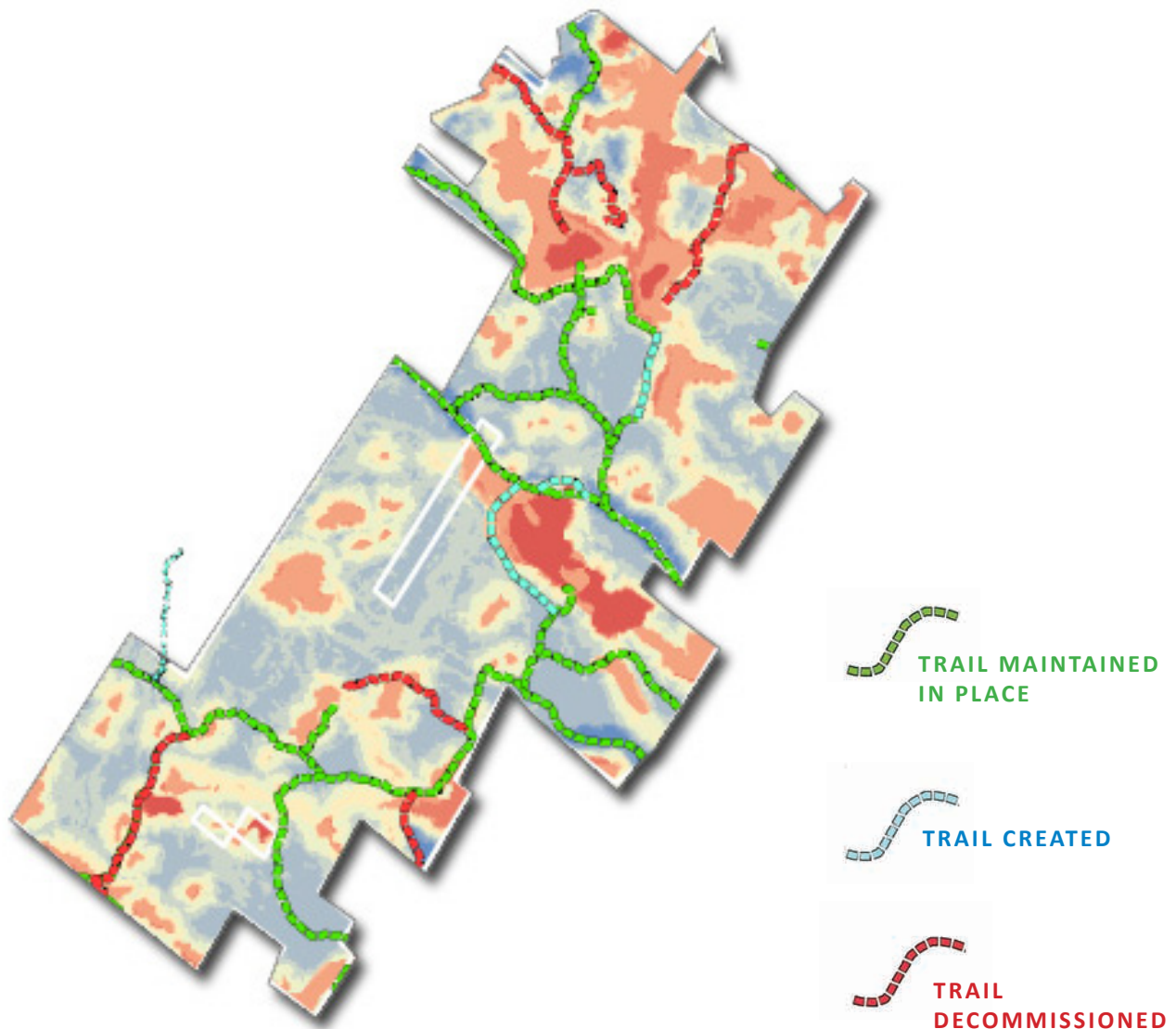
EXISTING TRAILS

When placed into conservation in 2017, Stonehouse Forest had 10.4 miles of existing woods roads and trails that varied in width from approximately one foot to ten feet. This included a Class VI public right-of-way that provides a scenic view of a large beaver wetland close to the center of the property.



**STONEHOUSE FOREST
IS THE LARGEST
UNDEVELOPED TRACT
IN BARRINGTON.
WHEN PLACED INTO
CONSERVATION 10.4
MILES OF EXISTING
WOODS ROADS AND
TRAILS WERE PRESENT.**

Using the trails for people and wildlife map for that area, applying the 400 foot corridor of influence buffer to trails, along with local documentation of vernal pools, it was decided to maintain over seven miles of existing trail, create three new sections of trail totalling approximately one mile, and decommission three point six miles of trail.



Sections of trail that were decommissioned included those that crossed large wetlands or ponds in order to protect water quality, natural communities and wildlife habitat. Other stretches closed were those in high value wildlife habitat and trails without specific destinations or multiple trails that led to the same destination. Finally, sections were closed to help reduce habitat fragmentation, to protect significant peatland and an oak-mountain laurel natural community, and to avoid disturbance to neighboring properties.

To enhance visitor enjoyment and knowledge about the property two permeable surface parking areas, each with an information kiosk, are planned. To help protect water quality and maintain safe passable trails Southeast Land Trust will engage volunteers and recreational user groups to assist in upgrading trails, building bridges, and installing other public access infrastructure.

Five different types of use are allowed on sections of the trail shown on the map on the opposite page;

Pink trails are multi-use including pedestrians, mountain bikes, snowmobiles, and horseback riding.

White trails are multi-use including pedestrians, mountain bikes, and snowmobiles.

Yellow trails are pedestrian and mountain bikes with no snowmobiles or horses.

Red trails are pedestrian only.

The green woods roads are for management access onto the property by Southeast Land Trust and its contractors.

Finally a schedule of trail maintenance and monitoring was put together;

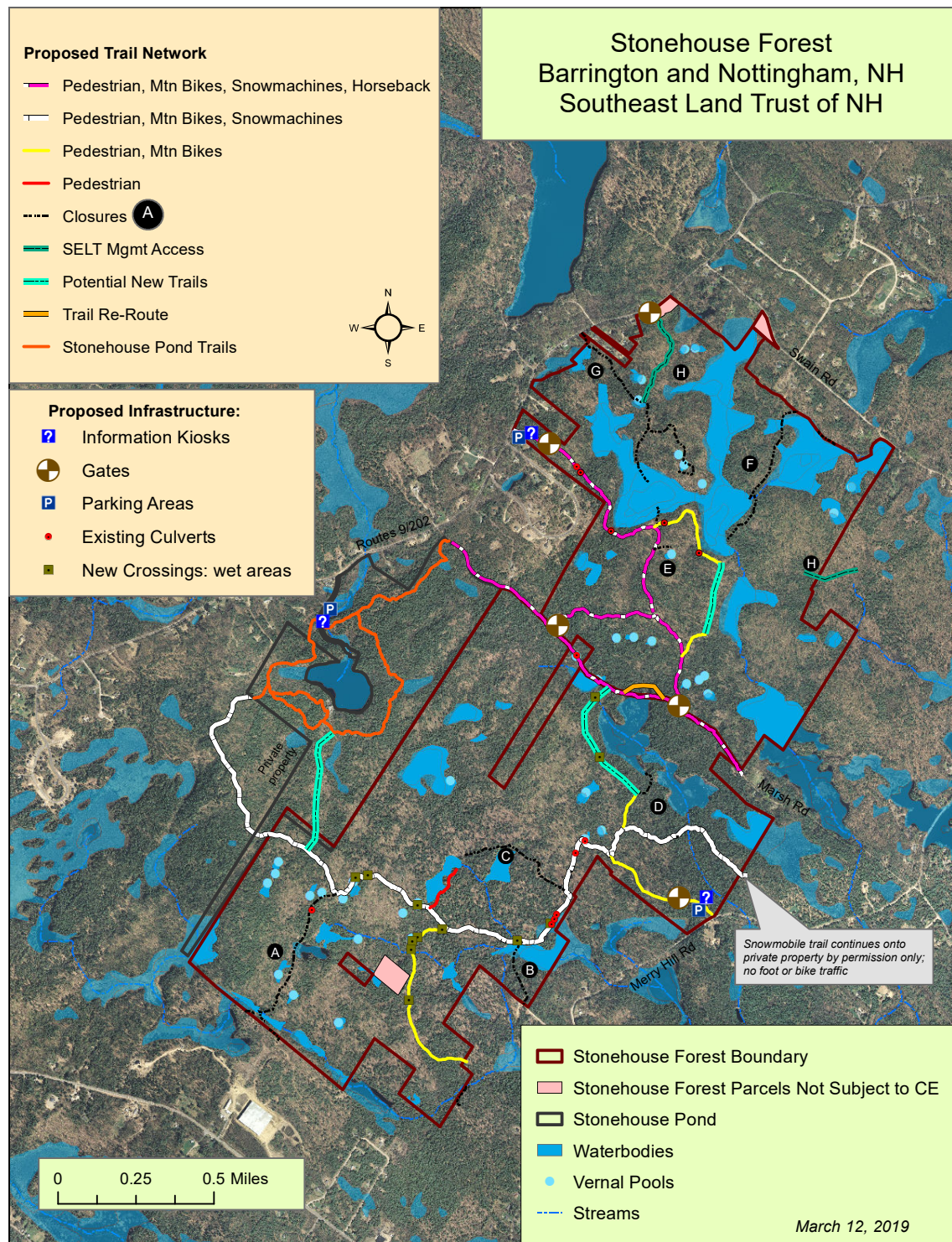
Activity	Description	Schedule
Trail Mowing	Rotary tractor mower	2x per year
Plow out parking area in winter	Snowplowing	Dependent on annual budgets
Property monitoring	Assess trail conditions for signs of erosion, tree falls, other mgmt. issues	Annual
Boundary maintenance	Monitor boundary	Annual
Recreation Plan Update	Plan Update	Every 10 years = 2028

Planning for regular maintenance of trails and associated infrastructure is a cost effective approach to property management as it is likely to catch problems before they become catastrophic and expensive to repair.



WENDY CLARK PHOTO

The Stonehouse Forest recreational trail management plan is a great example of how to develop a thoughtfully located network of well maintained trails that allow people to get outside to enjoy nature while minimizing disturbance to wildlife. Balancing both needs will help maintain the biodiversity and character of the state we love to live in.



NOTES





CHRIS COSTELLO PHOTO





New Hampshire

FISH AND GAME

Connecting you to life outdoors

Guardian of the state's fish, wildlife, and marine resources.

wildnh.com/trails

Parker Forestry Associates, LLC
David C. Parker, ACF
334 Maple Street
North Berwick, ME 03906
Phone 207-676-5838
parkr4st@maine.rr.com

January 14, 2013

Town of Old Orchard Beach
Conservation Commission
1 Portland Avenue
Old Orchard Beach, ME 04064

Dear Conservation Commission Members,

Thank you for your invitation to provide forestry services to the Town of Old Orchard Beach on the town owned woodlots. The services I recommend to the Town are those of a natural resources inventory and management plan.

The inventory will provide you with a summation of the volume of forest products and the current market value of the products as well as other natural resources such as water bodies, wetlands, wildlife habitat and recreational opportunities. This information can be used for planning forest stand treatments for the long term management of the woodlots as productive forest stands growing forest products for harvest while providing open space, wildlife habitat, water quality protection, and recreation opportunity for people in the town.

I have inquired at the Maine Forest Service to determine if the Town is eligible for grant funding to help pay for the plan through the Project Canopy program. This is a source of funding available to municipalities to aid in the planing process and to help pay for projects related to trees within municipalities.

Please call if you have any questions.

Sincerely yours,

David Parker, ACF

I am recommending that the following properties be included in the planning process. Each property has a significant area with forest stands that can be managed for the growth of forest products as well as supplying other forest uses.

Map & Lot	Location	Forested Acres
101-1-2	Andrews Lot - Portland Street	51
103-1-1	Rear lot off Cascade Road	4
103-1-26	126 Portland Ave - Pet shelter	16
107-2-12	Town Highway Garage lot Smithwheel Road	3
107-3-3	Smithwheel Road	4
207-1-1	School lot Jamison Hill Road	7
207-3-1	High School	36
207-3-6	The Ballpark	17
107-2-18 & 19	Ross Road	12
Total Acres		150

The management plan will provide information to guide the Commission through the process of timber management, wild life habitat improvement, location of trails for recreational use, and other items such as are determined by the Commission. A list of requests for inclusions in the plan will be developed prior to taking the inventory and preparing the plan.

I am submitting an offer to provide the inventory and plan to the Town for the amount of \$ 2550.00 without any government cost share or grant funding. I will quote a cost to the Town if cost share or grant funding is found to be available to aid in paying for the planning process. I would expect to be able to provide this service in the spring months of this year with the presentation of a final report by June.

David C Parker, ACF
January 14, 2013

Article VI. Performance Standards

Section 79. Solar Energy Systems

A. Purpose

1. The purpose of this ordinance is to allow the development and use of solar energy systems and to protect solar access, to increase local renewable energy production, to decrease our reliance on fossil fuels to produce electricity, and to reduce carbon emissions.
2. The allowance of solar photovoltaic installations is to be accomplished pursuant to the standards set forth herein for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, scenic, natural resources, especially the protection of wildlife habitat and significant wildlife corridors, and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

B. Definitions

1. **Agrivoltaics** – Dual use of land for both solar energy production and agriculture.
2. **Building-Integrated Photovoltaic (BIPV) Systems.** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.
3. **Electricity Generation** (production, output). The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
4. **Electrical Equipment.** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.
5. **Mounting.** The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, ground mount, pole mount).
6. **Pole-Mount System.** A solar energy system that is directly installed on specialized solar racking systems, that are attached to pole, which is anchored and firmly affixed to a foundation in the ground, and wired underground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.
7. **Power.** The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
8. **Solar Array.** Multiple solar panels combined together to create one system.

9. **Solar Collector.** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.
10. **Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
11. **Solar Energy System, Ground-Mounted.** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
12. **Solar Energy System, Large-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet.
13. **Solar Energy System, Medium-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 2,001 square feet but less than 20,000 square feet.
14. **Solar Energy System, Roof-Mounted.** An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).
15. **Solar Energy System, Small-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is 2,000 square feet or less.
16. **Solar Glare.** The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
17. **Solar Photovoltaic (Solar PV) System.** Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mounting racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.
18. **Solar Panel (or module).** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
19. **Solar Thermal System (Solar Hot Water or Solar Heating Systems).** A solar energy system that directly heats water or other liquid, or air, using sunlight.
20. **Tilt.** The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

C. Applicability

1. Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Section shall apply to all roof-mounted, small-, medium-, and large-scale ground-mounted solar energy systems modified or installed 30 days after the approval of this ordinance.
2. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
3. Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this Section.

D. Performance Standards

1. Roof-mounted and building-mounted solar energy systems and equipment are permitted by right unless they are determined by a Code Enforcement Officer, with consultation from the City Engineer and/or the City Fire Chief to present one or more unreasonable safety risk including, but not limited to the following:
 - a. Weight load;
 - b. Wind resistance;
 - c. Ingress or egress in the event of fire or other emergency, or;
 - d. Proximity to ground mounted systems relative to buildings.
2. Roof-Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III of this Ordinance.
3. Small-Scale Ground Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Land Development Regulations of this Ordinance.

In addition to the standards in Part III of this Ordinance, Small-Scale Solar Energy Systems shall comply with the following standards:

- a. The Solar Energy System shall be less than 25 feet in height.
 - b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
 - c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
 - d. The Solar Energy System shall be located and designed to consider the visual character of the neighborhood in which it is constructed.
 - e. The solar energy System shall not be located within the property setbacks.
4. Medium-Scale Ground-Mounted Solar Energy Systems shall comply with all requirements as stated in Part III Land Development Regulations of the Code of Ordinances. Such developments

shall also require a Conditional Use Permit and Site Plan Review approval by the Planning Board. In addition to submission requirements in Article VII, Conditional Uses; Article XI Site Plan Review; and Article XII Floodplain Management, an application for medium-scale solar energy system development must also include:

- a. Written confirmation from the Utility to which the Solar Energy system will be connected confirming the solar operator has conditional or final approval to interconnect the Solar Energy System to the Utility Grid.
- b. A description of the major components of the Solar Energy System proposed to be used, including manufacturer's specifications and cut sheets, and construction drawings showing all dimensions.
- c. Erosion and sedimentation control narrative with plans and details.
- d. Site plan(s) indicating all proposed construction and alteration of the project site, including changes to the landscape of the project area, filling, grading, earthmoving, vegetation clearing and planting, screening, fencing, Solar Energy System components, utilities (above and/or below ground) and all other aspects of the project.
- e. Site plan(s) indicating water bodies, wetlands, flood hazard areas, and vernal pools.
- f. A landscaping plan, prepared by a licensed forester, landscape architect or arborist, demonstrating compliance with all applicable landscaping and vegetated buffering requirements. At minimum, the landscaping plan must specify the locations, elevations and height above finished grade of all vegetation, berms, and plantings, and must identify the plant species and other materials that will comprise the elements used to establish any vegetated buffers and substantially screen the Solar Energy System from view from abutting residential properties, public roads, and public vantage points.
- g. A long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements. The plan must provide a method for maintaining sufficient financial resources for performing ongoing maintenance and repair of the Solar Energy System.
- h. A proposed decommissioning plan for the removal of the Solar Energy System, disposal of system components, and stabilization of the site, which meets the requirements in Section 79 (9) of this Ordinance, and a written statement of the applicant's intent concerning the following:
 - i. Physical removal of any Solar Energy System components, structures, foundations, supports, fencing, or security barriers from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.

- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and substantially return the site to its pre-construction state.
 - i. A description of any proposed dual-use or co-location of the property, including but not limited to agrivoltaics. If no dual-use is proposed or intended on the property, an explanation as to why such dual-use or co-location is not practicable.
 - j. A visual impact assessment that includes a line-of-sight profile analysis that illustrates what is visible and what is obstructed along a straight line running from the Solar Energy System and each Public Vantage Point. The Planning Board may require additional visual impact assessments, including digital view shed maps, if it determines in its sole discretion that such assessments are necessary for the Planning Board to evaluate the Solar Energy System's compliance with the scenic impact standards in Section 79 (6) (h) of this Ordinance.
5. In addition to the application requirements for Medium-Scale Ground Mounted Solar Energy Systems for Site Plan Review and to obtain a Conditional Use Permit, the application for Large-Scale Ground Mounted Solar Energy Systems shall also include:
- a. Evidence of financial capacity to construct, operate, and decommission the Solar Energy System.
 - b. Impact study prepared by a qualified consultant, hired by the City to determine all impacts on the environment, including, but not limited to wetlands, native vegetation, and wildlife and water quality.
 - c. Site Plan(s) clearly identifying soil type and location of existing "Prime Farmland," and "Farmland of Statewide Importance," as well as locations of local or National Historic Districts or landmarks.
6. In addition to Conditional Use application requirements for Medium-Scale Solar Energy Systems, other standards for Medium-Scale Ground-Mounted Solar Energy Systems are:
- a. Siting of Solar Energy Systems on unproductive land and previously disturbed land to the greatest extent possible shall be encouraged.
 - b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
 - c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
 - d. Wildlife Habitat: The Solar Energy System shall have no undue adverse effect on any portion of the property designated by the Maine Department of Inland Fisheries and Wildlife as Rare, Threatened, or Endangered Wildlife, Essential Wildlife Habitat, or Significant Wildlife

Habitat. The applicant shall assess the potential impacts of the Solar Energy System on any such designated species or habitat, including any adjacent areas that are important to the maintenance of the affected species or habitat, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the habitat and the species that the area supports. The Planning Board may require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a wildlife biologist preapproved by the Board in conducting such an assessment.

- e. Natural Areas: The Solar Energy System shall have no undue adverse effect on any portion of the property designated as a unique natural area or a Rare or Exemplary Plant and Natural Community in the City's Comprehensive Plan or by the Maine Natural Areas Program. The applicant shall assess the potential impacts of the Solar Energy System on any such designated natural area or community, including any adjacent areas that are important to the maintenance of the affected area or community, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the natural area or community. The Planning Board may require the applicant to consult with the Maine Natural Areas Program in conducting such an assessment.
- f. Historic or Archaeological Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property that has been identified as containing a significant historic or archaeological resource in the City's Comprehensive Plan or on the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant historic or archaeological resource. The applicant shall assess the potential impacts of the Solar Energy System on any such resource, including any adjacent areas that are important to the preservation of the resource, and shall take measures to protect these resources, including but not limited to, modification of the proposed location and design of the Solar Energy System, timing of construction, limiting the extent of excavation, physical or legal protection, or by archaeological excavation or mitigation. The applicant shall comply with all requirements of Article XV Historic Preservation Ordinance as applicable. The Planning Board may require the applicant to consult with the Maine Historic Preservation Commission in conducting such an assessment.
- g. Revegetation: Any disturbed ground cover on the site shall be revegetated with pollinator friendly, native, and non-invasive vegetation.
- h. The Solar Energy System must be located and designed for minimal visual impact on the surrounding area, particularly when viewed from abutting residential properties or any Public Vantage Point.
 - i. A vegetated buffer comprising native vegetation that is at least half the width of the minimum setback requirement in Section 79 (8) (b) of this Ordinance, and no less than six (6) feet in height from finished grade, shall be maintained along any property boundary line of a Solar Energy System that abuts a residential dwelling or a public

road, except where necessary to accommodate a driveway entrance to the site. All vegetation shall be installed in such a manner so as to completely conceal solar energy system from view.

- ii. Existing vegetation must be used to the greatest practical extent. If there is insufficient existing vegetation to create a vegetated buffer, the applicant shall plant and maintain native species of conifers and evergreens to adequately screen the Solar Energy System from view.
 - i. Security Fencing: All components of the Solar Energy System, excepting overhead utility and communication lines and poles, shall be completely enclosed by a minimum 6-foot-high fence. The fence shall be elevated a minimum of 6 inches above the ground to accommodate crossings by small terrestrial animals. Functional alternatives to chain-link style fencing is encouraged.
 - j. Operations and Maintenance: The applicant must provide for the long-term operation of the Solar Energy System and maintenance of the Solar Land Area, including ensuring that vegetation buffers are maintained, inspections are performed as needed, and the site is accessible to emergency responders in the event of an emergency.
7. In addition to the standards for Medium-Scale Solar Energy Systems as described above, Large-Scale Solar Energy Systems shall also comply with the following standards:
- a. No large-Scale Solar Energy System may be sited on land that has been forested within five (5) years of application.
 - b. Agricultural Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property containing prime agricultural soils or soils of statewide importance. The applicant shall assess the potential impacts of the Solar Energy System on any such soils, and shall take measures to avoid or minimize impacts to such soils. The Planning Board may require the applicant to consult with the Department of Agriculture, Conservation, and Forestry, Agricultural Resource Development Division, in conducting such an assessment. No topsoil or prime agricultural soil shall be removed from the site for installation of the Solar Energy System. All stockpiled topsoil shall be retained on site and reused in the landscaping plan for the site.
 - c. Utility Connections: All on-site utility transmission lines and piping associated with the Solar Energy System shall be placed underground to the greatest extent practicable. The Planning Board may waive this requirement if the applicant can demonstrate that satisfying this requirement is not practicable based on requirements of the utility provider or specific site conditions.
8. Dimensional requirements for medium-scale and large-scale Solar Energy Systems:
- a. The Solar Energy System shall be less than 25 feet in Height.

- b. Minimum Setbacks: The following minimum setback requirements must be met, regardless of the zoning district in which the Solar Energy System is located, unless the minimum setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
 - i. Front Lot Line 75 feet
 - ii. Side and Rear Lot Line 75 feet
 - iii. Street Right-of-Way 100 feet
 - c. The land area of a Solar Energy System shall not exceed 50 acres exclusive of required setbacks.
- 9. All solar energy systems shall comply with regulations as outlined in Article XIV Shoreland Zoning Ordinance as required.
- 10. Post-Approval Requirement for Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems: Prior to the start of construction of a Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must submit to the Code Enforcement Officer a decommissioning plan and financial assurance approved by the Maine Department of Environmental Protection, in accordance with the requirements of 35-A M.R.S.A. Sections 3491-3496, as may be amended, for all costs associated with decommissioning the Solar Energy System.
- 11. Post-Construction Requirements for Medium-Scale Solar Energy Systems and Large Scale Solar Energy Systems: After completion of construction and prior to commercial operation of a permitted Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must:
 - a. Submit to the Code Enforcement Department as-built drawings prepared by a Maine licensed professional land surveyor or engineer. The as-built drawings shall include the actual locations of the Solar Energy System and its components, any structures and their components, above and underground utilities, roads, swales, ditches, detention/retention facilities, areas of filling and grading, vegetated buffers, fencing, land and landscaping alterations, and any other infrastructure and facilities, all as actually constructed on the site. The as-built drawings must be accompanied by a letter signed by the surveyor or engineer certifying that the Solar Energy System had been constructed in accordance with all Planning Board approvals, including any conditions of approval and any accompanying plans and specifications.
 - b. Provide a written manual to the Biddeford Fire Department and Code Enforcement Department, which provides clear response information and instructions, including lock box details and disconnection locations necessary for a fire/emergency response at the site.

REDUCING THE COST OF SOLAR ENERGY IN MAINE

FINAL REPORT

Prepared for

Maine Office of the Public Advocate

By



**LONDON
ECONOMICS**

London Economics International LLC

717 Atlantic Ave, Suite 1A

Boston, MA 02111

March 14, 2024

Reducing the cost of solar energy in Maine

Prepared for Maine Office of the Public Advocate (“OPA”) by London Economics International LLC

March 14, 2024



London Economics International LLC (“LEI”) was engaged to provide consulting services to the Maine Office of the Public Advocate (“OPA”) to assist in examining the costs of Maine’s Net Energy Billing (“NEB”) program. Maine offers two options within the NEB program: the NEB kWh Netting program, which serves as a decrement to wholesale load, and the NEB Tariff Rate program, which is connected to the distribution system but is treated as a supply of energy to the ISO-NE wholesale market.

LEI examined i) the direct additional ratepayer costs of the programs (i.e., the costs which would not be incurred if the programs did not exist), ii) the indirect impact of the programs on the economics of Maine’s standard offer service, and iii) cross-subsidies from non-participating ratepayers not included in the first two categories. LEI also examined the opportunity cost of the NEB programs – the cost of the next-best alternative, including adjusting for an apples-to-apples comparison of benefits. LEI found that the total cost to ratepayers in 2023 of all these categories of cost for the two programs was an estimated \$284 million; and that costs are likely to increase to over \$300 million for 2024.

LEI’s findings indicate that the benefits of the NEB programs can be achieved much less expensively. Considering the benefits of the NEB programs compared to the benefits of Maine’s utility-scale procurements, the compensation to NEB sponsors is far more than the cost of Maine’s utility-scale projects, some of which are similar in size to the maximum size allowed in the NEB program.

LEI is not arguing that the benefits of solar or other renewable energy do not accrue to the NEB projects, just that such benefits can be had at a far lower cost. Neither is LEI arguing that the NEB program should be replaced by utility-scale procurements. LEI’s findings simply demonstrate that there is ample leeway for the compensation to NEB program sponsors to be designed to be much less costly to ratepayers, while still incentivizing solar generation and receiving the benefits thereof.

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List of Acronyms

A/S	Ancillary services
AEO	Annual energy outlook
ATC	Around the clock
BHD	Bangor Hydro District
BTM	Behind the meter
CEP	Competitive electricity provider
CMP	Central Maine Power
EIA	Energy Information Administration
ISO-NE	New England Independent System Operator
LEI	London Economics International
LMP	Locational marginal price
LSE	Load serving entity
MPD	Maine Public District
MPUC	Maine Public Utility Commission
MW(h)	Megawatt(hour)
NEB	Net energy billing
NECEC	New England Clean Energy Connect
OPA	Office of the Public Advocate
OTC	Over the counter
PPA	Power purchase agreement
REC	Renewable energy credit
RFP	Request for proposal
RPS	Renewable portfolio standard
SOP	Standard offer provider
SOS	Standard offer service
SSA	Standard service agreement
T&D	Transmission and distribution utility

1 Introduction and executive summary

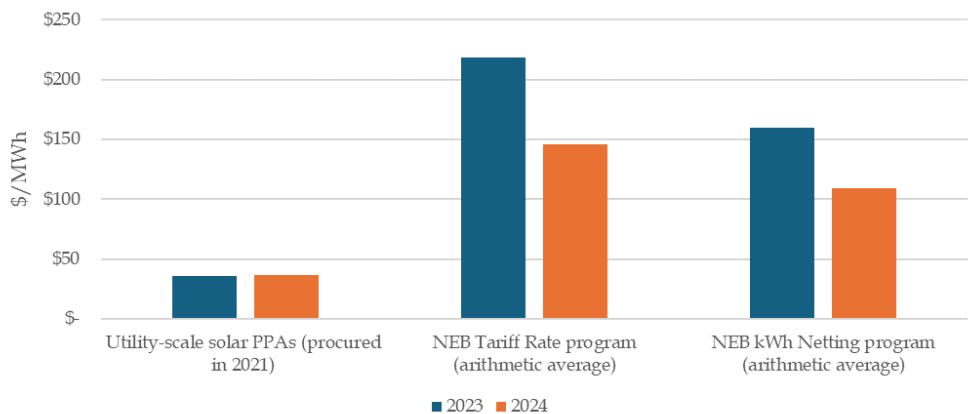
The Maine Office of the Public Advocate (“OPA”) engaged London Economics International (“LEI”) to examine the costs of Maine’s Net Energy Billing (“NEB”) program. LEI is a US-owned and operated firm based in Boston, specializing in economic and financial advisory services for energy and infrastructure industries around the world. LEI has a wealth of knowledge and solid experience in regulatory economics and deregulation, has a strong track record of analysis and support for clients in the ISO-NE market, and has testified and provided expert opinions in front of state public utilities commissions, including in Maine (see Section 6 (Appendix 1) for more information on LEI).

The OPA asked LEI to examine the efficacy of the NEB programs and whether:

- 1) developers of renewable energy projects have been potentially over-compensated under the NEB program; and
- 2) utility customers not participating in the NEB program must pay an unfairly higher portion of the cost of other bill components which are not covered by NEB participants.

As demonstrated in detail in this report, LEI found that, yes, project sponsors are over-compensated by the NEB program. Compensation to sponsors is far higher for the two NEB programs (the kWh Netting program and the Tariff Rate program, whose characteristics are discussed in detail in Section 2) than for the utility-scale solar projects that Maine has recently procured under power purchase agreements (“PPAs”) (see Figure 1).

Figure 1. Compensation to project sponsors across Maine’s solar energy support programs



Notes: NEB Tariff Rate program compensation is assumed to be 85% of the arithmetic average tariff rate, from MPUC <<https://www.maine.gov/mpuc/regulated-utilities/electricity/neb>>; NEB kWh Netting price is assumed to be 85% of the arithmetic average residential standard offer service price, from MPUC <<https://www.maine.gov/mpuc/regulated-utilities/electricity/standard-offer-rates/cmp>>; Average utility-scale PPA price: see details in Figure 11 of this report.

Even considering the benefits of the NEB programs compared to the benefits of Maine’s utility-scale PPAs (which LEI discusses in Section 4 of this report), compensation to sponsors is far more expensive

than procurement of utility-scale projects (some of which are small and similar in size to the maximum size allowed in the NEB program).

LEI is not arguing that benefits of solar or other renewable energy do not accrue to the NEB projects, simply that such benefits can be had at a far lower cost. As noted by the Maine Public Utility Commission (“MPUC”) “... [I]ncentive programs should not be evaluated solely on whether costs to ratepayers are simply lower than that value, but also on whether the program design achieves that value at the lowest possible cost. An important question the Legislature may want to consider is whether the value sought from the NEB program can be obtained at a lower cost.”¹ Maine can achieve the benefits of solar generation at a much lower cost than it is currently paying, by adjusting the compensation to sponsors of NEB program facilities.

As LEI demonstrates in Section 4, compensation for NEB community solar, as distinct from behind-the-meter (“BTM”) projects, should reflect the additional value of avoided transmission cost, but apart from that, the benefits are the same as from utility-scale PPA projects. For example, a tariff rate and/or kWh Netting rate which reflected PPA prices plus a premium for transmission cost savings, would reflect the benefits of the NEB projects, but would cost Maine ratepayers far less than they are now paying for NEB projects.

LEI also found substantial cross-subsidies from non-participating customers to participating customers, to cover the costs of the NEB program.

1.1 Methodology

LEI categorized the costs of the NEB program conceptually as **ratepayer costs** (of which we identified three categories) and **opportunity costs**:

1. **Direct additional ratepayer costs:** The NEB Tariff Rate program compensates projects based on tariff rates set annually by the MPUC, based on a formula which reflects retail prices. The output of these projects is sold at wholesale market prices. The difference between the tariff rate and the wholesale market price is the net cost of the program – this net cost is an **additional cost** from the program, compared to not having the program at all. It is a cross-subsidy by other ratepayers because it is collected by the transmission and distribution utilities (“T&Ds”) from all ratepayers. LEI discusses this in detail in Section 2.
2. **Indirect additional ratepayer costs:** As LEI demonstrates in detail in Section 3, the NEB kWh Netting program puts upward pressure on Maine standard offer service (“SOS”) prices for all Maine ratepayers taking SOS. This is a cross-subsidy from non-participants to NEB program participants.

¹ MPUC Report on the Effectiveness of Net Energy Billing in Achieving State Policy Goals and Providing Benefits to Ratepayers. November 10, 2020. P. 12.

3. **Cross-subsidies from non-participating ratepayers not included in 1 or 2 above:** The cost to Maine T&Ds in terms of lost delivery revenues from the NEB kWh Netting program is recovered from all ratepayers. There is no increase in the total cost recovery allowed for transmission and distribution assets, nor are there any assets identified as stranded (so there is no additional cost to the system), but the NEB kWh Netting program results in less energy over which to recover the T&Ds' delivery costs. It shifts the cost to ratepayers who are not subscribers to the NEB kWh Netting program. This is discussed in detail in Section 2.
4. **Opportunity cost of the NEB Tariff Rate program:** The cost of any economic choice is the opportunity cost—in other words, the cost of alternatives. An alternative to the NEB program for incentivizing solar and other renewable energy in Maine has been a program in which the utilities are directed to procure utility-scale contracts for renewable energy. The net opportunity cost of the NEB program is positive in the amount by which it is more expensive than the net cost of recent utility-scale procurements in Maine. This methodology, including adjustments for differences in benefits from the types of programs to ensure apples-to-apples comparison, is discussed in detail in Section 4.

1.2 Summary of findings

LEI discusses the details of its methodology, data, assumptions, and numerical findings throughout this report. LEI made conservative assumptions where judgement was required—in other words, we made assumptions which allowed the NEB program net costs to be estimated as low as possible. These are identified throughout the report.

LEI arrived at an estimate of total cost of \$284.1 million in 2023 (see Figure 1). Of this total, costs compared to not having the NEB program in place amount to \$118.6 million, and cross-subsidization from the kWh Netting program (not an additional cost) is an estimated \$24.1 million. As discussed in detail in Section 4, because peak period energy prices were high in 2023, the cost of Maine's utility-scale solar power purchase agreements ("PPAs") was *negative*—PPA prices were lower than the price of energy, so the contracts had positive energy market earnings. This resulted in an additional opportunity cost for NEB projects compared to the PPAs.

For 2024, some costs are likely to be lower, driven by lower expected costs for wholesale energy and lower SOS rates. SOS and tariff rates for 2024 are already determined, and this information is available from the MPUC, indicating lower tariff rates. On the other hand, the NEB programs are on track to grow strongly from 2023 levels, which increases total costs. Overall, we project 2024 costs to be higher than in 2023, at \$330 million.

Figure 2. Total estimated costs of Maine NEB programs

Cost category	Description	Unit costs \$/MWh		Estimated applicable MWh		Total costs					
		2023	2024	2023	2024	2023	2024				
Total ratepayer cost											
Additional cost											
	Direct: Tariff Rate program net supply cost (cost above wholesale energy + capacity)	\$	167.19	\$	117.72	645,679	867,076	\$	107,950,997	\$	102,072,269
	Indirect: kWh Netting program impact on SOS prices	\$	1.80	\$	5.89	5,913,969	5,913,969	\$	10,643,214	\$	34,815,655
	Total							\$	118,594,212	\$	136,887,924
Cross-subsidization not included above											
	kWh Netting program shift of T&D costs	\$	88.10	\$	81.48	274,000	536,038	\$	24,138,720	\$	43,673,839
Opportunity cost											
	NEB Tariff Rate program	\$	168.40	\$	136.80	645,679	867,076	\$	108,732,268	\$	118,614,991
	NEB kWh Netting	\$	119.11	\$	57.58	274,000	536,038	\$	32,637,345	\$	30,863,355
Total cost								\$	284,102,545	\$	330,040,109

All details of assumptions underlying the cost per megawatt ("MW") and generation in megawatt hours ("MWh") are found in this report, in the detailed sections.

2 Maine's Net Energy Billing program

2.1 Overview of the NEB program

Maine's NEB program is defined in LD 1711 "*An Act to Promote Solar Energy Projects and Distributed Generation Resources in Maine*" P.L. 2019, Chapter 478 ("Act"). Part A of the Act, now codified at 35-A M.R.S. §§ 3209-A, 3209-B, defined the NEB program.² The NEB program is available for residential and non-residential customers of Maine's T&Ds (Versant and CMP) for service from small solar facilities (up to 5 MW) and other renewable energy projects. Within the NEB program, there are two options:³

1. **NEB Kilowatt-hour ("kWh") Netting program:** This program is available to residential, commercial, and industrial customers. Customers may choose to have their own project or to share a project with other customers. The NEB developer retains ownership of the renewable energy credits ("RECs") generated by the facility. The program provides kWh credits on participating customers' electricity bills regardless of when the energy is produced (as discussed in more detail below), so that the entire retail rate is avoided. From the perspective of the ISO-NE system operator, projects in the NEB kWh Netting program serve to reduce load.
2. **NEB Tariff Rate program:** This program is available only to non-residential customers. Customers may choose to have their own project or to share a project with other customers. The NEB developer retains ownership of the RECs. The program provides dollar credits on participating customers' electricity bills based on rates established annually by the MPUC. From the perspective of the ISO-NE system operator, projects in the Tariff Rate program operate as generators.

Both these options credit customers for more than simply the cost of energy (which is the supply portion of a utility bill). The NEB kWh Netting program credits the entire cost of supply, delivery, and other bill charges to participants, because it decreases monthly billed energy consumption on a kWh basis. The Tariff Rate program provides a Commission-determined tariff rate which reflects the cost of standard offer service, and in addition partly encompasses the cost of transmission and distribution.⁴ This tariff is a discount to the participating customer's bill. The distinguishing features of these programs, and current size and uptake, are discussed in detail below.

² MPUC. *Report on the Effectiveness of Net Energy Billing in Achieving State Policy Goals and Providing Benefits to Ratepayers Pursuant to An Act to Promote Solar Energy Projects and Distributed Generation Resources in Maine*. Maine.Gov. Published November 10th, 2020. <<https://www.maine.gov/mpuc/legislative/reports>>

³ MPUC. *Programs for Small Solar, Community and Other Renewable Energy Projects*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/renewable-programs>> Accessed January 20, 2024.

⁴ Ibid.

2.2 NEB kWh Netting program

The NEB kWh Netting program includes BTM rooftop solar as well as community solar projects, which are not behind the customer's meter. In the early years of the NEB kWh Netting program, most of the solar capacity was behind the meter, with an estimated 60 MW of installed BTM capacity in 2020, and an estimated production of 77,000 MWh for the year.⁵ Since that time, most of the NEB kWh Netting projects which have come online or have been proposed have been community solar projects.

Unlike rooftop solar, NEB community solar projects do not reduce physical demand for energy at the customer's meter. Metered retail demand – the demand that a load-serving entity (“LSE”) must supply – is the same. NEB projects are supply projects connected to the distribution system. They can result in less demand for transmission services, but not for distribution services.

Community solar projects are marketed to potential participants (“subscribers”) by project sponsors registered with the MPUC. Project sponsors provide subscribers with a disclosure document outlining the fuel source, facility output subscription percentage, term, and other conditions of participating in the shared project. NEB kWh Netting project sponsors are paid pursuant to an individual contract with a subscriber. This is a separate bill from the bills sent by the T&D and the standard offer service provider (“SOP”) (the LSE for customers on standard offer service). The project sponsor acts on the subscriber's behalf by requesting, executing, and complying with the provisions of NEB and informing the T&D of the allocation of credits among the accounts of all the subscribers.⁶ The NEB kWh Netting project sponsor and the subscriber must both be on the same T&D system. All utility customers in Maine have smart meters and customer consumption data is sent daily to ISO-NE for settlement. The information is also passed from the T&D to the SOP, to settle the SOP's load obligation.

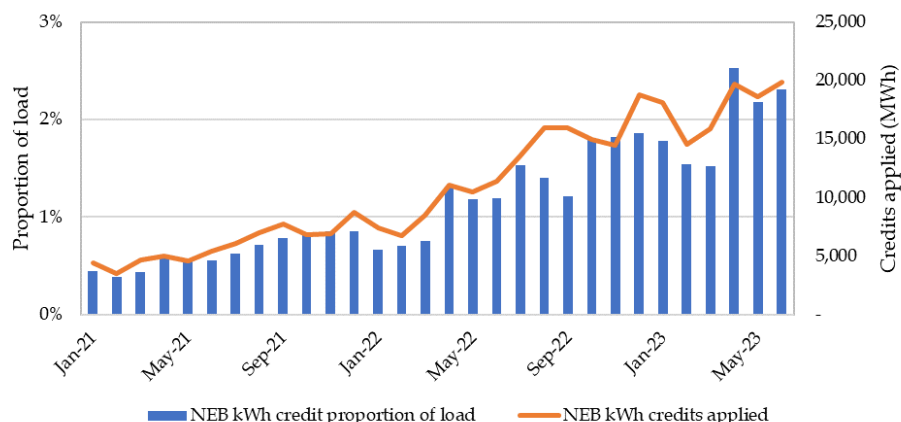
The NEB kWh Netting program has been growing steadily but it is still a small portion of retail consumption in Maine. As of June 2023, kWh credits accounted for about 2.5% of all T&D customer load served by competitive energy providers (“CEPs”) and SOPs (see Figure 3).⁷

⁵ISO-NE. “Final 2021 PV Forecast.” April 29, 2021. P. 59. <https://www.iso-ne.com/static-assets/documents/2021/04/final_2021_pv_forecast.pdf>

⁶ MPUC. *Code of Maine Rule 65 – Department of Public Utilities Commission 407 – Public Utilities Commission Chapter 313*. Maine.Gov. <<https://www.maine.gov/mpuc/sites/maine.gov/mpuc/files/inline-files/Chapter313NEB.pdf>> Accessed January 23, 2024.

⁷MPUC. *Migration statistics*. Maine.Gov <<https://www.maine.gov/mpuc/regulated-utilities/electricity/choosing-supplier/migration-statistics>> Accessed February 28, 2024; *Applied NEB kWh by Month*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>> Accessed February 28, 2024; and *kWh Credit Net Energy Billing Data*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/bhd>> Accessed February 28, 2024.

Figure 3. NEB kWh Netting credits, compared to total CMP and Versant retail consumption



Source: MPUC. "Migration statistics". Maine.Gov <<https://www.maine.gov/mpuc/regulated-utilities/electricity/choosing-supplier/migration-statistics>> Accessed February 28, 2024; Public Utility Commission. "Applied NEB kWh by Month". Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>> Accessed February 28, 2024; and Public Utility Commission. "kWh Credit Net Energy Billing Data". Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/bhd>> Accessed February 28, 2024.

Though in terms of consumption it is a small share, in terms of capacity the NEB kWh Netting program is relatively much larger. CMP projects the capacity of the kWh Netting program on its system to reach 399 MW by the end of 2024.⁸ This is more than 25% of CMP's total system peak load of 1,500 MW.⁹

2.2.1 kWh Netting credits are applied to customer's metered usage

Maine's T&Ds are required to offer net energy billing, whether the customer takes generation service from an SOP or a CEP. If the customer takes SOS, the SOP is required to provide net energy billing; whereas a CEP may or may not agree to provide service on a net energy basis.¹⁰ In practice, CEPs in Maine have not provided a net energy billing option. Therefore, LEI's analysis of the impact of the NEB kWh Netting program on retail prices, discussed in Section 3, focuses on SOS prices, not competitive retail energy prices.

⁸ MPUC. *kWh Credit Net Energy Billing Data*. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>>. Accessed March 12, 2024.

⁹ CMP. <<https://www.cmpco.com/w/system-information>>. Accessed March 12, 2024.

¹⁰ Versant Power. *Net Energy Billing*. Versant Power.com. <<https://www.versantpower.com/residential/rates/bhe-net-energy-billing/#3>> Accessed January 23, 2024.

The kWh Netting program provides kWh credits on subscribers' electricity bills. Maine PUC 65-407, Chapter 313: *Customer Net Energy Billing*, specifies the way in which an NEB customer must be billed by the T&D. A Maine ratepayer receives two separate bills—one from the T&D, which covers delivery charges (netting out the NEB program credits if applicable), and the other from the SOP (assuming the customer takes standard offer service) which is included in the customer's paper or electronic bill, but which is a separate page on which it is made clear that that portion of the bill is not for T&D services, but for the energy supplied by the SOP, which also nets out the NEB credits if applicable.

A simplified example of a single residential customer (Customer X) subscribing versus not subscribing to the NEB program provides a helpful illustration. Customer X consumed a metered 7,520 kWh over six months in 2023 (see the blue column in Figure 4). If they had not subscribed to the NEB kWh Netting program, their total bill (delivery charges plus supply charges) would have been \$1,931, for the 7,520 kWh of metered consumption (also in blue in Figure 4). If they had subscribed to a hypothetical NEB facility and received a hypothetical 6,100 kWh credits (in the orange column) over the six months, their billed kWh would have been 1,420 (in the green column). They would have saved the supply charge and the delivery charge for each kWh credit, and their bill for the six months would have totaled \$365 (in the green column). The customer is not allowed to have negative billed kWhs, so in months in which NEB credits are greater than metered consumption, the credits are banked for use in later months (see yellow column in Figure 4). Banked credits can be rolled forward for 12 months, after which they expire.

Figure 4. Customer X in NEB kWh Netting program

Month	NEB facility	Customer X		
	Generation allocated to Customer X (kWh)	Customer's metered kWhs	Net kWhs billed to customer (metered kWh less NEB allocation)	Banked credits (kWh)
July	1,500	1,400	-	100
Aug	1,600	1,700	-	-
Sept	1,100	1,000	-	100
Oct	700	1,120	320	-
Nov	750	1,200	450	-
Dec	450	1,100	650	-
Total	6,100	7,520	1,420	
Supply price (\$/kWh)		\$ 0.16631	\$ 0.16631	
Delivery charge (\$/kWh)		\$ 0.0905	\$ 0.0905	
Customer bill for 6 months		\$ 1,931	\$ 365	

Separately, the subscriber pays the NEB project sponsor an agreed contract price for the 6,100 kWh.

2.2.2 kWh Netting credits result in cross-subsidies

As shown in the example of Customer X above, the NEB kWh Netting program results in fewer kWh over which to recover the costs of transmission and distribution assets. There is no increase in the total cost recovery for transmission and distribution assets, and no assets are assumed to be no longer used or useful, but the T&Ds are allowed to collect the costs which are not paid for by the NEB subscribers from

all ratepayers. These costs are not additional costs to the overall system but are a shift in the cost of the kWh Netting program participants to all ratepayers. They are a cross-subsidy.

The T&Ds file annual “stranded cost” filings, in which they estimate these costs going forward.¹¹ The costs are not stranded in the usual sense, because they are not the result of T&D assets no longer used or useful. The costs are cross-subsidies collected from non-participants. As of January 2024, the T&Ds estimated that annual production reached 536,038 MWh from operational projects (see Figure 5). The corresponding delivery (transmission and distribution) cost for operational kWh Netting agreements which the T&Ds are allowed to collect from other ratepayers is an estimated \$43,673,839, an average of \$0.08148/kWh (\$81.48/MWh) for each kWh of kWh Netting solar generation.

Figure 5. Estimated delivery costs cross-subsidy from kWh Netting program based on 2024 production

		Project capacity (kW)	Estimated annual production (kWh)	Delivery rate (\$/kWh)	Estimated delivery revenue Loss
CMP kWh Netting Agreements	Operational	288,952.76	462,121,312	\$ 0.081796	\$ 37,799,675
	Active Non-Operational	300,708.40	524,648,927	\$ 0.081796	\$ 42,914,184
	Pending	141,283.85	234,396,595	\$ 0.081796	\$ 19,172,704
	Total	730,945.01	1,221,166,834		\$ 99,886,562
Versant kWh Netting Agreements	Operational	46,708.66	73,916,751	\$ 0.07947	\$ 5,874,164
	Active Non-Operational	157,647.20	220,958,316	\$ 0.07947	\$ 17,559,557
	Pending	49,369.89	66,027,820	\$ 0.07947	\$ 5,247,231
	Total	253,726	360,902,887		\$ 28,680,952
Total CMP + Versant	Operational	335,661	536,038,063	\$ 0.08148	\$ 43,673,839
	Active Non-Operational	458,356	745,607,243	\$ 0.08111	\$ 60,473,741
	Pending	190,654	300,424,415	\$ 0.08128	\$ 24,419,935
	Total	984,671	1,582,069,721		\$ 128,567,515

Note: Entries highlighted in blue correspond to entries in Figure 2 of this report.

Source: Versant, <<https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122429&CaseNumber=2020-00199>> Accessed March 1, 2024; CMP, <<https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122302&CaseNumber=2020-00199>> Accessed March 1, 2024.

As noted above, these costs are not additional costs to the power system, they are a subsidy to ratepayers who subscribe to the kWh Netting program, from ratepayers who do not subscribe.

¹¹ These costs are referred to as stranded costs for the purposes of the T&D utilities’ regulatory filings but are not the result of T&D assets no longer to be used at all (which is the classic definition of a stranded asset). If the NEB kWh projects caused some assets to no longer be used at all, then that would be a stranded cost. In this case, however, the costs are cross-subsidies from program participants to non-participants, and are not stranded costs in the classical sense.

2.3 NEB Tariff Rate program

Under the NEB Tariff Rate program, the T&D takes title to the generation from the NEB project and immediately sells it into the ISO-NE system. Therefore, from the perspective of the ISO-NE system operator, projects in the Tariff Rate program operate as generators, and are not a decrement to the subscriber's load. The Tariff Rate program gives participants a dollar amount bill credit equal to the applicable tariff rate multiplied by the customer's share of the facility output during the applicable period. Bill credits are not allowed to result in a negative customer bill; customers can accumulate unused bill credits and apply them over a 12-month rolling period.¹²

For 2023, the T&Ds estimated that currently operational Tariff Rate facilities produced 645,679 MWh annually.¹³ This amounts to about 11% of total non-residential energy consumed in 2023 (an estimated 6,011,197 MWh).¹⁴ As noted above, however, the Tariff Rate program is not a decrement to load, it is a source of supply.

Tariff rates are set by MPUC each year, for each T&D and customer class. Tariff rates are based on SOS prices and include a percentage for delivery (transmission and distribution). Specifically (emphasis added):¹⁵

*"A. The tariff rate for a customer participating in net energy billing with a distributed generation resource described in this paragraph must **equal the standard-offer service rate** established under section 3212 that is applicable to the customer receiving the credit **plus 75% of the effective transmission and distribution** rate for the rate class that includes the smallest commercial*

¹² MPUC. Code of Maine Rule 65 – Department of Public Utilities Commission 407 – Public Utilities Commission Chapter 313. Maine.Gov. <<https://www.maine.gov/mpuc/sites/maine.gov/mpuc/files/inline-files/Chapter313NEB.pdf>> Accessed January 23, 2024.

¹³ CMP, MPUC. <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122302&CaseNumber=2020-00199>, January 2024; Versant, MPUC. <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122429&CaseNumber=2020-00199>, January, 2024.

¹⁴ MPUC. RFP for CMP - Appendix E - Small, Medium and Large Customer Class. Published November 13, 2023. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>> Accessed March 11 2024; MPUC. RFP for BHD - Appendix E - Small, Medium and Large Customer Class. Published November 14, 2023. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/bhd>> Accessed March 11 2024. MPUC. RFP for MPD - Appendix E - Small, Medium and Large Customer Class. Published November 14, 2023. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/mpd>> Accessed March 11, 2024.

¹⁵ Maine State Legislature. Title 35-A: Public Utilities Part 3: Electric Power Chapter 32: Electric Industry Restructuring §3209-A. Net Energy Billing. <<https://legislature.maine.gov/legis/statutes/35-A/title35-Asec3209-B.html>> Accessed January 20, 2024.

customers of the investor-owned transmission and distribution utility. The tariff rate under this paragraph applies to net energy billing with a distributed generation resource:

(1) With a nameplate **capacity of greater than one megawatt if:**

(a) The entity developing the distributed generation resource certifies by affidavit with accompanying documentation to the commission that the entity, **before September 1, 2022, commenced on-site physical work** of a significant nature on the distributed generation resource and the entity has made and will continue to make continuous on-site construction...;

or

(b) The distributed generation resource is **collocated with a net energy billing customer** that is or net energy billing customers that are subscribed to at least 50% of the facility's output; or

(2) With a nameplate **capacity of one megawatt or less.** [PL 2021, c. 659, §19 (AMD).]"

And, if the resource is not covered in paragraph A above (i.e., if it is one megawatt or more and is neither collocated nor under construction by September 1, 2022):¹⁶

"A-1. **The tariff rate** for a customer participating in net energy billing under this section with a distributed generation resource not governed by paragraph A must:

(1) **In 2022, equal the standard-offer service rate** established pursuant to section 3212 that was applicable to the rate class of the customer receiving the credit **on December 31, 2020 plus 75% of the effective transmission and distribution rate that was in effect on December 31, 2020** for the rate class that includes the smallest commercial customers of the investor-owned transmission and distribution utility; and

(2) **Increase by 2.25% on January 1st of each subsequent year, beginning January 1, 2023.** [PL 2021, c. 659, §19 (NEW).]

CMP uses the term "Tariff rate" for qualifying projects, and "Alternate Tariff Rate" for non-qualifying projects; Versant refers to "Tariff Rate 1" for qualifying projects, and "Tariff Rate 2" for non-qualifying projects. For both T&Ds, the Alternative Tariff Rate and Rate 2 were lower than the rate for qualifying projects in 2023 and 2024 (see Figure 6).¹⁷

¹⁶ Ibid.

¹⁷ Ibid.

Figure 6. Tariff rates offered in NEB Tariff Rate program

Period	Customer Class	Central Maine Power Company	Versant Power – Bangor Hydro District	Versant Power – Maine Public District
Calendar Year 2022 (January 19, 2022 Order in Docket No. 2019-00197)	Small Commercial	\$0.192834 per kWh	\$0.207552 per kWh	\$0.184707 per kWh
	Medium Commercial or Industrial	\$0.188937 per kWh	\$0.202088 per kWh	\$0.178505 per kWh
	Large Commercial or Industrial	\$0.145562 per kWh	\$0.174322 per kWh	\$0.205990 per kWh
Period	Customer Class	Central Maine Power Company	Versant Power – Bangor Hydro District	Versant Power – Maine Public District
Calendar Year 2023 Tariff Rates for Facilities that Qualify under Ch. 313 Section 3(K)(4)(a) (December 9, 2022 Order in Docket No. 2019-00197)	Small Commercial	\$0.246922 per kWh	\$0.250467 per kWh	\$0.230652 per kWh
	Medium Commercial or Industrial	\$0.235503 per kWh	\$0.243196 per kWh	\$0.225255 per kWh
	Large Commercial or Industrial	\$0.206838 per kWh	\$0.223903 per kWh	\$0.255255 per kWh
Period	Customer Class	Central Maine Power Company	Versant Power – Bangor Hydro District	Versant Power – Maine Public District
Calendar Year 2023 Tariff Rates for Facilities that do not Qualify under Ch. 313 Section 3(K)(4)(a) (December 9, 2022 Order in Docket No. 2019-00197)	Small Commercial	\$0.132952 per kWh	\$0.149972 per kWh	\$0.124374 per kWh
	Medium Commercial or Industrial	\$0.130468 per kWh	\$0.152627 per kWh	\$0.120656 per kWh
	Large Commercial or Industrial	\$0.144042 per kWh	\$0.154547 per kWh	\$0.142478 per kWh

Period	Customer Class	Central Maine Power Company	Versant Power – Bangor Hydro District	Versant Power – Maine Public District
Calendar Year 2024 Tariff Rates for Facilities that do not Qualify under Ch. 313 Section 3(K)(4)(a) (December 18, 2023 Order in Docket No. 2019-00197)	Small Commercial	\$0.135943 per kWh	\$0.0.153346 per kWh	\$0.127172 per kWh
	Medium Commercial or Industrial	\$0.133404 per kWh	\$0.156061 per kWh	\$0.123371 per kWh
	Large Commercial or Industrial	\$0.147283 per kWh	\$0.158024 per kWh	\$0.145684 per kWh
Period	Customer Class	Central Maine Power Company	Versant Power – Bangor Hydro District	Versant Power – Maine Public District
Calendar Year 2024 Tariff Rates for Facilities that Qualify under Ch. 313 Section 3(K)(4)(a) (December 18, 2023 Order in Docket No. 2019-00197)	Small Commercial	\$0.179475 per kWh	\$0.215267 per kWh	\$0.212602 per kWh
	Medium Commercial or Industrial	\$0.172905 per kWh	\$0.208935 per kWh	\$0.227715 per kWh
	Large Commercial or Industrial	\$0.180986 per kWh	\$0.216214 per kWh	\$0.257715 per kWh

Source: MPUC. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/neb>>.

For both T&Ds, most of the operational Tariff Rate program facilities qualify under Ch. 313 Section 3(K)(4)(a), and earn the higher tariff rates; whereas most of the active non-operational facilities are non-qualifying facilities and earn the lower non-qualifying rates, based on the T&D's projections (see Figure 7).

Figure 7. T&Ds' estimates of NEB Tariff rate project energy production, and LEI estimate for 2024

		Estimated annual production from qualifying projects (kWh)	Estimated annual production from non- qualifying projects (kWh)	Total qualifying and non- qualifying production (kWh)
CMP Tariff Rate agreements	Operational	450,642,235	93,080,291	543,722,526
	Active Non-Operational	52,828,582	458,246,813	511,075,395
	Pending	91,386,218	34,255,104	125,641,322
	Total	594,857,035	585,582,208	1,180,439,243
Versant Tariff Rate agreements	Operational	82,210,287	19,745,741	101,956,028
	Active Non-Operational	84,668,133	133,694,419	218,362,552
	Pending	25,083,174	5,426,294	30,509,468
	Total	191,961,594	158,866,454	350,828,048
CMP + Versant Tariff Rate agreements	Operational	532,852,522	112,826,032	645,678,554
	Active Non-Operational	68,748,358	295,970,616	364,718,974
	Pending	58,234,696	19,840,699	78,075,395
	Total	659,835,576	428,637,347	1,088,472,923
LEI estimate	Operational	532,852,522	112,826,032	645,678,554
	1/2 Active Non-Operational	34,374,179	147,985,308	182,359,487
	1/2 Pending	29,117,348	9,920,350	39,037,698
	Total	596,344,049	270,731,690	867,075,738

Note: Entries highlighted in blue correspond to entries in Figure 2 of this report.

Source: CMP, <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122302&CaseNumber=2020-00199>, January 2024; Versant, <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122429&CaseNumber=2020-00199>, January 2024.

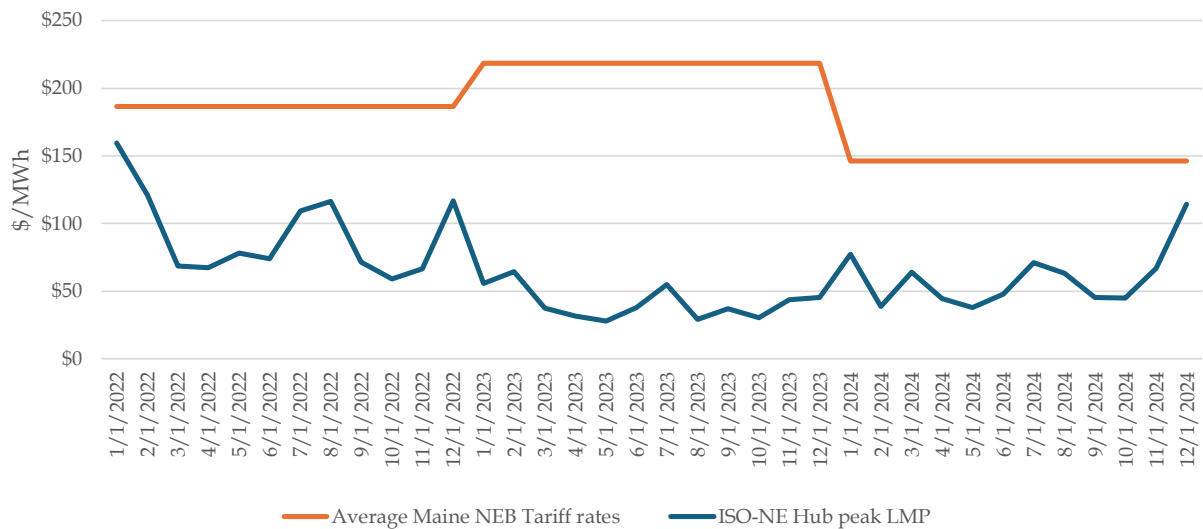
2.3.1 The Tariff Rate program directly increases energy supply costs

In 2023, tariff rates were much higher than the peak period wholesale locational marginal price ("LMP") for which the T&D would have sold the energy entitlements (see Figure 8). In 2023, the weighted average tariff rate was \$218.52/MWh for operational projects, compared to the average peak wholesale LMP of \$41.36/MWh.¹⁸ This increment of \$177.16/MWh over wholesale prices is the estimated additional cost

¹⁸ LEI's calculation of the average NEB Tariff rates are the tariff rates shown in Figure 6, weighted by the share of qualifying versus non-qualifying operational generation shown in Figure 7.

of the energy from the Tariff Rate program. The Tariff Rate projects do not necessarily provide capacity value, but if they did, accounting for LEI’s estimated value of capacity at \$9.97/MWh in 2023¹⁹ reduces the increment to \$167.19/MWh.

Figure 8. ISO-NE monthly average peak wholesale LMPs, and NEB tariff rates



Source: MPUC. *Net Energy Tariff Rates*, <<https://www.maine.gov/mpuc/regulated-utilities/electricity/neb>>; third-party data provider, accessed March 6, 2024.

CMP and Versant reported an estimated annual production of 645,679 MWh from operational NEB Tariff rate projects by the end of 2023 (as shown previously in Figure 7).²⁰ To arrive at a rough estimate of the additional cost of the NEB Tariff Rate program, LEI multiplied the annual production by the \$167.19/MWh incremental cost in 2023, resulting in an estimated \$107,950,997 in additional supply costs from the Tariff Rate program in 2023.

For 2024, tariff rates have already been determined (as shown in Figure 6 above). 2024 average tariff rates were calculated by LEI as the weighted average of 2024 rates for operational projects, and ½ of non-operational and pending projects. The Maine wholesale LMP price for the 2024 year is not yet known. Therefore, LEI referred to publicly available forward prices as of March 6, 2024. For 2024, the average

¹⁹ Based on capacity market revenues earned in 2023 in ISO-NE, and average around-the-clock energy prices in 2023. Source: ISO-NE <<https://www.iso-ne.com/about/key-stats/markets#fcaresults>>.

²⁰ Maine PUC. <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122302&CaseNumber=2020-00199>, and <https://mpuc-cms.maine.gov/CQM.Public.WebUI/MatterManagement/MatterFilingItem.aspx?FilingSeq=122429&CaseNumber=2020-00199>.

tariff rate is an estimated \$187.46/MWh, compared to the forward monthly wholesale peak LMP of \$59.74/MWh as seen in Figure 5. LEI assumed a capacity cost of \$10/MWh. The increment of \$117.72/MWh over wholesale prices is the estimated additional cost of NEB projects. In 2024 the total estimated cost would be \$102,072,269 assuming ½ of non-operational and pending projects are included. This increment of direct supply costs is collected from non-participating ratepayers; it is a cross-subsidy which is paid for by non-participating ratepayers.

3 The impact of the NEB kWh Netting program on SOS prices

LEI examined the structure of Maine's SOS, and the structure of the NEB kWh Netting program to derive the indirect impact of the NEB kWh Netting program on SOS prices. Because the Tariff Rates are not applied to metered kWh and therefore do not reduce billed kWh consumption, the Tariff Rate program does not impact SOP margins.

3.1 Overview of Maine's SOS

Maine's restructured electricity market allows a retail electricity customer to purchase their electricity supply from a competitive energy provider. Electric consumers that are not served by a CEP automatically have their electricity supplied by the standard offer provider. SOPs provide all or a specified portion of electric generation service to consumers receiving SOS.²¹ The SOS product is a load-following, all-requirements product (energy, capacity, and ancillary services ("A/S")), for all hours. The T&Ds deliver SOS but are not responsible for procuring it.

Each year, the MPUC purchases SOS on behalf of SOS customers, using a competitive solicitation for a contract which is characterized by the following:²²

- **Typically, a year-long obligation:** The SOP usually commits to a year-long contract, but proposals for commitment periods of six months, eighteen months, and two years are acceptable. For the small customer class (which includes residential customers), the winning SOS prices are fixed for the whole calendar year (or commitment period). Prices for the medium and large customer classes generally vary by month.
- **Minimum percentages of retail load, at fixed increments:** A provider of SOS is required to serve a minimum percent of retail load for a given T&D's customer class. According to the most recent procurement, for service starting in 2024, in the CMP and Versant-Bangor Hydro District area bids can be submitted in 25% increments for the small class load.²³ For the medium class, bids may be submitted for 20% increments, and for the large class bids may only be submitted for

²¹ Maine State Legislature. *Code of Maine Rule 65 – Department of Public Utilities Commission 407 – Public Utilities Commission Chapter 301*. Maine.Gov. <https://www.maine.gov/mpuc/electricity/rfps/standard_offer/sosmall0306/BHE/Appendix%20A%20Chapter%20301%20407c301.pdf>. Page 9. Accessed January 20, 2024.

²²MPUC. *Standard Offer Bid Solicitations*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer>>. Accessed January 23, 2024.

²³ MPUC. *Request for Proposals to Provide Standard Offer Service to Central Maine Power Company Customers*. Maine.Gov. Published September 13, 2023. <<https://www.maine.gov/mpuc/sites/maine.gov/mpuc/files/inline-files/CMP%20SO%20RFP%202024%20FINAL%2020230913.pdf>> and MPUC. *Request for Proposals to Provide Standard Offer Service to Versant Power – Bangor Hydro District Customer*. Maine.Gov. Published September 13, 2023. <<https://www.maine.gov/mpuc/sites/maine.gov/mpuc/files/inline-files/BHD%20SO%20RFP%202024%20FINAL%2020230913.pdf>>.

100% of the service requirement.²⁴ For the Versant-Maine Power District, all customer classes require bidders to commit to 100% of the service requirement.²⁵

- **The actual load in kWh that the SOP must serve is not known at the time it submits its bid:** The SOP knows only the share of load that it will have to serve if it is awarded an SOS contract. The SOP can refer to historical load information provided by MPUC to help it determine the share it wishes to bid.

3.1.1 Payments to SOPs are based on billed kWh

SOPs are paid the SOS rate based on the share (the percentage) of the SOS load which they win, and the contract price per kWh they offered. According to the SOP Standard Service Agreement (“SSA”) documents, the T&D pays the SOP a daily payment for SOS during the term of the agreement in an amount equal to the product of:

- The daily aggregate amount of kWhs **billed** (emphasis added) to retail SOS customers (small, medium and large customers);
- The provider’s share thereof;
- The applicable contract price (in \$/kWh);
- Minus the uncollectible allowance percentage of the amount calculated.²⁶

The SOS is paid based on the percentage of load **billed** to a retail SOS customer, not the actual load it **delivers** to the retail customer as measured at the customer’s meter.

The NEB kWh Netting program reduces **billed** kWh for a participating NEB customer. This reduction in billed kWh will not correspond to a reduction in the SOP’s load obligation to that customer, which is measured in **metered** kWh.²⁷ This disconnect gives rise to a price-increasing effect of the NEB kWh Netting program on the SOS price, as discussed next.

²⁴ Ibid.

²⁵ Ibid.

²⁶ MPUC. *Contract Exhibit D - Providers Shares and Rates*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>>. Accessed January 23, 2024.

²⁷ MPUC. *Contract Exhibit A - T&D Specific Provisions*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>> Accessed February 28, 2024, and conference call January 30, 2023, with CMP representatives.

3.1.2 The metered-versus-billed kWh gap

As explained above, SOPs are paid based on billed kWh, not metered kWh. The SOP forgoes the retail price it would have earned from meeting the customer's energy demand, but it saves only the wholesale cost of the energy. The SOP must still deliver the same number of kWhs to the customer's meter – recall that neither the kWh Netting program nor the Tariff Rate program reduce retail energy demand.

To illustrate this impact, we turn again to the simplified example of Customer X subscribing versus not subscribing to the NEB kWh Netting program. As assumed previously, Customer X consumed a metered 7,520 kWh over six months in 2023 (see the blue column in Figure 9). If Customer X did not participate in the NEB kWh Netting program, the SOP earns revenues of \$1,250.65 (7,520 kWh multiplied by the SOS rate of \$0.16631 per kWh) for serving this customer (also in blue in Figure 9).

The cost that the SOS incurred to serve this load is the wholesale price of energy (\$0.0334/kWh) and the estimated price of capacity (\$0.00997/kWh)²⁸ times the metered consumption of 7,520 kWh, i.e., \$251.46 (in blue in Figure 9). The SOP would have no kWh credits against its load obligation to Customer X if Customer X were not in the NEB program. Thus, the total cost to serve this customer's load is \$326.44 (highlighted in grey in Figure 9).

The SOP's revenue of \$1,250.65 less its energy cost of \$251.46 is \$924.21 (in grey), which LEI refers to as the SOP's gross margin.²⁹ The SOP's gross margin per metered kWh supplied is \$0.12/kWh.

²⁸ Based on capacity market revenues earned in 2023 in ISO-NE, and average around-the-clock energy prices in 2023. Source: <<https://www.iso-ne.com/about/key-stats/markets#fcaresu>>.

²⁹ To simplify the analysis, LEI assumed the cost of ancillary services are zero; however, the SOP is responsible for these costs, and to provide these services as part of the standard offer, on the basis of metered load.

Figure 9. Single-customer example of metered-versus-billed kWh gap

Month	NEB facility	Customer X			SOP
	Generation allocated to Customer X	Customer's metered kWhs	Net kWhs billed to customer	Banked credits	Reduction in overall load obligation
July	1,500	1,400	-	100	1,500
Aug	1,600	1,700	-	-	1,600
Sept	1,100	1,000	-	100	1,100
Oct	700	1,120	320	-	700
Nov	750	1,200	450	-	750
Dec	450	1,100	650	-	450
Total	6,100	7,520	1,420		6,100
SOS price, (2023) \$/kWh		\$ 0.16631	\$ 0.16631		
		if customer did not participate in NEB	if customer participated in NEB		
SOS revenue		\$ 1,250.65	\$ 236.16		
Wholesale energy price*		\$ 0.0334	\$ 0.0334		
Estimated wholesale capacity price		\$ 0.00997	\$ 0.00997		
SOP cost to serve metered load		326.44	326.44		
SOP savings from load credits		\$ -	264.80		
SOP cost to serve load**		\$ 326.44	\$ 61.64		
Gross margin for SOP (revenue less cost)		\$ 924.21	\$ 174.52		
Gross margin/metered kWh supplied		\$ 0.12	0.02		
Gross margin/metered MWh supplied		\$ 122.90	\$ 23.21		

*Average ISO-NE ATC wholesale energy price in Maine zone in 2023.

**LEI simplified the analysis by assuming ancillary service costs are zero, and there are no internal costs to the SOP.

Compare this result to the SOP's gross margin if Customer X subscribes to a hypothetical NEB project. In that case, the customer's total **billed** consumption is 1,420 kWh (the green column in Figure 9). This billed consumption is the sum of metered consumption, less kWh credits from the NEB project (orange column) to which Customer X subscribes. Note that in July and September, Customer X's billed consumption was zero because their NEB credits were greater than their metered consumption. Customer X banked their credits and used them in subsequent months. However, from the perspective of the SOP, there is no banking. The SOP's load obligation is reduced by the total generation from the

NEB kWh Netting in the same month the energy is generated.³⁰ The revenues earned by the SOP are equal to the SOS rate of \$0.16631/kWh multiplied by the **billed** consumption of 1,420 kWh, i.e., \$236.16 (highlighted in green in Figure 9). The SOP gets credit against its total load obligation for the 6,100 kWh from the NEB program at the wholesale price of energy and capacity, equal to \$264.80 (in pink), so the net cost to serve the load is \$61.64 (in grey). The SOP's gross margin is \$174,52. Its gross margin per metered kWh is \$0.02/kWh. The SOP's gross margin is therefore \$0.10/kWh less from Customer X than it was without the NEB program.

LEI's calculation of gross margin per MWh does not include the cost to the SOP of providing ancillary services or the SOP's own cost of operations. Thus, it overstates the margin—the SOP would actually earn less. However, the calculation which is of interest is not the *level* of the gross margin, it is the *change* in the gross margin. As this example illustrates, the *change* in the SOP's gross margin for Customer X is very large: the gross margin falls from \$0.12/kWh (\$122.90/MWh) to \$0.02/kWh (\$23.21/MWh).

The loss of margin from an NEB kWh Netting subscriber puts upward pressure on the SOS rate, because the SOP will seek to make up for the loss of margin by raising the SOS price. The SOP needs to earn a profit margin to be incentivized to participate in Maine's SOS procurements. At the extreme, if the NEB kWh Netting program ever grows to the point that a positive gross margin cannot be maintained, credible SOPs may simply choose to not to participate in the SOS procurements.

LEI expects that the SOP will seek to recover its loss of margin by raising SOS prices. This price increase would impact all SOS customers, which is another cross-subsidy from non-participating ratepayers. How much would SOS prices increase? LEI next quantifies the size of the price increase.

3.2 Impact on Maine SOS prices

LEI developed a methodology that accounts for the key drivers of SOP earnings, and the structure of the NEB kWh Netting program. LEI then populated the methodology using actual reported prices (SOS and wholesale energy and capacity prices) and quantities (SOS metered kWh consumption and NEB kWh Netting credits).

The methodology is as follows:

- 1) NEB kWh Netting does not physically displace customer load behind the meter. That load must still be served, so metered energy consumption is held constant. (No matter how large or how small the kWh Netting program is, by definition it does not change retail energy consumption, and therefore does not reduce the amount of energy the SOP must deliver to the customer);

³⁰ MPUC. *Contract Exhibit A - T&D Specific Provisions*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>> Accessed February 28, 2024, and conference call January 30, 2023, with CMP representatives.

- 2) LEI assumed that rooftop BTM (as opposed to community solar) accounted for 77,000 MWh of NEB kWh Netting production in 2020 (based on data from ISO-NE)³¹ and subtracted this number from the total kWh Netting production supplied in the T&D's filings. This avoids over-estimating the impact of NEB kWh Netting on SOS prices;
- 3) The SOP must meet metered load;
- 4) The SOP earns revenue based on billed load, not metered load;
- 5) Billed load gets smaller and smaller as the NEB kWh Netting program grows;
- 6) The cost per MWh to serve metered load is the wholesale energy price plus the wholesale cost of capacity;
- 7) The SOP's total cost to serve metered load is lower by the wholesale energy + capacity price multiplied by the kWh Netting credits.

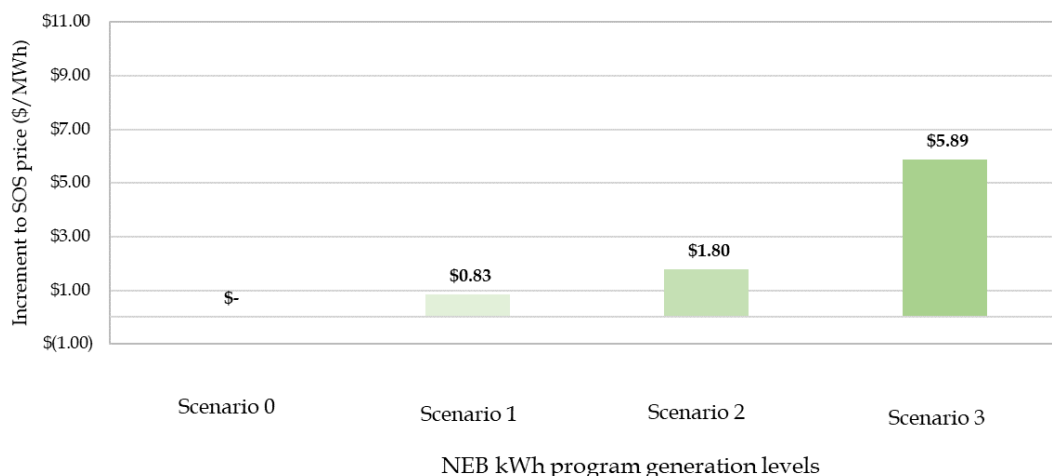
LEI implemented this methodology by comparing four scenarios. LEI used the same approach as for the calculations for the impact on Customer X, as shown in Figure 9 above but included all SOS load and all NEB kWh credits for CMP and Versant; and performed calculations based on MWh rather than kWh. First, LEI calculated the gross margin from SOS assuming no NEB kWh participation (Scenario 0). To do this, LEI used data from 2022 for metered MWh, SOS prices, and wholesale energy and capacity prices. The SOP's gross margin in Scenario 0 is \$54.03/MWh (see Figure 10). LEI then defined Scenario 1 assuming that NEB generation is 95,012 MWh for the year (the actual level of NEB kWh credits in 2022 of 172,012 MW less the 77,000 MWh BTM adjustment), with no changes to any other assumptions. In other words, metered consumption is the same, SOS rates are the same, and wholesale energy prices are the same as in Scenario 0. This allows us to isolate the impact of NEB kWh Netting only. In Scenario 1, the SOPs' gross margin is \$53.19/MWh (see second column in Figure 10). This is \$0.83/MWh less than in Scenario 0 with no NEB kWh solar participation.

³¹ ISO-NE. "Final 2021 PV Forecast." April 29, 2021. P. 59. <https://www.iso-ne.com/static-assets/documents/2021/04/final_2021_pv_forecast.pdf>.

Figure 10. Impact of NEB kWh program on SOS prices

	Scenario 0	Scenario 1	Scenario 2	Scenario 3
Metered MWhs	5,913,969	5,913,969	5,913,969	5,913,969
NEB generation (MWh)	0	95,012	197,000	459,038
SOS revenue (\$)	\$ 689,297,085	\$ 678,438,826	\$ 666,335,937	\$ 625,778,890
Average price received for SOS (\$/MWh)	\$ 116.55	\$ 114.72	\$ 112.67	\$ 105.81
Cost to serve metered load (\$)	\$ 369,786,203	\$ 369,786,203	\$ 369,786,203	\$ 369,786,203
Savings from load credits (\$)	\$ -	\$ 5,940,871	\$ 12,317,934	\$ 28,702,540
Cost to serve load, less credit savings (\$)	\$ 369,786,203	\$ 363,845,331	\$ 357,468,269	\$ 341,083,663
Gross margin (revenue - costs) (\$)	\$ 319,510,883	\$ 314,593,495	\$ 308,867,668	\$ 284,695,228
Gross margin/ metered MWh supplied (\$/MWh)	\$ 54.03	\$ 53.19	\$ 52.23	\$ 48.14
NEB kWh program impact on gross margin	\$ -	\$ 0.83	\$ 1.80	\$ 5.89
Total required to recover loss of margin	\$ -	\$ 4,917,388	\$ 10,643,214	\$ 34,815,655

Note: Entries highlighted in blue above correspond to values in Figure 2.



Details and assumptions:

Metered MWhs are the sum of actual monthly metered MWh for CMP, Versant-BHD, and Versant-MPD SOS customers for 2022;

SOS revenue is based on the weighted average monthly SOS price across all customer classes, for CMP, Versant-BHD, and Versant-MPD for 2022;

Actual NEB generation for 2022 is the sum of monthly NEB kWh credits for CMP, Versant-BHD, and Versant-MPD as reported in <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>, and <https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/mpd>; to adjust for rooftop solar, which is actually BTM, LEI subtracted 77,000 MWh (2020 BTM generation estimated by ISO-NE) from all the scenarios; Total metered SOS MWh are left unchanged across the examples;

The wholesale cost to serve load is the monthly average ISO-NE around-the-clock wholesale energy price in Maine zone for 2022 and an estimated \$8.26/MWh for capacity, based on 2022 capacity prices and total ISO-NE capacity payments.

The wholesale cost to serve load includes only the cost of energy and capacity (no A/S or operating cost for the SOP).

NEB Generation for 2023 and 2024 NEB kWh Netting program, Versant: MPUC Docket No. 2023-00076, 3.31.23 Exhibit B Versant SC Revenue Requirements 2023 Reconciliation; NEB Generation for 2023 and 2024 NEB kWh Netting program, CMP: Calculated by LEI based on CMP information provided in MPUC Docket No. 2023-00092.

In other words, if the SOP wanted to keep its margin intact, it would have to charge an additional \$0.83/MWh for each metered MWh. Multiplying the \$0.83/MWh by the total metered MWh consumption results in \$4,917,388, the total impact on SOS customers.

LEI then examined implications of growth in NEB kWh Netting on the price of SOS, by defining Scenario 2 and Scenario 3. We based these scenarios on realistic estimates of further NEB kWh Netting program growth, based on publicly available data:

- **Versant:** LEI referred to Versant's stranded cost filing in MPUC Docket No. 2023-00076, 3.31.23 Exhibit B Versant SC Revenue Requirements 2023 Reconciliation. The filing provided Versant's forecasts of NEB kWh program generation for future rate-years.
- **CMP:** CMP's stranded cost filing (in MPUC Docket No 2022-00341) did not refer to NEB kWh Netting program generation (only to the related costs) so, unlike the Versant stranded cost filing, it could not be used for LEI's forecast. Instead, LEI referred to CMP information provided in MPUC Docket No. 2023-00092 (supporting information for standard offer bidders) for which CMP projected total online NEB kWh Netting program nameplate capacity through December 2024.³² LEI converted CMP's projection in MW to a projection in MWh assuming a capacity factor of 14%, which is the capacity factor derived from comparing another CMP filing in 2023-00092 (historical generation credits by month for the NEB kWh Netting program in 2022) with average NEB kWh Netting program capacity in 2022.³³

We held constant the number of metered MWh, the SOS rate, and the wholesale energy and capacity prices, so that the results would reflect only the impact of higher kWh Netting. In Scenario 2, the SOP's margin is \$52.23/MWh, so the average SOS price would have to be \$1.80/MWh higher, to offset this decline. In Scenario 3 the margin would be \$48.14/MWh, so a \$5.89/MWh increment would be needed to offset the decline. Recall that the decline in margin is the result of having to supply the same volume of metered energy while being paid based on a lower volume of billed energy. The SOP foregoes the SOS price per kWh for every NEB kWh, but it only saves the wholesale cost of not supplying the energy and capacity.

Multiplying the margin each year that the SOP would have to make up by the metered usage of 5,913,969 MWh (assuming no change in metered MWh usage compared to 2022) results in a cost of \$10,634,214 in Scenario 2, and \$34,815,655 in Scenario 3 (shown in the last row of Figure 10).

3.3 Additional volume risk increases SOP costs

The NEB kWh Netting program imposes additional risks on the SOP in terms of the volume of load it is obligated to serve.

³² MPUC. *Applied NEB kWh by Month*. Maine.Gov. <<https://www.maine.gov/mpuc/regulated-utilities/electricity/rfps/standard-offer/2023-00092/cmp>>

³³ Ibid.

Like the potential for customers to switch to a CEP, or the impact of weather events, the NEB kWh Netting program adds unpredictability to the SOP's actual load obligation on an hourly, daily, and monthly basis. A customer can adopt CEP service at any time during a calendar year – the customer does not have to wait for the beginning of the year – while the SOP has the obligation to serve load for the entire calendar year (or commitment period). A customer can switch back to SOS when their CEP contract expires; again, they do not have to wait until the end of a calendar year. The volume impact of NEB kWh Netting credits is similar. A customer can join an NEB kWh Netting project when it wishes to, at any time during the year. This change in volume interacts with the fact that the SOP commits to a fixed price and therefore needs to match the load it serves with hedges otherwise it may face high risk exposure. The SOP may lose customers and therefore need to shed hedges; or it may gain customers and need to add hedges or face spot market price exposure.

SOPs are familiar with managing this kind of risk. To manage the price risk of their fixed-price load-following obligation, SOPs can hedge using futures contracts. There is a direct cost of engaging in the forwards and posting collateral costs, and if the markets move, it can mean hedges turn out to be more expensive than when the fixed price deal was signed. Hedging volume risk is even more complex and costly. It may involve the use of put and/or call options and perhaps other tools such as swaps with financial counterparties.³⁴ The SOP must determine the volume of put and/or call options to buy at various strike prices. The larger the potential variance in SOS sales volume, the more puts and calls are needed to reduce the level of risk; thus, the more expensive the cost of reducing risk. To the extent that additional NEB kWh Netting credits add to the volume risk faced by the SOP, the additional volume risk adds cost. See Section 7 (Appendix 2) for a simplified numerical example of price and volume risk management.

3.4 Delay in load obligation credits increase the need for working capital

Under the NEB kWh Netting program, there is a timing lag between when the SOP receives the kWh credits to its load obligation versus when it serves the load. By the end of the month, the SOP is made whole, but in the meantime, it must commit more working capital to the SOS program. This is not any longer than the typical lag in the ISO-NE settlements process, but includes the additional decrement to the load obligation from the NEB kWh Netting program. The extra cost to the SOP is the cost of capital for the extra working capital they must carry. This is probably a small cost, as the NEB kWh Netting program is a small share of SOS load, but it could increase over time as the NEB kWh Netting program grows.

3.5 Summary

The quantitative analysis in this section reflects conservative assumptions for the impact of the NEB kWh Netting program on the cost of SOS. LEI excluded the cost of ancillary services and the SOP's internal

³⁴ A put option is an option to sell an asset at an agreed price on or before a given date; a call option is an option to buy an asset on an agreed price on or before a given date. A financial swap is a derivative contract whereby two parties exchange the cash flows or liabilities from two different assets; for example, swapping the unknown stream of costs for providing SOS service for a fixed and known stream of costs.

costs of operations; and we also excluded the impact on the cost of managing volume risk, and the impact on working capital needs. These conservative assumptions result in an estimated \$1.80/MWh - \$5.89/MWh cost impact depending on the uptake of the NEB kWh Netting program. This is a small percentage of the SOS price, but it impacts all SOS customers, and constitutes a cross subsidy from non-participating ratepayers to participants in the NEB kWh Netting program.

4 The opportunity cost of the NEB program

The true cost of any economic choice is the opportunity cost – in other words, the cost of alternatives. An alternative to the NEB program for incentivizing solar and other renewable energy could be a program in which the utilities are directed to procure utility-scale contracts for renewable energy. Development of renewable energy is often incentivized by legislators or regulators utilizing policies such as renewable portfolio standards (“RPS”). RPS incentivize utilities to engage in procurements for renewable energy, supported by power purchase agreements. PPAs provide an offtake contract to cover at least a portion of the plant’s output, for a given period (often 20 years for a contract with a utility, usually less for a contract with an individual commercial or industrial customer). With less downside risk from the earnings stream, financiers demand a lower return, which can reduce the cost of the project. Even if there is no binding RPS, legislators often develop policy goals which are met using procurement of utility-scale renewable energy.

Comparing the cost of the NEB facilities to the cost of utility-scale PPAs in Maine is appropriate, because the types of benefits which two kinds of projects create are similar:

- NEB Tariff Rate facilities do not physically displace customer load behind the meter. NEB kWh Netting projects which are not located behind the meter likewise do not physically displace customer load. PPAs are also supply projects and do not displace load;
- Energy market benefits in terms of lower wholesale market prices from NEB projects would be no different than what would result from any other energy bid into the market as a price taker, such as solar energy from a PPA project; and
- NEB projects do not participate in the ISO-NE forward capacity market, and neither, in effect, do Maine’s solar PPAs (though both types of projects are allowed to do so), but can be assumed to have capacity benefits.

4.1 Comparing NEB programs to utility-scale solar on an apples-to-apples basis

To compare the costs of the alternatives, it is necessary to recognize and adjust for the differences in any resulting benefits.

- **Transmission benefits:** A utility scale solar project interconnects with the transmission system. An NEB project interconnects to the distribution system, so the transmission cost is avoided. In New England, the Regional Network Service charge (“RNS”) cost depends on the amount of load reduction that occurs during the ISO-NE monthly peak. In a report on the net benefits of the Maine NEB program, authors reported a \$10-\$14/MWh savings from avoided RNS charges.³⁵

³⁵ Daymark Energy Advisors. *Costs and Benefits of Maine’s Net Energy Billing Program*. Prepared for Coalition for Community Solar Access. March 11, 2021. P. 32.

- **Distribution benefits:** The NEB program subscribers are on the distribution system and customers still receive metered service. There is no cost adjustment needed for comparability to utility-scale solar.
- **Capacity benefits:** Capacity benefits of both NEB programs and utility-scale PPAs are comparable: Capacity which must be purchased from ISO-NE can decline with additional NEB projects if peak demand on the distribution system declines; capacity offered to ISO-NE wholesale markets can increase as PPA projects grow.
- **RECs:** NEB program facilities do not provide RECs—RECs are retained by the project sponsor; the same is true for the Maine PPAs.
- **GHG emissions reduction:** GHG emissions reduction is the same from a MWh of utility-scale solar energy versus NEB, as far as energy output is concerned. Does one have a lower life-cycle carbon footprint? One study showed that rooftop solar installations have a much lower life-cycle GHG footprint than utility-scale solar of 3.5 MW in size.³⁶ This is mostly owing to the use of concrete in utility-scale installations; utility-scale installations which did not use concrete had about the same life-cycle GHG emissions as rooftop solar. However, only a small share of the NEB projects (an estimated 60.2 MW, and 77,000 MWh as of 2020)³⁷ are BTM (rooftop) projects. Therefore, we assume NEB impacts on GHG emissions will be the same as that of utility-scale solar projects.

4.2 Maine's utility-scale PPA net costs are lower than NEB program net costs

In Maine, LD 1494 (*An Act to Reform Maine's Renewable Portfolio Standard, Public Law 2019, Chapter 477*) directed the Commission to procure, in total, 1.715 million MWh of energy or RECs from Class 1A renewable resources.³⁸ The law gave the Commission the option to procure energy or RECs; the Commission informed bidders that it preferred energy.³⁹ Most of the contracts which were eventually

³⁶ Roy, R., Pearce, J.M. "Is small or big solar better for the environment? Comparative life cycle assessment of solar photovoltaic rooftop vs. ground-mounted systems." *International Journal of Life Cycle Assessment* (2023).
<<https://doi.org/10.1007/s11367-023-02254-x>/ OA journal OA academia>.

³⁷ ISO-NE. "Final 2021 PV Forecast." April 29, 2021. P. 53. <https://www.iso-ne.com/static-assets/documents/2021/04/final_2021_pv_forecast.pdf>.

³⁸MPUC. <<https://www.maine.gov/tools/whatsnew/index.php?topic=puc-pressreleases&id=5089377&v=article088>>
<<https://www.maine.gov/mpuc/electricity/rfps/class1a2021/>>; and Maine Legislature, LD 1494 (*An Act to Reform Maine's Renewable Portfolio Standard, Public Law 2019, Chapter 477*) Sec. 2. 35-A MRSA §3210-G
<https://www.mainelegislature.org/legis/bills/display_ps.asp?ld=1494&PID=1456&snum=129>.

³⁹MPUC. *2021 Request for Proposals for the Sale of Energy or Renewable Energy Credits from Qualifying Renewable Resources*.
<<https://www.maine.gov/mpuc/electricity/rfps/class1a2021/>>; Bidder's information Session Slide Deck
<<https://www.maine.gov/mpuc/electricity/rfps/class1a2021/documents/RPS-Tranche-2-Bidders-Information-Session-slide-show.pdf>>.

executed are the result of §3210-C (Capacity resource adequacy) or §3210-G (Renewable portfolio standard) procurement programs. Many contracts were entered into in 2019 and 2021.

LEI examined the 31 legislated PPAs entered into by CMP and Versant, from 1984 through 2021, a total of 750 MW (see Figure 11).⁴⁰ The 31 contracts LEI examined included all Maine's legislated PPA contracts except contracts which were executed but later terminated as of the time of LEI's analysis, one contract which was for RECs only, and one which was a contract for differences.

Figure 11. Maine's legislated PPAs examined by LEI

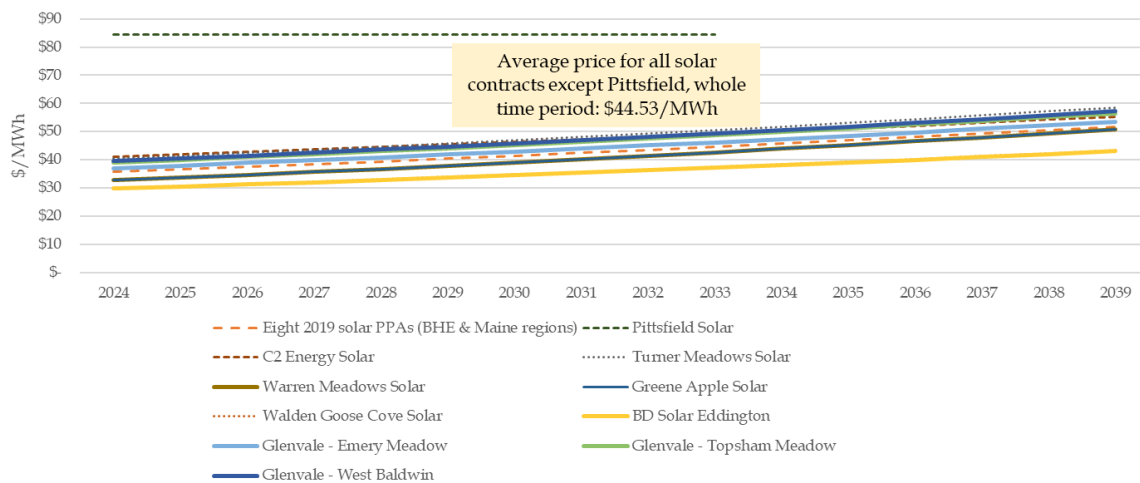
Year	Facility	Resource Type	Nameplate Capacity (MW)	Status	1st year Contract Pricing (\$/MWh)	Offer	Term (years)
1984	Green Lake	Hydro	0.4	Operational	\$75.00	Energy only	40 (expires in 2024)
1987	West Enfield Hydro	Hydro	16.0	Operational	\$7.72/MWh + 1/2 of property taxes and insurance	Energy only	expires May 2024 if buyer chooses
1984	Sebec Hydro	Hydro	0.9	Operational	85% of avoided cost	Energy only	expires 2024
2009	Evergreen Wind - Rollins	Wind	12.0	Operational	Floor price of \$55/MWh; ceiling of \$110/MWh	Capacity & Energy	20
2009	Evergreen Wind - Rollins	Wind	48.0	Operational	Floor price of \$55/MWh; ceiling of \$110/MWh	Capacity & Energy	20
2011	Pisgah Mountain Wind	Wind	9.0	Operational	20-year fixed price \$93/MWh	Energy only	20
2020	Silver Maple Wind	Wind	20	Operational	34.3	Energy only	20
2013	Athens	Biomass	8.5	Operational	\$99.00	Energy only	20
2016	Georges River	Biomass	8.5	Operational	\$99.00	Energy only	20
2011	Exeter Phase I	Anaerobic Digester	1.0	Operational	\$100.00	Energy only	20 (max)
2013	Exeter Phase II	Anaerobic Digester	2.0	Operational	\$85.00	Energy only	20
2017	Pittsfield Solar	Solar	9.9	Operational	\$84.50	Energy only	20
2019	BD Solar Eddington	Solar	20	Under Development	\$29.75	Energy only	20
2019	BD Solar2 LLC (Winslow)	Solar	7.0	Operational	\$34.00	Capacity & Energy	20
2019	BD Solar Augusta LLC	Solar	7.2	Operational	\$34.00	Capacity & Energy	20
2019	BD Solar Fairfield LLC	Solar	5.0	Operational	\$34.00	Capacity & Energy	20
2019	BD Solar Oxford LLC	Solar	9.2	Operational	\$34.00	Capacity & Energy	20
2019	BD Solar Palmyra LLC	Solar	5.0	Operational	\$34.00	Capacity & Energy	20
2019	Dirigo Solar - Hancock	Solar	10.2	Operational	\$34.00	Capacity & Energy	20
2019	Dirigo Solar - Hancock North	Solar	7.0	Operational	\$34.00	Capacity & Energy	20
2019	Dirigo Solar - Milo	Solar	20.0	Operational	\$34.00	Capacity & Energy	20
2021	Glenvale Solar - Emery Meadow (EMSS)	Solar	16.3	Under Development	\$37.00	Energy only	20
2021	Glenvale Solar - Topsham Meadow	Solar	18.0	Under Development	\$39.00	Energy only	20
2021	Glenvale Solar - West Baldwin	Solar	16.2	Under Development	\$39.50	Energy only	20
2019	Weaver Wind	Wind	72.6	Operational	\$35.00	Energy only	20
2021	C2 Energy Capital LLC	Solar	14.0	Under Development	\$39.50	Energy only	20
2021	Glenvale - Turner Meadow Solar Station, LLC	Solar	20.0	Under Development	\$38.50	Energy only	20
2021	Glenvale - Warren Meadow Solar Station, LLC	Solar	74.5	Under Development	\$32.00	Energy only	20
2021	Walden - Goose Cove	Solar	40.0	Under Development	\$28.50	Energy only	20
2021	Greene Apple Solar Power LLC	Solar	120.0	Under Development	\$29.89	Energy only	20
2021	Helix - Kibby Mountain Wind	Wind	132.0	Operational	\$36.50	Energy only	20

The majority of Maine's solar PPAs are for energy only; some of the solar projects include the option for a portion of the value of capacity, but none of those facilities has qualified for the ISO-NE capacity auction. None of the PPAs includes the RECs—in other words, the ownership (and monetary value) of the RECs is retained by the developer.

All but one of the solar contracts (Pittsfield) are for PPA prices which are currently below \$50/MWh (see Figure 12). Including price escalation clauses, prices for the solar PPAs signed in 2021 average an estimated \$36.12/MWh in 2023 and \$36.66/MWh in 2024. Including price escalation over a 20-year period, the contracts as a whole (except Pittsfield) average \$44.53/MWh.

⁴⁰ These contracts are publicly available.

Figure 12. Contract prices for Maine's legislated solar PPAs



The solar PPA projects are not necessarily less expensive per MWh because they are larger than NEB projects and therefore benefit from economies of scale. Even the PPA prices for small solar projects such as the 5-MW BD Solar Fairfield and Palmyra facilities are no more costly than a larger 20-MW project such as Dirigo Solar - Milo.

How much more did the Tariff Rate program cost in 2023, compared to the alternative of procuring utility-scale solar? The Tariff Rate was an estimated \$218.52/MWh as noted previously. This cost is offset by sales of energy, the value of capacity, and the avoided cost of transmission. To be conservative (i.e., allow NEB Tariff Rate projects to appear as low-cost as possible), LEI assumed i) all energy is sold at peak period ISO-NE Hub prices, ii) all projects are credited with capacity benefits, and iii) the avoided transmission cost is on the high end noted previously, at \$14/MWh. These assumptions bring the net cost per MWh of NEB Tariff Rate projects in 2023 to \$153.19/MWh (see Figure 13). The same calculations using forward ISO-NE peak period hub energy prices and an assumed capacity price arrive at a projected net cost of \$103.72/MWh for 2024.

LEI compared this cost to the cost of recent Maine PPAs. We used average 2023 prices for PPAs signed recently (the 2021 procurement). We assume the PPAs also earn peak period prices for their energy sales, and that they provide a capacity value. However, they do not avoid the need for transmission. The PPAs' prices were lower than energy prices in 2023 (and, by extension lower than energy prices + capacity value), so the PPAs resulted in a *negative* cost (i.e., a benefit) of \$15.21/MWh in 2023. They result in a projected \$33.08/MWh benefit in 2024. The negative cost (i.e., the benefit) of the PPA projects arise because the PPA price is lower than the average peak period energy price. The PPA projects earned more in 2023 than they cost and are projected to do the same in 2024 based on 2024 forward prices.

Figure 13. Estimated net opportunity cost of the NEB programs

		2023		2024	
Tariff Rate	Tariff Rate	\$	218.52	\$	187.46
	Peak period energy price	\$	41.36	\$	59.74
	Capacity value	\$	9.97	\$	10.00
	RNS	\$	14.00	\$	14.00
	Net cost	\$	153.19	\$	103.72
kWk Netting	Weighted average residential SOS price	\$	169.24	\$	108.24
	Peak period energy price	\$	41.36	\$	59.74
	Capacity value	\$	9.97	\$	10.00
	RNS	\$	14.00	\$	14.00
	Net cost	\$	103.90	\$	24.50
Maine PPAs	Average PPA price for projects procured in 2021		\$36.12		\$36.66
	Peak period energy price	\$	41.36	\$	59.74
	Capacity value	\$	9.97	\$	10.00
	Net cost	\$	(15.21)	\$	(33.08)
Opportunity cost of NEB Tariff Rate program, \$/MWh		\$	168.40	\$	136.80
Tariff rate generation (MWh)			645,679		867,076
Total opportunity cost of NEB Tariff Rate program (\$)		\$	108,732,020	\$	118,614,991
Opportunity cost of NEB kWh Netting program, \$/MWh		\$	119.11	\$	57.58
kWh Netting generation (MWh)			274,000		536,038
Total opportunity cost of NEB kWh program (\$)		\$	32,637,345	\$	30,863,355
Total opportunity cost of NEB (\$)		\$	141,369,365	\$	149,478,346

Note: Entries highlighted in blue correspond to entries in Figure 2 of this report.

Therefore, the opportunity cost of the NEB Tariff Rate program was \$168.40/MWh in 2023 (the cost of \$153.19/MWh plus the forgone the \$15.21/MWh benefit). In 2024, this cost is projected to be \$136.80/MWh. Multiplying the costs per MWh by NEB Tariff Rate generation results in an estimated total cost of \$108,732,020 in 2023, and a projected \$118,614,991 in 2024.

LEI performed a similar calculation for the NEB kWh Netting program. The cost is equal to the forgone SOS charged to residential customers, weighted by the shares of CMP and Versant's SOS load in 2023.

The opportunity cost of the kWh Netting program in 2023 was \$119.11/MWh; for 2024 we project \$57.58/MWh. Multiplying these costs by the estimated generation in 2023 and projected generation for 2024 arrives at costs of \$32,637,345 for 2023, and \$30,863,355 for 2024.

The opportunity cost total for both NEB programs is an estimated \$141,369,365 in 2023 and \$149,478,346 in 2024.

These costs reflect over-compensation to sponsors of NEB projects. NEB projects of 5 MW offer the same benefits as PPAs of 5 MW, except the NEB projects may avoid transmission costs, whereas the PPAs do not. A tariff rate which reflected PPA prices plus a premium for RNS savings would cost Maine ratepayers far less than they are now paying for NEB projects.

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6 Appendix 1: About London Economics International LLC

LEI is a global economic, financial, and strategic advisory professional services firm specializing in energy and infrastructure. The firm combines detailed understanding of specific network and commodity industries, such as gas distribution/transmission, electricity generation and distribution, with a suite of proprietary quantitative models to produce reliable and comprehensible results.

6.1 LEI overview

LEI has in-depth expertise in economic and financial issues related to the gas, electricity, and water sectors, such as asset valuation, procurement, regulatory economics, and market design, assessment and analysis. The firm has its roots in advising on the initial round of privatization of electricity, gas, and water companies in the United Kingdom. Since then, LEI has advised private sector clients, market institutions, and governments on privatization, asset valuation, deregulation, tariff design, market power, strategy, and strategy development in virtually all deregulated markets worldwide, including in North America, Europe, Asia, Latin America, Africa, and the Middle East (see Figure 14).

Figure 14. Selected LEI clients throughout the world



LEI is active across the gas sector and electric sectors and has a comprehensive understanding of the issues faced by investors, utilities, and regulators alike. The following attributes make LEI unique:

- *clear, readable deliverables* grounded in substantial topical and quantitative evidence;

- *internally developed proprietary models* for electricity price forecasting incorporating game theory, real options valuation, Monte Carlo simulation, and sophisticated statistical techniques;
- *balance of private sector and governmental clients* enables LEI to effectively advise both regarding the impact of regulatory initiatives on private investment and the extent of possible regulatory responses to individual firm actions;
- *experience in rate design and modeling globally* in which LEI advises on tariffs and designs rates under cost-of-service and performance-based ratemaking; and
- *worldwide experience* backed by multilingual and multicultural staff.

LEI has experience working on solar-specific issues, has been engaged by Maine entities on a variety of projects, and is deeply familiar with the ISO-New England electricity markets.

6.2 Solar-specific analysis, and retail rates for special customer classes

LEI has performed a variety of projects which provide it with important context of retail rates and utility solar programs. The following is a brief sample of LEI's work:

- *Analysis of the true cost of solar:* LEI was engaged by the single buyer of a major Southeast Asian country to conduct a True Cost of Solar study. The goal of the study was to conduct an in-depth analysis of the costs associated with the integration of solar PV technology into the grid and formulate a tariff for fair allocation and distribution of all costs related to solar PV integration. The study also involved determining the socio-economic impact of the solar PV program, including on land use and on employment and economics growth driven by the solar PV supply chain.
- *The impact of solar net metering on customer classes:* LEI demonstrated how the net metering regime in Malaysia impacts different classes of customers (owing to a tariff design that is largely volumetric) and modelled how changing to a more cost reflective tariff with higher fixed charges and lower volumetric charges would result in less unintended cross subsidy between customer classes.
- *Evaluation of utility green pricing option:* LEI was engaged by the Louisiana Public Service Commission ("LPSC"), Docket No. U-35916, to serve as the technical consultant evaluating Entergy Louisiana LLC's application for authorization to implement a green pricing option, to be paid for by a Green Pricing Option ("GPO") or Large Volume Green Pricing Option ("LVGPO") rider, and related rate relief. LEI reviewed and examined filings and pre-filed testimony, assisted in drafting, reviewing, and responding to discovery, prepared testimony, and conducted other activities related to the matter.
- *Examination of solar business models:* For a client performing due diligence related to a potential investment in business-to-business behind-the-meter solar in the Northeast United States, LEI examined US federal and state incentives for solar adoption, and assessed business models used for targeting commercial, institutional, and industrial sectors. For each business model, LEI

assessed the competitive environment – who is operating in the sector, what is their go-to-market strategy, and in general how these models have been performing. The team also provided a 10-year outlook for solar renewable energy credits (“SRECs”) for certain jurisdictions. Finally, LEI developed key questions the client should ask as part of its evaluation of potential transactions in the behind-the-meter solar sector.

6.3 Experience in Maine

LEI has over a decade of experience in working with entities in Maine. This allows LEI to understand, in depth, the circumstances faced by Maine stakeholders, be they ratepayers, utilities, power suppliers, or regulators. Specific examples include:

- ***Investment incentives for electric distribution utility:*** LEI served as independent expert for the Maine Public Utilities Commission (“MPUC”) in its investigation of Central Maine Power Company (“CMP”) management issues and related ratemaking and performance incentive mechanisms. Ultimately, the Commission’s goal was to determine whether the rate plan to be proposed by CMP in a concurrent docket would be more suitable than the current cost-of-service rate plan under which CMP operates, given the parent company’s incentives to invest in CMP. The project included a literature review of utility investment incentives and of multi-national entities’ (“MNE”) incentives to invest in subsidiaries. The project also included detailed case studies of performance-based ratemaking regimes in other US jurisdictions, and the role and effectiveness of performance incentives in the regimes. [Docket No. 2022-00038 (MPUC investigation), and Docket No. 2022-00152 (CMP rate case)].
- ***Analysis of demand reduction-induced price effects (“DRIPE”) in the context of avoided energy supply costs (“AESC”):*** LEI was engaged by the MPCU to perform a critical review of the methodology and assumptions which underpinned other consultants’ analysis of avoided energy supply costs (“AESC”). LEI performed a careful examination of the economic theory and econometric techniques used by the other consultants to estimate DRIPE. [Docket No. 2018-00321]
- ***Rate impact analysis and study of costs and benefits of municipalization:*** LEI was retained by the MPUC to study proposed legislation that would involve municipalization of the state’s transmission and distribution networks. LEI submitted its expert report for the Legislature on February 15, 2020, and testified before the Joint Standing Committee on Energy, Utilities and Technology on February 26, 2020. [MPUC Docket 2019-00280]
- ***Macroeconomic impact of biomass generation:*** LEI examined the macroeconomic impact of biomass generation within the state of Maine (MPUC Docket No. 2016-00084). This included direct, indirect, and induced impacts on: permanent direct jobs, payments to municipalities, payments for fuel harvested in the State, payments for in-state resource access, in-state purchases of goods and services, and construction-related jobs and purchases. LEI used the macroeconomic model known as IMPLAN to capture the economic impacts on industries including logging, sawmills, and other forestry-related industries and well as on state and local taxes.
- ***Independent expert related to Maine Energy Cost Reduction Act:*** LEI was engaged by the MPUC to assist in evaluating options for expansion of natural gas supply into Maine. LEI authored pre-filing reports, responded to discovery from other parties, prepared discovery questions and cross-examined witnesses, reviewed testimony by other parties and provided assessments of the issues

presented, and served as an expert witness in the proceedings. [MPUC Docket No. 2014-071] URL: <<https://mpuc-cms.maine.gov/CQM.Public.WebUI/Common/CaseMaster.aspx?CaseNumber=2014-00071>>

- ***Cost/benefit analysis of transmission line.*** For a utility in Maine, LEI prepared a cost-benefit analysis of a proposed transmission line with the potential to change existing market arrangements. LEI developed a base case and multiple project cases based on different configurations of the transmission project. Using its proprietary modeling tool, POOLMod, LEI simulated energy and capacity prices in each configuration over a 15-year time frame and compared the price differences against various cost allocation scenarios for the transmission line's construction. LEI also tested the statistical significance of the project case results against the base case results, and conducted further analysis on the economic effects of additional renewable generation projects that construction of the transmission line would make possible.
- ***Cost/benefit analysis of Northern Maine joining ISO-NE.*** For a utility in Maine, LEI assessed reliability issues in Northern Maine and performed a cost/benefit analysis of Northern Maine joining ISO-NE.

6.4 ISO-New England region experience

LEI closely monitors the ISO-NE market for ongoing client work. LEI also produces a semi-annual regional market update and wholesale price forecast for eleven North American power markets, including ISO-NE. LEI's deep understanding of the ISO-NE market serves as a solid foundation for this engagement. LEI has performed hundreds of engagements related to ISO-NE over the years, the following is a small sample:

- ***Analysis of clean energy market pathways:*** in support of a renewable generation owner, LEI engaged in stakeholder consultations (at ISO-NE and NEPOOL committees) involving assessment of various potential market design changes including carbon pricing, integrated clean energy markets, and forward capacity market reforms.
- ***Support for wholesale market design efforts to address fuel security/winter-time energy reliability issues:*** LEI staff assisted the Massachusetts Attorney General's Office ("AGO") to evaluate the problem statement and the market design fixes being proposed by ISO-NE staff as well as other NEPOOL market participants in a FERC-mandated proceeding on energy security issues in the region. LEI presented a counterproposal for an energy storage-based ancillary services product and adjustments to the existing capacity market design at the NEPOOL Markets Committee. LEI also supported the AGO with a review of other stakeholders' proposals and strategy in the run-up to the FERC submissions.
- ***Empirical analysis of proposed change to market design in the Forward Capacity Market to align with states' clean energy initiatives:*** LEI examined the Competitive Auctions with State Policy Resources ("CASPR") proposal from ISO-NE. The CASPR proposal involves adding a second or "substitution" auction to the current Forward Capacity Market ("FCM") framework. LEI evaluated the financial incentives for incumbent (existing) resources to remain in operation versus the financial incentive to retire (and therefore the bidding strategy of these resources). LEI considered the trade-offs that existing generators will be making in the face of the substitution auction, including the

opportunity/risk of continuing to operate versus the opportunity/risk of submitting a retirement bid and participating in the substitution auction.

- ***Analysis of merchant market opportunities for a battery energy storage system (“BESS”) in New England:*** on behalf of a developer, LEI performed a detailed hourly optimization of operations for different BESS technologies (with varying capacity to energy storage characteristics) to optimize potential energy, capacity and ancillary services revenues and minimize potential for performance penalties. LEI forecasted market prices for the FCM, energy market, regulation service market, and forward reserve market using simulation and statistical techniques.
- ***Analysis of price drivers for gas-fired asset:*** LEI was engaged by a private client to conduct a price driver analysis and strategy optimization exercise to enhance the bidding and dispatch strategy on a jointly owned gas-fired asset. This included a report on ISO-New England’s Winter Reliability Program to identify and evaluate key wholesale price drivers in the New England region. LEI also examined the generating asset’s financial data to help optimize its bidding strategy.
- ***ISO-New England tariff design:*** LEI submitted testimony on behalf of ISO-NE to the FERC to help defend the ISO’s self-funding tariff. LEI first defined the basic underlying economic principles for specifying the tariff, and then undertook to show how the tariff should be applied to various system users. The engagement involved intensive financial modeling and frequent interaction with stakeholders. [ER01-316-000]

7 Appendix 2: Managing volume risk for a fixed-price load-following obligation

An electricity provider with a fixed price sales contract who knows the quantity it must deliver can hedge price risk and lock in a predetermined margin on its sale. Futures contracts serve to narrow the distribution of expected profits. In other words, they reduce the variability, or risk, of a given level of profit. Hedging volume risk is more complex and costly, as demonstrated below.

7.1 Futures contracts help manage price risk

The SOP is short energy, because its load obligation is to provide hourly energy for a whole year. It does not know exactly the volume it must provide in each hour; and it does not know the price it will have to pay for that energy. It only knows the fixed price it will receive for the energy. The SOP can buy a futures market contract (or some other derivative, but for simplicity, assume a simple futures contract) to help manage price risk.⁴¹ Using a futures contract, it can lock in a known energy margin which is the difference between the fixed SOS price and the \$/MWh cost of the futures contract.

This is shown in Figure 15 which is a simplified analysis of the price risk hedging an SOP would perform.⁴² We assumed the SOP must serve 1,000 customers each expected to consume 550 kWh per month (a total of 18.08 MWh per day). The SOS rate is \$0.1660/kWh, and the futures contract price at the time the SOP wants to hedge is \$0.160/kWh.⁴³ Part 1 of Figure 15 shows the fixed revenue the SOP will earn from serving the 1,000 customers (\$3,001.64) if the customers consume the expected volume of energy. We assume the SOP wishes to hedge all its revenue, so it purchases a futures contract for 18.08 MWh. This costs a total of \$2,893.15 (Part 2 of Figure 15).

If the market outcome for the year is that annual market prices are 10% higher than the SOS, the cost to the SOP to deliver the 18.08 MWh is \$3,182.47 (Part 3 of Figure 15). This is higher than the \$3,001.64 it earned from the SOS customers, so the SOP has lost \$180.82.

However, this cost and loss is offset by the revenue and profit earned by liquidating the futures contract (Part 4 of Figure 15). The futures contract, which had cost \$2,893.15 is sold for \$3,182.47, for a margin of \$289.32. The net margin is the difference between the profit on the futures contract and the loss on the cash SOS transaction, which amounts to \$108.49. The SOP therefore locked in a margin of \$108.49 on its

⁴¹ Electricity markets use non-standard forward contracts traded over the counter ("OTC"), not standardized futures contracts. The additional cost of this is not reflected in LEI's simplified assumptions.

⁴² This is a simplification of the SOP's risk management process because the SOP will likely only hedge part of its obligation at any given time, the futures contracts prices will be different at different moments in time, and the SOP would use contracts priced at wholesale, not retail prices.

⁴³ In reality, traded futures contracts are available for only wholesale energy, not retail energy. SOPs would use a more sophisticated hedging strategy which recognizes this. LEI's example is simplified, to illustrate the concept.

SOS transaction, or \$6.00/MWh, which is simply the difference between the sale price and the price to hedge the transaction.

Figure 15. Simplified example of hedging price risk for SOP load obligation, no volume risk

Assumptions			
SOS commitment			100%
SOS rate (2023) \$/kWh		\$	0.1660
Maine residential typical consumption, kWh per month			550
Futures contract price, \$/kWh		\$	0.160
Load obligation for serving 1000 customers			
Part 1	Commitment per day		
	Load obligation volume (MWh)		18.08
	P= guaranteed price (\$/MWh	\$	166.00
	Revenue:	\$	3,001.64
Part 2	Hedge		
	Futures purchase volume (MWh)		18.08
	Futures price (\$/MWh)	\$	160.00
	Cost	\$	2,893.15
		Market outcomes	
		Annual market prices 10% higher	Annual market prices 10% lower
Part 3	Purchase for delivery		
	Volume	18.08	\$ 18.08
	Cash prices at delivery location	\$ 176.00	\$ 144.00
	Cost	\$ 3,182.47	\$ 2,603.84
Part 4	Sale of futures contract		
	Volume	18.08	\$ 18.08
	Futures price to sell contract	\$ 176.00	\$ 144.00
	Revenue	3,182.47	2,603.84
		Outcome	
Futures market profit		\$ 289.32	(\$289.32)
Cash margin		(\$180.82)	\$ 397.81
Total		\$ 108.49	\$ 108.49
Margin in \$/MWh		\$ 6.00	\$ 6.00

In addition to futures contract on energy, an SOP might also use call options to hedge price risk. These can help mitigate the risk of higher prices when it must deliver the SOS but also allow the SOS to benefit from lower spot prices at delivery time. Unlike futures contracts, options have a cost for their purchase. Other risk management tools include weather derivatives and power/weather derivatives.

As can be seen from the example above, a basic hedging strategy can reduce price risk. Another way to say this is that such a strategy can reduce margin risk. However, this simple strategy does not address volume risk.

7.2 Futures contracts do not help manage volume risk

Reducing volume risk is more complicated and costly. Consider the case in which the assumptions and market price outcomes are the same as shown in Figure 15. The only difference is that the volume to be delivered is not the same as the load obligation expected by the SOP; we assume that volumes to be delivered are 10% higher in the case of higher energy prices, and 10% lower in the case of lower energy prices. In the case with varying volumes, the futures contract cannot lock in an expected margin (see Figure 16).

Figure 16. Simplified example of hedging only price risk for SOP load obligation, 10% volume risk

Assumptions:			
	SOS commitment		100%
	SOS rate (2023) \$/kWh	\$	0.1660
	Maine residential typical consumption, kWh per month		550
	Futures contract price, \$/kWh	\$	0.160
Load obligation for serving 1000 customers			
Part 1	Commitment per day		
	Q = commitment (MWh)		18.08
	P = guaranteed price (\$/MWh)	\$	166.00
	Revenue:	\$	3,001.64
Part 2	Hedge		
	Q Futures purchase (MWh)		18.08
	Futures price on (\$/MWh)	\$	160.00
	Cost	\$	2,893.15
		Market outcomes	
		Annual market prices and demand are both 10% higher	Annual market prices and demand are both 10% lower
Part 3	Purchase for delivery		
	Volume	19.89	\$ 16.27
	Cash prices at delivery location	\$ 176.00	\$ 144.00
	Cost	\$ 3,500.71	\$ 2,343.45
Part 4	Sale of futures contract		
	Volume	18.08	\$ 18.08
	Futures price to sell contract	\$ 176.00	\$ 144.00
	Revenue	3,182.47	2,603.84
		Outcome	
	Futures market profit	\$ 289.32	(\$289.32)
	Cash margin	(\$499.07)	\$ 658.19
	Total	(\$209.75)	\$ 368.88
	Margin in \$/MWh	(\$11.60)	\$ 20.40

The margin if prices and volumes turn out 10% higher than expected is a negative \$11.60/MWh; if prices and demand are 10% lower, the margin is \$20.40/MWh. The expected value (i.e., average) of this, if both outcomes are equally likely, is \$4.40/MWh. This is a lower margin than in the previous “perfect hedge” example in Figure 15. And it is very risky – margins could easily be negative.

Volume risk is not traded in energy markets, which means that such risk does not have a transparent market price.⁴⁴ This is unlike price risk, for which the prices of futures, and options costs and strike prices are available to market participants. Sometimes weather derivatives are used to hedge quantity risk, but the effectiveness is based on the correlation of demand and weather.

Using put and call options can help reduce the volatility (i.e., risk) of margins driven by volume risk (see text box). However, unlike futures contracts which have no additional cost (as they are simply traded based on the price of the underlying commodity) options contracts have prices associated with them. Options prices vary depending on the strike price specified by the option and whether the option is “in the money” (when the strike price for a call option is lower than the current market price) or “out of the money” (when the strike price of a call option is higher than current market prices). In ISO-NE, put options for NEPOOL Massachusetts hub wholesale energy with a strike price of \$55/MWh traded at about \$9/MWh in February 2024; call options at \$150 strike prices traded at \$0.01/MWh.⁴⁵

Traded options, like futures, reflect wholesale energy prices, not retail prices, so the SOP would need to use other hedging strategies (perhaps swaps with a financial counterparty) to protect itself from wholesale versus retail price risk. Indeed, an SOP may use swaps and other risk management tools

**Financial management theory addresses risk strategies
for serving fixed-price load-following obligations**

Industry practitioners and academics have examined approaches to reducing price and volumetric risk in electric energy provision, and in other commodities. For example, the correlation between load and price can be exploited to develop a combination of futures and options to hedge volume risk. A futures contract is executed for the fixed load obligation that the SOP must provide, at the same price as the SOS price. Then, the SOP must determine the volume of put and call options to buy at various strike prices. As the spot energy price increases, more call options will be in the money, thus providing a hedge for the larger volume that the SOP would need to purchase on the spot market, to serve load. If the spot price falls, more put options are in the money, providing a guaranteed price for excess energy that must be sold on the spot market.

Thus, intuitively, the larger the potential variance in volume, the more puts and calls are needed to achieve the same level of risk reduction in the portfolio.

Source: Oren, Schmucl and Yumi Oum, “Managing Risk under a Fixed Price Load-following Obligation for Electricity Service,” IEEE, 2010. 978-1-4244-6551-4/10. <<https://ieeexplore.ieee.org/document/5589689>>

⁴⁴ Oren, Schmucl and Yumi Oum, “Managing Risk under a Fixed Price Load-following Obligation for Electricity Service,” IEEE, 2010. 978-1-4244-6551-4/10. <<https://ieeexplore.ieee.org/document/5589689>>.

⁴⁵ ICE. North American & European Power Futures. <<https://www.ice.com/products/6590524/Option-on-ISO-New-England-Massachusetts-Hub-Day-Ahead-Peak-Fixed-Price-Future>>, <<https://www.ice.com/marketdata/reports>>, <<https://www.ice.com/report/143>>. Accessed February 2, 2024.

tailored to its own specific needs, rather than using options. The point is that any of these strategies reduce risk, but they do so by adding cost. To the extent that additional NEB kWh Netting credits add to the volume risk faced by the SOP, the additional volume risk adds cost.

Resolve, that **(Your town/city here)** encourages the U.S. Congress
to initiate a revenue-neutral fee on Carbon Fuels.

WHEREAS, Maine recognizes that the health of our citizens is dependent on the high quality of our air, water, and natural resources and that the health of much of the state's economy, including agriculture, forestry, fishing, and tourism all rely on a stable climate; and

WHEREAS, the consensus of climate scientists worldwide is that Earth's climate is changing rapidly and that changes are associated with increased concentrations of pollutant emissions of carbon dioxide and other greenhouse gasses, derived principally from the burning of fossil carbon fuels (coal, oil, and natural gas); and

WHEREAS, a steadily rising price on fossil carbon fuels is widely accepted by economists as being the most expeditious, cost-effective means to achieve the U.S.'s stated emissions-reduction goals; and

WHEREAS, said economists agree a revenue-neutral Carbon Fee and Dividend system (including a pollution fee levied at the wellhead, coal mine or port of entry, with all revenues returned equally to citizens and legal residents as a dividend) would leverage market forces encouraging investments in energy efficiency and alternative energy sources by both industry and consumers; and

WHEREAS, this plan, also known colloquially as "**Cashback Carbon Pricing**," could **a)** reduce US CO₂-equivalent emissions to 10% of 1990 levels by 2050, **b)** be fair to all segments of our population, and **c)** encourage similar actions by other nations.

NOW, THEREFORE BE IT RESOLVED that **(Your City here)** supports the enactment of a **national revenue-neutral Carbon Fee and Dividend system**, that includes **a)** a steadily rising pollution fee levied on fuel producers as far upstream in the economy as possible, **b)** all net revenues returned equally to citizens and legal residents as a dividend, and **c)** carbon-content-based tariffs for imports from, and rebates for exports to, nations that have not taken similar actions.

The record of the vote approving this article will be conveyed to the Town's State Legislators, to the Governor of Maine, to the District's Congressional Delegation, and to the President of the United States, informing them of this Resolution approved by the **(Your City Here)** within 30 days of this vote.