



LPT LAND PRESERVATION TRUST

## **PSEG – Maryland Piedmont Reliability Project (MPRP)**

### **Question and Answers:**

September 4, 2024

#### ***What is MPRP?***

The Maryland Piedmont Reliability Project is a 70 mile long, 500,000-volt transmission line planned to respond to increasing electric needs in Maryland and the surrounding region. The line is proposed to run from a connection point in northern Baltimore County through Carroll and Frederick Counties, into the Doubs substation in Southern Frederick County. The energy will come predominantly from the Peach Bottom nuclear plant in Pennsylvania.

The proposed routes can be viewed on line by looking up PSEG- MPRP. PSEG, the company awarded the contract to plan and build the MPRP, has stated it will present its preferred route in late September, with community input meetings to follow.

The proposed routes go through farmland, open spaces, preserved properties, and the Gunpowder watershed and other environmentally sensitive areas.

#### ***Who/What is PJM?***

PJM Interconnection is the regional authority managing the electricity infrastructure needed for power in a thirteen-state region, the largest in the United States. Sometimes known as an RTO and in some places as an ISO, these authorities operate throughout the United States under the auspices of the Federal Energy Regulatory Commission, known as FERC. FERC and therefore PJM have authority to determine the infrastructure needed to deliver the region's long- term need for electricity. Through a planning process referred to as Windows 3, PJM found a current and future gap in energy need/ demand in regions under the auspices of PJM.

#### ***Why is there an energy gap?***

The gap results from two counter weight public policies underpinning the growing shortfall. On the supply side, Maryland will no longer build fossil - fuel- burning energy generation plants. This policy, both admirable and necessary, led to reduced energy production while demand, due to new business opportunities, is significantly increasing – especially in the Virginia corridor near Dulles airport and across the Potomac in Maryland. Maryland imports 40 percent of its energy at the moment. As regional demands increase, this percentage is expected to rise.

The advancement in renewable energy production and storage has not kept pace with growing and possibly, unanticipated needs. Wind, solar, and batteries bring their own set of complexities which require thought, planning, and community input – like any energy plan. In time, these solutions and more may help fill growing energy demands.

### ***Why are these lines proposed to go across Baltimore County?***

We are, you might say, in the line of fire or more aptly, caught in the middle. The MPRP solution was one of several upgrades planned by PJM and selected from among 72 proposals from 10 different transmission companies, 22 of which proposed using primarily existing electric Right of Ways (ROW). Several other upgrades are affecting different areas of Pennsylvania and Virginia.

### ***Can MPRP be stopped?***

In recent years, a few proposed transmission line projects have been stopped. Greenfield projects creating new ROWs have been altered to use existing ROWs. There will be several opportunities to explore the possible solutions, including determining if a true need to increase capacity exists.

### ***Will this project serve Marylander and who pays?***

The exact facts for a thorough response remain opaque. The current demand for energy seems to be coming from Virginia but it is anticipated that the new data centers to be built in Maryland will add to demand, and therefore the lines would ultimately “benefit” Marylanders. Developers of the Frederick 2000acre Quantum LOOPhole data center complex contend the first center to be built on the campus has no need for the MPRP project as the needs will be provided for through private contract. There is no mention of “what happens next” on the 2000acre campus. As for who pays for changes to the electric grid? We all do through our electric bills. There are cost sharing formulas affecting all 65 million rate payers in the PJM region. Interestingly, more money is to be made building new lines rather than up-grading existing pathways. The cost of the project is expected to be \$424 million.

### ***Why do the proposed transmission pathways seem to target farmland and preserved/conserved open spaces?***

Farmland and open spaces present an irresistible invitation for new lines. For PSEG, the larger properties potentially translate to fewer land/homeowner negotiations and lower costs than building lines close to homes and more densely populated neighborhoods.

Does it matter that much of the land in Baltimore County under the proposed lines is either a State Park, conserved property with various state, county, and local programs, or that the proposals include crossing through five miles of Gunpowder park containing one of Maryland’s most highly valued trout streams?

There are standards in place which will come into play during the MD PSC review and subsequent permitting process. PSEG must take into consideration impacts to the environment, the social and historic fabric of the area, along with land use requirements. It may not be fully apparent to PSEG that the farmland and open spaces of North Baltimore County are part of a much larger framework of conservation planned for and financed by the State of Maryland. Farms not only support the local economy and the State as its leading industry, but provide local food security. The open land, forest cover and buffers and watersheds serve as filters to ground and stream waters which flow to two reservoirs supplying drinking water for 1.8 million city and County residents, eventually flowing to the Chesapeake Bay. The open lands have a much grander and significant role to play than might be immediately obvious to an out of state company.

### ***What is PSEG's response to the questions regarding the open and conserved lands?***

So far, PSEG seems to want information in small pieces from each landowner – thereby facilitating their ability to finesse the proposed lines as if they were spaghetti strings being pushed around on a plate. We know of a few instances where PSEG has adjusted the proposed lines to avoid a specific farm or residence where there exists a particularly complex set of circumstances for PSEG to negotiate.

PSEG representatives stated and in fact, are required to avoid conserved lands, but there seem to be many BUTs and ANDs to this statement. PSEG contends to use “best practices” in crossing sensitive areas and refers to “mitigation” as a possibility to offset disturbance of critical areas. Mitigation typically refers to offsetting conservation practices in either a faraway place or possibly, if a farm or ranch is large enough, on the same property.

### ***How are these issues with PSEG negotiated?***

As we understand it, there are several ways. Individual landowners immediately affected by the proposed paths had the opportunity to provide very basic and vague feedback to PSEG. Based on this feedback, PSEG will make adjustments as part of their plan to select their first choice in transmission paths. When the path is selected, PSEG will hold another round of “community” meetings before making their final determination and filing for a Certificate of Public Necessity and Convenience (CPNC) with the Maryland Public Service Commission (PSC).

### ***What is the PSC? What is the approval process?***

When PSEG determines the final route for the MPRP, it will apply for a Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission (PSC), likely in the 4th quarter of 2024. Hearings will take place over the course of months to possibly over a year. The PSC has set up a site to accept comments at [piedmontcomments.psc@maryland.gov](mailto:piedmontcomments.psc@maryland.gov). The PSC process requires PSEG pass certain criteria with the environmental, social and historic impacts being first among many. The PSC will also evaluate the question of need, the proof of there being no “reasonable” alternative or existing ROWs, the cost to the public in the form of rate increases and new technologies which could soon render the project unnecessary or at worst, obsolete. The PSC may call witnesses to testify and bring clarity to their decision.

### ***What are the implications for property owners?***

Sometime prior to PSEG receiving approval from the PSC, you can expect PSEG to request an “easement” for a right of way on your property. This ROW will be at least 150 but practically speaking it will be wider. The current maps show an area 550 feet wide allowing for changes to avoid residence or other obstacles. Power lines cannot go over homes and PSEG will work with homeowners to avoid those possibilities. If you choose not to negotiate with PSEG and if they receive a CPCN permit, then it is possible for PSEG to take the property they need through eminent domain.

### ***I have a conservation easement on my property. What can I do?***

Conservation easements in the area come in several forms and are held by various State, County, and private entities. Among the almost 30,000 acres of conserved land in North Baltimore County, including 23,000 contiguous acres in the State Sponsored Piney Run Rural Legacy Area, are easements with MALPF (Dept. of Agriculture), MET. (DNR), RURAL LEGACY (DNR), Baltimore

County, and The Land Preservation Trust (LPT) and other land trusts such as the Gunpowder and Manor Conservancies. Many easements are co-held, meaning the authority for stewardship falls to a combination of entities. Some farms are preserved through more than one type of easement with, for example, MALPF preserving the farmland and Rural Legacy protecting the forest cover and buffers, wetlands, and watersheds. A landowner has the right to contact their easement holder and ask if they intend to act to defend the easement.

LPT is a private land trust and an easement holder and consequently has the responsibility to protect the integrity of the conservation values protected by the conservation easements, either from encroachments by outside entities or in the event of a landowner transgression.

We recommend you contact the holder of your easement and ask them to take a position against and act to defend your easement from encroachment by the transmission company.

For a list of addresses, [thelandpreservationtrust.org/updates](http://thelandpreservationtrust.org/updates)

### ***How will PSEG negotiate with me and when can I expect them to make initial contact?***

We do not have the exact answer, but we believe they will first announce their plans for a preferred routing. That may be followed by initial contact, although they have no rights or permits unless and until the PSC approves their CPNC. PSEG has stated they will use MD Fair Market Values (FMV) when beginning their negotiations for an easement to erect the transmission towers across your property. Please know there are rules regarding this which may be very much to your favor. First, there is a MD law requiring the utility consider the loss in FMV to the remainder of your property not immediately impacted by the lines. This number can be as much as 45 percent and its extension beyond a homestead to farmland may need more research.

PSEG must also negotiate with each and every easement holder which means in many cases, they will be required to negotiate for a specific stretch of conserved land with two to four entities – hardly an inviting prospect for PSEG. LPT contends the transmission lines do not constitute a permissible use of the conserved properties under the terms of the easements.

### ***What might be the timing of all this be?***

Most should have at least 6 to 9 months, sometime after PSEG files for a CPCN with the PSC, before being contacted. You have no obligation to allow PSEG representatives on your property, nor do you have to engage with them in any way unless and until they receive their CPNC approval. Be prepared for a marathon, not a sprint.

### ***What is eminent domain and how does it play into this process?***

In layman's terms, eminent domain is the process whereby an authorized utility or their representative can take possession of their approved "ROW". We are currently consulting with attorneys to fully understand the process and be in a better position to offer advice. The fact that your property may have existing conservation easements may offer protection through the process. Again, attorneys will review case law and legislation to better understand the situation in Maryland. In that the PSC process will take at least a year or even up to two, the prospects for eminent domain are a long way off. There will be no near-term land grab.

### ***Is it safe to live near a power line?***

The impacts of exposure to transmission lines are unclear and scientific evidence has so far been unable to conclusively substantiate health risks from EMF exposure near high voltage power lines.

### ***Are we alone in this Challenge?***

Maryland is one of many States where these challenges arise. While reasons are not always the same, new transmission lines are being proposed to be built in at least six states that we have spoken to. In some places, compromises which resulted in win wins for the utility and landowners alike. In select circumstances, projects have been stopped altogether.

### ***What is the position of our elected officials?***

Many officials have said they cannot comment on the MPRP since no application for a CPNC or permits have been filed. Others have come out strongly against the MPRP because they believe other options to increase electricity reliability and capacity should be explored before disrupting the lives and livelihoods of so many.

### ***As a land trust with many easements in the proposed path, what is LPT doing to help?***

We too were shocked by the announcement of the MPRP, and we quickly formed a special working group of board members and advisors to research the challenge. It soon became apparent that our best path forward to protect the landowners and their conserved properties was to retain professionals to help us in various areas:

- We retained an **engineering firm** to evaluate the possibilities of MPRP moving to existing ROWs and other infrastructure.
- We hired an **environmental consulting firm** to create an environmental, social and historic overview of North County and the Piney Run Rural Legacy area. This would be a necessary component of PSC proceedings and may well inform negotiations before.
- We are working with a **D.C. based lobbyist** to help facilitate connections with Senate and Congressional representatives to make them aware of the existential threat to conservation in Maryland
- We have **retained an experienced law firm** to first help us better understand the property rights and eminent domain elements vis a vis the easements AND to begin when appropriate, to prepare for PSC proceedings. The law firm has experience before the PSC and in eminent domain.
- We are working with various **media** outlets to help build stories.
- We speak with our **fellow conservation organizations** regularly as well as being directly involved with farming associations and the greater STOP MPRP movement. We anticipate that as the challenges progress, there will be increased coordination between groups in Baltimore County, Carroll, and Frederick Counties. This is a similar course followed in analogous situations across the U.S. I like to think of us each pulling an oar, together in the same boat. For those of you who may have rowed, you know that individuals and groups working in synchronicity toward a common goal can create dramatic and powerful results.

The easement team is communicating directly with easement holders AND with the co-holders like MET, RURAL LEGACY, and MALPF. As State agencies with independent boards, there are several opportunities to influence decisions, and we encourage every landowner to write to their easement sponsors. The State entities may well be influenced by political forces, and we add that EVERYONE needs to write to all elected officials, and in particular, the Governor. Click here for addresses.

We coordinate with larger Conservation organizations like Forever Maryland, The Nature Conservancy, The Land Trust Alliance, Trout Unlimited, Audubon, Chesapeake Conservancy, Chesapeake Bay, Blue Water Baltimore and more – to share our stories and assist with support or advice. You may have seen the Forever Maryland letter with signature of support and opposition to MPRP from over 20 organizations.

We supported these initial efforts by raising funds from a relatively small group of people. Necessity demanded immediate action. We are now expanding that reach to include all our friends and landowners as LPT needs to keep the organization running AND raise funds to manage the MPRP fight. Except for the retained professionals and a part time office manager, the board involvement is entirely volunteer and constitutes at this juncture well over 1000 hours of dedicated and determined volunteer time.

Please help by writing to elected officials, The PSC, PJM, PSEG ([thelandpreservationtrust.org/updates](http://thelandpreservationtrust.org/updates)) and your easement sponsor.

Thank you if you have done so already and consider doing so again. Fill your Facebook or other social media pages with messages. Do your best in constructive research and ongoing communication including remember to reach outside of your own sphere to those who can influence change.

Our many thanks,

The Land Preservation Trust

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The Land Preservation Trust

**Write us:**

13501 Falls Road  
Cockeysville, MD 21030