

HB0766/180018/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 766

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 2 and substitute “Forest Conservation – Technical Study and Programmatic Review”; and strike beginning with “altering” in line 3 down through “Act” in line 22 and substitute “requiring the Department of Legislative Services, in consultation with certain entities, to undertake a certain technical study to review changes in forest cover and tree canopy in the State; requiring the technical study to include certain surveys and mapping and certain analyses related to forest conservation in the State; requiring the Department, in consultation with certain State agencies, to study and issue a programmatic review on the status and effectiveness of the implementation of certain provisions of the Forest Conservation Act; requiring the Department to submit the technical study and programmatic review to the Governor and the General Assembly on or before a certain date; requiring the Department to convene a work session with certain entities to consider the findings of the technical study and programmatic review on or before a certain date; providing for the termination of this Act; and generally relating to a technical study and programmatic review of forest conservation in the State”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 16 on page 2, inclusive.

AMENDMENT NO. 3

On page 2, in line 18, strike “the Laws of Maryland read as follows”; and after line 18, insert:

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“(a) (1) The Department of Legislative Services, in consultation with the Department of Natural Resources, the Department of the Environment, the Department of Planning, the Department of Agriculture, and the Chesapeake Bay Program, shall undertake a technical study to review changes in forest cover and tree canopy in the State.

(2) The technical study required under paragraph (1) of this subsection shall, to the extent practicable, include:

(i) a survey and mapping of:

1. existing forest cover and tree canopy in the State; and
2. potential afforestation and reforestation locations in the State;

(ii) an analysis of the health and quality of forests in the State;

(iii) an analysis of observed and projected changes in the amount of forest cover in the State due to development under the Forest Conservation Act, using the Chesapeake Bay Phase 6 Model, Chesapeake Assessment Scenario Tool (CAST), and county and municipal forest conservation annual reports and land use plans, including the extent and nature of:

1. mitigation activities involving tree planting, reforestation, or afforestation required under the Forest Conservation Act;

2. forest clearing and mitigation activity inside and outside Priority Funding Areas; and

3. the clearing and mitigation of forest considered to be a priority for retention and protection under § 5-1607(c) of the Natural Resources Article;

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(iv) an analysis of observed and projected changes in the amount of tree canopy coverage in the State, based on:

1. relevant State or local programs involving tree planting, reforestation, or afforestation; and

2. the amount of tree canopy preserved through federal, State, and local programs, including agricultural preservation, open space, conservation easement, and other land preservation programs; and

(v) an analysis of observed and projected changes in the amount of forest cover in the State, based on:

1. relevant State or local programs involving tree planting, reforestation, or afforestation; and

2. the amount of forest preserved through federal, State, and local programs, including agricultural preservation, open space, conservation easement, and other land preservation programs.

(b) The Department of Legislative Services, in consultation with the Department of Natural Resources and the Department of the Environment, shall study and issue a programmatic review on the status and effectiveness of:

(1) local sensitive area plans, local forest conservation fee-in-lieu and forest mitigation banking programs, and other local forest conservation programs, including:

(i) fee amounts received and expended;

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(ii) the number of acres planted per acre of mitigation required under approved forest conservation plans that paid money into a local forest conservation fund;

(iii) barriers to spending fee-in-lieu funds; and

(iv) recent trends in forest mitigation bank creation and utilization; and

(2) annual reporting requirements under the Forest Conservation Act, including an evaluation of:

(i) mechanisms for ensuring timely and accurate reporting; and

(ii) how the amount of forest clearing, planting, and preservation is calculated and recorded.

(c) The Department of Legislative Services shall:

(1) on or before November 15, 2018, report the technical study and programmatic review required under this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly; and

(2) on or before November 30, 2018, convene a work session with relevant stakeholders and interested parties to consider the findings of the technical study and programmatic review.”.

AMENDMENT NO. 4

On pages 2 through 10, strike in their entirety the lines beginning with line 19 on page 2 through line 13 on page 10, inclusive.

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On page 10, in line 14, strike “3.” and substitute “2.”; in line 15, strike “October” and substitute “June”; and in the same line, after “2018.” insert “It shall remain effective for a period 1 year and 1 month and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.