

March 26, 2024

To: Senate Education, Energy, & the Environment Committee

Bill: HB 1511: Forest Conservation Act – Modifications

Position: Favorable with amendments (FWA)

Contact: John Lennon Miller, Vice President of Development
Duwane P. Rager, Associate Development Manager, Community Impact

Dear Chair Feldman, Vice Chair Kagan, and members of the Committee:

Thank you for your consideration of HB 1511 and for the opportunity to share our testimony on this bill. Chaberton Energy, a Maryland-based renewable energy company located in District 17, writes to express our FWA position. We have included an overview of our requested amendments below.

It is our understanding that this legislation aims to provide more time to local jurisdictions to implement the requirements outlined in last year's SB 526: Natural Resources – Forest Preservation and Retention. We understand that need and support our partners in local government as they work to fulfill these statutory requirements.

As you may know, last year's bill enacted an exemption for solar photovoltaic facilities from afforestation. This was set to go into effect on July 1, 2024. In drafting this bill and its amendments, this exemption was delayed to July 1, 2026. Based on testimony provided by the Department of Natural Resources during this bill's consideration before the House Environment & Transportation's Natural Resources, Agriculture & Open Space Subcommittee, this implementation date of this exemption was meant to remain at July 1, 2024. We are working closely with the Department and our local jurisdictional partners to address this issue. Additionally, we have included draft amendment language to our testimony. We hope you find this helpful.

Chaberton Energy respectfully requests that the Committee amend HB 1511 to reflect the original intent of enacting the solar voltaic afforestation exemption on July 1, 2024. We sincerely thank you for your attention to this matter. Please do not hesitate to let us know if we can continue to be helpful throughout your deliberations on this legislation.

Respectfully submitted,

John Lennon Miller
Vice President
Development
Chaberton Energy

Duwane P. Rager
Associate Development Manager
Community Impact
Chaberton Energy



DRAFT AMENDMENT

HB1511/XX/1

BY: Education, Energy, and the Environment Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 1511 (First Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 21, insert:

“By adding to

Article – Natural Resources

Section 5—1606(a)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

By repealing and reenacting with amendments,

Article – Natural Resources

Section 5—1606(g)

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

By repealing and reenacting, with amendments,

Chapter 541 of the Acts of the General Assembly of 2023

Section 3

“By repealing and reenacting with amendments,

Chapter 542 of the Acts of the General Assembly of 2023

Section 3

AMENDMENT NO. 2

On page 3, after line 3, insert:

“5—1606(a).

(6) SOLAR PHOTOVOLTAIC FACILITIES MAY NOT BE SUBJECT TO AFFORESTATION REQUIREMENTS UNDER THIS SUBTITLE.

AMENDMENT NO. 3

On page 3, after Amendment No. 2, insert:

“(g) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (A)(6) OF THIS SECTION, A unit of local government with planning and zoning authority may adopt forest conservation thresholds and afforestation and reforestation requirements as part of**



DRAFT AMENDMENT

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its local forest conservation program that are more stringent than the forest conservation thresholds and afforestation and reforestation requirements in this section.”.

AMENDMENT NO. 4

On page 4, after line 31, insert:

“Strike 15-1606(a)(6) in its entirety.

Strike 15—1606(d) in its entirety, and substitute:

~~(e)~~ (D) Except as provided in subsection (a)(6) of this section, a unit of local government with planning and zoning authority may adopt forest conservation thresholds and afforestation and reforestation requirements as part of its local forest conservation program that are more stringent than the forest conservation thresholds and afforestation and reforestation requirements in this section.”.

AMENDMENT NO. 5

On page 5, after line 31, insert:

“Strike 15-1606(a)(6) in its entirety.

Strike 15—1606(d) in its entirety, and substitute:

~~(e)~~ (D) Except as provided in subsection (a)(6) of this section, a unit of local government with planning and zoning authority may adopt forest conservation thresholds and afforestation and reforestation requirements as part of its local forest conservation program that are more stringent than the forest conservation thresholds and afforestation and reforestation requirements in this section.”.

