

**Renewable Energy Development and Siting Task Force**  
**Jan. 24 2020**  
**1:00 p.m.**

**Minutes**

- Welcome
  - Welcome and attendance taken by Chair Greg Snook at 1:00 p.m.
- From the Chair
  - Snook reminded participants on the call to mute their phones unless they wish to speak in order to avoid background noise.
  - Snook noted that the interim report was completed and posted in December.
  - Snook introduced Allison Cordell and Andrew Cassilly to give a legislative update.
  
- Cordell introduced Cassilly, noting that he will be the governor's legislative office point of contact moving forward.
- She explained that the governor's legislative office introduced legislation stemming from the task force's consensus-based recommendations (SB281/HB336).
- The legislation includes the removal of fees (\$6,000 application fee and subsequent fees of \$2,000) from the Voluntary Cleanup Program, which is administered by the Maryland Department of the Environment (MDE). Secondly, it improves clarity of the existing authority of the Public Service Commission (PSC) to evaluate substantive changes to an energy project. Lastly, the legislation eliminates the franchise tax, or public-private partnerships that has an energy generation site on a preferred location.
  
- Presentation by Julie Oberg, Maryland Department of Agriculture (MDA)
  - Key takeaways - Deputy Secretary Oberg discussed the importance of the agriculture industry
    - Agriculture is the single largest industry in Maryland.
    - One-third of our land mass – more than 2 million acres – is farmland. Our state is home to 12,419 farms, more than 90% are family-owned and operated.
    - According to a recent study from MARBIDCO, Maryland's food, feed, and fiber industries combine for an economic impact of \$19.6 billion.
    - The industry provides nearly 84,000 jobs statewide. Our equine industry contributes an additional \$2.1 billion and another 28,000 jobs.
    - Later this year, Maryland will join Kentucky as the only two states to host both a Triple Crown Race (Preakness) and a five-star Three-Day Eventing competition, which is coming to Fair Hill International in Oct.
    - Agriculture is also a major part of Maryland's continued progress in protecting and enhancing the Chesapeake Bay watershed.
    - Maryland farmers lead the nation in the use of cover crops and are second in the use of no-till practices. This prevents nutrient runoff and promotes soil health.
    - The Maryland Agricultural Land Preservation Foundation (MALPF) is a program housed within MDA that incentivizes landowners to keep their land in agriculture, and out of development.
      - The program has easements on more than 2,300 properties, covering more than 316,000 acres at a public investment of more than \$740 million.

- MALPF allows for solar panels, or other types of alternative energy systems, to be installed for agricultural and/or residential uses only.
- Presentation by Colby Ferguson, Maryland Farm Bureau (MFB)
  - Key takeaways
    - MFB's general policy is that they do not support solar energy being built on prime and productive farmland, specifically priority preservation areas, which are designated by counties.
    - MFB is supportive of the bill that came from the task force's recommendations.
    - MFB believes commercial energy facilities should have appropriate riparian buffer and setback requirements.
    - Based upon the map presented in Ferguson's powerpoint, there are significant areas of agricultural land that would be available.
    - Ferguson noted that about 24,000 acres of commercial solar is needed to meet the state's requirement goals.
      - We have about 2 million acres zoned as agricultural, with about 1.4 million as cropland.
  - Snook opened the call up to questions and comments from task force members.
    - Snook asked Cordell what the next steps are in regards to SB281/HB336.
      - Cordell explained that we are waiting for hearing dates to be scheduled, but the bill will move through the Senate and House.
    - Janet Christensen-Lewis, MFB representative noted that the amount of farmland lost over the years makes it less viable for a state to market farm products.
      - Lewis explained that Maryland lost around 40,000 acres of prime farmland from 2012-2017.
      - She said that Wye Mills Solar facility has dying buffers, which are not in compliance with Queen Anne's County.
      - She also noted that the farm's topsoil was striped, so it will not return to prime farmland, which is another reason they are having difficulty with keeping their buffers alive.
        - Snook asked if the county required a bond for plantings.
          - Lewis said yes, but they have been in negotiations to meet the county's criteria.
          - Cassilly asked if the topsoil was stripped by the contractor.
            - Lewis said it was stripped and sold by the farmer prior to the lease being put into effect.
      - Andrew Gohn, wind energy representative said he would like to better understand how agriculture for fuel that is used on-site to generate electricity is distinguished from renewable energy installation, which has the same principal meaning of a farm. Fuels could include synthetic, ethanol, biodiesel, biomass, etc.
        - Ferguson said corn and soybeans are utilized for many other uses besides food.
          - For example, a bushel of soybeans weighs 60 pounds. Of the 60 pounds, nine pounds is oil and the other 51 pounds is meal. The byproduct is the primary protein source for a lot of animal feeds.

- Ferguson explained that solar panels do not generate an agricultural crop. Agricultural practices have multiple uses from one source, where solar panels have one use - to generate electricity.
    - Gohn asked if a fuel you would grow on land that does not have multiple uses would not be considered farming.
      - Ferguson said farming is growing of a crop, so it would be considered farming.
  - Lewis said when you put solar on a farm, you no longer employ people, and farmers no longer work the land.
    - Gohn said you can grow certain crops under solar panels.
      - Lewis said it is more difficult, as you cannot run a tractor underneath panels.
  - Cassilly asked if Lewis is saying that the agricultural industry is not against the cohabitation of allowing farmers the flexibility to continue to farm, but also can use solar as a means to diversify their income.
    - Lewis said she believes there should not be solar on farmland when it takes farmland out of production. She does believe in cohabitation, where farmers farm underneath panels.
      - Cassilly said farming on the Eastern Shore and across Maryland has a certain topography, where some areas are unable to be farmed. We want to ensure our farmers can diversify where they see appropriate.
  - Jason Dubow, Maryland Department of Planning (MDP) brought up discussing the priority preservation area policy idea Ferguson brought forward.
  - Billy Bishoff, MFB representative explained that resources will likely become very tight in the future due to ballooning populations and demands for food. It has been estimated that we will need to double the world's supply of food in the next 50 years. This results in some farmers being skeptical about permanently removing farmland from production.
  - John Finnerty, solar industry representative shared that the industry is broad and made up of many sectors: utility, commercial and residential scale. Preservation and environmental protection is one of the main tenets of the entire industry.
  - Lewis explained that when you overlay farmland on the county and look at the historic assets for agro and overall tourism, they overlap considerably. Taking land out of farmland and moving it to industrial use, not only impacts the farmland, but the historic and cultural assets that counties have.
- Snook opened the call up to questions and comments from the public
    - Ted Mariani from Howard County explained that there are a number of projects in the pipeline to be placed on agricultural preservation areas in the county. He noted that the county has spent over \$300 million on preserving over 20,000 acres of primeland.
      - Mariani has a 175 acre farm that he put in preservation over 30 years ago. Many developers have approached him, which he has turned down.
    - Peter James explained that he has been talking to solar companies about using his robotic mowers to maintain the grass under the panels, which is a large maintenance

cost. He feels if mowing of grass could be automated, we can automate the cultivation of crops. He also mentioned it is smart to look at using state highway median strips for solar, as a study in Colorado was done on this.

- Judy Gifford from Kent County said she has solar panels on her out building, and also has her land in preservation. She noted that the demand for farmland and for electricity is never going to end. Alternatives should be considered instead of sacrificing farmland, which is no longer being made.
- Finnerty asked if any recommendations will be added to SB281/HB336.
  - Cordell said she does not yet know if there will be amendments proposed to the bill, but that can happen.
  - Dru Schmidt-Perkins said she believes Senator West is waiting to get his bill out of bill drafting, which would encourage rooftop solar on public buildings.
  - Cordell understands that Senator Hershey and Delegate Cardin are also introducing legislation that would exempt a portion of personal property tax if you install renewable energy on your property.
- Snook adjourned the call at 2:13p.m.

#### **Attendees**

- Abigail Peryea, Maryland Energy Administration (MEA)
- Allison Cordell, Governor's Office
- Andrew Cassilly, Governor's Office
- Andrew Gohn, Wind Energy representative
- Billy Bishoff, MFB representative
- Cassie Shirk, MDA
- Cindy Osortso, MDE
- David Comis, MEA
- Earl Lewis, Maryland Department of Transportation (MDOT)
- Eric Coffman, MEA
- Greg Snook, Chair
- Hannah Schaeffer, Governor's Office
- Interested Stakeholders
- James McKittrick, Maryland Department of Natural Resources (DNR)
- Janet Christensen-Lewis, MFB representative
- Jason Dubow, MDP
- Joey Chen, PSC
- John Finnerty, Solar Energy representative
- Julie Oberg, MDA
- Kelly Schulz, Maryland Department of Commerce (Commerce)
- Les Knapp, Maryland Association of Counties
- Nimisha Sharma, MDOT
- Matthew Sherring, Maryland Environmental Service (MES)
- Roy McGrath, MES
- Shawn Seaman, PPRP, DNR
- Terry McGean, Maryland Municipal League representative
- Wade Haerle, Commerce