



Date: February 29, 2024

Senate Bill 931 – House Bill 1036 - Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

Committees: Education, Energy and Environment

Economic Matters

MGPA Position: Opposed

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA opposes Senate Bill 931/House Bill 1036 as drafted.

Specifically, MGPA is concerned with the bills prohibition of local planning and zoning authorities from prohibiting solar energy development. We interpret this to mean that counties could not adopt comprehensive planning and zoning plans that allow for solar in certain areas while prohibiting it in other and therefore preempt localities from preserving prime and productive farmland. Additionally, we are concerned with the provision exempting commercial solar installations from personal and real property taxes which would put further strain on county government's already dire fiscal conditions in many cases.

During the interim, a working group including agricultural interests, counties, government agencies and solar developers met and thought we had come to agreement on many items. One of those items was updating the definition of Agrivoltaics to agricultural production activities co-located with solar and done in a manner that the land would remain in agricultural production after the solar was decommissioned. That definition was not included in this bill but would be:

(2) “Agrivoltaics” means the simultaneous use of areas of land, which shall be maintained in Agricultural Use Assessment as determined under Title 18 and the Maryland Assessment Procedures Manual, in consultation with the Maryland Department of Agriculture, for both solar power generation and:

- (i) raising grains, fruits, herbs, melons, mushrooms, nuts, seeds, tobacco, or vegetables;**
- (ii) raising poultry, including chickens and turkeys, for meat or egg production;**
- (iii) dairy production, such as the raising of milking cows;**
- (iv) raising livestock, including cattle, sheep, goats, or pigs;**
- (v) horse boarding, breeding, or training;**
- (vi) turf farming;**
- (vii) raising ornamental shrubs, plants, or flowers, including aquatic plants;**
- (viii) aquaculture;**
- (ix) silviculture; or**
- (x) any other activity as determined under Title 18 and the Maryland Assessment Procedures Manual in consultation with the Department of Agriculture as an agricultural activity, except pollinator habitat and apiaries.**

When the expanded Renewable Portfolio Standard passed in 2019, 14.5% of the state's energy be produced by in-state cited solar energy. The land use of choice for solar developers seems to be agricultural land as it is available in

large, flat parcels and is therefore the least expensive site for ground mounted solar. It is unclear exactly how many acres of farmland will be taken for solar development. Estimates in various reports range from 30,000 to 130,000 acres. This would represent up to 10% of Maryland farmland.

Maryland farmland and farmers are already under immense pressure from development and land conversion. From 2017 to 2022, Maryland lost 12,000 acres of agricultural land. Since the RPS was first passed in 2002, Maryland has lost nearly 100,000 acres of agricultural land. This has lasting impacts on farm families, food production and the environment.

Counties need to have the authority to thoughtfully determine where industrial solar generation best fits within the landscape of each unique county. This is not to say that counties should be able to prohibit solar on certain land uses but it is reasonable to allow counties to protect the agricultural and rural fiber of their counties while allowing solar in other areas.

Thank you,

Lindsay Thompson

Executive Director