

RESOLUTION No. _____

Resolution To Implement Policy Coordination With Federal Agencies

WHEREAS, Carroll County, Maryland, is a body corporate organized and existing under the Constitution and laws of the State of Maryland; and

WHEREAS, under the Land Use Article of the Annotated Code of Maryland, Carroll County is charged with land use planning authority to guide growth and development in the County; and

WHEREAS, the State of Maryland has legislatively prioritized the preservation of agricultural land and woodlands in order to, among other things, “(p)rotect agricultural land and woodland as open-space land.” Agriculture Article of the Annotated Code of Maryland, §2-501.1 (a); and

WHEREAS, consistent with this State priority, Carroll County’s agricultural preservation effort is the most successful in the State of Maryland and Carroll County’s local program also ranks among the nation’s top five similar programs administered by local government and it has nearly met its goal of preserving 100,000 acres in the County; and

WHEREAS, Carroll County, Maryland has the obligation and responsibility to represent the interest of the people and the interest of Carroll County as a whole in economic stability, a sound environment, and the general health, safety, and welfare of the citizens; and

WHEREAS, the Federal Energy Regulatory Commission authorized the Maryland Piedmont Reliability Project (MPRP), which will result in the proposed construction of a (500-kilowatt) electricity transmission line across approximately 70 miles of land through Baltimore, Carroll, and Frederick Counties, which will severely impact many working farms in Carroll County; and

WHEREAS, effective and meaningful coordination between Federal agencies and the States and their local governments is essential to maintain the proper balance between the Federal government and the States, as envisioned by the Framers of our Constitution; and

WHEREAS, various Federal laws and agency regulations require that Federal departments and agencies coordinate with State and local governments for the purpose of ensuring that the issues and concerns of State and local governments are addressed and that their land use planning and management activities are harmonized with the State and local planning, and management activities. Specifically, The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4370e, and the rules of the Council on Environmental Quality (CEQ) implementing NEPA, 40 C.F.R. §§ 1500-1508, require Federal agencies to consider State and local governments' position on proposed Federal actions and to identify and avoid conflicts with State and local government objectives, plans, policies, and controls for the area concerned.; and

WHEREAS, in the event of a conflict or inconsistency between a plan, policy, or program that concerns the management or use of Federal resources and a plan, policy, or program of Carroll County, it is understood that Congress placed the responsibility of resolving the conflict on the Federal agency, and that the conflict or inconsistency shall be resolved through government-to-government coordination as required by Federal law, with the goal of eliminating such conflict or inconsistency and recognizing the rights and interests of the State and local government to plan for and manage land and resources within its jurisdiction; and

WHEREAS, in accordance with State law, specifically the Open Meetings Law, Carroll County must exercise its duties through an open public process that includes public meetings and participation of the County governing board. In these situations, Federal agencies are required to engage in meaningful coordination with local governments through their public meeting process. All

information that may be relevant to coordinating the objectives, plans, policies, and programs of Federal and local governments shall be disclosed through a public meeting process, unless doing so is precluded by law; and

WHEREAS, Carroll County determines it is critical to engage in a prompt fashion with meaningful coordination on a government-to-government basis with Federal and State agencies regarding the Maryland Piedmont Reliability Project, and that meaningful participation in the coordination, planning and management action processes means more than just meetings at which information is timely exchanged and includes all practicable efforts to make Federal agency plans and actions consistent with the local planning process which identified goals, objectives and policies of local government; and

WHEREAS, Carroll County has neither been notified of, nor received any appropriate formal demonstration by any governmental authority, agency, or entity of the specific grounding legal provisions on which an interstate, cross-county energy infrastructure enterprise such as the Maryland Piedmont Reliability Project shall be established; and

WHEREAS, the Board of Commissioners of Carroll County recognizes that invoking coordination requires the County to make Federal and State agencies aware of its plans and management actions so that meaningful coordination can take place as required by Federal and State law;

THEREFORE IT IS HEREBY RESOLVED, The Board of the County Commissioners calls upon the Federal agencies charged with the oversight of the MPRP located within the jurisdiction of the County to coordinate in compliance with the Federal laws and purposes of those laws with the County; and

IT IS FURTHER RESOLVED the Board of the County Commissioners of Carroll County

calls upon the State agencies having oversight of the MPRP to coordinate its plans and activities in compliance with State law and purposes of those laws with the County; and

IT IS FURTHER RESOLVED that a copy of this Resolution be provided to Federal and State agencies administering the MPRP within Carroll County, along with the relevant plans, policies, and objectives of Carroll County and any updates to these plans.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY, MARYLAND this _____ day of _____, 2024.

ATTEST:

THE COUNTY COMMISSIONERS
OF CARROLL COUNTY, MARYLAND,
a body corporate and politic of the
State of Maryland

Vivian Daly, County Clerk

_____(SEAL)
Kenneth A. Kiler, President

_____(SEAL)
Joseph A. Vigliotti, Vice-President

_____(SEAL)
Thomas S. Gordon, III, Commissioner

_____(SEAL)
Michael R. Guerin, Commissioner

_____(SEAL)

Edward C. Rothstein, Commissioner

Approved for legal sufficiency:

Timothy C. Burke
County Attorney