



March 25, 2024

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Support: HB 1511 – Forest Conservation Act – Modifications

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing 700 companies involved in all aspects of commercial, light-industrial, and mixed-use real estate I am writing to support HB 1511.

Chapters 541 and 542 of 2023 made significant changes to the state Forest Conservation Act including increased forest conservation and mitigation ratios and reinstatement of forest mitigation banking as an acceptable mitigation option.

Implementation of these changes requires the Department of Natural Resources to revise its technical manual and guidance documents and local governments to make changes to local laws and regulations in preparation for the July 1, 2024, effective date.

HB 1511 extends deadlines and effective dates to allow additional time to complete these tasks. NAIOP agrees that additional time is needed for implementation of the programmatic changes.

HB 1511 has been amended to contain a provision to allow the mitigation banking provisions to go into effect as planned on July 1, 2024. This is an important addition because one of the major policy tradeoffs in the 2023 changes was that the increase in forest mitigation ratios was to be accompanied by the reinstatement of the use of forest mitigation banks.

Several jurisdictions have updated or have nearly completed updating their forest conservation ordinances which include the substantially increased mitigation requirements. Without the mitigation banking provisions the increased mitigation requirements will have a detrimental and unintended impact on development projects.

The expectation of all the stakeholders and the legislative intent of the 2023 bill was that the increased mitigation requirements would be accompanied by reinstatement of forest banking as a mitigation option.

For these reasons, NAIOP respectfully requests your favorable report on HB 1511.

Sincerely,

A handwritten signature in blue ink that reads "T.M. Ballentine". The signature is written in a cursive style and is positioned above the typed name of the sender.

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.