



Maryland Department of Agriculture

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Agriculture | Maryland's Leading
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Maryland Department of Agriculture

Legislative Comment

Date: March 7, 2024

BILL NUMBER: SB 1082/HB 1328

SHORT TITLE: Solar Energy and Energy Storage - Development and State Procurement

MDA POSITION: LETTER OF INFORMATION

SB 1082 would allow local jurisdictions to create a conservation and restoration fund for the conservation or restoration of agricultural, environmental, or historically sensitive areas. It requires a developer of solar generation stations to pay into the fund if the development occurs on land zoned for agricultural or silvicultural use.

Agriculture is Maryland's #1 commercial industry. As drought and low water tables threaten agricultural production in the west and midwest, future agricultural production and activities in our state must remain viable. Establishing a fund to preserve agricultural land would be beneficial to land preservation. The Maryland Department of Agriculture (MDA) supports the State's renewable energy goals. MDA has worked in conjunction with the Maryland Energy Administration (MEA) in recent months to develop an FAQ list for farmers on solar development. The current FAQ provides background, definitions, and resources for land owning farmers and tenant farmers who may have questions about solar development.

As protection for farmers, under SB 1082 MDA would expand the existing FAQ to a list of considerations and best practices to assist farmers in determining whether or not to lease their agricultural land for solar development. With recent amendments, MDA would also be required to provide resources on:

- Changes in water use associated with the installation and operation of a solar energy generating system;
- Access requirements for installation and operation of a solar generating system:

- Construction impacts associated with installation, including electricity use and site cleanup; and
- How to confirm that a solar energy developer is in compliance with local ordinances.

MDA would continue to coordinate with MEA, the DNR Power Plant Research Program (PPRP), and other energy experts to ensure the accuracy and clarity of those resources.

MDA concurs with MEA that not all land zoned for agricultural use is used currently for agricultural production, sometimes because the land is not suitable for crops to thrive. MDA supports the proposed amendment to specify that the mitigation fund would be paid if agriculturally zoned land is being partially or totally taken out of agricultural production or silvicultural use.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at Rachel.Jones2@maryland.gov or (410) 841-5886.