

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 867 (Delegate Barve, *et al.*)

Environment and Transportation and  
Economic Matters

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Natural Resources - State-Owned Land - Wind Facilities

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This bill explicitly authorizes, but does not require, the Department of Natural Resources (DNR) to use land that it owns and manages for the generation of electricity from a facility utilizing wind energy, provided that the facility is further than one mile from a private residence that was in existence by January 1, 2017.

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Fiscal Summary

**State Effect:** Assuming the bill does not cause DNR to use State-owned land for the generation of electricity from large-scale commercial facilities utilizing wind energy, there is no material effect on State finances or operations. DNR advises that this is the likely outcome, in accordance with its written policy for such facilities.

**Local Effect:** Assuming DNR does not use State-owned land for the generation of electricity from large-scale commercial facilities utilizing wind energy, there is no material effect on local government finances or operations.

**Small Business Effect:** Minimal or none. As noted above, the likely outcome of the bill is that DNR does not use State-owned land for wind energy facilities. Regardless, companies that construct wind energy facilities, especially large-scale commercial facilities, are likely not small businesses.

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## Analysis

**Current Law/Background:** DNR is charged with negotiating the acquisition of real property for open space, recreation, conservation, and other purposes under the Natural Resources Article. As of July 2016, DNR owns and manages approximately 483,000 acres in the State, including lands in the State park system, lands in the State forest system, wildlife management areas, and fishery management areas.

### *Department of Natural Resources Policy on Wind Facilities*

In November 2008, DNR adopted a policy that prohibited large-scale commercial wind energy facilities on its lands, finding that these facilities are incompatible with the uses of and contrary to the purposes for which DNR lands and waters are held and managed in the public trust. The policy requires DNR to deny any request for use of DNR lands by a commercial wind energy facility. The policy also disallows temporary wind measurement towers and other exploratory uses that are designed to evaluate the potential for future large-scale commercial wind energy development to be located on DNR lands.

The policy requires DNR to consider and encourage, where appropriate, small-scale noncommercial energy development on its lands. These projects should be designed to help DNR or its lessees meet on-site energy needs. The policy does not apply to privately owned lands where DNR holds a legal interest in the property (such as a conservation easement).

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2017  
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