



Maryland Farm Bureau, Inc.

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February 23, 2023

To: House Economic Matters Committee

From: Maryland Farm Bureau, Inc.

Re: **Support with Amendments of HB 908 - Electricity – Community Solar Energy Generating Systems Program**

On behalf of our Farm Bureau member families in Maryland, I submit this written testimony in support with amendments of HB 908. Currently the community solar program is under a pilot status. This bill makes the Community Solar Energy Generating Systems Pilot Program a permanent program. The bill also defines “agrivoltaics” to mean the simultaneous use of areas of land for both solar power generation and agriculture. The bill also removes the requirement for a facility over 2 megawatts and up to 5 megawatts to not have to go before the Public Service Commission and receive a Certificate of Public Convenience & Necessity (CPCN).

Last year MDFB opposed the expansion to 5 megawatts unless there was a restriction placed to not allow on class 1 or 2 soils when sited on agricultural zoned land. Since more than 30% of the state’s 2.2 million acres of land that is zoned agriculture is class 3 soils or worse, there is more than enough class 3 soils to meet and even exceed the state’s in-state solar carveout. If there is to be solar on prime and productive farmland, it should be an agrivoltaic project. If it’s not, then the project should only be on class 3 agriculture soils or worse.

MDFB Policy: We oppose community or commercial solar energy facilities being built on class 1 and 2 agricultural soils.

MDFB requests two amendments to this bill.

Amendment #1: On page 2, line 8, replace agrivoltaics language with the following:

- A. COMMUNITY SOLAR ENERGY GENERATING SYSTEMS SITED AS “AGRIVOLTAICS” MUST INCLUDE AN APPROVED AGRICULTURAL ACTIVITY AS FOLLOWS:**
- (1) RAISING GRAINS, FRUIT, HERBS, MELONS, MUSHROOMS, NUTS, SEEDS, TOBACCO, OR VEGETABLES;**
 - (2) RAISING POULTRY, FOR EXAMPLE, CHICKEN, TURKEYS, OR EGGS;**
 - (3) DAIRY, FOR EXAMPLE MILKING COWS;**
 - (4) RAISING LIVESTOCK, FOR EXAMPLE, CATTLE, SHEEP, LAMBS, HOGS, OR PIGS;**
 - (5) HORSE BOARDING, BREEDING, OR TRAINING;**
 - (6) TURF FARMING;**
 - (7) RAISING ORNAMENTAL SHRUBS, PLANTS, AND FLOWERS, INCLUDING AQUATIC PLANTS;**
 - (8) AQUACULTURE; AND**
 - (9) SILVACULTURE**
- B. AN ACTIVITY NOT LISTED IN §A OF THIS SUBSECTION MAY BE RECOGNIZED AS AN APPROVED AGRICULTURAL ACTIVITY BY THE DEPARTMENT OF AGRICULTURE.**

Amendment #2: On page 3, line 4 add the following:

(IX) IS LIMITED TO CLASS 3 SOILS OR WORSE WHEN SITED ON AGRICULTURAL ZONED LAND, OR IS AN APPROVED AGRIVOLTAICS FACILITY AS DEFINED IN (a)(2) OF THIS SUBSECTION.

MARYLAND FARM BUREAU SUPPORTS HB908 & REQUESTS A FAVORABLE REPORT AS AMENDED



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