

Senator John N. Bambacus (Senate of Maryland 1982-1990)

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**SB399 NATURAL RESOURCES-WILDLAND AREAS-OVERHEAD TRANSMISSION
LINES** By: Senator McKay

Education, Energy, and the Environment Committee

UNFAVORABLE

This bill undermines legislative intent by proposing an exemption to build a controversial high-powered electric transmission line through three protected areas (COMAR 08.01.02.02) in the Big Savage Mountain Wildland, Bear Pen Wildland, and Dan's Mountain Wildland, an area of 8,443 acres located in Garrett and Allegany Counties.

An **UNFAVORABLE REPORT** is requested for the following reasons:

1. There was no open, transparent, or comprehensive civic engagement prior to the bill's submission. None of the comprehensive planning involved the general public.
2. The bill is premature and oversteps State authority as demands for high-voltage electricity supply are overstated and not proven. There is a fear that unnecessary disruption would occur near the existing and expanded ROW.
3. Farmers, landowners, environmentalists, and political leaders were not made aware by Senator McKay that this legislation was being considered for introduction. There have been no public meetings or opportunities for public input on this project.
4. There has been a firestorm of criticism from farmers, landowners, homeowners and those holding agricultural and conservation easements who fear their land could be taken from them through *EMINENT DOMAIN*.
5. There needs to be a *MAP* of the exempted transmission line routes being proposed in the bill.
6. There has been no determination that these high-voltage electrical lines will serve the interests of the State and its people when there are other forms of energy to be considered that are less intrusive.
7. The proposed transportation corridor through western Maryland is part of a larger project to increase electrical supply to meet the *exclusive* demands of data centers in northern Virginia.

Opponents: Bill lacks key information

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ANNAPOLIS — Legislation that would strip protections from state wildlands to make way for new overhead transmission lines lacks adequate information to be passed, William R. Neil said.

The Frostburg resident and former director of conservation at the New Jersey Audubon Society watched a livestream of hours of testimony on various issues before Senate Bill 399 made it to the floor at an Education, Energy and the Environment Committee hearing Tuesday.

The bill, sponsored by Sen. Mike McKay, a Republican who represents Allegany and Garrett counties and a portion of Washington County, aims to exempt areas of Big Savage Mountain Wildland, Bear Pen Wildland and Dan's Mountain Wildland from their wildland designations for NextEra Energy Transmission MidAtlantic to construct the line.

Neil, who provided written testimony to oppose the bill, said the hearing failed to answer questions, including whether existing power lines could be upgraded rather than the bill's proposal to "cut into new portions of valuable habitat (that) may violate federal regs based on how those lands were purchased."

On Wednesday, he said more information about the bill is needed.

"Don't pass this thing," Neil said.

'Controversies'

At Tuesday's hearing, McKay said NextEra proposes to build its MidAtlantic Resiliency Link from Pennsylvania to Virginia and cross through Allegany and Garrett counties.

"The transmission line is being developed because the regional grid operator, PJM, determined ... it is needed to secure a reliable electricity in the region," he said. "It will ensure that our hospitals, schools, homes will have electricity we need for the coming years."

McKay said over 40 years of operation, the project will generate more than \$450 million in revenue for Allegany and Garrett counties.

SEE POWER — 5A



MIKE MCKAY

CONTINUED FROM 1A

The bill provides "as much transparency as possible in the early process as to avoid some of the controversies that have happened in similar projects downstate," he said.

A proposal known as the Maryland Piedmont Reliability Project, which aims to build overhead power lines across Baltimore, Carroll and Frederick counties, has received backlash from many state officials.

McKay said NextEra "has held more than 50 meetings with local stakeholders" about that proposal.

"NextEra has explained to me that one of the possible routes through the district would parallel the existing right of way for the FirstEnergy transmission line," he said.

"This path makes very, very good sense to me because it would have the least impact to the homes, businesses, viewshed in the community," McKay said.

"The (Public Service Commission) holds the authority to review and approve the transmission lines in Maryland," McKay said.

Lobbyist Rob Garagiola and three NextEra representatives echoed much of what McKay said.

Endangered

McKay's bill is cross-filed with House Bill 1270, sponsored by Del. Jim Hinebaugh (R-Garrett, Allegany), and set for a 1 p.m. March 6 hearing before the Economic Matters Committee.

A fiscal and policy note for SB399 indicated that, according to the Department of Natural Resources, Big Savage Mountain Wildland, Bear Pen Wildland and Dan's Mountain Wildland "collectively support two endangered bat species, the rare Appalachian cottontail rabbit, and 25 other known rare, threatened, or endangered species."

PJM Interconnection, the regional transmission organization for 13 states, including Maryland and the District of Columbia, "approved a set of proposed projects in December 2023 to expand the region's transmission capacity, enhance the grid, and accommodate increasing electricity demand," according the document.

"According to NextEra Energy, it has not selected a route yet for the project; however, it anticipates sharing potential routes for the transmission line on its website in spring 2025," it stated.

DNR advised that state wildlands are partially managed using federal grant monies received under the Pittman- Robertson Wildlife Restoration Act.

"The bill may jeopardize a portion of the funding it receives annually under the act because it would permit the installation of overhead transmission lines on land that is currently part of existing state wildlands," the document stated.

The state, which acquired many of its wildlands using Pittman- Robertson funds, "is subject to strict requirements on how such land must be used and maintained," it stated.

"DNR is concerned that the installation of transmission lines at Big Savage Mountain, Bear Pen, and/or Dan's Mountain is a prohibited action under federal law and (U.S. Fish & Wildlife Service) regulations," it stated.

"According to USFWS, Maryland received approximately \$9.2 million in federal funding under the Pittman- Robertson Act in federal fiscal 2024."

Opposition

According to the Education, Energy and the Environment Committee, six people including McKay signed up to speak in favor of SB399 at Tuesday's hearing, and 28 officially opposed the bill.

Garrett County resident Steve Storck submitted detailed written testimony and spoke at Tuesday's hearing where he asked for the state's wildland preservation system statute and related Code of Maryland Regulations be upheld.

Information including maps for the transmission line project is missing from SB399, he said.

Maryland's wildland preservation laws intend to keep "the most sensitive habitats in our state protected in perpetuity," Storck said. "COMAR (regulations) specifically prohibit the type of industrial-scale development in these wildlands."

If there's a critical need, a specific process details a path such projects should follow, he said.

"The governor can come to you with a proposal, but after public engagement," Storck said. "These 50 meetings that they're talking about have not occurred in Garrett County."

Conversations about the proposal should take place "in our town halls with real details so our community can determine the best pathway forward before coming to Annapolis," he said.

Kurt Schwarz, on behalf of Maryland Ornithological Society, said the group "strongly opposes SB399."

The three Maryland wildlands the bill proposes to exempt are "virtually untouched by civilization and ecologically vulnerable to human interference," he said.

"This bill sets a terrible precedent," Schwarz said. "If three wildlands can be open for development, so can the other 35 wildlands in Maryland."

Upper Potomac Riverkeeper Brent Walls also advocated for preservation of Maryland's wildlands.

Under Maryland code, the purpose of the wildland system clearly preserves the areas "in their natural state unimpaired for future generations," he said. "These lands are not simply parks and recreational areas," Walls said. "They're vital ecosystems."

On Wednesday, Frostburg resident and former state senator John Bambacus said he is opposed to SB399 for reasons including that farmers and landowners were not made aware of the proposed legislation and could be impacted by eminent domain.

There's been no determination that the high-voltage power lines would serve interests of Marylanders, he said.

Other forms of energy should be considered, Bambacus said.

"Senator McKay has been anything but transparent," he said. "I'm wondering who he is representing."

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