

October 11, 2024

TO: Maryland Solar Compromise Workgroup
FROM: Maryland Land Preservation Community
RE: Draft Solar Compromise recommendations

Dear Solar Compromise Workgroup Members,

As the General Assembly session approaches, the undersigned members of Maryland's land conservation community stand ready to partner with policymakers to craft legislation that advances the state's renewable energy goals without negatively impacting established land conservation goals. Land conservation is a key component of species restoration, improving water quality, improving mental and physical wellness, honoring our past, ensuring a future of local foods, sequestering carbon and so much more. Our organizations have reviewed legislative concepts currently being circulated, which may form the basis for future legislation, and now offer our perspective and recommendations.

The Importance of Upholding Public Trust

Maryland is a national leader in visionary state and local conservation easement programs. Any attempt to amend or alter State enabling statutes to permit commercial solar development on preserved land is contrary to the preservation commitment to Maryland taxpayers. We strongly recommend that any solar siting bill be explicitly clear that commercial energy development shall not be allowed on any land subject to a conservation easement.

Specificity on State-Owned Lands and Program Open Space Lands

The undersigned organizations support the installation of solar arrays on appropriate all state-owned built infrastructure (rooftops, parking lots, etc.) and brownfields. Ground-mount solar arrays may be appropriate on state-owned lands where solar arrays are compatible with existing state land use. We recommend that state-lands owned and/or managed by the Department of Natural Resources, as well as any other lands used for public recreation, forestry, and/or wildlife management, historic preservation, or those lands purchased with Program Open Space funds, be specifically restricted from commercial ground-mount solar development.

Meaningful and Fair Compensatory Preservation Contribution

The draft solar siting bill framework includes language requiring solar developers to pay a "Compensatory Preservation Contribution" to local counties only when solar arrays are sited in certain county-designated areas. In the limited cases when the mitigation fee would be applicable, the fee, as designed in the current proposal, is inadequate to achieve meaningful land preservation on an ideal acre-for-acre (1:1 mitigation) basis. Our organizations support a mitigation fee that is based on a moving average or current, county-specific, conservation easement valuations (see MALPF Average Fair Market Value by county) for each acre incorporated into a solar site plan irrespective of location.

Expenditure of the funds generated from such a mitigation fee should be limited to the jurisdiction where the impact occurs and restricted for permanent preservation programs. If granted access to these mitigation funds, Maryland's land conservation community could accelerate the pace of

permanent land conservation in line with the anticipated rapid deployment of solar facilities across the state.

It is imperative that all Maryland counties actively participate in helping the state achieve its stated climate goals. Accelerating conservation easements through a solar mitigation program can help communities embrace the transition to renewable energy and assuage fears that their landscape will be altered beyond recognition. Without mitigation, solar installations could disproportionately affect certain communities, such as rural areas, low-income regions, or places with vulnerable ecosystems.

Advancing Agrivoltaics

The undersigned organizations support the establishment of legislation to govern the emerging field of agrivoltaics. We recommend the state establish a pilot program for agrivoltaics that would develop rules and regulation for this nascent practice which would include a megawatt cap for the duration of the pilot. Such a program would provide valuable data on how to balance energy production with agricultural output while preserving environmental integrity. By creating transparent parameters, lawmakers can ensure that agrivoltaics projects contribute meaningfully to renewable energy goals and agricultural sustainability.

We appreciate the opportunity to share these thoughts and look forward to continuing to engage with the process as Maryland seeks a balanced approach to increasing renewable energy development while lessening land use conflict.

Sincerely,

Forever Maryland
American Chestnut Land Trust
Baltimore County Land Trust Coalition
Baltimore Green Space
Catoctin Land Trust
Chesapeake Conservancy
Eastern Shore Land Conservancy
Harford Land Trust
Howard County Conservancy
Land Preservation Trust
Lower Shore Land Trust
The Manor Conservancy
Scenic Rivers Land Trust
Valleys Planning Council