



March 29, 2021

Members of the Senate Education, Health and Environmental Affairs  
committee

**HB 0991 oppose Mitigation Banking Qualified Preservation**

Mr. Chairman, and Members:

HB991 is a deeply flawed Bill. It proports to qualify preserved land for lost forest resources. Yet in reality it adds nothing to existing forest cover. It legitimizes a practice which has been used as loophole in FAC implementation. This would codify practices that result in greater forest loss during development without providing guidelines to ensure an effective preservation benefit. At the very least preserved forest cover should be at least double that taken by a proposed development. As drafted, it should NOT BE SUPPORTED. There are no standards ensuring that the forest offered for preservation has high ecological value or is at risk of being lost to future development.

This legislation would reverse the recent opinion of the Attorney General that clarified the parameters for how counties use forest mitigation banks. The Attorney General's opinion clarified that developers may not leverage existing forest as an offset for cutting down trees. As envisioned by the General Assembly and as captured in State code Article – Natural Resources 18 5–1601, the opinion describes, forest mitigation banks are only intended to be areas of intentionally newly planted with trees. The bill does not even match current practice in those jurisdictions operating under a flawed interpretation of the law. These jurisdictions are requiring at least two acres preserved for each acre cut – and in some cases, more (Frederick and Charles require from 2.5:1 to 4:1 if using preservation as mitigation). The Maryland Forestry Foundation strongly opposes this legislation and urges an unfavorable Report. Local governments can and should do better than the standard set here.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary G. Allen".

Gary G. Allen  
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