



**Advantus**  
STRATEGIES

## HB206 Overview

Kyle Shreve

Director of Government Relations

October 26, 2023

# Bill Recap

- HB206 (Del. Webert) passed in 2022
- Requires mitigation for loss of prime agricultural soils and forest land
  - 10 acres of prime agricultural soils disturbed
  - 50 acres of forest land disturbed
  - Disturbance of land enrolled in forest land use taxation program

# Bill Recap

- Required DEQ to convene stakeholder start regulatory process
- 84 workgroup participants in 2022
  - Ag/forestry organizations
  - Environmental organizations
  - Solar developers
  - Local government representatives

# Bill Recap

- Much more manageable RAP in 2023
  - 1 more meeting left in 2023
- Draft regulations likely early 2024
- Final regulations adopted by December 31, 2024
- All solar applications to PJM before December 31, 2024 are exempt

# HB206 Issues

- Agricultural Soil
  - Compaction and soil loss
  - Value of land itself
  - Economic value of crops
  - Conservation Value
  - Ecosystem Service Benefits
- Onsite mitigation/In-lieu Mitigation
- Mapping – Both maps and ground truthing

# HB206 Issues

- Forest land – still forested land or harvested two years prior
  - Value of land itself
  - Economic value of timber
  - Conservation Value
  - Ecosystem Service Benefits
- Mitigation ratio and Forest Cores
- Easements versus In-lieu Mitigation

# HB206 Issues

- Local Issues
  - DEQ Notification and Local Notification of NOI as soon as possible
  - Siting Agreements may allow for mitigation and will qualify for mitigation credit if it meets DEQ specifications
  - Mitigation as close to where the disturbance occurred as possible (based on watersheds)

# Thank you!

*Kyle Shreve*

*kshreve@advantusstrategies.com*