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Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee

Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



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SB 189
Eminent Domain – Agricultural and Conservation Easements –
Prohibited Taking

Judicial Proceedings Committee/Education, Energy and the Environment Committee
January 23, 2024

Chair Smith, Vice-Chair Waldstreicher and Members of the Committee,

Thank you for the opportunity to testify before you today on Senate Bill 189 - Eminent Domain - Agricultural and Conservation Easements - Prohibited Taking. The purpose of this bill is to keep our state's promises to property owners in light of the proposed Maryland Piedmont Reliability Project (MPRP), by prohibiting the State or any local government from using eminent domain to take privately owned property that is subject to a perpetual agricultural or conservation easement.

The MPRP is a new transmission project awarded to the Public Service Enterprise Group (PSEG) by PJM. As the Regional Transmission Organization (RTO), PJM is responsible for operating and planning the regional electric grid that Maryland is a part of. Since PJM is responsible for ensuring the continuous flow of electricity on the grid, in February of 2023, they began commencing the implementation of an elaborate series of projects to improve, enhance and supplement the grid. One of the most controversial of those projects is the MPRP, the construction of a new long-distance 500kv electrical transmission line running 70 miles across central Maryland, from northeastern Baltimore County to southern Frederick County.

With increasing demand, it is no secret that Maryland needs additional generation. Our state is a net importer, thus generating only 60% of the electrons we are consuming. However, we must not compromise on our obligation to reinforce the permanence of agricultural and conservation easements. This will ensure that lands designated for preservation remain protected from development and/or other uses.

The Maryland Agricultural Land Preservation Program, in existence since 1977, is one of the most successful programs of its kind in the country. Its primary purpose is to preserve sufficient agricultural land to maintain a viable local base of food and fiber production for the present and future citizens of Maryland. The Program purchases perpetual agricultural conservation easements to prevent farmland from being developed for residential, commercial or industrial uses. Further, with the passage of Maryland the Beautiful Act in 2023, the state

committed to the preservation of 600,000 additional acres of agricultural and open space land by 2040, with a goal of 40% of Maryland land by 2040.

Seizing these lands for the construction of transmission lines will decrease productivity of farmlands and agricultural economic growth for our state. Moreover, the construction and ongoing maintenance of these high voltage transmission lines will be destructive to natural habits and ecosystems.

Furthermore, allowing the acquisition of land would lay the foundation for future seizure of property by means of eminent domain.

These lands should not be a viable option for transmission lines because the landowners have stewarded them with the promise that they would be conserved in perpetuity. By allowing the construction of high voltage transmission lines on these locations, our state would be breaking a promise to these farmers/landowners, in less than a generation.

While PJM may claim that the Maryland Piedmont Reliability Project is necessary for the grid's reliability, it comes at a dire cost to Marylanders. Our State cannot and should not break its promises to its residents who have invested time, money, and care in conserving our pristine agricultural lands. Eminent domain should not be an option when it comes to landowner assurance and environmental conservation.

For the reasons, I am requesting a favorable report on Senate Bill 189.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin F. Brooks". The ink is dark and the signature is fluid, with a long, sweeping underline.

Benjamin Brooks