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Written Testimony of Private Citizen

SB399 - NATURAL RESOURCES-WILDLAND AREAS-OVERHEAD TRANSMISSION LINES

(Sponsor - Senator McKay)

Education, Energy, and the Environment Committee

Request: **UNFAVORABLE** report for the following reasons:

SB399 is a direct effort to undermine our State Wildlands Preservation System and the manner in which it is administered. This substantial deviation from the Wildlands Preservation statute ([MD Natural Resources Code § 5-1203](#)) and supporting COMAR regulations ([Chapter 08.01.02. Wildlands in Maryland, Sections 01-06](#)) weakens the foundation of Maryland's Protected Lands program as it is the highest level of legislative protection of all land preservation and conservation categories. This deviation from our state laws undermines other legislative commitments for land conservation, the most recent being the Maryland the Beautiful Act, 30x30 and 40x40 land conservation commitments, and the Forest Conservation Act both its provisions for sustaining current forest canopy coverage and goals for increasing forest cover. The Chesapeake Bay Program defines protected lands as "lands permanently protected from development" and is included in Water Improvement Program Bay Goals as a Natural Filter BMP. Passage of this bill would undermine the leadership status for land conservation Maryland has attained in the Chesapeake Bay region and is a step backward from the 2 million acre protected lands goals under the 2014 Bay agreement. Additionally this bill directly contradicts the increased focus of protected lands as in the planned Beyond 2025 Bay agreement to support water quality and habitat protection objectives.

In addition to undermining land conservation, the manner in which the bill was introduced has alienated our local community and instilled distrust in our elected officials. Planned and written in secrecy, and publicly announced less than 5 days prior to its consideration by this committee, SB399 perpetuates what now appears to be a tradition of District 1 delegates. While claiming transparency, Senator McKay has made a series of false and misleading statements to his constituents regarding the details and intentions of this bill. He has even gone as far as saying it is not a matter of local concern to excuse himself from notifying our County Commissioners of his submission or contents of the bill. In 2022, a similar attack on our western Maryland protected lands was pursued in a cloak of secrecy by former Senator Edwards, Delegate Beitzel and then Commissioner Hinebaugh. Unfortunately, that effort succeeded and \$4.7 million was allocated for the unlawful construction of a high-development trail in the Wild Youghiogheny River corridor before it was disclosed to the public hidden deep in a complex budget bill. Local outrage forced DNR to review the plan who determined that the trail violated Maryland's Scenic and Wild Rivers Act, COMAR regulations and management policy which resulted in rescinding these funds. Please do not make the same mistake of that legislative effort, an unfavorable

ruling would send a strong message to the Senator and Delegate and allow our community to engage on this important issue prior to the submission of future legislation.

As someone who has been employed for the last 3 years in the Chesapeake Bay region to develop and distribute data-driven mapping products to inform decisions and policy by legislators, administrative agencies and regional stakeholders, this bill is an insult to the legislative tradition of informed decision making.

- No map or specific meets and bounds are provided to identify the location within these wildlands of the proposed transmission lines
- No information on alternatives is provided. Adjacent to these wildlands are 56,000 acres of general state forest and a 10,000 acre wildlife management area that have no legislative restrictions on transmission line construction.
- The amendments regarding prohibited new transmission line right-of-ways (ROWs) have no dimensions of disturbance. Personal communications with the Senator have been inconsistent ranging from his official statement of 10 to 12 feet added to the width of the existing ROWs, to one parallel ROW 200' in width, then to 400' width, and now one **or more** new ROWs of at least 400' width. If it is the intention of NextEra Energy to work within existing wildland ROWs this bill is not needed as these negotiations would be handled by DNR and the Board of Public Works.
- There is no information on the acreage or mileage of impact – estimated at 2.5 miles, clearing 120 to 240 acres of forest in sensitive ecosystems with multiple threatened and endangered species, creating large forest canopy gaps impacting Forest Interior Dwelling species, and negatively impacting future recreational experiences with industrial scale development of additional crackling and buzzing hi-tension transmission lines ([Source - MDWildlife](#)).
- No assessment of fire hazards from these lines has been provided. The 2 immense fires in California recently were caused by sparks from these types of transmission lines and fire frequency in Maryland's forests is on the increase due to climate-change induced drought. Constructing these lines in isolated locations with limited access will create an unreasonable safety hazard for our community with under-resourced volunteer fire departments.

In regard to changing the way the state's Wildlands Preservation System is administered, there are a number of subtle but significant deviations within SB399:

- The bill attempts to shift oversight responsibilities for these wildlands from the General Assembly to the Public Services Commission who do not have a requirement to assess environmental impacts for the construction of overhead transmission lines in the state as outlined in lines 10-24 of the bill and statute [Article - Public Utility Companies § 7-207\(e\)](#).
- The bill, while focused on Big Savage, Bear Pen and Dan's Mountain Wildlands, attempts to set this precedence as the future policy for all 38 current wildlands and future wildlands as written in the opening paragraph, line 6 "and generally relating to wildland areas in the State."
- The bill violates COMAR regulations on prohibition of new overhead transmission lines in designated wildlands ([08.01.02.05B - Prohibited Activities](#)). Only lines which existed at the time of designation are allowed ([08.01.02.03H - Permitted Activities](#)).
- The bill attempts to supersede the assigned privilege and responsibility of the Governor under COMAR ([08.01.02.05B - Prohibited Activities](#)) as the sole originator of exemption requests of the General Assembly for the development of new transmission lines in wildlands. And even the

Governor must start such a process with public notice and hearing prior to determining the need or scope of such a request.

- The lack of research, environmental assessment, public engagement, detailed design parameters and alternatives evaluation is a significant departure from other previous amendments to allowed or undefined, emerging issues to the Wildlands Preservation statute ([MD Natural Resources Code § 5-1203](#)). Please review the committee notes and testimony from [2024 Session SB300 – Belt Woods Wildland](#) and [2022 Session – HB822 – Pocomoke River Wildlands – Alteration of Boundaries](#)

In my effort to research this bill, and to help my community be informed, I found it necessary to create a map of the existing Potomac Edison transmission lines in our region in relation to the 3 referenced wildlands since one has not been provided by Senator McKay or Delegate Hinebaugh. PJM had also provided a preliminary map of this project to the Public Services Commission in 2022:

Storck – Map of Existing Transmission Lines Referenced in SB399

<https://www.google.com/maps/d/u/0/edit?mid=1Tg17bc1wSpR9v9C5DQAbrYYC7JzKm6k&usp=sharing>

PJM Transmission Line Map Proposed 2022 (provided by Piedmont Environmental Council)

<https://drive.google.com/file/d/1Ok8HWrcPGD9vY8XZ0jVuZEuybdldmjvP/view?usp=sharing>

SB399 is NOT about using ROWs that existed prior to designation as the law requires, this is about creating totally new ROWs. In the instance of Bear Pen Wildlands, the primary Potomac Edison transmission line is fully outside of the wildland and no ROW currently exists. Dan's Mountain Wildland established in 2014 had a pre-existing transmission line that is not included in its meets and bounds description.

Thank you for considering these remarks and for returning an UNSATISFACTORY report on SB399.

Sincerely,

Steve Storck