

SGCPC Letter in Favor - SB0189.pdf

Uploaded by: Angelo Otterbein

Position: FAV



January 21, 2025

Angelo Otterbein
President
Sparks-Glencoe Community Planning Council (SGCPC)
PO Box 937
Sparks, MD 21152

RE: SB0189: Eminent Domain – Ag and Conservation Easements – Prohibited Taking

The Sparks Glencoe Community Planning Council (SGCPC) is a non-profit, volunteer organization dedicated to preserving and protecting the rural character of northern Baltimore County by encouraging land preservation, and by protecting the reservoir watershed system that lies within the organization's boundaries. Through newsletters, public meetings, and hearings, the SGCPC has over 400 members and seeks to inform and educate both the public and the government about the necessity of:

- conserving farmland and green infrastructure,
- preserving clean drinking water in our reservoirs,
- and keeping growth in accord with the level of public services available in the area.

We strongly support *SB0189: Eminent Domain – Ag and Conservation Easements – Prohibited Taking* sponsored by Senators Brooks and Hettleman as it would prohibit the State from taking certain property that is subject to permanent agricultural or conservation easement, generally relating to eminent domain.

We appreciate you taking our input into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Angelo Otterbein", with a long, sweeping horizontal line extending to the right.

Angelo Otterbein
President
Sparks-Glencoe Community Planning Council (SGCPC)

ShoreRivers Testimony SB189_support.pdf

Uploaded by: Annie Richards

Position: FAV



Testimony in SUPPORT of Senate Bill 189 – Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

Judicial Proceedings Committee Hearing
1:00 pm - January 23, 2025

1/21/25

To Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **SB189**, on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect and restore local waterways through science-based advocacy, restoration, education, and engagement.

As an organization that engages in large scale restoration practices to improve local water quality, farmers and agricultural lands are some of our most important partners and landscapes. Many of the operators with whom we partner have land enrolled in conservation easements, and these easements serve as an important catalyst for increased environmental protections on Eastern Shore farmland. Woodlands, grasslands, and marshlands, all of which filter nutrients and slow runoff, are essential to meeting the State's environmental and Bay restoration goals. **Conservation easements provide critical security for these habitats, and should not ever be broken once the easement is awarded— regardless of current or future State infrastructure goals.**

SB189 will ensure that when land owners, and the state of Maryland, make a commitment to land conservation— that commitment is upheld not only for the sake of the environment it protects, but also for the protection of substantial state and federal investments that are often made within conservation easements.

Maryland's Eastern Shore is defined by its "open space" and rural character. Preserving these open spaces limits development and impervious infrastructure, which reduces runoff pollution in local waterways, as well as buffers our communities and existing infrastructure from rising tides, storm surge, and stormwater flooding. **For these reasons we urge the committee to adopt a favorable report for SB189.**

Sincerely,
Annie Richards, Chester Riverkeeper, on behalf of:

ShoreRivers

Isabel Hardesty, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

SB189_Brooks.pdf

Uploaded by: Benjamin Brooks

Position: FAV

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee

Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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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 handwriting is fluid, with a prominent loop at the end of the last name.

Benjamin Brooks

Bill 189.pdf

Uploaded by: Caroline Pembroke

Position: FAV

Caroline Pembroke
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Davidsonville, MD 21035
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301-524-1863
January 21, 2025

Testimony in Support of Senate Bill 189 Eminent Domain - Agricultural and Conservation Easements - Prohibited taking

To: Judicial Proceedings, Education, Energy, and Environment Committees From: Caroline Pembroke

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the committee,

My name is Caroline Pembroke and I am a resident of Davidsonville, Maryland. I am writing to express my support for Senate Bill 189 Eminent Domain - Agricultural and Conservation Easements - Prohibited taking, which seeks to protect farmland and conservation lands from eminent domain taking.

The issue of eminent domain has been brought to the forefront of conversations in Maryland due to the ill-conceived Maryland Piedmont Reliability project which seeks to use eminent domain to acquire privately owned land, including but not limited to land in forestry, wetland, and farmland conservation. While my 28 acres of farm and forested land is not in the current path of destruction, my parents' and their neighbors are.

A primary motivation for many landowners to place land in a conservation is a deep-rooted commitment to environmental stewardship. Individuals who cherish their natural surroundings often recognize the importance of preserving habitats for wildlife and plants. By placing their land in conservation, they contribute to maintaining biodiversity and protecting ecosystems from urban development and industrialization. For instance, my parents have a significant portion of their forest placed in a forestry program to help protect native species and promote a healthy ecosystem, thereby ensuring that future generations, including their grandchildren can enjoy the most basic aspect of the outdoors- a tree.

The conversion of conservation land into commercial development, including powerlines, can lead to irreversible ecological damage. Studies have shown that urban sprawl often

results in habitat fragmentation, loss of biodiversity, and increased pollution. For instance, the National Oceanic and Atmospheric Administration (NOAA) highlights how coastal development can disrupt marine ecosystems. By allowing eminent domain to encroach on conservation areas, we risk exacerbating these environmental challenges and compromising the very resources we aim to protect.

Proponents of using eminent domain for conservation land often argue that economic development is crucial for community growth and resilience. They assert that infrastructure projects can create jobs, enhance local economies, and improve public services. However, this perspective often overlooks the long-term costs associated with such developments, including environmental degradation, loss of cultural heritage, and diminished quality of life. While economic development is undeniably important, it should not come at the expense of irreplaceable natural resources. Policymakers can seek alternatives to eminent domain that prioritize conservation while addressing community needs.

As the law currently stands, the only person whom land conservation stops from using the land, is the land owner themselves. I respectfully urge you to support Senate Bill 189 Eminent Domain - Agricultural and Conservation Easements - Prohibited taking and to advocate for its passage to protect and preserve the irreplaceable farms and land in Maryland

Thank you for your time and attention to this important matter. If you have any questions or would like additional information, please feel free to contact me. I appreciate your dedication to serving our community and look forward to seeing your leadership on this issue.

Sincerely,

Caroline Pembroke

Bill 0189.pdf

Uploaded by: Carolyn Dzimiela Castillo

Position: FAV

Carolyn Dzimielia Castillo
10924 Haven Park Circle
Monrovia, Md 21770
Carolyndc73@gmail.com
#443-801-4554

1/21/2025

Testimony in Support of Senate Bill 0189

Eminent Domain- Agricultural and Conservation Easements- Prohibited Taking

Dear Judicial Proceedings Committee,

My name is Carolyn Dzimielia Castillo. I am writing to express my support for Senate Bill 0189 Eminent Domain- Agricultural and Conservation Easements- Prohibited Taking.

This bill seeks to prohibit the state or its subdivisions from using eminent domain to seize Maryland farmland and conservation lands.

As a resident of Landsdale community in Monrovia, Maryland I am surrounded by our rich Maryland rural landscape that contain existing easements by landowners who have preserved their properties for public benefit. For example these easements have conserved woodland areas that contain forests and meadows, freshwaters areas that have streams and wetlands and conserved agricultural lands that provide our local food and also entertainment.

Senate Bill 0189 is important in order to maintain these ecosystems for future generations by not allowing overdevelopment or destruction of preserved farmland and conserved lands. Many of these lands house our cherished wildlife that need the open lands to maintain their habitats.

There is opinion that government should have more say about how long lands are set aside for conservation and the blocking of public necessity such as affordable housing development, powerlines and or water or sewer pipes but if we don't preserve what we have now how can our future generations enjoy our natural areas, wetlands, locally produced foods and beautiful wildlife?

Please support Senate Bill 0189

Thank you for your time and attention to this important matter.

Sincerely
Carolyn Dzimielia Castillo

SB0189_Eminent_Domain_Prohibited_Taking_MLC_FAV.pd

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0189

Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

Bill Sponsor: Senator Brooks

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE**

I am submitting this testimony in strong support of SB0189 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members respect the need of the state to occasionally take private property for public use. At this juncture, the need for power to support data center expansion is causing local jurisdictions to look at seizing private property on a perpetual agricultural or conservation easement. This is because data centers need huge tracts of land and are particularly interested in rural land.

This bill would protect those properties by making them exempt from the eminent domain statute. We must protect our agricultural lands and ensure that we are being good stewards.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

SB0189.pdf

Uploaded by: Cortney Davis

Position: FAV

Cortney Davis
69 W. Green St
Westminster, MD 21157
Cortneydavis28@gmail.com
443-605-5397
1/21/25

Testimony in support of SB0189 - Eminent Domain – Agricultural and Conservation Easements
– Prohibited Taking

To: Judicial Proceedings Committee

From: Cortney Davis

Dear Chair Senator William C. Smith Jr., Vice Chair Senator Jeff Waldstreicher, and Members
of the Judicial Proceedings Committee,

My name is Cortney Davis, and I am a resident of Westminster, MD. I am writing to express my
support for SB0189 - Eminent Domain – Agricultural and Conservation Easements – Prohibited
Taking

Myself and my husband are the current owners of a portion of my husband's family farm that has
been in the family for 3 generations. A piece of land that we purchased with the intent of
building our forever home there knowing that the land surrounding us is in Agricultural
Preservation and would never be developed. Therefore, guaranteeing that we would have the
same unadulterated skyline and natural habitat to raise our family. Our plans now in a complete
upheaval as our farm, and the farms surrounding us that are in Agricultural Preservation, are in
the direct path of the proposed route for the Maryland Piedmont Reliability Project.

Protecting agricultural and conservation easements is vital for Maryland's future, offering long-
term benefits for the environment, economy, and communities across the state. These easements,
which are legal agreements that limit the development or alteration of land, play a crucial role in
safeguarding the natural and agricultural landscapes that define Maryland.

One of the most important reasons for preserving agricultural easements is to ensure the
continued viability of Maryland's farming industry. Agriculture has been a cornerstone of the
state's economy for generations, contributing billions of dollars and supporting thousands of
jobs. Agricultural easements help keep productive farmland in use by preventing it from being
sold for commercial or residential development. This not only secures local food production and
preserves Maryland's agricultural heritage, but it also supports the state's food security. As urban
sprawl spreads, farmland becomes more vulnerable to development, which reduces the land
available for future food production. By protecting these lands, we ensure that Maryland's future
food system remains sustainable and resilient.

Similarly, conservation easements are crucial for maintaining the state's natural beauty and
preserving its diverse ecosystems. Maryland is home to rich habitats, including wetlands, forests,
and riparian areas, which provide vital services such as clean water, wildlife habitat, and carbon
storage. These ecosystems are not only important for biodiversity but also for the health of the

Chesapeake Bay, a major natural resource for the state. Conservation easements protect sensitive areas from development, preserving critical lands that serve as buffers for water quality, reduce the impacts of flooding, and improve the health of the Bay and its tributaries.

Additionally, agricultural and conservation easements protect the land's ability to store carbon. Forests, wetlands, and farmland act as natural carbon sinks, absorbing carbon dioxide from the atmosphere and helping to maintain balance in the environment. This is particularly important as these lands can contribute to cleaner air and healthier ecosystems.

From a wildlife perspective, these easements provide critical habitat for a wide variety of species. Forests, wetlands, and meadows offer shelter, food, and breeding grounds for birds, mammals, amphibians, and insects. Maryland is home to diverse wildlife, and by preserving natural landscapes through conservation easements, the state ensures that these species continue to thrive. These protected areas create corridors for wildlife to move freely and safely, helping to maintain healthy and diverse populations across the state.

From a community perspective, preserving agricultural and conservation easements enhances the quality of life. These protected lands provide green spaces for recreation, contribute to mental and physical health, and preserve the aesthetic beauty of Maryland's rural areas. For many, these lands also offer a connection to the past and the natural world. In urbanizing areas, having protected open spaces becomes even more crucial for maintaining a sense of place, ensuring that future generations can enjoy the same landscapes and outdoor experiences that past generations have.

Finally, agricultural and conservation easements are an investment in Maryland's future. While these easements might involve upfront costs or tax incentives, the long-term benefits far outweigh them. They help stabilize property values, promote sustainable land management, and prevent the costly consequences of overdevelopment, such as traffic congestion, loss of biodiversity, and declining water quality. Moreover, these easements support the local economy by preserving the working landscapes that attract tourists and residents alike, ensuring that Maryland remains a desirable place to live, work, and visit.

In conclusion, protecting agricultural and conservation easements in Maryland is not just about preserving land—it's about ensuring a sustainable and prosperous future. These easements help maintain the state's agricultural productivity, protect its natural resources, and provide environmental, economic, and social benefits for all. In a time of rapid growth, safeguarding these lands is one of the most important steps Maryland can take to protect its heritage and secure its future.

I respectfully urge you to support SB0189 - Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking and to advocate for its passage to guarantee that farmers and individuals are not taken advantage of.

Thank you for your time and attention to this important matter. If you have any questions or would like additional information, please feel free to contact me at cortneydavis28@gmail.com

or 443-605-5397. I appreciate your dedication to serving our community and look forward to seeing your leadership on this issue.

Sincerely,
Cortney Davis

HB 189- Eminent Domain- Ag and Conservation Easmen

Uploaded by: Elizabeth Law

Position: FAV

BILL: Eminent Domain - Agricultural and Conservation Easements – Prohibited Taking

COMMITTEE: Judicial Proceedings Committee

HEARING DATA: January 23, 2025

SPONSOR: Delegated Brooks and Hettleman

POSITION: Favorable

As a resident of Frederick County and a Maryland taxpayer, I am writing to express my strong support of SB 189, *Eminent Domain - Agricultural and Conservation Easements – Prohibited Taking*. The environmental benefits of setting aside land as preserved are well documented. The state and counties have a long and commendable history of preservation both through our laws and through funding.

In terms of combating climate change, preservation has proved cost effective. As a taxpayer I am happy to support this program and want it protected. Recently, Katie Stevens, Director of Agriculture for Frederick County shared the county contribution to this program:

As of July 1, 2024, Frederick County's totals were:

- **73,707** total acres permanently preserved
- **\$169.69 million** in total expenditures across all programs

Of these totals, 6 properties that are permanently preserved are impacted [by the PSEG MPRP transmission line] in Frederick County:

- 6 properties, totaling **1,292.9** acres
- Combined easement values **\$4.79 million**

It shows Frederick Counties commitment, of which I am proud. Although this is just a snap shot of the funds spent in the state and in the counties, these are not insignificant numbers.

However, when New Jersey company PSEG sees the map of Maryland, it does not see preserved and agricultural easements, it sees a blank slate that can be exploited for immense profits. PSEG stands to make billions of dollars for its shareholders in the course of 40 years by defacing and destroying land we have designated as precious and worth preserving.

Please pass this bill for the sake of the land owners, the environment and the basic fairness that our country was founded upon.

Thank you,
Elizabeth Law
1758 Wheyfield Drive
Frederick, Maryland, 21701

SB 189 - Eminent Domain Prohibition - Support.pdf

Uploaded by: Grayson Middleton

Position: FAV



Educate. Advocate. Innovate.

Date: January 23, 2024
To: Members of the Senate Committee on Judicial Proceedings
From: Grayson Middleton, Government Affairs Manager
Re: SB 189 – Eminent Domain - Ag. and Conservation Easements – Prohibited Taking – **Support**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware supports SB 189 and urges a favorable committee report.

Over the last 50 years, the State of Maryland has expended considerable resources and attention on preserving agricultural lands. These programs were initiated to protect food supplies, preserve rural landscapes, and maintain a healthy ecosystem, among other reasons. These efforts have been enormously successful, and today the Maryland Agricultural Land Preservation Foundation (MALPF) estimates that over 300,000 acres of agricultural land have been permanently preserved through their program.

Eminent domain actions against these preserved lands not only contradict the legislative intent that established these programs but diminish their value and effectiveness. The State's interpretation of "permanent" would naturally be called into question if/when a preserved farm is taken for development purposes by the very entity that deemed it worthy of preservation. This would erode the trust and reduce the participation of farmers considering this essential program. It would also demonstrate a considerable waste of taxpayer resources.

We believe this legislation will strengthen agricultural land preservation and reaffirm the commitments made to Maryland's farmers and landowners who have voluntarily entered into preservation agreements. As such, we urge a favorable vote on SB 189.

Should you have any additional questions, please feel free to contact me at Grayson Middleton at middleton@dcahicken.com or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager

MD General Assembly 2025 Bills.pdf

Uploaded by: Jeffrey Beeson

Position: FAV

Jeffrey & Nicole Beeson
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Mount Airy, MD 21771
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443-745-8916m
1/21/2025

Dear Chair(s),

Our sincerest apology as I just discovered how to provide testimony with only a few minutes before the 6pm deadline. But this is hugely important to our family and we'll do our best.

Testimony in Support of Bills:

SB0189 Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

HB0270 Data Center Impact Analysis and Report

**HB0081 Real Property - Condemnation - Compensation for Farm and Agricultural Property
(Protect Maryland Farm Lands Act)**

All of these Bills are critical to our family in hopes our State Legislature can influence the PSC to halt the Maryland Piedmont Reliability Project (MPRP). Our home is on 60 acres in Mount Airy, MD (Frederick County), 18 of which is leased to farmers, 3 acres for our home and the rest is beautiful forest with hiking trails. The MPRP backhaul transmission lines will cut right through our property and will change our lives forever here if they are permitted through eminent domain. We strongly support passage of all of these bills to "pause" this process and invite dialogue...is this right for Maryland, for the many people who have invested their lives in this beautiful state?

I am a data center architect for the past 25+ years and have deployed some of the largest data centers from the initial (3) America OnLine (AOL) sites in Northern Virginia to many data centers around the world for the DoD. Marylanders should NOT have to pay the price for Virginia's lack of planning for data center alley. The big cloud providers are all recognizing that they need to collocate data centers with power sources, they are planning for small nuclear reactors and locating next to existing Nuclear facilities. Contrary to rumor, these are NOT great job creators, data centers are largely "lights out" with a small team needed to run them. We have processed vast data for decades now, in real-time for our armed services as well, what is happening is the hype to "AI" is driven purely by financial gain "the next big thing on Wall Street". The next 10 years this will evolve as all technology does...but it is not a race!

Please...slow this process down and let's not overreact to PJM/PSEG and others who are trying to scare everyone into our critical power problems. Rest assured, this is NoVa's power problem not ours, but have they ever really planned well? There are so many other solutions to bring forward. Let's start planning for how to do this the right way. Once 70 miles of forest, farms, and residential homes and dreams like ours are imposed by 140 foot tall towers with a half a million volts of electricity ringing down them, there is no turning back. This will ruin Maryland and not just for those on the direct path, for our families, our kids futures.

15 years ago, we bought a corn field. We sited our home on the top of the hill at 232 degree's SW so we could see the beautiful mountains in Frederick between vast forests from our front porch. We fly our RC airplanes, hike with our pets, and have dreams of developing our land for our kids home and possibly a Wellness Center. My wife Nicole is the CNO in the University of Maryland Medical System and our dream is to continue to give back to the community that has afforded us such gratitude for our home and property. All of this is destroyed if these power lines go forward. Our amazing view of sunset is everything to us, but it will be transmission lines humming away with huge towers blocking our dreamscape. We graciously request any member to please come visit our home, our family, our wonderful property we have poured everything into and if you can at sunset you'll understand how important this issue is to so many proud Marylanders.

We need your support. Sleepless nights are the norm, but we must believe that our leaders will use Bills like these to help save so many families. Again, I apologize for only have a few minutes to write this. We would be honored to have any further testimony and our home is welcome to your visit.

Sincerely,

Jeffrey & Nicole Beeson

Support SB0189 1-21-2025.pdf

Uploaded by: jennifer teeter

Position: FAV

Jennifer Teeter
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Written testimony for SB0189: Eminent Domain – Agricultural and
Conservation Easements – Prohibited Taking

Dear Committee Members:

I reside in the rolling hills of Carroll County amid farms in multiple different Agricultural state and county Easement Programs. I asking you to support this bill that is important to farmer's faith in these programs that are critical to preservation of the agricultural economy in rural parts of our state and our number one industry, Agriculture, employing over 300,000 people statewide.

That land in easement can be taken through eminent domain in nothing short of an attack on environmental justice, the livelihoods of farmers on tight margins already susceptible to the forces of nature outside their control to serve the interests of big industry. Prime top grade farm soil and land are becoming ever more finite resources in our state, land supporting industry can "grow" on any soil. We learned during the height of COVID how fragile our local supply chain is, as we are now learning related to bird flu. We must protect our local food supply or risk importing food from out of state or outside the country making food on our tables more expensive for residents at a time when groceries already seem out of reach for low income neighbors.

Farmers need contiguous access to the farms they work, owned or leased property. This helps to reduce expenses, sharing major equipment, costs of aerial spraying and seeding and gasoline use traveling between properties.

Some easement Agreements state that agriculture is the highest and best use of this land and those Agreements can only be breached through an act of the General Assembly. Clearly those who developed these programs intended that perpetuity meant forever.

I appreciate your time and consideration of these important issues. Please vote to support Senate Bill 0189.

Very sincerely,

Jennifer Teeter

Tesimony SB0189_21JAN2025.pdf

Uploaded by: Joanne Frederick

Position: FAV

Testimony in Support of SB0189

Maryland Senate Committee on Judicial Proceedings

21 January 2025

Dear Chair Smith, Vice Chair Waldstreicher, and Esteemed Members of the Committee,

My name is Joanne Frederick, and I am testifying in strong support of Senate Bill 189 (SB0189), which seeks to prohibit the use of eminent domain to take privately owned property subject to perpetual agricultural or conservation easements. This legislation is critical to preserving Maryland's investment in land conservation and ensuring the integrity of agreements protecting our natural resources for future generations. I submit this testimony as the President of Stop MPRP, Inc. an organization formed in July 2024 to save Baltimore, Carroll, and Frederick counties from the proposed Maryland Piedmont Reliability Project (or MPRP). I am also a born and raised Marylander and currently own the 100-acre farm that originally belonged to my great-grandparents. The farm is protected by two forest buffer easements that serve to protect Bee Tree Run and a preservation easement with Land Preservation Trust. The proposed MPRP will destroy approximately 5 acres of the forest on this farm alone and will cross Bee Tree Run. While I submit this testimony in my role as President of Stop MPRP, Inc. I am also determined to protect my family's legacy and am also personally fully supportive of SB0189.

The Maryland Piedmont Reliability Project (MPRP)

The Maryland Piedmont Reliability Project (MPRP) is a proposed high-voltage transmission line project that threatens to disrupt protected lands, including properties under perpetual agricultural and conservation easements. This 67-mile high-voltage transmission line will traverse Baltimore, Carroll and Frederick counties region, cutting through farms, forests, and preserved open spaces that have been safeguarded for their ecological, agricultural, and cultural value. According to data provided as part of the Certificate of Public Convenience Need (CPCN) application submitted to the Maryland Public Service Commission, included in the destruction wrought by the proposed MPRP are 394.2 acres of forested land, 51 acres of wetlands, it will cross 101 stream and waterbodies and will consume 245.8 acres of land in conservation. In addition, within five-hundred feet of the transmission line right-of-way, there are an additional 1801.7 acres in conservation status. The proposed MPRP is catastrophic to Maryland's environment and protected land.

The MPRP exemplifies why SB0189 is critically needed, as it highlights the vulnerability of conserved lands to eminent domain actions that could undermine decades of investments in land preservation. Without the protections outlined in this legislation, projects like the MPRP could set a precedent, allowing vital conservation and preservation efforts to be overridden, discouraging landowners from future participation in these essential programs. SB0189 is an urgent measure to ensure Maryland maintains its leadership in conservation and protects its natural resources from irreversible harm.

Maryland's Commitment to Land Preservation

Maryland has a long history of leadership in land preservation, supported by robust programs and dedicated funding mechanisms. Significant accomplishments include:

1. **Program Open Space (POS):**

Established in 1969, POS has conserved over **308,831 acres** of land for public recreation, watershed protection, and wildlife conservation. This program is primarily funded through a 0.5% state property transfer tax.¹

2. **Maryland Agricultural Land Preservation Foundation (MALPF):**

Created in 1977, MALPF has purchased development rights to protect **361,746 acres** of farmland and woodland, safeguarding the agricultural heritage and economy of Maryland.²

3. **Rural Legacy Program:**

Since 1997, the Rural Legacy Program has preserved approximately **128,618 acres** of rural land to maintain contiguous blocks of open space and natural habitats.³

4. **Maryland Environmental Trust (MET):**

MET, formed in 1967, collaborates with landowners to establish conservation easements. As of 2024, MET has protected **142,566 acres** of land, ensuring perpetual conservations.⁴

5. **Overall Achievements:**

Maryland has conserved over **1.85 million acres** of land as of May 2024, achieving its "30 by 30" goal of protecting 30% of the state's land six years ahead of schedule. This was supported by dedicated tools such as the real estate transfer tax and agricultural transfer tax.⁵

These accomplishments highlight Maryland's significant financial and strategic commitment to conservation and preservation, ensuring long-term environmental, economic, and cultural benefits.

¹ Maryland Department of Natural Resources [data](#)

² Maryland Agricultural Land Preservation Foundation (MALPF) [information](#)

³ Maryland's Rural Legacy program [information](#)

⁴ Maryland Environmental Trust [information](#)

⁵ Governor Moore Announces Maryland Meets 30% of State Land Conservation Goal Six Years Ahead of Schedule, [May 2024](#)

Stop MPRP, Inc. strongly supports Senate Bill 189 as it reinforces Maryland's leadership in land conservation while safeguarding the trust and integrity of its preservation programs. This legislation ensures that properties under perpetual agricultural or conservation easements are protected from eminent domain, which is crucial for maintaining the state's environmental investments and honoring commitments made to landowners. Three reasons for our support include:

1. **Protecting Maryland's Investment in Land Conservation:**

Maryland has invested millions of dollars into its preservation programs. This legislation ensures these efforts are not undermined by allowing properties under conservation easements to be taken through eminent domain.

2. **Safeguarding Legal Commitments to Landowners:**

Landowners who have entered into conservation or preservation easement agreements have done so in good faith. SB0189 protects the state from potential legal challenges, such as breach of contract claims, and reinforces the trust needed for continued participation in conservation programs.

3. **Securing the Future of Preservation Programs:**

Without this legislation, future participation in Maryland's conservation efforts could be jeopardized. Landowners may hesitate to engage in agreements that would not protect those landowners and their preserved land from projects like the proposed MPRP. This bill helps provide essential assurances that conservation commitments will be respected, preserving the integrity of Maryland's programs.

Conclusion

SB0189 is vital for protecting Maryland's investment in land preservation, ensuring legal compliance with easement agreements, and encouraging continued participation in conservation programs. Stop MPRP, Inc. strongly supports this legislation and urges the committee to issue a favorable report to safeguard Maryland's natural resources and maintain trust with landowners who have committed to conservation.

Thank you for your consideration of this important legislation. I am happy to answer any questions or provide additional information.

Respectfully,
Joanne Frederick
Stop MPRP, Inc.
PO Box 329, Parkton MD 21120
joanne.frederick@stopmprp.org
443-789-1382

SB0189 - Davis, John F.pdf

Uploaded by: John Davis

Position: FAV

John F. Davis
69 W. Green St
Westminster, MD 21157
JohnFDavis3@gmail.com
443-340-0352
1/21/25

Testimony in support of SB0189 - Eminent Domain – Agricultural and Conservation Easements
– Prohibited Taking

To: Judicial Proceedings Committee
From: John Davis

Dear Chair Senator William C. Smith Jr., Vice Chair Senator Jeff Waldstreicher, and Members
of the Judicial Proceedings Committee,

I am writing to strongly support Senate Bill 0189, which would prevent the taking of land in
agricultural and conservation easements by eminent domain. Many of my neighbors and fellow
landowners in the agricultural preserve program would be directly impacted by this bill, and I am
advocating for their protection.

When landowners choose to place their property in agricultural preserve, they make a commitment
to preserve and protect the land for the benefit of future generations. In exchange, they should have
the assurance that their land will not be seized. It's deeply concerning that, while landowners face
restrictions on how they can use their own land, corporations and the government can still take that
land for their own purposes. This is unfair and undermines Americas ethics.

This bill is about more than just preserving the rights of farmers and landowners in agricultural
preserve—it is about standing up for fairness, ensuring that landowners are not taken advantage of
by larger entities. Allowing the government or big companies to seize protected land sets a
dangerous precedent for landowners everywhere and threatens the integrity of the agricultural
preserve program.

I urge you to approve SB 0189 to protect farmers, landowners, and the values that our rural
communities stand for. This bill is a step toward fairness, and it would set a strong example for the
nation about respecting the rights of those who work to preserve the land.

Thank you for considering this important matter. I trust that you will act in favor of landowners'
rights and vote to approve SB 0189.

Sincerely,
John F. Davis

MOS SB0189 Eminent Domain.pdf

Uploaded by: Kurt Schwarz

Position: FAV



MARYLAND ORNITHOLOGICAL SOCIETY

January 21, 2025

Bill: <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0189F.pdf>

Committees: Judicial Proceedings and Education, Energy, and the Environment

Testimony on: SB0189 Eminent Domain—Agricultural and Conservation Easements—Prohibited Taking

Position: Support SB0189

The Maryland Ornithological Society (MOS) strongly supports SB0189 and urges the Committees to issue a favorable report. This bill would prohibit the State and any of its instrumentalities or subdivisions from exercising eminent domain over any private property under permanent agricultural or conservation easement.

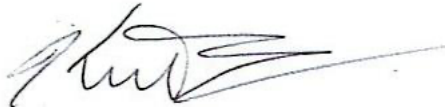
We support this bill because over 70% of wildlife habitat is on private property. If we wish to preserve habitat for wildlife, then private lands are crucial. Agricultural and Conservation easements permanently protect wildlife habitat on these lands, and these easements should be preserved.

MOS is particularly concerned about the proposed Maryland Piedmont Reliability Project (MPRP). It will cut through the Important Bird Area known as the Monocacy Grasslands in Frederick and Carroll Counties, and come close to the Pretty Boy Reservoir in Baltimore County. It will cross 483 acres of Tier II Watersheds, 47 acres of wetlands, and 125 acres of riparian buffers. 377 acres of forest will be removed. The project is to power data centers in Northern Virginia, Maryland taxpayers and rate-payers will not benefit. Much of this land is in private property, and some under agricultural or environmental easements. These easements would be protected from eminent domain if this bill passes.

Aside from MPRP, this bill will preserve land protected by agricultural and environmental easements to benefit wildlife throughout Maryland, including the birds we treasure. Likewise, the preservation under agricultural easements of family farms, many held for generations, will benefit our birds.

We urge a favorable Committee Report from the Committees. North America has lost almost 30% of its birds since 1970.¹ Loss of habitat is one on the major causes of these declines.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt R. Schwarz', with a long horizontal flourish extending to the right.

Kurt R. Schwarz
Conservation Chair Emeritus
Maryland Ornithological Society
www.mdbirds.org

¹ Rosenberg, Kenneth V. et al, Decline of the North American avifauna, Science, VOL 366, NO. 6451, 19 September 2019,
https://www.science.org/doi/10.1126/science.aaw1313?adobe_mc=MCORGID%3D242B6472541199F70A4C98A6%2540AdobeOrg%7CTS%3D1707754028

25 MGPA_SB189_EmDomain.pdf

Uploaded by: Lindsay Thompson

Position: FAV



Maryland Grain Producers Association
118 Dundee Ave, Chester, MD 21619
Lindsay.mdag@gmail.com (p) 443-262-8491
www.marylandgrain.com

Date: January 23, 2025

Senate Bill 189 - Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

Committee: Judicial Proceedings

MGPA Position: SUPPORT

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA supports Senate Bill 189 which prohibits the taking of land subject to an agricultural or conservation easement via eminent domain by the state, any of its instrumentalities or political subdivisions.

The Maryland Agricultural Land Preservation Foundation was created via legislation in 1977 with the statutory purpose of preserving productive farmland and woodland for the continued production of food and fiber for all of Maryland's citizens; curbing the expansion of random urban development; curbing the spread of urban blight and deterioration; and to protect agricultural and woodland as open space. This first of its kind program has been very successful in meeting those goals through preserving over 350,000 acres of productive agricultural land across the state.

Taking of these preserved agricultural lands via eminent domain for public utilities is contrary to the very purpose of the program and the state funds used to purchase the easements. Eminent domain easements can be very disruptive to the farming operation often taking large swaths of land out of production and easement agreements restricting access from one parcel to the other. The overhead transmission lines, used in many cases to service urban or even out-of-state areas power needs, are in conflict with both the preservation of open space and continued food production. Additionally, the devaluation of farms due to eminent domain and the resulting transmission lines makes it difficult for farmers to meet the existing obligations for loans and secure necessary lines of credit.

There are other properties that state resources have not been expended on preserving available for these eminent domain activities and MGPA urges your favorable report on Senate Bill 189.

Thank you,

Lindsay Thompson
Executive Director

SB 189 Prepared Testimony LPT Jan 21 2025.pdf

Uploaded by: Michael Sonnenfeld

Position: FAV



Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

January 21, 2025

RE: **SUPPORT Senate Bill 189**

Dear Committee Chair Smith, Vice Chair Waldstreicher and Esteemed Committee Members:

Land Preservation Trust, Inc. (LPT), a local land trust that holds over 380 conservation easements on over 14,600 acres of land and is the administrator of the Piney Run Rural Legacy Area for the State of Maryland, **supports Senate Bill 189**, a measure that would protect Maryland's longstanding investment in agricultural and open space land by **prohibiting the use of eminent domain by the State to take privately owned land subject to the terms of an agricultural or conservation easement**.

For over 40 years, Maryland has invested to protect agricultural and open space land throughout the State by purchasing conservation easements on properties and by creating the legal structures to support donations of conservation easements. Conservation easements achieve critical State goals at a significantly lower cost than the outright purchase of land. Conserved land is limited in perpetuity to specific uses, including agriculture, woodlands, wetlands and open space, and conservation easements almost always limit the number of houses and subdivisions of the property. The owners of conserved land retain possession of the property, subject to the terms of a conservation easement, and remain solely responsible for the care and upkeep of the conserved land. In other words, conservation easements allow the State to dedicate land to an important public purpose at a low acquisition cost, with no ongoing expense as the owner of the land.

Preserved and open space land is critical to maintaining Maryland's largest economic sector, agriculture, and to promoting the health of the natural ecosystems on which all of Maryland's residents rely:

- **Water Quality:** preserved land reduces runoff and filters water, limiting the flow and decreasing the temperature of surface water running into the Chesapeake Bay
- **Air Quality:** agricultural land, open space and woodlands filter the air and improve air quality for their surrounding communities
- **Carbon Capture:** active agriculture and open space, particularly woodlands, captures significant carbon and retains carbon in the soil and in trees
- **Greenhouse Gas:** agricultural and open space lands, per acre, emit less than 2% of the greenhouse gases emitted from developed land

Preserved agricultural and open space land maintains the scenic views and rural character of the communities in which it is located, allowing local families to provide fresh food to their communities and preserving opportunities for hunting, hiking, cycling and horseback riding that are important to Maryland's citizens. The agricultural, natural and cultural resource preservation benefits of conserving land are so valuable that Maryland's Rural Legacy Program deeds of easement specifically designate the protected uses of the conserved properties to be their "highest public use."

Landowners take the decision to conserve their land very carefully, understanding that conserving their land imposes significant restrictions on the use of the land going forward. These landowners have committed to the State to preserve their land in perpetuity, and **SB 189 will assure that the State also will protect its conserved land in perpetuity**.

Conserving agricultural and open space land dedicates the land to a critically important public use, and SB 189 will in essence codify the "prior public use" doctrine of Common Law, protecting private land that has already been devoted to public use from being condemned for a different public use. Importantly, SB 189 leaves intact the protections of Section 12-101(c) to allow the State Roads Commission to continue to use eminent domain for its infrastructure projects.

Finally, protecting conserved land is critical to Maryland's success in achieving its goal of protecting 40% of the State by 2040, adopted in the Maryland the Beautiful Act of 2023 (which targets conserving another 600,000 acres by 2040).

To summarize – **enacting Senate Bill 189 will protect Maryland's longstanding investment in agricultural and open space land by prohibiting the use of eminent domain by the State to take privately owned conserved land**.

We respectfully urge a **positive report on Senate Bill 189**.

Michael J. Sonnenfeld, Easement and Stewardship Committee

sb189testimony.pdf

Uploaded by: Nino Mangione

Position: FAV

NINO MANGIONE
Legislative District 42A
Baltimore County

Appropriations Committee



The Maryland House of Delegates
6 Bladen Street, Room 320
Annapolis, Maryland 21401
410-841-3258 • 301-858-3258
800-492-7122 Ext. 3258
Nino.Mangione@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

The Honorable Willian C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Statement of Support for Senate Bill 189

January 21, 2025

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

I am Delegate Nino Mangione representing District 42A in Baltimore County. I write today in strong support of SB 189 and express the thanks of the citizens of District 42A to Senator Brooks and Senator Hettleman for introducing this critical legislation.

SB 189 provides much needed protection to protect farmlands and conservation lands from eminent domain takings. Right now, Maryland is under risk of losing some of our most valuable farmlands to a project advanced by an out of state company which provides absolutely no benefit to Marylanders.

SB 189 will provide for the on-going protection of farmlands, conservation lands, and Maryland's rich rural history and character. The protections provided in SB 189 will benefit Marylanders for many generations to come and I urge your support of this legislation.

I believe our farming heritage is important to Maryland and is deserving of our protection. These farmlands and conservation areas will only be protected with the support of the legislature, and I urge a favorable vote on SB 189.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nino Mangione".

Nino Mangione
Maryland House of Delegates, District 42A

SB189 (2).pdf

Uploaded by: Renee Hamidi

Position: FAV



thevpc.org | info@thevpc.org | 410.337.6877
118 W. Pennsylvania Avenue, Towson, Maryland 21204
P.O. Box 5402 Towson, Maryland 21285-5402

Committee: Judicial Proceedings

Testimony on: SB189 “Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking”

Position: Support

Hearing Date: January 23, 2025

Valleys Planning Council, a non-profit that conserves land and resources, preserves historic character and maintains the rural feel and land uses in northwestern Baltimore County, urges a favorable report on SB189, which would prohibit the State or its instrumentalities or political subdivisions from using eminent domain to take privately owned property that is subject to a perpetual agricultural or conservation easement.

Maryland has spent more than a billion dollars over more than 40 years preserving and protecting land by purchasing and accepting donations of conservation easements. Owners of preserved land are bound by the terms of the easement. Pressures on natural resources are reduced, air and water quality is improved, and everyone in Maryland benefits.

Conservation easements protect areas from overdevelopment and activities that would disrupt communities. While zoning can change, perpetual conservation and agricultural easements are forever, protecting land no matter who owns it.

Preserving agricultural land has allowed agriculture, the largest commercial industry in Maryland, to continue to employ hundreds of thousands of people. In FY 2023, Maryland agriculture generated more than \$3.3 billion in cash receipts for farmers.¹ Additional impact was provided by related jobs and services. Agricultural easements help guarantee farming will continue to be viable in Maryland. Conservation easements protect wildlife, open space, scenic vistas, and water quality.

Maryland understands that spending money on easements benefits everyone; land preservation is truly for the greater good. Eminent domain is the right of the government to take land for the greater good. When land that has been preserved is condemned, the implication is that one greater good is “greater” than another, and who is qualified to make that judgement?

Enacting SB189 will protect Maryland’s investment in agricultural land and open space. Valleys Planning Council urges a favorable report on SB189.

Respectfully,

Renée Hamidi, Executive Director

¹ [Maryland Department of Agriculture FY2023 Annual Report](#)

Protect. Preserve. Enjoy.

Testimony in support of SB0189 - Eminent Domain –

Uploaded by: Richard KAP Kaplowitz

Position: FAV

01/23/2025

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0189- POSITION: FAVORABLE

Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

TO: Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0189, Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

This bill is a companion to other bills dealing with the attempt to create the Maryland Piedmont Reliability Project. This project proposes to construct a high-voltage electricity transmission line across approximately 70 miles of land, cutting through Baltimore, Carroll, and Frederick Counties. The company contracted to oversee the project and build the power line, the Public Service Enterprise Group, (PSEG), cannot begin work until granted approval by the Maryland Public Service Commission (PSC).

Many of the affected jurisdictions through which the lines would be strung have issued strong opposition to the project and the taking of valuable agricultural privately owned land or conservation easements to accomplish this goal. It is an environmental justice bill.

This bill will protect our farmers from eminent domain seizures of their land to complete the MPRP. The bill is focused on prohibiting the State or any of its instrumentalities or political subdivisions from taking privately owned property that is subject to a perpetual agricultural or conservation easement.

I respectfully urge this committee to return a favorable report on SB#/0189.

MDFB - Support - SB189 Eminent Domain – Agricultur

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

To: Senate Judicial Proceedings Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of SB0189 - Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking**

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I provide written testimony in support of SB0189 Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking. This bill aims to prohibit the State or its instrumentalities from taking privately owned property that is subject to a perpetual agricultural or conservation easement via eminent domain.

Maryland farmers work tirelessly to preserve agricultural land for future generations, safeguarding the state's agricultural heritage and ensuring food security for its citizens. Similarly, conservation easements are vital tools for protecting Maryland's natural resources and maintaining ecological balance. Eminent domain actions that target these lands undermine the very purpose of these preservation efforts and set a dangerous precedent.

The Maryland Farm Bureau's policies align strongly with the principles set forth in SB189. We oppose the taking of preserved agricultural land by eminent domain, as well as the taking of land protected by conservation easements. These actions not only diminish the effectiveness of preservation programs but also erode the trust and participation of landowners in such programs. SB189 provides essential safeguards to ensure that preserved lands remain protected, as originally intended.

This legislation is not only about protecting land; it is about honoring commitments made to Maryland's farmers and landowners who have voluntarily entered into preservation agreements. It also serves to uphold the state's broader goals of fostering sustainable agriculture, mitigating climate change, and conserving natural habitats.

Maryland Farm Bureau Supports SB0189

Sincerely,

Tyler Hough
Director of Government Relations

Please contact Tyler Hough, though@marylandfb.org with any questions

SB189-Eminent Domain- Agricultural Conservation E

Uploaded by: Tyler Majchrzak

Position: FAV



January 23, 2025

To: Judicial Proceedings and Education, Energy, and the Environment Committees

From: Horizon Farm Credit

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

Position: Support

Horizon Farm Credit is a member-owned cooperative supporting rural communities and agriculture with reliable, consistent credit and financial services throughout our five-state lending territory in good times and bad. With over \$6.5 billion dollars in loans outstanding to over 23,000 member-owners representing the full range of agriculture, we are one of the largest agricultural lenders on the East Coast.

SB 189 prohibits the State or any of its instrumentalities or political subdivisions from taking privately owned property that is subject to perpetual agricultural or conservation easement.

Maryland has preserved over 1.85 million acres, including over 350,000 acres of agricultural land, wooded areas, and open space as of 2024. This critical tool of land preservation secures the rights of that area and protects it from any future development for future generations. The ability of landowners to utilize this tool affords them the ability to continue to operate and eventually pass those lands onto young and beginning producers who want to get into the practice of farming in Maryland. As an agricultural lender, agriculture and conservation easements lower the overall risk tolerance for land secured as collateral. In turn, this allows for that institution to make additional capital investments in other producers. If the State or any of its instrumentalities or political subdivisions takes secured land via eminent domain, it will significantly impact lending institutions and the borrower's ability to generate the needed and anticipated income to cover operating costs.

Senate Bill 189 secures the rights of agricultural and conservation easement holders from eminent domain, securing crucial lands for the current and future generations of agriculturalist and conservationists.

Horizon Farm Credit Supports SB 189

For more information, please contact Tyler Majchrzak at 443-244-1050 or tmajchrzak@horizonfc.com.

SB 0189 FAV FCG JOINT LS25 FINAL, 2025.01.23.pdf

Uploaded by: Victoria Venable

Position: FAV



FREDERICK COUNTY GOVERNMENT

SB 0189 - Eminent Domain - Agricultural and Conservation Easements - Prohibited Taking

DATE: January 23, 2025
COMMITTEE: Senate Judicial Proceedings Committee
POSITION: Favorable

On behalf of the Frederick County community, we urge the committee to give **SB 0189 - Eminent Domain - Agricultural and Conservation Easements - Prohibited Taking** a favorable report.

Frederick County is one of the three Maryland counties that is directly impacted by the proposed Maryland Piedmont Reliability Project (“MPRP”). Our community has been clear that we oppose the project and are concerned about its impact on residents, natural and historic resources, and our economy and quality of life.

Among our concerns is the impact this project will have on preserved and conserved agricultural efforts, a top priority for our community and Frederick County Government. The State of Maryland and Frederick County Government has invested significant resources towards the preservation of agricultural and conservation areas and the proposed MPRP threatens to undermine those investments and directly harm our constituents in the process. SB 0189 will prohibit the use of eminent domain on property with agricultural and conservation easements, providing protection for communities like Frederick County.

Upon learning of the MPRP, County Executive Fitzwater directed staff to research the potential impacts to County assets by mapping the parcels and projects that lie within the MPRP’s proposed route. That map can be viewed at <http://www.frederickcountymd.gov/mprp>.

What we learned is that the proposed route would disrupt:

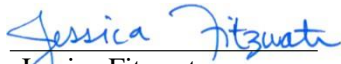
- 13 Forest Resource Ordinance easements
- 3 Maryland Agricultural Land Preservation Foundation easements
- 1 Maryland Agricultural Land Preservation Foundation district
- 2 Rural Legacy Easements
- 1 Maryland Environmental Trust easements, and
- 2 County Priority Preservation Areas

In addition to the impact this will have on our residents, disrupting these easements will waste taxpayer dollars that were thoughtfully invested in the preservation of natural resources and to support our agricultural economy.

SB 0189 is a necessary legislative change to prevent that negative outcome.

Thank you for your consideration of SB 189 and we urge a favorable report.

Respectfully,



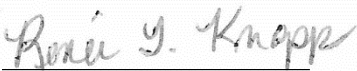
Jessica Fitzwater
County Executive



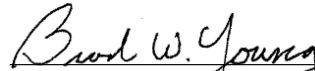
Kavonté Duckett
County Council Vice President



Jerry Donald
County Council Member



Renee Knapp
County Council Member



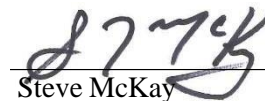
Brad W. Young
County Council President



Mason Carter
County Council Member



M.C. Keegan-Ayer
County Council Member



Steve McKay
County Council Member

SB0189-EEE_MACo_SWA.pdf

Uploaded by: Dominic Butchko

Position: FWA



Senate Bill 189

Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Judicial Proceedings and Education, Energy,
and the Environment Committees

Date: January 23, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 189 WITH AMENDMENTS**. This bill prohibits counties and the State from using eminent domain to take lands under an agricultural or conservation easement.

The 2025 Maryland General Assembly is facing a historic number of complex generational challenges. One of the loudest issues to arise has been opposition to the Piedmont Reliability Project. The Project, which crosses Baltimore, Carroll, and Frederick Counties, effectively creates an extension cord across some of our state's prime agricultural lands, providing Pennsylvania-generated energy to Virginia-based data centers, with little direct benefit to Marylanders. As the General Assembly debates how to address this and other energy challenges, one of the biggest underlying issues will be how to prioritize now competing state priorities (i.e., energy demands & environmental goals).

Since the 1960s, counties and the State have invested hundreds of millions of dollars into conservation, and to date, counties have actively limited development in these preserved areas. The intent of SB 189 is to respond to the Piedmont Project by preventing the State and counties from using eminent domain on lands under agricultural or conservation easements, providing clarity to stakeholders as to the priorities of the State. As transmission infrastructure upgrades may uniquely be accomplished by upgrading existing lines or using existing land, counties join the sponsor in wanting to protect the finite number of conserved lands.

While counties are aligned with the intent of the legislation, there are concerns with the potential breadth of the language and unintended consequences on local critical infrastructure. Lands under agricultural or conservation easements are, by design, not ripe for development. However, there are very serious – though exceedingly rare and limited – circumstances where a county may need to use eminent domain on a land under easement for local critical infrastructure. These circumstances can be highly variable but mostly require a very limited taking of the preserved parcel, sometimes only a matter of feet.

MACo has engaged in productive conversations with the sponsor, and we are confident that amendment language which addresses county concerns and aligns with the intent of the sponsor is close at hand. MACo does offer the below amendments, but we remains open to further dialogue on alternative language that addresses counties' concern.

MACo Amendments:

- On Page 1, After line 15, Insert **“CRITICAL INFRASTRUCTURE INCLUDES THE PHYSICAL STRUCTURES OR FACILITIES NEEDED FOR THE OPERATION AND DELIVERY OF PUBLIC SERVICES. CRITICAL INFRASTRUCTURE DOES NOT INCLUDE THE PHYSICAL STRUCTURES OR FACILITIES USED FOR ENERGY GENERATION OR TRANSMISSION.”**
- On page 2, in line 1, before “The”, insert, **“EXCEPT FOR THE INSTALLATION OR MAINTENANCE OF CRITICAL INFRASTRUCTURE,”**

Counties thank the sponsor for being a partner to county governments and believe that with the amendments, this legislation will provide clarity to growing questions posed by our mutual constituents. For this reason, MACo urges the Committee to give SB 189 a **FAVORABLE WITH AMENDMENTS** report.

In support of SB0189.pdf

Uploaded by: Suzannah Moran

Position: FWA

In support of SB0189

Eminent Domain should be reserved for cases where there is a clear and urgent need for the state to take land from citizens. It should not be used for the benefit of wealthy private corporations. If the state takes land via eminent domain, the rights to that land should be held by the state – not by a corporation.

Specifically regarding SB0189, there may be a very negative unintended consequence – by preventing eminent domain from occurring in land held in agricultural and conservation easements, but not similarly protecting land in resources conservation zones, the oldest forests and other ecologically sensitive areas may actually be placed in greater risk because infrastructure development may be more likely to be funneled to those unprotected areas. Easement are often used to acquire and reforest land. The most mature, diverse forests are not eligible for easements because they are already forested. It would be tragically ironic if the recently planted groves with easements are spared while the older growth forests are effectively sacrificed instead. Please consider expanding the protections of the proposed SB0189 to include land in resource conservation zones. This land must be protected to ensure the ecological and climate goals of Maryland. Thank you.

SB0189 - UNF - Eminent Domain - Agricultural and C

Uploaded by: Landon Fahrig

Position: UNF



Maryland

Energy Administration

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

FROM: MEA

SUBJECT: SB 189 - Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

DATE: January 23, 2025

MEA Position: UNFAVORABLE

This bill would create a broad, categorical ban on takings without exception where the taking is of real property subject to a perpetual agricultural or conservation easement.

Generally, policies that unduly restrict electricity asset development reduce benefits or increase per-unit costs. Senate Bill 189 would prohibit the State or an instrumentality thereof from taking property that is subject to a conservation easement by using eminent domain, without exception.

While the effects of energy-related projects on the environment should be avoided or mitigated to the extent possible, the complete exclusion of one particular type of real property may overly tilt permitting outcomes toward projects that totally avoid certain conflicts, rather than those that maximize net benefits. This imbalance has the potential to increase upward pressure on electricity costs, degrade grid reliability during severe weather events, suppress economic development by deterring load growth, and hamper emissions reductions through electrification.

Senate Bill 189 goes beyond the electrical grid, however, creating a ban on taking for any reason whatsoever under certain circumstances. This has the potential to severely limit the government's ability to assist in the development or redevelopment of certain areas, even where that development is in the public interest.

For these reasons, MEA urges the committee to issue an **unfavorable report**.

Our sincere thanks for your consideration of this testimony. For questions or additional information, please contact Landon Fahrig, Legislative Liaison, directly (landon.fahrig@maryland.gov, 410.931.1537).

MBIA Letter of Opposition SB 189.pdf

Uploaded by: Lori Graf

Position: UNF

January 21st, 2025

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition SB 189 Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

Dear Chairman Smith,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 189 Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking**.

This bill prohibits the State or any of its instrumentalities or political subdivisions from taking certain property that is subject to a permanent agricultural or conservation easement. MBIA does not support this measure, as eminent domain has proven to be beneficial in certain cases. While agricultural and conservation easements are beneficial to preserving land, a prohibition on eminent domain in these cases could get in the way of important infrastructure projects such as road and highway improvements, building new schools, and expanding access to public utilities. This bill will make it more difficult to acquire land when there is a significant public need.

For these reasons, we respectfully request the Committee to give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org

cc: Members of the Senate Judicial Proceedings Committee

SB0189 - TSO - LOO - Eminent Domain - Agricultural

Uploaded by: Patricia Westervelt

Position: UNF

January 23, 2025

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Opposition – Senate Bill 189 – Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 189 and offers the following information for the Committee's consideration.

SB 189 would prohibit the state or any of its instrumentalities or political subdivisions from taking, by eminent domain, privately owned property that is subject to a perpetual agricultural or conservation easement.

As drafted, SB 189 will likely preclude or at a minimum result in greater expense¹ to complete public infrastructure projects for a transportation facility² or a transportation facilities project³ that are in the public interest. This could include projects such as new transit facilities intended to address congestion and meet the state's climate goals by shifting Marylanders out of personal automobiles and containment facilities for dredge material pulled from the Chesapeake Bay to maintain the economic benefits of the Port of Baltimore. Rather than make the state prove an alternative use is in the public interest and provide just compensation for a use inconsistent with the agricultural or conservation easement, SB 189 simply forecloses the opportunity to assess beneficial alternatives by way of a broad, categorical ban on these takings.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 189 an unfavorable report.

Respectfully submitted,

Matthew Mickler
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

¹ While the bill does not prevent acquisition of lands subject to the identified easements, it does prohibit the use of eminent domain for this purpose. As a result, the Department may need to pay an amount far in excess of just compensation for land necessary to complete important public infrastructure projects. Where this land must be obtained to complete these projects, project costs increase, and projects may be abandoned if no alternative exists.

² Article – Transportation, § 3-101.

³ Article – Transportation, § 4-101.

SB 189 MDA LOI Final.docx.pdf

Uploaded by: Rachel Jones

Position: INFO



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

Kevin Atticks, Secretary

Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading
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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: January 21, 2025

BILL NUMBER: SB 189

SHORT TITLE: Eminent Domain – Agricultural and Conservation Easements – Prohibited
Taking

MDA POSITION: INFORMATION

The Maryland Agricultural Land Preservation Foundation (MALPF) program purchases agricultural easements on properties to preserve productive farmland and woodland for the continued production of food and fiber for all of Maryland's citizens. As of the end of 2024, MALPF holds easements on 2,804 properties, covering more than 376,000 acres.

Senate Bill 189 would eliminate the ability for the State, or any of its instrumentalities or political subdivisions, to take by eminent domain any property subject to an agricultural or conservation easement (which includes MALPF easements).

The result of this bill passing would also prohibit the State, or any of its instrumentalities or political subdivisions, to take any fee simple interest or rights-of-way (i.e., overlay easements) over any MALPF easement property, even where the owner was willing to grant the interest, because condemnation authority is a requirement under COMAR 15.15.16.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at rachel.jones2@maryland.gov or 410-841-5886.