



March 6, 2024

Senator Brian Feldman  
Chairman  
Education, Energy and the Environment Committee  
Miller Senate Office Building  
Annapolis, Maryland 21401

RE: SB1082 – Unfavorable

Dear Chairman Feldman and Members of the Committee:

The Land & Liberty Coalition of Maryland is a non-partisan, 501c3 non-profit project of the Conservative Energy Network, a national organization committed to fostering commonsense policies that advance renewable energy development, increase economic opportunity in rural areas, and protect private property rights.

SB1082 includes certain positive measures for increasing solar development in Maryland, such as identifying State lands for solar projects, and requiring that utilities disclose technical data which would help identify sites for solar on private lands. However, we believe these positive elements would be more than offset by the bill's potential negative impact on ground-mounted solar development on undeveloped lands, restrictions on the private property rights of rural Marylanders, and our State's ability to meet our renewable energy goals.

For these reasons, detailed below, we respectfully request an unfavorable report on SB1082.

While we commend the sponsors and their staff for addressing the complex issue of solar development and land use, elements of the bill seem predicated on the incorrect notion that Maryland's rural heritage and agricultural areas are threatened by solar development. This is demonstrably false.

Maryland is a national leader in renewable energy *ambitions* as established in the RPS, yet our state is ranked 36<sup>th</sup> or 37<sup>th</sup> for the percentage of our energy that comes from renewables. Despite moving the solar carve-out back from 2028 to 2030, we remain years behind schedule meeting this legal requirement that 14.5% of our energy come from solar. The main obstacle to reaching this critical target is increasingly complex county restrictions and regulations on solar development.

Thoroughly debunked claims notwithstanding, there are simply not enough viable roof tops, brownfields, reclaimed landfills, or industrial sites to meet solar targets. The only way to come close to meeting the 2030 target is to streamline permitting and allow solar on a larger portion of the state's two million acres of private agricultural land – far less than 2% of it would more than meet the carveout while providing economic opportunity for landowners and their communities.

Additional comments:



#### Utility Scale Solar Design & Solar Siting Commission

- 1) There is no need or justification for another solar siting commission. Less than four years ago a State solar / land preservation task force convened by Governor Hogan issued its final report. While we oppose many of the fourteen recommendations in that report, there is little evidence that it had any meaningful impact on either land preservation or solar development in the state.
- 2) As drafted, the composition of this new commission is overwhelmingly tilted toward opponents of solar development and would serve to check the box for solar industry input while likely discounting their positions.
- 3) A state solar siting commission would serve to slow down solar permitting while stakeholders awaited its final report.
- 4) Organizations in favor of a new solar siting commission claim it would help solar developers find locations for projects. This is simply not the case. We are not aware of any solar industry representatives or companies that see value in a new commission.
- 5) Most importantly, such commissions and studies at the county level are a prime tactic of anti-solar activists. Several counties have commissioned – sometimes at taxpayer expense – solar siting studies that erroneously claim that there are sufficient residential and commercial rooftop, brownfield, landfill, and parking canopy locations to meet solar targets. The subtext of these studies is that no private undeveloped land should be used for solar. These reports have been thoroughly debunked before this body and the PSC.

#### Conservation & Restoration Fund

- 1) It makes little sense to raise costs for an industry while at the same time working to incentivize it. We see this as an anti-business measure focused on a single industry that would raise the cost of doing business in an already challenging economic environment. This fund would constitute an additional tax on solar development which would price many developers out of the market.
- 2) This is a ploy to restrict solar such as those in Talbot County and now proposed in Dorchester County.

#### Energy storage elements of the bill

- 1) We believe the existing storage commissions and workgroups should finish their work prior to any additional review of regulation in this new area.

In conclusion, there are already significant restrictions on where solar power cannot be sited and we urge an unfavorable report on SB1082.

Thank you for your consideration.

Sincerely,

Adam Dubitsky  
State Director