MARYLAND ENVIRONMENTAL TRUST LANDS COMMITTEE

Agenda for Meeting of Wednesday, October 22nd, 2025 1:00 PM

Meeting Location: GoogleMeets Video call meet.google.com/rpc-nfnj-etu

Join by phone

(US) +1 470-705-4281 PIN: 136 561 565#

2026 Calendar Year Lands Committee meeting dates:

January 21st, 2026
April 22 nd , 2026
May 20 th , 2026
September 2, 2026
October 21, 2026

- 1) Review Minutes from Last Meeting
- 2) Easement Program Update
 - a) Current Easement Pipeline
 - i) See table
 - b) November Land Trust Roundtable
 - i) Main goal is to assess ways that MET's easement program can be of service to land trusts in Maryland
- 3) Stewardship Program
 - a) Program Updates
 - b) Request for #0957SMI08.ANNE, Smithsonian Environmental Research Center Property
 - c) Request for #0065SCH81.BACO, Green Property
 - d) Request for #0686ROG02.BACO, McGavisk Property
 - e) Update on the matter of #0525IRV00.BACO, Irvine Natural Science Center Property. A portion of this public meeting may be closed in accordance with the Open Meetings Act exceptions 3-305(6)(7) consult with legal counsel and (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

In accordance with Annotated Code of Maryland, General Provisions Article Sec. 3-305 (b)(7), a portion of this public meeting may be closed to consult with counsel to obtain legal advice.

Conservation Projects Pipeline			Ma				
ripellile			Meeting Dates Lands MET			Record	
Landowner	Cnty	Acres	Comm	Board	BPW	FY	
Projected 25FY/25CY Recordation							
Cilecek	GARR	100.6	Complete	Complete	Complete	2026	
Rum Spring Farms	FRED	160.7	Complete	Complete	Complete	2026	
Menke	MONT	19.2	Complete	Complete	Complete	2026	
The Wading Place Inc	QUEE	31.0	Complete	Complete	Complete	2026	
Cherry	FRED	60.0	Complete	Complete	Complete	2026	
Stiles Colwill - Main	BACO	125.6	Complete	Complete	Complete	2026	
Stiles Colwill - Halcyon	BACO	8.1	Complete	Complete	Complete	2026	
Horstman	QUEE	42.2	Complete	Complete	Complete	2026	
Walter Properties	QUEE	29.0	Complete	Complete	Complete	2026	
Total Before Jan 1		708.4					
Projected 25FY/26CY Recordation							
Zebelean	BACO	16.5	Complete	Complete	Complete	2026	
Looper	ANNE	241.0	Complete	Complete	TBD	2026	
Kramer - New Hope	QUEE	200.82	21-Jan	2-Feb	TBD	2026	
Kramer - Hibernia	QUEE	199.06	21-Jan	2-Feb	TBD	2026	
Chalmers	BACO	15.4	21-Jan	4-May	TBD	2026	
Daly	MONT	25.0	1/21	4-May	TBD	2026	
Swann Farm LLC	TALB	70.6	Complete	Complete	Complete	2026	
Mason	TALB	111.1	Complete	Complete	TBD	2026	
Total		879.4					
2025 FY Projected Total		1587.8					
	Projec	ted 202	7 CY Recorda	ation			
Eccleston	BACO	45.0	Complete	Complete	UNK	2027	
Sion Hill	HARF	22.8	UNK			2027	
Flack	HARF	39.0	UNK			2027	
Cline	HARF	32.4	UNK			2027	
	202	6 Recor	ded Easemen	its			
Southeast Creek Farm	QUEE	101.4					
Worthington	BACO	30.5					

MEMORANDUM

TO: Maryland Environmental Trust Lands Committee

FROM: Josette Markline, Stewardship Manager

DATE: October 22, 2025

SUBJECT: Request for approval for Conservation Easement 0065SCH81.BACO

Grantee(s): MET

Grantor(s)/Current Owner: Harold Chamberlain Green

Location: 3500 Hess Road, Monkton, Baltimore County

Nature of Request: Convert 11.667 acres of cropland into a forest mitigation bank.

Issues: None. Recommendation: Approval

Background

The property is located in the Gunpowder River watershed, and in the Little Gunpowder Falls sub-watershed. Within this easement resides a tributary to Little Gunpowder Falls. The property consists of 85.1 acres of agricultural land, which is primarily horse pasture, and 110.3 forested woodlands. Existing structures include 4 dwelling units and 11 accessory structures.

The proposed planting will expand existing forest by 11.667 acres and establish a vegetated buffer between the subject property and the neighboring commercial nursery operation. The planting will exclude designated corridors for the existing equestrian trail network, ensuring that trail use is preserved and accessible.

Issues

None.

Legal Form and Sufficiency

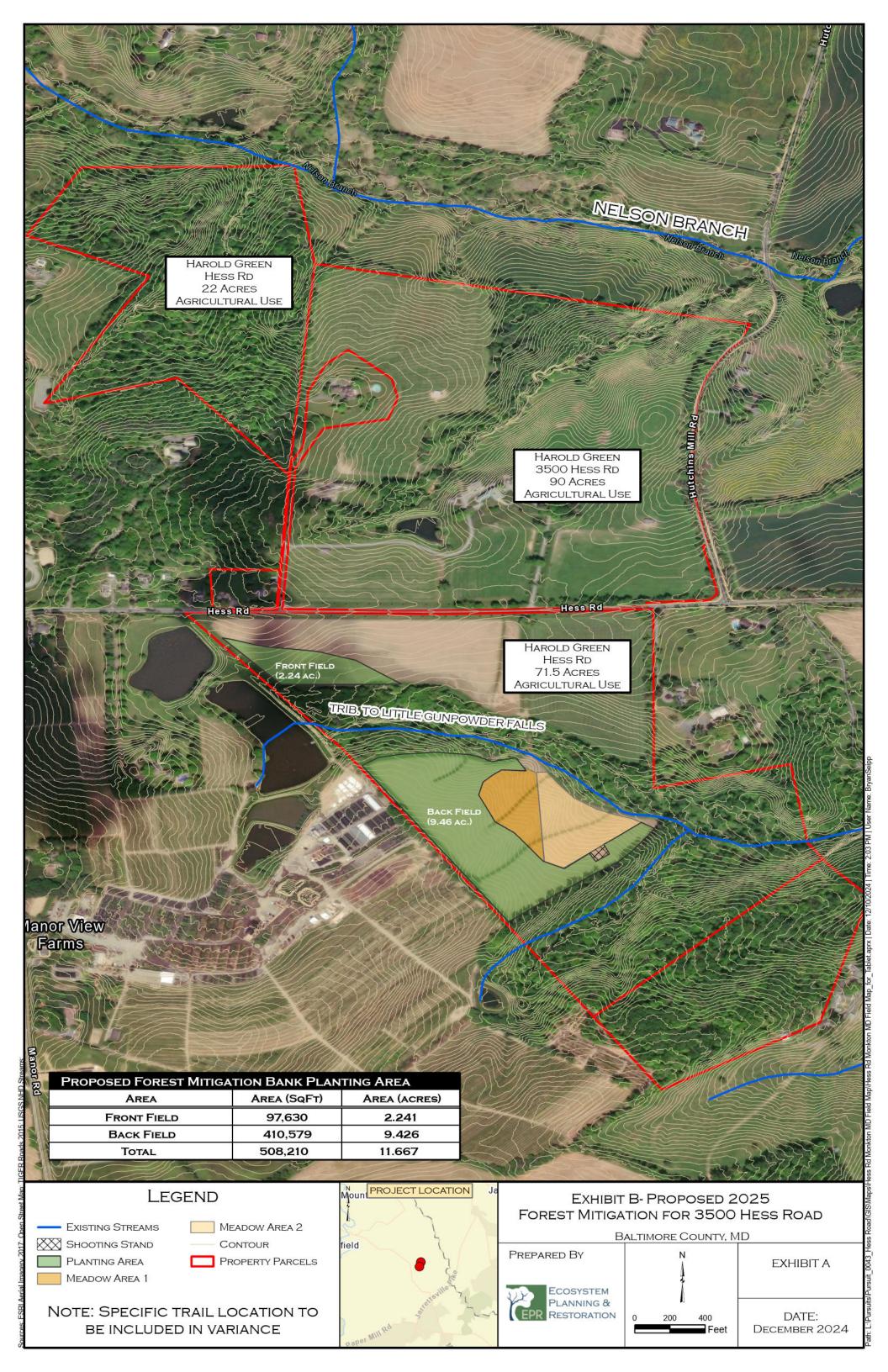
The Assistant Attorney General will collaborate with MET staff on this matter.

Recommendation

Staff recommend approval of the proposed forest mitigation bank, contingent upon receipt of the template overlay easement to verify that it does not conflict with MET's conservation easement.

Under the MET Ecosystem Services and Mitigation Policy, the policy requires that this request be reviewed by the Lands Committee.

Attachments: Map of Proposed Planting Area



MEMORANDUM

TO: Maryland Environmental Trust Lands Committee

FROM: Kevin Bull, Stewardship Specialist

DATE: 10/22/2025

SUBJECT: Request to approve oversized accessory structures Conservation Easement

0686ROG02.BACO

Grantee(s): MET & Land Preservation Trust (LPT)

Grantor(s)/Current Owner: Harry and Page McGavisk

Location: 15005 Dover Road, Glyndon, Baltimore County, MD 21136

Nature of Request: Approval for two accessory structures that exceed size limitation

in the CE.

Issues: The CE restricts accessory structures to 600 square feet or less,

however Grantees may approve larger accessory structures at their

sole discretion for reasons sufficient to justify an exception.

Recommendation: Approval.

Background

During an aerial inspection of the property by Land Preservation Trust (LPT), it was discovered that a shed and garage exceed the size limitations in the CE of 600 square feet. LPT, through use of aerial imaging estimates these structures were built between July 2011 and September 2013 and were built by the previous owner who sold this property to the current landowners in 2016.

Issues

- Article II.B. of the CE allows for the construction of non-residential structures for the purpose of serving the primary residence, and non-residential structures in connection with the Agricultural uses of the Property but both are subject to a footprint limitation of 600 square feet, and a height limitation of 15'.
- Article II. B also allows the Grantees to "permit accessory structures, subject to any location, size and other requirements that Grantees make, for reasons which the Grantees determine in their sole discretion are sufficient to justify an exception to this prohibition."
- Per the CE, no approval is required for the construction of accessory structures.
- Previous monitoring reports did not document the size of the garage, nor the shed.
- Aerial measurements done by LPT indicate the footprints of the structures are approximately 960 sf and 730 sf although the application for approval filled out by the current landowners states the garage is 24 x 36 or 864 sf and the shed is 24 x 16 or 384 sf which would make the shed in compliance with the size limit.

Recommendation

Staff recommend approval of the two accessory structures at their existing sizes based on the ability for Grantees to allow exceptions to the size limit. Both MET and LPT staff agree that the garage and shed are reasonably-sized structures and that the impact of the additional size of these accessory structures on the conservation attributes of the Property is de minimis.

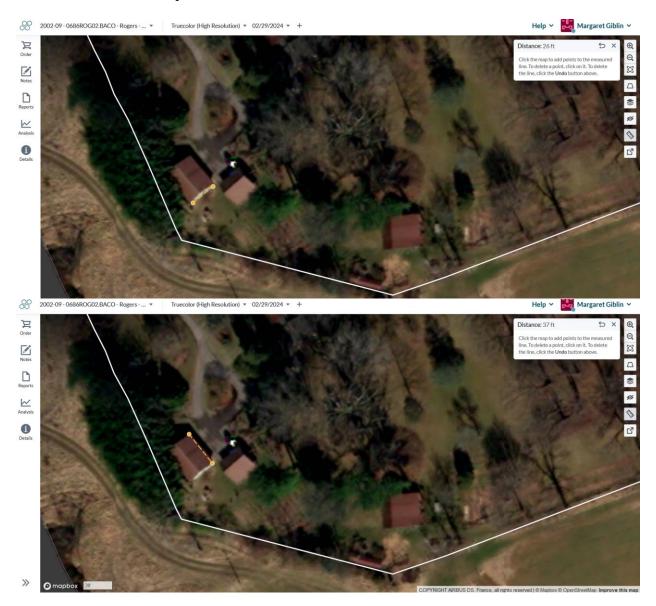
If approval is granted by the Board, a letter will be sent to the current owners, Harry and Page McGavisk, that: 1) clarifies that the easement's size limits apply to any future accessory

structures; 2) acknowledges that the garage and shed added by the prior owner exceed the 600 sf. limit; 3) approves the garage and shed at their current sizes.

Attachment(s): 1. Aerial images with overhead measurements of structures

1. Aerial images with overhead measurements of structures

26 feet x 37 feet = 962 square feet:



28 feet x 26 feet = 728 square feet



MEMORANDUM

TO: Maryland Environmental Trust Lands Committee

FROM: Josette Markline, Stewardship Manager

DATE: 10/22/2025

SUBJECT: Request to Install a Renewable Solar Energy Array on Conservation Easement

#0957SMI08.ANNE

Grantee(s): MET and Scenic Rivers Land Trust (SRLT)

Grantor(s)/Current Owner: Smithsonian Institution

Location: 460 Contees Wharf Road Edgewater, Anne Arundle County MD

21037

Nature of Request: The Smithsonian Environmental Research Center (SERC) requests

to install a solar array for the purpose of scientific research.

Issues: The CE did not consider solar panel utilities at the time of

recordation and does not reference whether installation of a solar

panel array is an allowed land use or activity.

Recommendation: MET staff have concerns that should be addressed by SERC prior

to recommending any action by the Lands Committee to the Board.

Background

The property consists of 579 acres of forest and agricultural land, 16 acres of which are improved. The easement preserves the property for passive outdoor recreation and education of the general public, including programs on forest ecosystems, living shorelines and riparian habitats, archeology and cultural history. The easement also permits scientific research to be conducted on the property, which entails measuring and monitoring environmental, ecological, and anthropological components of the property. This includes placement of measuring devices and instruments for scientific purposes to monitor and measure the variables of these components.

Issues

Solar panel utilities were not considered at the time of recordation, and the easement does not reference whether installation of a solar panel array is an allowed land use or activity. Numerous issues were identified by MET and more information was requested of SERC after the initial application was submitted. SERC addressed all of the questions raised by MET. Please see the attached correspondence. However, staff have remaining concerns and questions that they would like answered by SERC before recommending any action by the Lands Committee. These are listed here:

- 1. SERC intends to supply energy generated from the solar panels to the rest of SERC's 2,654-acre campus adjacent to but outside the boundaries of the easement. Staff would like to know how the excess energy generated will be supplied to the remainder of the SERC campus. Will overhead lines or underground trenching and conduits be necessary for supplying the excess energy, and how much area on the easement will be impacted by the supply lines? Can SERC supply a draft site plan of the project that shows this?
- 2. SERC proposes a 30-year period for allowing the research to take place, which seems excessive. The easement prohibits the lease of any portion of the property's land area less

- than one hundred percent (100%) thereof for a term in excess of twenty (20) years. Will SERC have ownership of the solar panels, or will a solar company need to lease the project site as part of their installation agreement with SERC?
- 3. At its June 10, 2025 meeting, the SRLT Board of Directors voted to deny the proposal as submitted. However, they also stated that they are willing to review a revised request from SERC in coordination with MET. Please see the letter from SRLT to SERC in the attached correspondence.

Legal Form and Sufficiency

The Assistant Attorney General has reviewed the request and will collaborate with MET staff on this matter.

Recommendation

MET staff have concerns that should be addressed by SERC prior to recommending any action by the Lands Committee to the Board.

- Attachments: 1. Description of the proposed solar array project dated May 6, 2025
 - 2. Response from MET requesting additional information dated July 14, 2025
 - 3. Response from SERC addressing the MET request dated October 3, 2025
 - 4. Letter from SRLT to SERC





April 29, 2025

Executive Director
Maryland Environmental Trust
100 Community Place, First Floor
Crownsville, MD 21032-2023

President Scenic Rivers Land Trust, Inc. P.O. Box 2009 Annapolis, MD 21401-2008

Re:

Request for Approval under Deed of Conservation Easement dated April 29, 2008 ("Easement"), between Smithsonian Institution ("Smithsonian") and Maryland Environmental Trust ("MET") and Scenic Rivers Land Trust, Inc. ("Scenic Rivers" and together with MET, the "Grantees"), relating to real property located in Anne Arundel County, Maryland and known as Contee Farm and Flat Island ("Property")

To Whom It May Concern:

The Smithsonian, on behalf of its Smithsonian Environmental Research Center ("SERC"), requests approval from the Grantees to install a renewable solar energy array on the Property for purposes of scientific research and renewable energy generation (the "Solar Array Project"). The Solar Array Project will consist of installing photovoltaic panels on a 21-acre portion of farmland surrounded by a fence and a gravel access road to the project site (see attached Site Map).

The purpose of the Solar Array Project is to generate renewable energy for the 2,654-acre SERC campus (with the possibility of selling excess to the utility company to support the Project research) and to conduct scientific research to study best practices related to continuing agricultural and natural uses of land on which a ground-mounted array of solar renewable energy panels is installed. A more detailed description of the proposed multi-year scientific research is attached.

It is our opinion that the Solar Array Project is consistent with the conservation values identified in the Easement since the project advances scientific research, environmental education, and sustainable land management practices, and is a "viable resource-based land use." Additionally, the project site was selected to preserve the scenic views from the Rhode River and the Property.

We believe the Solar Array Project is allowed under the Easement because it consists of constructing reasonable new utilities and means of access thereto as permitted under Article

II(B)(5)(e) and it enables valuable "Scientific Research" as defined in Article II(A). Construction of a solar array is also consistent with the updated MET Model Deed of Conservation Easement (adopted on February 6, 2023, amended on September 9, 2024), which permits a grantee to install solar energy devices subject to the approval of the location, configuration, and dimensions of the solar panels on a property.

The Smithsonian would appreciate your review and approval of the Solar Array Project under the Easement. Please contact Anson "Tuck" H. Hines, Director of SERC, at (443)482-2208 or hinesa@si.edu if you have questions or would like to discuss further. We would also be pleased to coordinate a site visit to the Property.

Thank you for considering our request.

Sincerely,

Anson H. Hines Ph.D.

Anan W Hines

Director

Smithsonian Environmental Research Center

Homas Dempsey

Director

office of Contracting & Personal Property

Management

Attachments:

- Deed of Conservation Easement dated April 29, 2008 Site Map
- Description of Multi-Year Scientific Research Project

cc: Patricia Kirkpatrick-Howat, former property owner
Brady Demarest, Director of Real Estate, Smithsonian
Tony Edmonds, Director, Facilities Management, Smithsonian
Anne Nelson, Assistant General Counsel, Smithsonian

Smithsonian Environmental Reseach Center 647 Contees Wharf Road Edgewater, MD 21037 USA Email: hinesa@si.edu Tel: 443.482.2208

Summary of Smithsonian Environmental Research Center Multi-Year Scientific Research Project by Installing a Solar Array on a Farm Field of the Contee Farm.

Introduction.

The Smithsonian Institution, through its Smithsonian Environmental Research Center ("SERC"), desires to implement a scientific research project involving renewable solar energy, sustainability, agriculture, and education on a portion of the Contee Farm and Flat Island property ("Property"), which is subject to the Deed of Conservation Easement made on April 29, 2008, between the Smithsonian Institution and the Maryland Environmental Trust and the Scenic River Land Trust, Inc. (the "Easement").

Planned Research Project.

The requested project is intended to study best practices related to continuing agricultural and natural use of land on which a ground-mounted array of solar renewable energy panels (photovoltaic panels) (the "Solar Array") is installed as further described in the Purpose section below. The proposed site is currently under active agricultural production of corn and sometimes soybeans or hay. The Solar Array with associated buffer is to be installed on approximately 21 acres of existing farm fields located to the east of the structure known as Woodlawn house (see attached aerial photo 3 and map). This area represents approximately 6 percent of the Property but is sufficiently large to achieve the research purpose. The Solar Array would be connected to the power grid of the local utility company (BGE) and would provide renewable electric energy to meet or exceed the total requirements of SERC through net metering. The Solar Array would be installed in accordance with Anne Arundel County and Maryland standards for land use which entail cover vegetation and appropriate storm-water management measures, depending on the slope of the site (see attached standards). The code requires a gravel road for access by emergency vehicles to the site, and the road would serve for purposes of installation, maintenance and access for research and education programs. The road would follow the existing gravel farm road and public Woodlawn History Trail. The site would exclude and not impact two adjacent archaeological sites, which have already been recovered and are points on the public trail. A safety fence would be constructed around the perimeter of the site. The Solar Array would be screened visually from view from Woodlawn by a row of evergreen trees, and no immediate neighbors are within view of the site.

Purpose.

The purposes of the Solar Array research project are multi-fold:

Research. The location and size of the site provides an opportunity to design experimental treatments for much needed scientific research on ecosystem function and the design of agrivoltaics (the combined use of agriculture and solar arrays on the same parcel of land¹).

 Measuring the effects of the Solar Array on ecosystem biodiversity, biocomplexity, and functions. There is very limited rigorous research on the effects of solar arrays on the landscape. The National Renewable Energy Laboratory ("NREL"), Maryland Department of Environment, and several regional solar companies have expressed interest in SERC providing quantitative research on effects of solar arrays on mixed-use landscapes. One major goal of

¹ See USDA Climate Hubs, "Agrivoltaics: Coming Soon to a Farm Near You?" Available at https://www.climatehubs.usda.gov/hubs/northeast/topic/agrivoltaics-coming-soon-farm-near-you

this project is to conduct rigorous, quantitative research on the site to test key environmental questions pertaining to examples of misleading assertions about ground-mounted solar arrays:

- O The assertion is that ground-mounted solar panels increase impervious surface of the landscape. However, the array site can support a diversity of vegetation and the Maryland and Anne Arundel County code for storm-water management associated with solar arrays specifies requirements which vary with the slope of the ground. For example, slopes less than 5% grade require only cover vegetation. The variable topography of the selected site will provide an opportunity to measure the actual storm water runoff patterns and outcomes with the prescribed management practices in place across a limited range of slopes.
- The assertion that solar arrays are bad for the soil. However, the negative impacts of agriculture are widely and rigorously documented especially the impacts of current corn and row crops on soil compaction, nutrient loading and pesticides. Shifting from row crop cultivation to solar arrays may markedly reverse impacts and improve soil quality. The proximity of the Array to adjacent agricultural fields would allow good comparison of the two land uses.
- The assertion that solar arrays will harm biodiversity. The Solar Array is certainly likely to change the biodiversity of intense agriculture which is already known to significantly reduce diversity. However, there are almost no rigorous data or knowledge on diversity of insects, birds, soil invertebrates, and other organisms, and how those populations may vary with the differing cover vegetation and maintenance strategies for the Solar Array.
- Agri-voltaics. Solar arrays are often criticized for removing valuable farmland from production.
 However, small farms are turning to solar as a way to ensure their economic viability, and they
 are very interested in creative application of agriculture under solar arrays. At the same time,
 array managers are interested in understanding how best to maintain ground cover and gain
 additional financial production of the site.
 - Blending agriculture with renewable solar energy requires testing various cover crops that accommodate shading but do not overgrow the array. Testing simple use of pollinator cover can be compared with production of honey. Engaging certain grazing animals (e.g., sheep) can be used to manage undergrowth without machinery.
 - Economics for small farms is a delicate balance that would benefit from measures of annual variation in agri-output under solar arrays, even if the production is not the primary cash crop. Low growing vegetables, berries, and/ or flowers are examples of many possible crops that could be tested.
 - The size of the array is large enough to allow comparisons of multiple experimental treatments.

Education. Access to solar arrays is quite limited for the public and especially children. Incorporating managed tours into SERC's field trip programs can go far to reduce misinformation and increase understanding of solar renewable energy and related options for responsible and productive landscape management. These field trips support diverse groups from school children, to teachers, university students, visiting scientists from around the world, and natural resource managers at multiple levels of government.

 Climate change program. During SERC's 60 years of conducting scientific research to support a sustainable environment, the concentration of atmospheric CO2 has increased 30 percent.
 During this time, SERC has conducted ongoing monitoring and unique large-scale experiments

Smithsonian Environmental Research Center 647 Contees Wharf Road, Edgewater, MD 21037 USA

to identify and report the effects of elevated CO2 interacting with other factors on ecosystem functions. One of the major messages of this research is that consequences of burning fossil fuel have enormous and pervasive impacts. SERC provides frequent field trips and tours to these facilities and would include visits to the new Solar Array.

- Demonstrating what solar panels are and how they work as a source of renewable energy is an important part of science education and adapting to alternatives to fossil fuels.
- SERC is committed to teaching about our model landscape system for multiple uses. The
 Contee Farm has a history of evolving an adaptive land management strategy that incorporates
 productive use of natural resources. Located at the front entrance, SERC uses this landscape to
 highlight the value of wise resource management to address the major challenges of human
 impacts, including the current major challenge, which is climate change.

Sustainable Power

- Consistent with the Easement's commitment to "viable resource-based land use", the Solar Array of up to 4 megawatts will provide SERC's power needs and provide important support for the electric grid that is increasingly stressed by a growing regional population and major demands from data processing centers. Advancing renewable solar energy is a priority for the State of Maryland to mitigate climate change and to support reliable energy independence for economic prosperity.
- The Solar Array would enable SERC to achieve "Net-zero" electric power use as an integral part of SERC's goal of leading the Smithsonian, the Region and the Nation in sustainability for facilities. Through diligent energy conservation and the use of renewable energy, SERC has the first LEED Platinum and only PHIUS certified buildings across the Smithsonian Institution, as well as the only "net-positive" electricity buildings. SERC already incorporates solar panels on most of its major buildings and parking lots, and SERC utilizes a large geothermal well field to reduce energy needs for three of its major buildings. All future buildings will be designed to net-zero standards.
- A valuable lesson for sustainability is to demonstrate how the Solar Array as renewable energy
 can achieve "net-zero" electricity demand for a complex campus of buildings in a landscape of
 mixed and productive land use.
- The Solar Array will provide long-term financial support for SERC programs by eliminating the cost of electric energy bills.

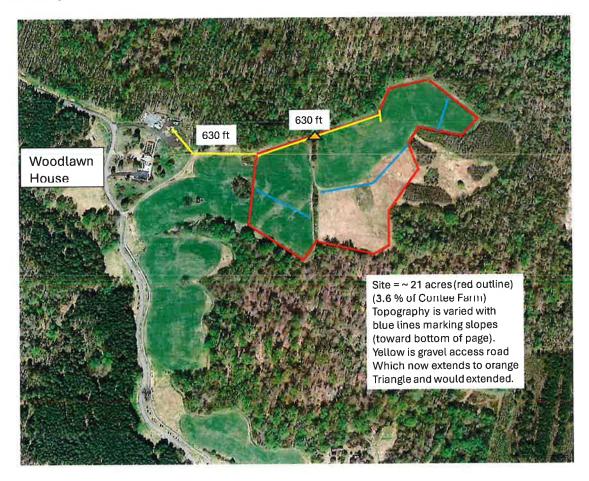
SERC's Sustained Commitment

As demonstrated over the past 17 years of stewardship of the Property, as well as a 60-year history of conserving 2,654 acres of the Rhode River landscape and open space, SERC enthusiastically sustains commitment to the Easement. In addition to the \$6.2 million purchase of the Property, SERC has invested more than \$13 million in preserving and restoring its historic resources of the Woodlawn House, Contee Mansion Ruins and Sellman Tenant House. Public access has been increased to 7-days per week managed by a professional security team, and the public experience and safety have increased and improved with \$10 million in road and trail improvements, as well as removal of hazardous materials. More than 12,000 visitors freely visit the site annually for hikes, bird watching and programs, and numbers are increasing. Scientific research professional training, and volunteer programs use sensor arrays of instrumentation and sampling structures. SERC research on the Property focuses on forest ecology, biodiversity, watershed dynamics, and effects of rising atmospheric CO2 on natural plant communities. An active participatory archaeology program explores the resources and history of the site, as manifested in public exhibit of artifacts

Smithsonian Environmental Research Center 647 Contees Wharf Road, Edgewater, MD 21037 USA

and programs in Woodlawn and by access to site's historic structures (Woodlawn, Sellman Tenant House, Contee Mansion Ruins, farm buildings, and Blue Cottage). Agriculture is active with land leased for cultivation of corn and soybeans.

Solar Array Site



Smithsonian Environmental Research Center 647 Contees Wharf Road Edgewater, MD 21037 USA Email: hinesa@si.edu Tel: 443.482.2208



Protecting Land Forever

July 14, 2025

By: Email Only, Read Receipt Requested Grahamwm@si.edu

Director Smithsonian Environmental Research Center Attention: Monty Graham 647 Contees Wharf Rd PO Box 28 Edgewater, MD 21037

Re: First Request for Information and Response to Landowner Request for Approval of New Solar Array Infrastructure Project on Easement Property (MET File No. 0957SMI08.ANNE);

Dear Mr. Graham,

The Maryland Environmental Trust (MET) has received the request for approval of a ground-mounted solar array infrastructure project on 21-acres of agricultural land forming part of the Smithsonian Environmental Research Center property (Solar Project) on which MET and Scenic Rivers Land Trust (SRLT) jointly hold a Deed of Conservation Easement dated April 29, 2008, Bk 2011 Page 668, ("Easement"). SERC included a "Summary of [SERC] Multi-Year Scientific Research Project by Installing a Solar Array on a Farm Field of the Contee Farm ("Summary") with its request, which MET staff have reviewed. Our current understanding is that SERC wishes to install the solar array for two purposes, namely research on impacts of ground mounted solar arrays on agricultural land and energy generation. MET has not approved any project of this type on any of the properties in the State on which it holds Conservation Easements, and some novel issues are presented that must be carefully considered. Additionally, MET must review the request against the express terms of the Easement which restricts uses of and building upon the easement property. We appreciate your cooperation as we work to address SERC's request.

MET's Stewardship Process:

Your request, received on May 6, 2025, must still be reviewed by the MET Board of Trustees for a final decision. At this time, as communicated by email dated July 3, 2025, the request is provisionally denied. The MET Board will meet on Monday, September 8 2025. The MET Stewardship staff, other MET personnel, and legal counsel will review

SERC's request and all information you provide to MET in support of your request. Staff will collect that information and provide a staff recommendation to the Lands Committee, which is a standing committee of the MET Board of Trustees tasked with considering stewardship issues that arise on MET's conservation easement properties. Then, the Lands Committee will consider your request at its next meeting scheduled for August 27, 2025. The Committee will then make its own recommendation(s) to be considered by the full Board of Trustees at its next scheduled meeting, currently scheduled for September 8, 2025. I cannot commit right now that the Board will make a final determination at that meeting on SERC's request, but it will be on the agenda for consideration at that time. Whether a final determination can be made by the Board depends on whether all information requested is received and can be considered in time.

The general public is invited to attend and observe any open meeting of the Lands Committee and Board of Trustees. Portions of the meetings of the Committee and the Board may be closed to the public pursuant to applicable provisions and requirements of the Open Meetings Act. If you would like to request time on the agenda for either or both of these meetings to provide information to MET's Board members on behalf of SERC, please let us know in advance and the chairs of those committees will respond to your request.

SERC's Request:

SERC states that it wants to install the Solar Project for purposes of scientific research and renewable energy generation to serve other adjacent, non-easement property owned by SERC. MET staff understand that SERC proposes to use the project to research the effects of ground-mounted solar arrays on ecosystem biodiversity, biocomplexity, and function. MET must determine whether the requested infrastructure improvements (arrays, fencing, new gravel driveways) are allowed pursuant to the terms of the existing conservation easement and, further, if allowed that they be constructed in a manner that they do not negatively impact the protected conservation attributes described in the deed of conservation easement.

In order to process your request for consideration by the MET Board of Trustees, please respond to the following requests and issues as you see fit. MET is requesting additional information to clarify the scope of the requested project and analyze the potential impacts to the easement property.

Easement Provisions MET is Reviewing and Information Needed for that Review:

MET must determine whether the Solar Project complies with the Easement. This letter identifies the provisions of the Easement that MET is reviewing based upon its understanding of your request. The scope and result of MET's review will be impacted by how much information SERC chooses to provide.

In summary, before we go provision by provision, MET staff have identified the following issues we are reviewing: ongoing protection of the conservation values and attributes identified in the Easement and Exhibit B; conversion of farm land into an energy infrastructure project (MET understands SERC states it is studying the impacts of the Solar Project on agriculture); new structures not identified on Exhibit C-1 or C-2; prohibition on new structures outside of identified building areas; new means of access serving structures

for which there are no clear reserved rights; potential for sale of excess generation to the electric distribution grid; production of energy on easement property for use on property not under easement; temporary or permanency of infrastructure and impact on stewardship of the easement property with a subsequent fee simple land owner; compliance with local, state and federal laws including critical area laws and requirements for certificates of public convenience and necessity.

1. The Easement Restricts Uses of the Property in Perpetuity with Explicit Provisions relating to Reserved Rights to some Uses including "Scientific Research":

MET must make the determination whether or not the proposed use is "Scientific Research" which is one of the reserved rights stated in the Easement at Article II. One of the stated "Purposes" of the Easement is identified in the last paragraph of the recitals (pg. 2), namely "to conduct scientific research of ecosystems as further set forth herein...." Then, Article. II.A. of the Easement prohibits and restricts all "Activities other than Agriculture, Scientific Research, Residential Use and Public Recreational Uses..." with limited exceptions not applicable to SERC's request. "Agriculture" and "Scientific Research" are defined in the Easement. "Scientific Research" is defined (pg. 4) as:

"Scientific Research" means measuring and monitoring environmental, ecological, anthropological or archaeological components of the Property and its natural, Agricultural and forestry resources and ecosystems, over-lying atmosphere, under-lying soils and water, and adjacent tidal waters. It includes placement of measuring devices, sensors, and instruments for Scientific Research purposes to measure and monitor human, biological, chemical or physical variables of these components to test scientific hypotheses for improved stewardship and for increased understanding of scientific principles and processes, so long as these manipulations do not irreversibly damage the natural resources or adversely conflict with the conservation intentions of this Conservation Easement. Scientific Research may also involve activities, devices and instruments placed for the purpose of demonstrating or teaching the public, students or other scientists about the components. Scientific Research structures shall not be used for overnight accommodations.

It would be helpful for SERC to specifically consider this definition and then describe to MET how its proposed Solar Project qualifies for the Use provision of the Easement allowing for "Scientific Research."

- Is SERC contending that the solar array is a "measuring device, sensor or instrument for Scientific Research purposes to measure and monitor" or to test scientific hypotheses?
- How will SERC ensure that there is no "irreversible damage" to the natural resources present in the area of the ground-mounted solar array?

Your Summary states that "Shifting from row crop cultivation to solar arrays may markedly reverse impacts and improve soil quality. The proximity of the Array to adjacent agricultural fields would allow good comparison of the two land uses." That statement suggests that SERC is not going to be engaging in dual-use of the acres, but rather

eliminating agricultural uses in favor of the electric generation of the arrays. Exhibit B states "the placement of the Conservation Easement on the Property will ensure that the Property's agricultural soils and woodland will be available for production and open space use in perpetuity."

- Does SERC intend for this Solar Project to be "dual-use" meaning that the area of the installation will be in active agriculture for the life of the Project while also being installed for purposes of electricity production?
- If SERC will be engaging in active agriculture underneath and around the ground-mounted solar array installation, what types of agriculture are planned at this time?

2. The Easement Prohibits all "Constructions and Improvements" unless Reserved in Article II.B "Construction and Improvement."

All Structures, with exceptions that would not apply to the solar-array structures, must be located in one of three (3) Building Areas identified in Exhibit C to the Easement. (pg. 4). There is also a prohibition on all Buildings, means of access and other structures except those identified in Article II.B.5(a)-(i), which does not appear to include any category in which solar array structures would be allowed. MET will be assessing this issue based upon information SERC provides in response to this letter.

Then, there are impervious surface limitations on all Building Areas, which may not exceed an aggregate of 115,880 square feet (or 2.6 acres) for the entire Property (pg. 4-5). That total limitation would apply to all existing and new structures. MET will have to consider this impervious surface limitation.

The Easement prohibits structures unless they are identified in Exhibit C-1 or C-2. SERC would be allowed to build structures "to support the ... Scientific Research Uses" only if they are "listed on Exhibits C-1 and C-2 of the Conservation Easement." Exhibit C-1 is the "Inventory of Existing Structure" on the Property in 2008 when the easement was granted to MET. Of course, these new solar array structures are not listed in Exhibit C-1 as they will be new to the Easement. Exhibit C-2 lists "Inventory of Approved Building Areas and Approved Structures" which in MET's current interpretation does not include a solar panel array as an alternative to one of the approved structures.

The Easement does allow that "alternative approved structures for similar purposes may be substituted for those on Exhibit C-2 of this Conservation Easement subject to impervious surface limitations, the Building Area location requirements and environmentally sustainable construction standards stated above [pg. 5]."

MET must assess whether SERC's proposed solar array panel installation complies with these requirements and restrictions related to location within building areas; impervious surface limitations; construction standards and whether it qualifies as an alternative to the Exhibit C-2 Inventory of Approved Structures.

MET would welcome SERC to address these issues as it sees fit given information it has about its project and the limitations stated in the Easement.

3. The Easement Restricts the Installation of New Utilities on the Property:

Article. II. B. 5. e. of the Easement states that construction of utilities is limited to serving the uses and structures allowed by the Conservation Easement.

"Art. II. B. 5. e. Buildings, means of access and other structures are prohibited on the Property, except... Construction of reasonable means of access and utilities, including required parking areas, to uses and structures permitted by this Conservation Easement."

Further, the sale of any surplus energy from a utility (such as the proposed solar ground arrays) may be considered an impermissible commercial activity prohibited by the Easement. Subject to the approval of Grantees (MET and SRLT), and to the extent allowed by law, any net excess generation produced by an allowed renewable energy installation(s) may be credited to the Grantors' utility bill or sold to the utility, as long as the utility is sized and designed solely to serve the property within the bounds of the conservation easement.

- Please clarify whether the intended 21-acre utility site will provide electricity to the structures and operations solely within the bounds of the conservation easement or if it is intended to serve the rest of the SERC campus outside of the established easement boundaries as described in the legal description of the easement found in Exhibit A.
- MET asks that SERC please verify that the solar array project has not been
 designed for the purpose of entering into a commercial contract to generate and sell
 an amount of energy, which could be considered an impermissible commercial
 activity, notwithstanding any diminutive excess energy leftover after use on the
 property.

4. Permanency

The solar array installation may adversely impact the conservation attributes listed in Exhibit B that the easement was created to protect. While Scientific Research is an expressly permitted right of the Smithsonian under the terms of the easement and MET will review information you provide, the purpose of the project will be to measure any impacts over time, it must also ensure that any "experimental manipulations...do not irreversibly damage the natural resources or adversely conflict with the conservation intentions of this Conservation Easement."

- What is the expected duration of the research project and is there a decommissioning plan for the solar array?
- How does the organization intend to remedy any negative impacts that may be sustained upon conclusion of the project?
- What will SERC plan to do with the structures installed for the Solar Project if its fee simple interest in the property is sold and the buyer negotiates removal of the structures? MET may require a plan for addressing the termination of the SERC Solar Project in light of MET's obligation to steward the easement in perpetuity.

5. Other Governmental Approvals

It would be helpful to know if all approvals, if any, required by Anne Arundel

County, the Public Service Commission (regulating certain solar generation projects in the State), or any other local, state, or federal entity have been applied for, sought, or obtained. Thank you for providing any information you may be able to share as to these governmental approvals.

Further, when the Easement was granted to MET the Property was located in the Anne Arundel South Rural Legacy Area, it was zoned Rural Agricultural (RA) and Open Space (OS), and the Easement was identified as "consistent with and pursuant to recommendation of Anne Arundel County's South County Small Area Plan which "was designed to preserve the rural, agricultural and historic qualities of South County." (pg 3 of Exhibit B).

- Is the Solar Project consistent with the South County Small Area Plan, or other updated county plan as the case may be?
- Is the Solar Project consistent with and allowed by Anne Arundel County zoning regulations?
- If not, will SERC pursue a special exception?

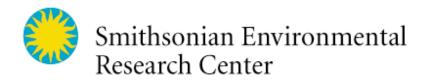
MET appreciates your cooperation and looks forward to receiving further clarification of the project proposal to ensure the perpetual protection of the property. Thank you in advance for your cooperation.

Sincerely,

John Turgeon, Director

John Turgeon

Cc: Gary Burnett, Chair, MET Board of Trustees
Josette Markline, MET Stewardship Manager
Talley H-S. Kovacs, Maryland Office of the Attorney General
Josh Falk, Executive Director, Scenic Rivers Land Trust
Brian Coyle, Ph.D., Executive Officer, Smithsonian Environmental Research Center



October 3, 2025

John Turgeon
Director
Maryland Environmental Trust
100 Community Place, Third Floor
Crownsville, MD 21032

Re: RESPONSES TO MET REQUEST FOR INFORMATION: MET File No. 0957SMI08.ANNE

Dear Mr. Turgeon,

Thank you for your request for information and response dated July 14, 2025, to the Smithsonian Environmental Research Center's ("SERC") request for approval to install an agrivoltaic, solar research array (the "Agrisolar Array" or "Project") on a portion of the 579-acre parcel located in Anne Arundel County and referred to as Contee Farm and Flat Island (the "Property"), which is subject to the Deed of Conservation Easement dated April 29, 2008, between the Smithsonian Institution ("Smithsonian"), the Maryland Environmental Trust ("MET"), and Scenic Rivers Land Trust, Inc. ("SRL") (the "Easement"). As of July 14, the size and area of the Agrisolar Array has been reduced from 4 MW on 21 acres to only 2 MW on 12 acres.

We understand that our Project is a question of first impression for MET. However, SERC's proposed research program should not be interpreted as setting a precedent for allowing arrays on other easement properties since this Agrisolar Array is primarily an instrument for scientific research and our Easement was established with the specific reserved right to allow SERC to continue to conduct research on the Property in advancement of its mission. We, therefore, offer the following information in response to your questions.

 The Agrisolar Array is an "instrument" (as defined in the Easement) that is necessary for conducting "Scientific Research" to test dual use techniques of agrivoltaics.

It is SERC's position that the Agrisolar Array is an "instrument" that will be used to conduct "Scientific Research" as permitted under the Easement. The research will involve sustainable agricultural techniques such as organic crops, regenerative farming, or grazing to achieve cobenefits of agricultural production, clean energy, dual income streams and environmental restoration (i.e. soil health, ecosystem function, and biodiversity).

SERC will not be eliminating agriculture. The Agrisolar Array will be used to test "dual-use" agrivoltaics techniques and will be used for both active agriculture and agricultural research for the approximately 30 year life of the Project.

SERC will determine which crops and grazing species may be used in experiments in coordination with research partners if this Project is approved. Over the Project lifespan, SERC will experiment with a variety of different agricultural approaches. Currently, SERC is considering regenerative grazing with sheep and/or cattle, and high value crops that perform well in Maryland and across the United States Department of Agriculture ("USDA") plant hardiness map zones 6 and 7 such as squash, tomatoes, berries, and collared greens.

More about the intended research

Agrivoltaic systems are promising solutions to the dual challenge of meeting increasing demands for both food and energy, e.g. data centers and population growth. Integrated agrivoltaic systems are a relatively new innovation and adoption in the United States has been limited in large part by the lack of field-scale research trials. For example, only one other terrestrial solar installation has been specifically designed for agrivoltaic research in Maryland (21710 York Road, Freeland MD). Research to date shows that certain crops and management strategies are more successful than others under the micro-climatic conditions created by solar panels, affecting the choice of crops, soil amendments, and production costs. There is a need for research on grazing, crops, varieties, and management techniques that are optimal under partial shading and less extreme high and low temperatures that potentially limit or benefit crop production.

Other pressing research challenges include quantifying potential costs and benefits to biodiversity, including pollinators, and the impacts of impervious panel surfaces on runoff and erosion, a topic where SERC research leadership over 60 years has inspired nature-based solutions such as riparian buffer strips. SERC's agrivolatic research plan will leverage our expertise in plant science, watershed science, soil science, climate science, and landscape science, in collaboration with colleagues with expertise in crop and agricultural science and photovoltaics at the University of Maryland, USDA and Department of Energy, with whom SERC has a long history of productive collaboration.

A compelling advantage of locating the proposed Agrisolar Array site on the Property is its relationship to established conventional agricultural practice, which has been in commercial farming for corn, soybeans, or hay. This site allows for several important experimental comparisons: before-during-after installation of the Agrisolar Array; comparison of the Agrisolar Array site with the adjacent farm field without the array; comparison of the Agrisolar Array with agrivoltaic installations in other locations across Maryland and the mid-Atlantic region; and the comparison of plots and treatments directly within the Agrisolar Array site. This allows experimental comparison across various types of agriculture and management in combination with and without solar energy production.

Conversations with leadership at the Maryland Department of Agriculture, Maryland Department of Natural Resources, Maryland Department of Natural Resources Power Plant Research Program, and Maryland Department of the Environment ("MDE") indicate strong interest in the proposed agrivoltaics scientific research at SERC because it is urgently needed, yet sorely lacking, in the state. They acknowledge the high value of having SERC

lead rigorous scientific research to answer some of the complex questions and misrepresentations about agrivoltaics.

To avoid irreversible damage to the natural resources at the Property, SERC will use a non-penetrating foundation, such as concrete ballast, and/or low impact ground screw anchoring system that minimizes site disturbance and are easy to uninstall.

2. Construction of the Agrisolar Array is permitted under the Easement as it is an "instrument" that will be used for Scientific Research.

First, it is our position that SERC has the reserved right under the Easement to conduct "Scientific Research." Scientific Research is defined as "measuring and monitoring environmental, ecological, anthropological or archaeological components of the Property and its natural, agricultural and forestry resources and ecosystems, over-lying atmosphere, underlying soils and water, and adjacent tidal waters", and specifically "includes placement of measuring devices, sensors, and instruments for Scientific Research purposes ..." (see Article II(A)). The installation of instruments for Scientific Research is not subject to the Building Area location requirements nor the impervious surface limitations.

As discussed above, the Agrisolar Array is an instrument that will be placed on the Property to measure and monitor "dual-use" agrivoltaics techniques, and will also be used "...to test scientific hypotheses for improved stewardship and for increased understanding of scientific principles and processes..." in a manner that will "...not irreversibly damage the natural resources or adversely conflict with the conservation intentions of this ...Easement" (see Article II(A)). We also note that the existing gravel road that is currently used by farm equipment and trucks would be used for access to the Agrisolar Array, including infrequent travel and emergency vehicles if needed.

It is SERC's intention to conduct this experiment over a 30-year period with the Agrisolar Array being installed in a manner that will have minimal impact on the conservation values of the Property. In fact, the experiment relies upon the continued agricultural use of the Property. At the end of the 30-year research period, SERC will deinstall the Agrisolar Array and restore any impacts to the Property.

Our second position is that the Agrisolar Array is a "Permitted Structure" under the Easement as "[c]onstruction of reasonable means of access and utilities" is permitted under Article II(B)(5)(e)) of the Easement. The Agrisolar Array is a utility that will provide electricity for the Property, along with SERC's adjacent parcels. We understand utilities are subject to impervious surface limitations. It is estimated that the Agrisolar Array will be approximately 80,000 square feet of impervious surface, which is below the aggregate permitted limit of 115,880.

We also noted in our original letter that the MET Model Deed of Conservation Easement, adopted on February 6, 2023 and amended on September 9, 2024, defines "Utilities" as "non-Commercial utilities to serve allowed uses and Structures on the Property and includes, but is not limited to...renewable energy systems, including, but not limited to: solar energy devices...and other renewable energy systems not otherwise prohibited by law" (see MET Model Deed of Conservation Easement, Article IV(AA)). Since the term "Utilities" is not defined in the Easement, this definition is useful to clarify that a solar array would be

considered a utility. Finally, we are interested in speaking further with MET about substituting alternative approved structures for similar purposes for those on Exhibit C-2. When the Easement was created in 2008, agrivoltaics was still a nascent field of research which is likely why a research array was not included in Exhibit C-2.

3. The Agrisolar Array has not been designed to enter a commercial contract to generate electricity for sale—All electricity generated by the Agrisolar Array will be used by SERC.

SERC did not design the Agrisolar Array for a commercial contract to generate electricity for sale. All electricity generated by the Agrisolar Array will supply current and future buildings on the Property (e.g., Woodlawn house, Visitor Center, Experimental Research Complex (see Exhibit C-1; C-2), equipment used for farming and research such as thermal manipulations of soil and air to simulate the impact of future climate conditions on agriculture, and laboratory analyses performed in SERC's Mathias research building.If enough electricity is produced, it is SERC's intention to use the electricity to supply the adjacent SERC properties.

4. The Agrisolar Array is a temporary instrument that will be installed to conduct a 30-year Scientific Research project and will be removed at the end of that period.

This instrument will be installed in a manner that is consistent with Smithsonian's policies and procedures, including without limitation Smithsonian Directive 410 "Facility Construction and Improvement Projects" and Smithsonian Directive 422 "Sustainable Design of Smithsonian Facilities." Indeed, sustainability is a core design principle of SERC campus which currently includes seven LEED Platinum certified buildings. Furthermore, SERC would follow the American Farmland Trust's Smart Solar recommendations for large scale ground-based arrays on agricultural land.

SERC will also take such other steps to help mitigate impacts to the conservation attributes of the Property during installation and de-installation, and would be happy to consult with MET and SRLT if desired. As stated in #1 above, to limit disturbance from the structure to natural resources, SERC will use a non-penetrating foundation, such as concrete ballast, and/or low impact ground screw anchoring system that minimizes site disturbance and are easy to uninstall. Ultimately, SERC will follow standard best practices for decommissioning to remove infrastructure and restore any disturbance.

SERC has no intentions to sell the Property in the future. Since it was founded in 1965, SERC has grown from 368 acres to 2654 acres and is only interested in acquiring more land to protect and preserve in furtherance of our mission. The Property is located at the heart of our campus and has exceptional value to SERC. Nonetheless, hypothetically, if the Property was sold and removal of the Solar Array was a condition of the sale, then SERC would remove it and the various parts would either be sold, recycled or landfilled.

The Smithsonian is generally not subject to state, county, or local codes or regulations, and is only required to obtain a stormwater management permit for the Project. The Smithsonian Institution, of which SERC is a part, is a trust instrumentality of the United States, created by Act of Congress in 1846 "for the increase and diffusion of knowledge." 20 U.S.C. §§ 41 et seq. As a federal trust instrumentality, the Smithsonian enjoys the sovereign immunity of the United States and is generally exempt, under the Supremacy Clause of the U.S. Constitution, from State, County, or City codes, regulations and procedural requirements which could impermissibly interfere with the Institution's exercise of its federal authority, including zoning regulations and building codes. Because the Smithsonian is part of the United States, state and local rules may be enforced against it only where Congress has expressly waived sovereign immunity.

Real property owned by the Smithsonian is generally managed in accordance with federal land management standards and our internal policies and procedures. Additionally, the Smithsonian serves as its own code officer through our Office of Safety, Health and Environmental Management.

Pursuant to the Smithsonian's federal status, SERC is not required to comply with Anne Arundel County's zoning regulations. As federal property, SERC is required to comply with federal laws including stormwater mitigation requirements under the Clean Water Act. EPA and USACE delegate authority to the state for review and permitting of stormwater mitigation which is performed by MD Dept of Environment.

Storm Water Management

A detailed site analysis has been performed by Environmental Research Group, L.L.C. based on slope and soil composition in comparison to MDE recommendations for best management practices ("BMP") for solar arrays, including the MDE Stormwater Design Guidance – Solar Panel Installations and Technical Memorandum #8-Solar Panels. All sites under consideration for installation of the Agrisolar Array have the appropriate hydraulic soil groups to implement the recommended stormwater design. Nonstructural methods promoting disconnection of impervious cover will reduce runoff by promoting overland filtering and infiltration. Post construction management will meet or exceed MDE-approved plans and maintenance schedule. Because this array will be an active research project, SERC staff will be on site frequently to monitor and maintain SWM BMPs. This installation will provide rigorous data to help address aspects of land-mounted solar in combination with crop production across zones of differing slope.

Despite our unique status, the Smithsonian has a long history of working cooperatively with Anne Arundel County, which it intends to continue. Specifically, SERC's construction and land management has a 60-year record of promoting land conservation and innovative standards for sustainability and working collaboratively with Anne Arundel County. Additionally, while not required to comply, we note that the Anne Arundel County Zoning Ordinance § 18-9-202 for the Open Space District indicates that a solar energy generating facility accessory is a permitted use.

SERC has already been approved for Level 4 Interconnection by Baltimore Gas and Electric per Maryland Public Service Commission requirement (Code of Maryland Regulations - Section 20.50.09).

The Project is also consistent with the South County Small Area Plan which includes the following goals for Edgewater/Mayo (see page 279) in bold. SERC responses to each of these goals are interspersed.

Natural and Cultural resources: Goals for Edgewater/Mayo

Promote and demonstrate respect for the environment. SERC is a local and national leader in environmental research, education and stewardship. The Project will promote and demonstrate respect for the environment by generating clean energy to mitigate GHGs and sea level rise, experimenting with dual use practices that can help reduce loss of productive landscape, and using sustainable construction and agricultural practices.

Protect the health of citizens by adopting policies and plans that serve to protect air and water resources. Solar energy generation will reduce air pollution. Sustainable agricultural techniques will reduce sediment and chemical pollution.

Protect the environment from degradation that can result from increased population and development. The Project's agrivoltaics research will provide evidence-based recommendations for dual use systems to help farmers achieve financial viability and avoid selling their land for development.

Enhance the environment through activities such as reforestation, restoration of natural areas and education. The Projects's agrivoltaics research will be featured in SERC education programs for K-12 students, teachers and the public, including sustainable agriculture practices that help restore natural resources.

Improve stormwater management to reduce and, where possible, eliminate the negative environmental impacts of stormwater runoff. The Agrisolar Array will be constructed in accordance with the stormwater management permit, and storm water management of ground based solar arrays will be a focus of research to inform best practices.

Improve water quality in the Warehouse Creek Watershed and other watersheds in the Edgewater/Mayo Small Planning Area. Reduction of sediment and chemical pollution from conventional agriculture will improve water quality.

Encourage preservation of archaeological and historic sites by increasing County resources. The Agrisolar Array will bring increased attention to SERC campus and activities, including the Smithsonian Environmental Archaeology Lab that leads discovery, research, and education programs on campus and throughout Anne Arundel County, as well as preservation and restoration of SERC's archaeological assets such as Woodlawn house, Sellman tenant house, Java farm ruins, cemeteries, and other historic structures

Establish and implement a Countywide Scenic and Historic Roads Program. N/A. The Solar Array would not be visible from public roads.

As discussed in conversation between Brian Coyle, John Turgeon and Josette Markline, SERC intends to provide a PowerPoint presentation on the project at the virtual MET Lands Committee meeting on October 22nd and at the MET Board meeting on November 3rd.

Sincerely,

Signed by:
William Monty Graham
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William Monty Graham, PhD
Director
Smithsonian Environmental Research Center



July 24, 2025

William M. (Monty) Graham, Ph.D.
Director
Smithsonian Environmental Research Center
647 Contees Wharf Road
Edgewater, MD 21037

Re: Deed of Conservation Easement (Easement) dated April 29, 2008, granted by Smithsonian Environmental Research Center (SERC), coheld with Maryland Environmental Trust (MET) (Our File No. 045)

Dear Dr. Graham,

Scenic Rivers Land Trust's (SRLT) received SERC's April 30, 2025, submission requesting approval of SERC's proposal to install a 21-acre ground-mounted solar energy array on a portion of the property protected by the above-referenced conservation easement. We appreciate the detailed information SERC has provided to date and recognize your organization's intent to integrate scientific research on agrivoltaics with the proposed installation.

After a thorough review of the request—including internal staff analysis, legal review, and formal consideration by the SRLT Board of Directors at its June 10, 2025 meeting—SRLT's Board of Directors voted to deny the proposal as submitted.

Our conclusion is based on several substantive concerns regarding the proposed project's compliance with the terms of the Easement, particularly as it pertains to the location of the proposed solar array, the nature of the proposed use, and the potential impact on expressly protected conservation values. Specifically:

- 1. Approved Building Areas (Section II.B.6): The proposed solar array would be sited outside of the defined Building Areas identified in Exhibit C-1 of the Easement. Section II.B.6 prohibits the construction or placement of structures or improvements outside these areas, absent express written approval. The Easement also prohibits construction in the Chesapeake Bay Critical Area, but the proposal partially encompasses land in the Critical Area (Resource Conservation Area). The proposal would represent a significant expansion of impervious surface area beyond what is permitted, and as such, the location alone renders the project inconsistent with the Easement's restrictions.
- 2. Utility Provision (Section II.B.5(e)): SERC has cited Section II.B.5(e) of the Easement, which permits "utilities, lines and services...to serve the uses permitted by this Easement." Utilities are to serve uses permitted by the Easement, not be a standalone or principal use. The proposed



- solar array would serve SERC operations in areas that are not subject to the Easement, in contravention of Section II.A. SERC also proposes selling excess energy to the grid, thereby exceeding the scope of this provision. Notably, solar installations are not among the permitted structures or uses enumerated in Exhibit C-2 of the Easement.
- 3. Means of Access (Section II.B.6(d)): The proposed gravel access road intended for maintenance and research purposes may constitute a new impervious surface outside the approved Building Areas and appears inconsistent with Section II.B.6(d), which limits the construction of roads except as explicitly permitted within the designated areas.
- 4. Conservation Values (Exhibit B, Item 3a) (Scenic Views from the Rhode River and the Property Itself): The conservation values protected by this Easement include "scenic views from the Rhode River and from within the Property itself" (Exhibit B, item 3a). SERC's assertion that the installation will likely not be visible from the Rhode River does not provide sufficient assurance or technical documentation to demonstrate that these scenic views will remain unimpaired. SERC may need to construct a mock-up using balloons, tethered at the proposed height, to demonstrate that the solar panels would not be visible from the Rhode River, Sellman Creek, or the property itself. Protection of visual integrity is a fundamental purpose of the Easement and must be preserved.
- 5. Conservation Values (Exhibit B, Item 2) (Protection of Wildlife Habitat): The conservation values protected by this Easement include "The forests, fields and streams of the Property provide relatively natural habitats for fish, wildlife and plants." (Exhibit B, item 2). Construction of solar arrays surrounded by a fence diminishes the "relatively natural" condition of the easement and may hinder wildlife's free use of and movement through the property.
- 6. Conservation Values (Exhibit B, Item 3.b.1.) (Productive Forest Land): The conservation values protected by this Easement include "Further, the placement of the Conservation Easement on the Property will ensure that the Property's agricultural soils and woodland will be available for production and open space use in perpetuity." (Exhibit B, item 3.b.1.). Construction of solar arrays without simultaneous agricultural activities within the footprint of the array conflicts with the perpetual availability of agricultural soils.

We are aware that the Maryland Environmental Trust, our coholder, issued a provisional denial of SERC's proposal on July 3, 2025, in accordance with the 90-day review requirement imposed by Article VI.D and Section II.B.6 of the Easement. We understand MET has also sent SERC a detailed follow-up request for additional information and will be presenting the matter to its Lands Committee in August and to its Board of Trustees in September. SRLT will coordinate closely with MET throughout this process to ensure consistency and a unified approach to enforcement of the Easement's terms. With this recent update and with your intent to respond to MET's letter, SRLT is willing to review a revised request from SERC.



Please note that SRLT's decision does not reflect an opposition to solar development or scientific research per se, but rather a commitment to the perpetual protection of the conservation values enumerated in the Easement. Should SERC wish to submit a revised proposal that aligns with the Easement's terms, we are open to continued discussion and review.

Thank you for your continued collaboration, and best wishes as you begin your tenure as Director of SERC.

Sincerely,

Josh Falk

Executive Director

Scenic Rivers Land Trust

cc: John Turgeon, Director, Maryland Environmental Trust

